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ABSTRACT

This document contains a final report and a handbook from a project to develop a comprehensive text on Pennsylvania government structure and taxes written on a lower (fourth- to eighth-grade) reading level for adult basic education students. The report describes how available government publications were researched, and a five-unit handbook that included a glossary and unit review exercises was developed. The handbook's 21 chapters are divided into five units: (1) Early Pennsylvania--Beginnings of the Commonwealth; (2) The State Government; (3) Local Governments of the Commonwealth; (4) Commonwealth Tax Structure; and (5) Legal Structure of the Commonwealth. Each unit begins with a general overview and ends with unit review exercises. Appendixes are as follows: a glossary, answers to exercises, the Constitution of the Commonwealth of Pennsylvania, and a 1993 supplement that contains the additions to and changes in the provisions of the Constitution. (YLB)

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Pennsylvania Government: A Handbook for Citizens

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Final Report

by

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Carol Molek, Project Director

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98-4037 - \$14,944

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Abstract Page

Title: *Pennsylvania Government: A Handbook for Citizens*

Director: Carol Molek

Address: Adult Education Job Training Center

1 Belle Ave #58 MCIDC Phone Number 717-248-4942
Lewistown, PA 17044

Funding: \$14,944

Purpose:

The project proposed to :

- to research available government publications for information.
- to develop a five unit 20 chapter handbook including glossary and Unit review exercises. Text to be written at 4th to 8th grade level.
- to implement the text into ABE classes with 15 students during project year 1993-94.
- to provide text to other Adult Centers as requested upon completion.

Procedures:

The project included the research of available government publications and the development of a handbook. The participatory activities in the unit review included vocabulary, maps, illustrations and a glossary. The text consists of approximately 150 pages.. The handbook was implemented in ABE classes with a minimum of 15 students and will be provided to other Adult Centers as requested. This handbook is intended for the adult ABE students, ESL students, adults who may be preparing for citizenship, and adults reading at lower-levels seeking detailed information about Pennsylvania Government.

Summary of Findings:

The project was beneficial for the students. They were able to quickly locate information. Students were very interested in the duties of various agencies and asked questions about obtaining employment in the agency. This handbook became a brief overview of various agencies duties. Legal issues and local government structure chapters enabled students to become better equipped to handle their problems in these areas. Some of the information students used were: how taxes are levied, what happens for non-payment of taxes and the duties of a landlord of a rental property.

Comment: The chapter on state agencies was the most difficult to research and to write because information was difficult to obtain. Two original drafts were created. The first contained greater detail and a more lengthy explanation of agency responsibilities while the second contained a simpler, less detailed description. Student/instructor discussions revealed that students remembered the simpler descriptions which were then used.

Product:

A handbook containing five units, 20 chapters, and 150 pages written at 4th to 8th grade level.

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Introduction

This project addressed Section 353 Priority B.3. "Special experimental demonstrations designed for state-wide or regional impact Curricula. Several topic areas were covered: English as a Second Language; Basic Skills Areas (reading, math, writing, etc.); and Education for Multicultural Populations.

The purpose of this project was to develop a comprehensive text on Pennsylvania government structure and taxes written on a lower reading level for Adult Basic Education students. This handbook is intended to fill a void in available materials on Pennsylvania government. The audience for the handbook is adult ABE students, ESL students, adults who may be preparing for citizenship and adults reading at lower-levels who need more detailed information about Pennsylvania government.

Instructors had requested Pennsylvania local government materials at the 4th to 8th grade reading level for social studies and reading classes. Current handbooks are written for a nationwide audience and do not provide indepth information about Pennsylvania. Local government information contained in these texts is often not available or does not apply to Pennsylvania. Interest in activities of the state and local government has been increasing among the adult students. Some of this interest has been the result of increased media coverage of various governmental agencies such as tax collectors being indicted for embezzlement. Other issues such as national health care or welfare reform also resulted in greater student awareness of problems. Numerous questions arose during class discussions concerning government agencies. Limited information was available to instructors that would enable them to answer student questions.

In addition, instructors wanted an easy-to-read text that would answer simple questions and provide opportunities for further discussion. Illustrations of governmental structure would be helpful to students and were also requested.

The time frame for the project was July 1, 1993 to June 30, 1994. Objectives of the project included the research of available government publications and the development of a handbook containing 5 units and 20 chapter which would be suitable for use with social studies and reading classes for adults. Participatory activities were included in the unit review to encourage student interest.

Pennsylvania Government: A Handbook for Citizens was administered by the Tuscarora Intermediate Unit 11. The Tuscarora Intermediate Unit is a local education agency which provides educational and management services to 9 school districts and 3 area vocational-technical schools in Fulton, Huntingdon, Juniata and Mifflin counties.

The Intermediate Unit sponsors all T.I.U Adult Education and Job Training Center programs. The Center programs include: 322 Adult Basic Education and General Educational Development programs; Act 143 Pennsylvania Adult Literacy; Job Training Partnership Act Adult Basic Education, employment and job training programs; single parent/displaced homemaker services. In addition, the I.U. has sponsored forty-three 353 special projects.

Project Director was Carol Molek. Ms. Molek has 10 years experience directing adult programs for the I.U. and developing and implementing special projects. Developer for the project was Dr. Barbara A. Woodruff (attached). Dr. Woodruff has 16 years experience in adult education and curriculum development.

This report is intended for instructors and administrators in adult education programs who may be seeking a low reading level Pennsylvania government handbook.

Permenant copies of this report can be obtained from:

Bureau of Adult Basic and Literacy Education Programs
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126-0333

and

AdvancE
Pennsylvania Department of Education
333 Market Street
Harrisburg PA 17126-0333

Statement of Problem:

Adult Basic Education students and ESL students express their confusion about the levels of government in Pennsylvania. Taxes are a bewildering problem for many of the students. A local community college requires a certificate of residency showing payment of school per capita taxes in order to attend since they are funded through monies received from school districts. Students did not know where to get the certificate, what taxes they were required to pay, nor how to be listed on the tax rolls. In all cases, students said they would willingly pay the taxes but they did not know what taxes they had to pay. Often, adult students became involved in various court-related problems and were unable to understand the levels of courts. Others have received an invitation to serve on a jury and frantically tried to get out of the obligation since he/she did not understand what was expected of him/her. Adults often did not know what level of government to contact regarding various problems. The Commonwealth of Pennsylvania

has printed a "Citizens Guide to Pennsylvania Local Government"; however, the readability level was 16th grade. Nearly all of our adult ABE students and ESL students were unable to read at that level. Because of the interest of the adult students in governmental issues, a lower reading level text but with adult interest level was needed. During discussions with instructors, an outline for a handbook was developed. [See appendix].

The handbook was designed for ease of reading and understanding. A brief overview was shown by the preview of materials to be more advantageous to the student. With the simpler descriptions, students of various reading levels could easily understand and participate in discussions. Students who desired more information were directed to the local libraries and to the local offices of the state Senator J. Doyle Corman and Representatives Ruth Rudy, Daniel F. Clark and C. Allan Egolf.

Goals and Objectives:

The goal for this project was to provide a handbook on government structure, and taxes written on a lower reading level that Adult Basic Education students can understand. The needs of the adult student for governmental information must also be considered. The handbook was organized into 5 units for ease of the instructor and was intended for use in a variety of classes: reading, social studies, and ESL.

Objectives were:

- to research available government publications for content to be used as guides.
- to develop a five unit 20 chapter handbook including glossary written at 4th to 8th grade level. Unit/chapter outline is contained in the

Appendix. Unit review exercises to consist of fill-in blanks, vocabulary, crossword puzzles, and discussion questions.

- to implement the handbook into ABE classes with 15 students during project year 1993-94.

- to provide handbook to other Adult Centers as requested upon completion.

Procedures:

(1.) General Design:

Pennsylvania Government: A Handbook for Citizens was developed during the project year July 1993-June 1994 using available state manuals, code books, and resource persons as appropriate. Developer was Dr. Barbara Woodruff, who has previously developed educational [Everyday Basic Skills] curriculum and materials currently being used in over seven counties in the state. Content of *Pennsylvania Government: A Handbook for Citizens* is attached. This handbook is intended to fill a void in available texts for citizenship education for citizens and new residents of the Commonwealth. The reading level was maintained at 4th to 8th grade. Exercises at the end of each unit reinforced the information from the chapters. Maps and illustrations are included to assist the student in understanding the material presented.

(3.) Methods and Materials:

Pennsylvania Government: A Handbook for Citizens was developed and presented to ABE students in Mifflin, Juniata and Perry counties over a 5 month period. The five unit 20 chapter handbook, "Pennsylvania Government: A Handbook for Citizens," contains approximately 150 pages. Participatory activities which included discussions, and visits to local

legislators' offices helped continue the student interest. While the students were reading the text, several governmental agencies made the media headlines due to various problems. These were: the possible impeachment of a Pennsylvania Supreme Court Judge; a local tax collector who was accused of embezzlement; and accusations of voting fraud. These incidents caught the attention of the students and motivated them to eagerly try to understand what was going on in their state. Students brought in newspaper articles for discussion. These articles mentioned various state agencies who had received money for a project, the need for impeachment of a supreme court judge and plans for new roadway improvements. Students reviewed the articles in class and then used the text to locate further information. Class discussions were held weekly. A unit review consisting of fill-in blanks, vocabulary, crossword puzzles and discussion questions was used with each class. *Pennsylvania Government: A Handbook for Citizens* was used in classroom settings with 20 students. Thirteen students completed all chapters of the text. Because of the open entry and open exit of our program, 4 students started midway through the program and completed the last 3 units and 3 students only completed one unit.

(4) Evaluation:

Reviewers from other Adult Centers previewed the text during the draft copy stage. Students in Adult Basic Education classes in Mifflin, Juniata and Perry counties contributed their suggestions for content and commented on the ease of understanding the readings. Discussions were held with students to determine level of interest and knowledge gained after each unit was presented. Discussion notes were kept for each session. Students reported an increase in knowledge about taxes, the legal system, and local

government. Some students visited the courthouse to obtain various forms they needed once they knew where to go.

(5.) Time Schedule:

The handbook was produced during the period July 1993 to June 1994. A comprehensive review of state manual and government code books was conducted from July 1 to September 1, 1993. Writing of the handbook began approximately September 1, 1993 and continued to January 31 1994. As the chapters were completed, students in Mifflin, Juniata and Perry counties received the materials in ABE classes. Student interest in the materials was monitored during class time by the instructor. Individual students were interviewed and their suggestions for other useful information were incorporated in the text. Revisions of materials were made as necessary.

Objectives achieved:

Researching the available government publications and code books for information was difficult. Lists of publications are kept separately by different governmental entities. Each section of government was contacted to obtain a listing of their publications and information about their responsibilities. Some of the departments responded quickly. Others never responded. As deadlines approached, and limited material was forthcoming, *The Pennsylvania Manual* and the offices of Representative Daniel Clark and Senator J. Doyle Corman were used extensively to obtain necessary information. Often, different state governmental departments had similar responsibilities and it was difficult to obtain a clear idea of the role of each department. Upon discussion with students and instructor, it was decided

that a brief overview of each department would be given, rather than a detailed description. Interested students could then contact a department if additional information was needed. During the classroom discussions with students, it became apparent that students were also using the handbook to learn about agencies in which some civil service openings were located. Since Mifflin, Juniata and Perry counties are within commuting distance from Harrisburg, this is an important issue to consider.

Unit reviews were kept brief. Instructors said that lengthy material would not be useful because of short class times. A teacher's manual was not developed after discussion with instructors indicated they would not be likely to use one. A teacher's manual will be developed in the future, if requests for the manual are received.

Dissemination of *Pennsylvania Government: A Handbook for Citizens* will be disseminated through the Pennsylvania Department of Education, AdvanceE, and the Tuscarora Intermediate Unit Adult Education Job Training Center.

Conclusions:

Content of the text "Pennsylvania Government: A Handbook for Citizens" follows as an attachment. The first unit began with an historical overview of the Commonwealth during the rule of William Penn. Early government structure and first constitutions enabled the student to develop a perspective for the changes that occurred over time. The second unit dealt with the State government as it is currently. The chapter on state agencies was the most difficult to research and to write because information was difficult to obtain. Another consideration was how much detail to use in the explanation. Two original drafts were created. In the first, greater detail and a

more lengthy explanation of agency responsibilities was given. In the second, a simpler, less detailed description was given. After the students spent time with each of the two drafts, results of student/instructor discussions revealed that students remembered more of the simpler description versus the longer explanation. It was decided to use the simpler descriptions.

The project was beneficial for the students. They were able to locate information they wanted quickly. Students were very interested to discover the duties of various agencies and began to ask questions such as: "How could I get a job with that agency?" Because of the proximity of Mifflin, Juniata and Perry counties to Harrisburg, it could reasonably be expected that students might apply for civil service positions there. This handbook, then, became a brief overview of various agencies duties. In one case, a student had a relative who worked in one of the agencies. She remarked, "Now I know what her job is, I never knew her agency had that responsibility."

The greatest interest was shown in the chapters on local government and the comparison of the charts of early government with the current governmental form. Some students speculated as to what might have occurred if the original Frame of Government had not been changed to the current form. The discussions ranged around possible power vested with the more wealthy citizens and the implications for misuse.

Legal structure and was another popular unit. Because several students had relatives who were currently involved with the court system, Unit 5 "Legal Structure of the Commonwealth" was greatly appreciated. Students expressed interest in visiting courtrooms to "see what goes on." Those students who had courtroom experience discussed their experiences.

One student commented that he was planning on serving on a jury if he was asked. He said the class discussions plus the reading gave him the information he needed to make a commitment to serve as a juror.

Recommendations:

It is recommended that this handbook be used in reading and social studies classes for ABE, ESL and GED students as a way of encouraging them to take a more active role in their community.

In addition, new residents in Pennsylvania need information about the local government and state agencies. While new citizens in the United States can attend citizenship classes, new residents to Pennsylvania do not have classes they can attend on Pennsylvania. The result is voter apathy. Citizens don't know what is going on. In order to preserve their dignity and not admit lack of knowledge, citizens do not seek out the information. Local government units meet monthly, mainly to empty rooms, and must plead for citizen participation. Educating the general public as to the duties and responsibilities of the various government units gives the citizen a greater feeling of being a part of the community. With increased knowledge, citizens will often seek out ways to serve in the community. During the course of this project, a student joined the local fire department because, he said, "I am a part of this town now, and I need to help protect my community."

It is also recommended that this handbook be distributed to adult education classes statewide as a means of educating citizens about their government. In addition, distribution of the handbook, by real estate agents, to new residents to the Commonwealth would serve as an introduction to the local and state government and might encourage their participation.

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- Pennsylvania Activity Book for Kids*. Harrisburg. 1992.
- The Pennsylvania Legislative Process*. Harrisburg.
- Your State Representative*. Harrisburg.
- Senate of Pennsylvania, *Welcome to the Senate of Pennsylvania*. Harrisburg.

Appendix

Pennsylvania Government



The State Coat of Arms

A Handbook for Citizens

By

**Barbara A. Woodruff Ph.D.
Adult Education Job Training Center
Lewistown, PA**

Pennsylvania Government: A Handbook for Citizens

Unit 1 Early Pennsylvania--Beginnings of the Commonwealth

- Chapter 1 Provincial Government
- Chapter 2 First Constitutions--1776-1779
- Chapter 3 Early Government
- Chapter 4 Early Judicial System

Unit 2 The State Government

- Chapter 1 General Assembly
- Chapter 2 Senate
- Chapter 3 Judiciary
- Chapter 4 State Agencies

Unit 3 Local Governments of the Commonwealth

- Chapter 1 City Government
- Chapter 2 County Government
- Chapter 3 Township Government
- Chapter 4 Voting, Elections, Political Parties

Unit 4 Commonwealth Tax Structure

- Chapter 1 State Taxes
- Chapter 2 County Taxes
- Chapter 3 Local Taxes
- Chapter 4 School Taxes

Unit 5 Legal Structure of the Commonwealth

- Chapter 1 State-wide Courts
- Chapter 2 District Courts
- Chapter 3 Crime and the Law
- Chapter 4 Civil Law
- Chapter 5 Legal Papers and Consumer Rights

Appendix Pennsylvania Constitution 1968

Glossary

**Pennsylvania Government:
A Handbook for Citizens**

**Developed by
Barbara A. Woodruff Ph.D.
Project Facilitator**

**TU Adult Education and Job Training Center
MEIDE Plaza
1 Belle Avenue #58
Lewistown, PA 17044**

**Carol Molek, Adult Education Director
Project Director**

Funded by a 353 grant from:

Pennsylvania Department of Education

1993-1994

**Tuscarora Intermediate Unit
Adult Education and Job Training Center
MEIDE Plaza
1 Belle Avenue Building #58
Lewistown, PA 17044**

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Time Line of Pennsylvania Government

- 1680 *May*
William Penn Petitions Charles II for a colony in America
- June*
Crown officials begin their consideration of the petition.
- 1681 *January-February*
Crown officials draft the charter for William Penn's colony.
- 4 March*
William Penn receives his charter to Pennsylvania
- Summer-Spring*
Begins work on first constitution for Pennsylvania.
Lobbies to secure the lower counties (Delaware) from the Duke of York
- 1682 *January-April*
William Penn and Thomas Rudyard complete the first constitution and laws for Pennsylvania.
- 24 August*
Penn receives deeds to the lower counties (Delaware) from the Duke of York.
- December*
First Assembly meets at Chester.
- 1683 *January*
The Philadelphia County Court is established.
- 1684
Thomas Lloyd is appointed president of the Provincial Council.
- 1722
Judiciary Act passed. Provided for a unified court system.
- 1776 *September*
First state constitution passed.

Unit 1

Early Pennsylvania— Beginnings of the Commonwealth

Introduction

The First Inhabitants

Earliest inhabitants of Pennsylvania were groups of native Americans. Some of these people had formed confederacies. One confederacy was the League of the Five Nations which was made up of native Americans from geographic areas of New York and Pennsylvania. The League of Five Nations spoke the Iroquoian language. Included in this League were the Susquehannocks. The Tuscaroras from the south were admitted to the Iroquois Confederacy after 1723 and the confederacy became known as the Six Nations.

Another large group of native American tribes were the Delaware who called themselves the Leni-Lenape or "real men." This group spoke the Algonkian language. Many of their members took the side of the French in the French and Indian War and fought on the British side in the Revolutionary War. Other tribes which are not able to be identified occupied parts of Pennsylvania before the Europeans arrived.

Exploration

Wars in Europe and desire for religious freedom caused many people to migrate to the New World. The English, French, Swedes and Dutch explorers traveled through parts of present day New York, New Jersey, Delaware, and Pennsylvania.

Chapter 1

Provincial Governments

The Colony of New Sweden, 1638-1655

The first permanent settlement, New Sweden, was built by the Swedes during an expedition in 1637-1638 on the site of Wilmington, Delaware. In 1643, Governor Johan Printz of New Sweden established a capital at Tinicum Island on the Delaware River.

Dutch Domination 1655-1664

Trouble developed between the trading posts in New Sweden and New Netherlands. In 1665, Dutch governor Peter Stuyvesant of the New Netherlands colony seized New Sweden and made it a part of his Dutch Colony.

Rule of the Duke of York 1664-1681

In 1664, the English seized the Dutch possessions in the name of the King's brother, the Duke of York. Except for a short period of time in 1673-1674, when the Dutch recaptured the colony, this Delaware region remained under English rule until 1681.

William Penn

William Penn was born in England on October 24, 1644, the son of wealthy Admiral Sir William Penn. William Penn became interested in a religious group called the Society of Friends who were known as the Quakers. He became a member of the Quakers and used his wealth and high social position to protect the members. The Society of Friends was organized during a period of intense religious interest in England. The group rejected the fancy religious services and practice of swearing oaths and was against war. Because of their beliefs, the Society of Friends was often threatened and attacked.

A New Colony

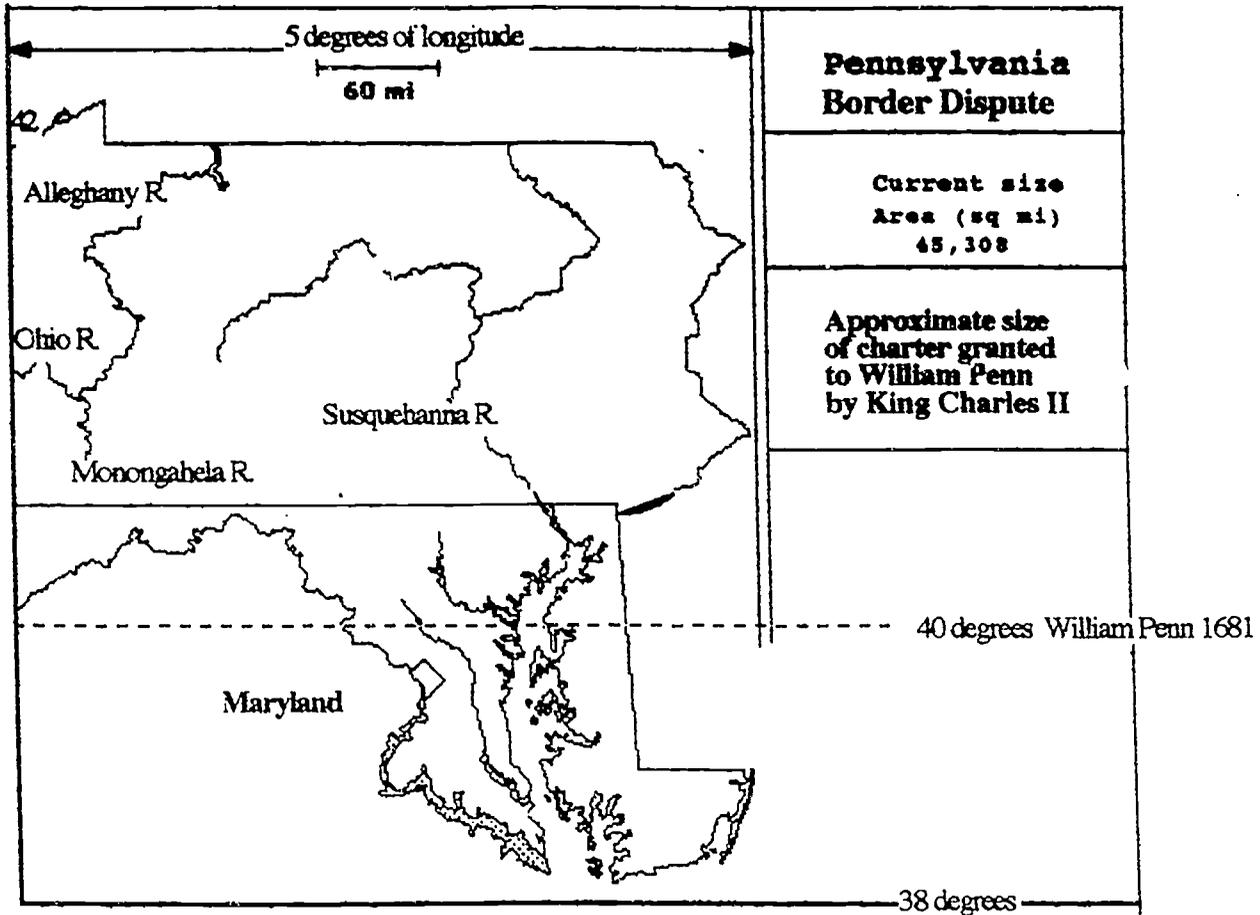
William Penn's father, Admiral Penn had loaned King Charles II of England £16,000. William Penn requested from King Charles II a Charter of land between Lord Baltimore's province of Maryland and Duke of York's province of New York instead of the repayment of the money owed to his father. The Duke of York helped to support the petition by William Penn. The King signed the Charter of Pennsylvania on March 4, 1681 and it was officially proclaimed on April 2. The King named the new colony Pennsylvania in honor of William Penn's father. The name means Penns Woods. William Penn appointed his cousin, William Markham, as deputy Governor and sent him to Pennsylvania in April 1681.

Arriving in Delaware Bay aboard the ship "Welcome" on 24 October 1682, William Penn landed at New Castle on 28 October 1682. This ship was one of a fleet of twenty-three ships that carried about two thousand men, women and children to Pennsylvania between 1681 and 1682. the new colonists spread into three counties of Pennsylvania: Chester, Philadelphia, and Bucks.

Assembly Meets

The first Assembly led by William Penn met for the first meeting at Chester on December 4, 1682. Present were representatives from Sussex, Kert, New Castle, Chester, Philadelphia, and Bucks. The lower counties of Kent, Sussex, and New Castle requested in a petition signed by 18 representatives of the three counties that these counties be annexed to Pennsylvania. The Assembly approved the petition and passed an "Act of Union" which annexed the counties of Sussex, Kent, and New Castle to Pennsylvania. A naturalization act made citizens out of the Swedes who were already living in the new colony.

However these lower counties would separate from Pennsylvania in 1701 and form their own province of Delaware when friction developed in this region.



Border Dispute with Maryland

Chapter 2

Early Government

First Government in Pennsylvania.

The first "Frame of Government in Pennsylvania" was written by William Penn in April 1682. According to this plan, the colony was to be administered by a governor and a two-house legislature which consisted of a Provincial Council and a General Assembly. All freemen were able to vote to elect their representatives. A freeman was defined as: a purchaser of 100 or more acres of land, containing 10 cultivated acres, or a servant or bondsman who has been freed by his service and taken up 50 acres of land and cultivated twenty.

The freedmen chose seventy-two persons to meet and form the Provincial Council of Pennsylvania. The Provincial Council term of office was three years, with a third of the Council being elected every year. The seventy-two members were divided equally into four committees:

1. A Committee of Plantation to situate and settle cities, ports, market towns, and highways who heard and decided all suits and problems of plantations. [Land Development]
2. A Committee of Justice and Safety to secure the peace of the province and to punish people who misused their power for public or private interest. [Justice]
3. A Committee of Trade and Treasury who regulated all trade and commerce according to law, encouraged manufacture and country growth. [Trade]
4. A Committee of Manners, Education, and Arts to control all wicked and scanda'ous living and to train youth in virtuous and useful knowledge and in arts. [Education and Morals]

The governor and the Council had the sole right to prepare and execute laws, to appoint the provincial officials and judges and to manage the public treasury. The governor had three votes. The General Assembly, would consist of 200 persons, and would approve all Council bills before they became law. Laws were to be sent to England to be reviewed and either confirmed or annulled. Pennsylvania was the only colony with this requirement.

After a year, a second Frame of Government was developed in 1683. This changed the Council from 72 to 18 members and the Assembly from 200 to 36 members. The four council committees were changed to an executive committee of six councilors appointed to consult with William Penn on all routine administrative business.

Treaties with Indian Tribes

In June and July 1683, William Penn completed a series of treaties with the Delaware Indians for lands along the Delaware River and west beyond the Schuylkill River, Neshaminy and Pennypack creeks in Bucks and Philadelphia counties. It was William Penn's belief that the Indians should be paid for the land that was given to Penns Woods as part of the original Charter. After completing the treaties and the second Frame of Government in 1683, William Penn left to live in England for 13 years. He left Thomas Lloyd, then president of the Provincial Council in charge of executive power of the government.

Disputes among government branches.

A dispute arose between the Provincial Council and the Assembly over the passage of some bills that were intended to become laws. Each group thought their rights were being violated and because of the dispute, no legislation was being passed. This impasse prevented the government from carrying out any business.

Dispute leads to charges against William Penn

William Penn tried to settle the dispute by appointing Deputy Governor Markham who would be in charge in his absence. Finally, the government in England grew upset at the continuing dispute and seized the government of Pennsylvania from William Penn in 1692. Benjamin Fletcher, Governor of New York was appointed by the King of England as governor in Pennsylvania. Charges of neglect of the colony were filed against William Penn who was living in England at this time.

A new Frame of Government was issued by Deputy Governor Markham and confirmed by the Provincial Council and Assembly in 1696. This Frame of Government provided that two members of the Provincial Council and four members of the Assembly should be elected from each county. The Governor or his deputy would preside in the Provincial Council. However, the deputy governor was not well received and the disputes continued. This Frame of Government was never approved by William Penn and there arose a new dispute as to whether it was legal.

The charges against William Penn were disproved and the government restored to him on the condition that in future he would take good care of it. He returned to Pennsylvania in 1699 to settle the dispute. Since it was not clear as to whether the third Frame of Government was legal, William Penn ordered the Provincial council to write a new Frame which would be a compromise between the Frames of 1683 and 1696.

William Penn had commissioned his friend David Lloyd as his attorney general in 1686. Lloyd quickly achieved status in the new colony and was named as clerk of the Assembly and of the Council in 1688.

Resentment against rule by Great Britain grows

After years of patient suffering and smoldering anger over the rule of Great Britain citizens began to voice their objections. Social status and wealth separated some people into different a class that were protected by laws and customs not given to those of lower classes. Germans, Scotch-Irish English Quakers differed not only in the churches they attended but also in the sense of what was right and wrong behavior.

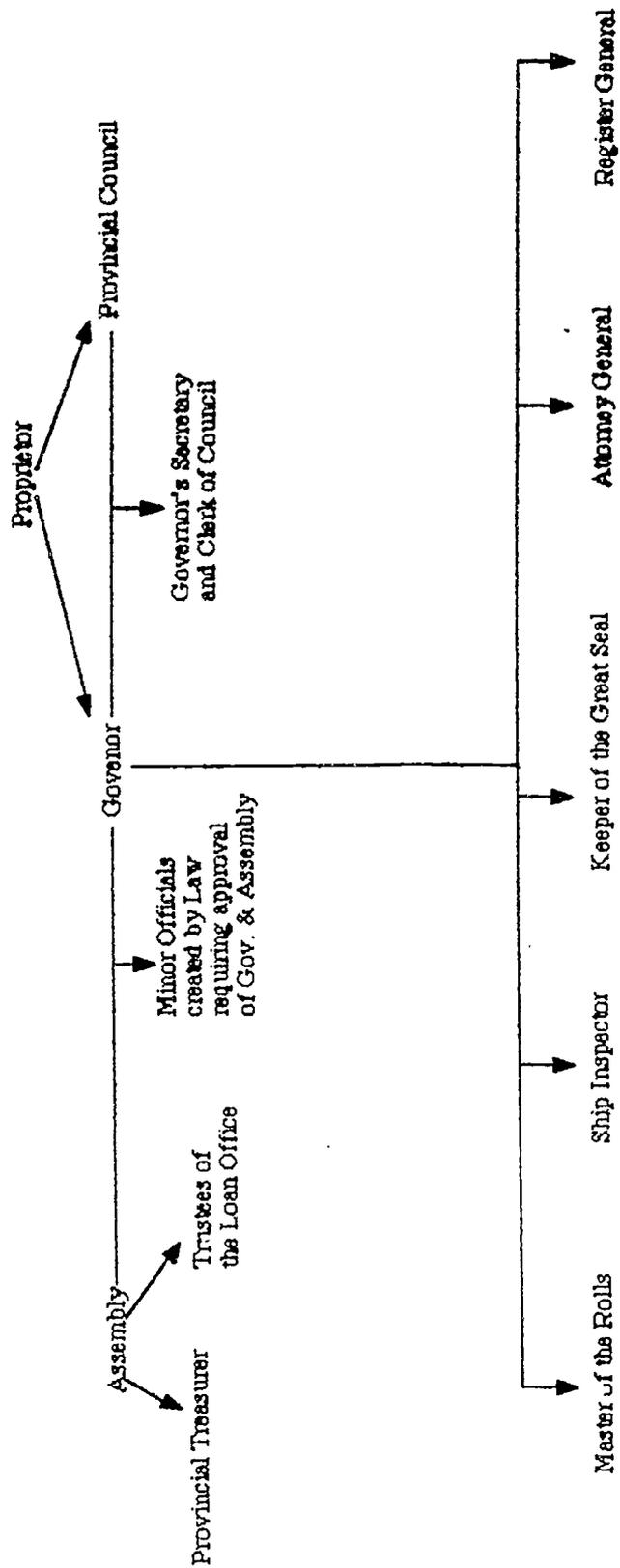
The English Quakers and Episcopalians settled close to Philadelphia. Wealthy and aristocratic, they engaged in banking and commerce. This group had little in common with the Scotch-Irish Presbyterian farmers in York, Cumberland and the new western counties. Germans living in Lancaster, Berks, and Northampton counties were of two distinct groups. The Lutherans and Reformed formed one group. The Moravians, Schwenkfelders, Mennonites and Dunkers formed a second group with different religious beliefs that clashed with the first group.

Clashes between the various ethnic and religious groups continued fueled in part with the anger generated by Great Britain's treatment of the providence. Disagreements over taxes grew in the Assembly as the favored landowner classes prevented rising taxes on their lands but favored raising taxes on others. Further disagreement arose over how the Assembly should spend the money. England was engaged in frequent wars in Europe and sought to have the colonists enact a military law which would provide both money and soldiers for use in the wars. The Assembly did not want to take any part in the wars although it did send for £2,000 for the Queen's use instead of a quota of men. When the French and Indian War broke out in May 1756, the Quakers refused to permit money to be used in the war efforts. Scotch-Irish frontiersmen could not see their homes burned and their lands wasted while the Quaker merchants in Philadelphia lived in peace and plenty. The war led to burning of farms and killing of the frontiersmen and their families. Finally a petition was sent to England requesting that the King should prevent the Quakers from being members of the Assembly because of their reluctance to enter into combat to protect the frontiersmen.

The disagreements over the war defenses led to demands for reform of the government. Only men who owned fifty acres of land or otherwise were worth fifty pounds could vote. This requirement left the lower classes in the City of Philadelphia and the boroughs unable to vote. About half of the people in the country districts owned fifty acres but few had a personal estate of fifty pounds. For most people voting was never to be available to them. As new counties of Berks, Northampton, Cumberland and York were developed disagreements over representation in the the Assembly broke out. Members to the Assembly were added on the basis of increased taxable land which meant cleared productive land. Newer counties were growing more quickly and demanded more representatives at the Assembly. Finally a petition was delivered requesting reform of the current system. A new frame of government was proposed.

The Charter of Privileges - 1701 - 1776

The new Frame was called "The Charter of Privileges." The Provincial Council as an elected legislative body was abolished, although it continued to exist as an appointed advisory council to the governor. The Assembly became more powerful in the government of Pennsylvania controlling the court system, taxation and voting rights. David Lloyd was given the position of speaker, a position of increased authority of the Assembly. He presided over the Assembly in 1703 to 1725. He then served as chief justice from 1719 until his death in 1731. The Charter of Privileges remained in effect during the rest of the time that Pennsylvania was a British colony until 1776.



Executive Arm of the Provincial Government in 1740

English Revolution changes Pennsylvania Government

The English Revolution of 1688 overthrew King James II. The king had been a friend of William Penn. The overthrowing of the British king had an effect on the Pennsylvania colony because William Penn no longer had the friendship of the king who would protect him. This became apparent when William Penn was deprived of his province from 1692 until 1694 because of charges of mismanagement and neglect which were later disproved. During these years, the King of England appointed the Governor of New York Benjamin Fletcher, as governor in Pennsylvania until William Penn regained his colony. Benjamin Franklin served as the clerk of the Assembly beginning in 1736. Because of his printing business, he was also able to print any items needed by the government such as copies of laws and paper money. He was the only printer to serve as a clerk.

Various deputy or lieutenant governors lived in Pennsylvania and served the proprietors of the Penn family until 1773. John Penn served as governor and proprietor from 1773 until independence in 1776. While William Penn was a Quaker, his heirs abandoned Quakerism and they were often in disagreement with the Assembly of Pennsylvania. The proprietors wanted to retain total control of the government which met with disagreement by the citizens.

The Stamp Act passed on March 22, 1765 laid a duty on newspapers, legal documents and deeds by have a stamps attached to them The money from this act was to go to England. When the Assembly of Massachusetts proposed that a congress of committees from the provincial assemblies be held at New York on the present state of the colonies, the Speaker of the Pennsylvania assembly met with the Pennsylvania Assembly selected some delegates to meet with them.

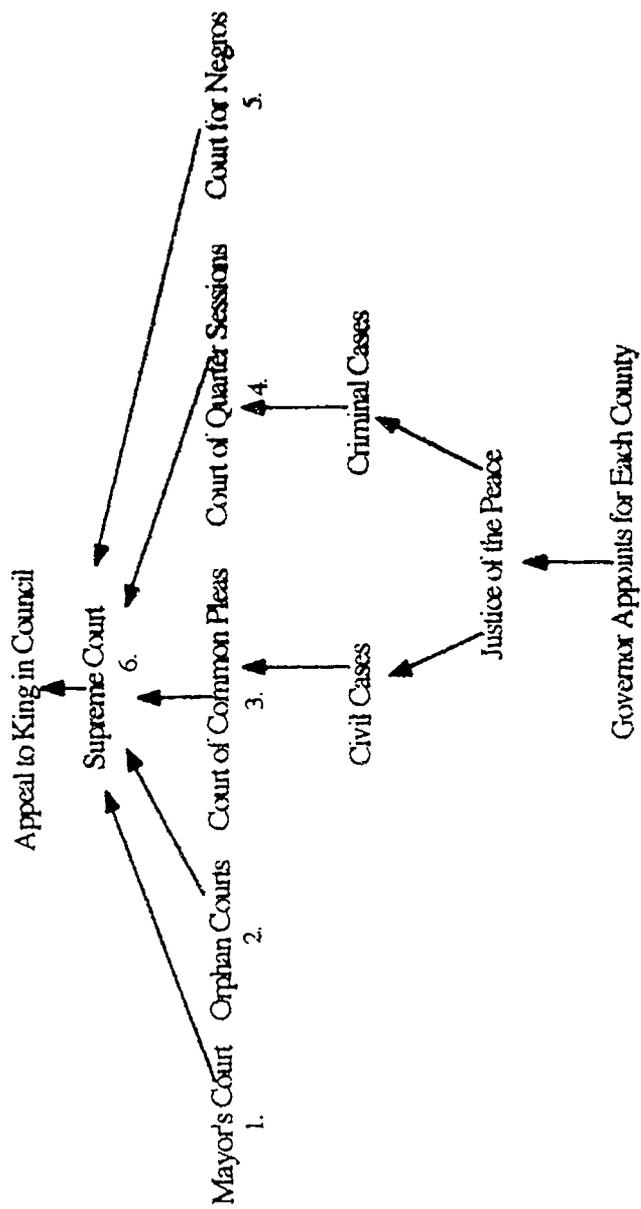
Chapter 3

Early Judicial System

Court System is Developed

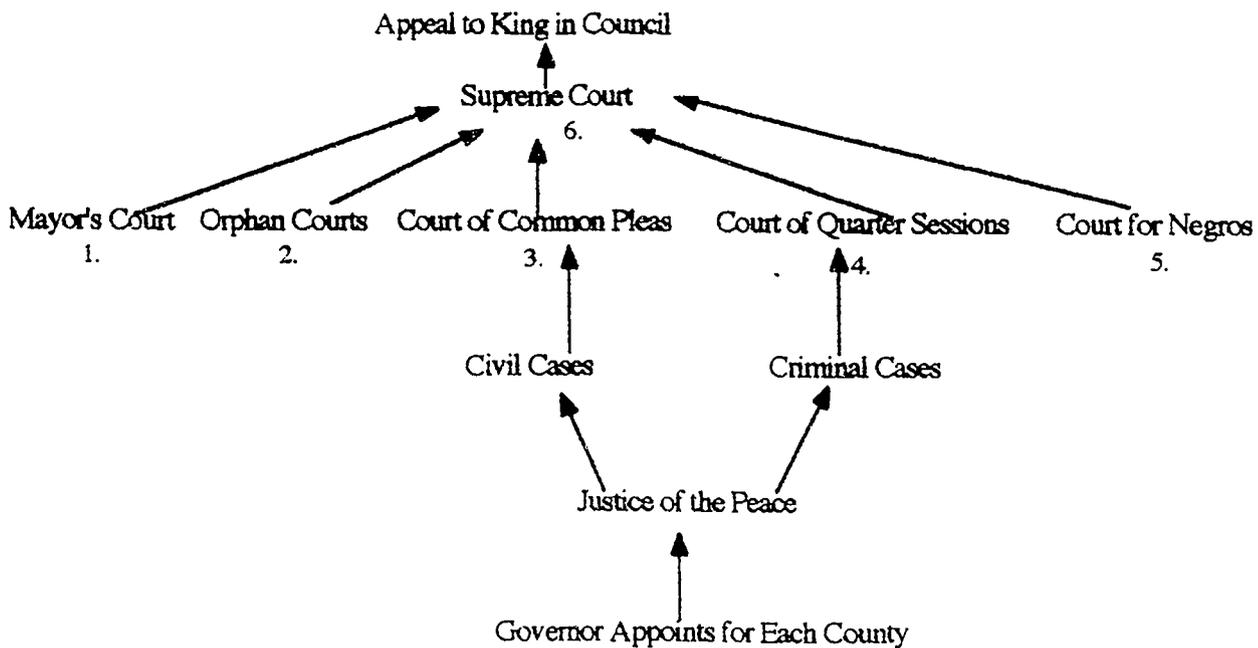
The Assembly's aim was to give the courts more power on the local level. Royal and proprietary efforts were to centralize judicial authority. After much disagreement, the Judiciary Act of 1722 was passed. It allowed the proprietor through the deputy governor to retain his right of appointing justices of the peace, a privilege always used for political advantage. These justices of the peace presided over county courts, either of quarter sessions (criminal cases, frequently concerning indentured servants) or common pleas (civil cases). County courts had both original and appellate jurisdiction. The city of Philadelphia had its own criminal court, or Mayor's Court; the mayor, recorder, and aldermen served as justices of the peace, separate from the Philadelphia county court. There were special county courts for cases involving Negroes and orphans, the former administered justice (swift and harsh) without appeal, the latter to deal with property and guardians. Each county court has a clerk of the peace, responsible for keeping records and collecting fees. The Assembly could not control the appointment of the clerks but it did have some control over them through the regulation of fees.

The Supreme Court, presided over by justices appointed by the deputy governor, was an appellate court (and could call for lower court records) with original jurisdiction clearly granted for cases of capital crimes, less clearly granted for civil cases. This meant that criminal cases could be heard in this court, but civil cases involving contract disputes might not be able to be heard.



1. Consisted of Mayor, Records and at least four Aldermen. Criminal only. Philadelphia
2. Held following the Court of Quarter Sessions by the same judges.
3. Consisted of any three justices in the county, met following court of quarter sessions.
- 4 Consisted of any three justices in the county, met quarterly.
5. Two justices were commissioned by the Governor for each trial. No appeal.
6. Three judges were appointed by the Governor.

Pennsylvania Court System in 1740



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Pennsylvania Court System in 1740

In court, indictments were delivered by a grand jury, approximately twenty-four persons appointed annually by the sheriff. In the English tradition, local affairs from the time of Penn's arrival in 1682 were conducted by justices of the peace in the court of quarter sessions. Justices were appointed on the basis of loyalty to the proprietor and were generally drawn from the political elite of the province. Men held several jobs at the same time. Some jobs were other appointive offices at various levels of government, and some were elected officials. Justices not only sat as judges in county courts but also supervised road building and maintenance, and were appointed to the offices of township officials as well. The chief of these was the constable, who assisted the county commissioners and assessors in levying and collecting taxes, serving court papers, presiding at elections. He also served as the sheriff's deputy, enforcing laws. The long tenures of the justices enabled the local courts to maintain a standard local practice that remained the same over long periods of time.

New Constitution established county courts

In 1776 the new constitution established in each county courts of sessions, common pleas and orphans' courts. The development of a unified judicial system had begun in Pennsylvania. Court decisions no longer had to be appealed to the King of England and decisions were made here regarding legal issues. The decisions were no longer dictated by an absent King, but rather the fellow citizens. The King could no longer protect citizens who because of their rank had enjoyed protection from the law.

The constitution of 1790 grouped the counties into judicial districts and provided president judges to the common pleas courts in these districts. Judges began to be appointed. Additional courts such as the Courts of Oyer and Terminer and General Jail Delivery were added. The framework of our current judicial system was developed by this constitution.

Chapter 4

First Constitutions—1776-1779

Congress of committees unites citizens

The congress of committees from the provincial assemblies provided a way for the colonies to gather and discuss the problems each was having with Great Britain. In Pennsylvania, after years of patient suffering and smoldering anger over the rule of Great Britain, citizens began to voice their objections. Social status and wealth separated some people into different a class that was protected by laws and customs not given to those of lower classes. Germans, Scotch-Irish English Quakers differed not only in the churches they attended but also in the sense of what was right and wrong behavior.

The English Quakers and Episcopalians settled close to Philadelphia. Wealthy and aristocratic, they engaged in banking and commerce. This group had little in common with the Scotch-Irish Presbyterian farmers in York, Cumberland and the new western counties. Germans living in Lancaster, Berks, and Northampton counties were of two distinct groups. The Lutherans and Reformed formed one group. The Moravians, Schwenkfelders, Mennonites and Dunkers formed a second group with different religious beliefs that clashed with the first group.

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War breaks out

When the French and Indian War broke out in May 1756, the Quakers refused to permit money to be used in the war efforts. Scotch-Irish frontiersmen did not want to have their homes burned and their lands wasted while the Quaker merchants in Philadelphia lived in peace and plenty. The war led to burning of farms and killing of the frontiersmen and their families. Finally a petition was sent to England requesting that the King should prevent the Quakers from being members of the Assembly because of their reluctance to enter into combat to protect the frontiersmen.

The disagreements over the war defenses led to demands for reform of the government. Around the same time, England developed a new British Colonial policy which was the signal for the mighty upheaval which resulted in the independence of the thirteen English colonies scattered along the coast of the Atlantic ocean. In addition to the Stamp Act, other "Intolerable Acts" were passed in 1774. Finally, united and active opposition to British authority began.

Preparations for a new government begin.

The First Continental Congress met in Philadelphia to begin work on separating from Great Britain. This was the beginning of the new federal government. The Pennsylvania Assembly appointed its delegates to meet with the Continental Congress. The revolutionary movement that led to the drafting of the new constitution for Pennsylvania had begun. By the summer of 1776, the spirit of revolution was charging through the state. The Provincial conference for Pennsylvania was in session in Philadelphia. A call was issued for a constitutional convention for the state after the powers of government were assumed by the Province. The election of members to the Pennsylvania constitution convention was held on July 8 at 10:00 AM. At noon, on the same day, the Declaration of Independence was read in the State House Yard in Philadelphia. On July 15, delegates began work on the first Pennsylvania state constitution of 1776.

New Constitution is written

The new constitution began with a preamble that described the acts of the King and his ministers and declared that because of these actions all allegiance to the King shall come to an end. The new government was to be founded on the authority of the people only, formed by the representatives of the citizens of the commonwealth. A Declaration of Rights included: Freedom of Religion, Freedom of Speech and Safety of the home against entry without a warrant and the Right to a trial by jury.

The framework of the government included one legislature--an assembly of the representatives of the freemen. A president (governor) and council were to carry out the laws. The Council was to meet at the same time and place as the assembly. The supreme power was given to the Assembly. No governor could veto its laws. Every seven years the community could inquire into the conduct of the government. Each county was to be represented by 6 men (women did not have the right to vote) and 6 representatives from the city of Philadelphia. A representative was to serve for 3 years and then had to wait four more years before serving again. One third of the members of the house of representatives were to be elected every year.

Court System and schools established.

The court system was established and the judges were appointed for seven years by the President and the Council. Courts of sessions, common pleas, and orphans courts were held quarterly in each city and county. Other courts were established by the assembly if needed.

Each county was required to establish a public school or schools. The salaries of the teachers were paid by the public. The lessons that were selected contain "useful learning" which meant basic reading, writing and math. The basic lessons learned in these public schools served as a background for advanced education in universities.

Guardian of Constitution and Rights of People

A Council of Censors was formed to act as guardian of the Constitution and of the rights of the people. Each city and county elected two persons to represent them on this Council every seven years. The council acted to preserve the constitution without change. It also checked on the legislative and executives branches of government to make sure they performed their duty as guardians of the people.

Disagreements over the single legislative house broke out shortly after the constitution was completed. When the new Federal Constitution was adapted in 1789, those legislators who were opposed to the Pennsylvania constitution of 1776 pushed for a new constitutional convention to review and revise this frame of government. The Assembly called for a convention to meet in November of 1789 to begin work on a new constitution.

In 1790 a new Constitution was developed which completely changed the first constitution. In the new Constitution, the legislative, executive and judicial powers were changed and copied from the new federal constitution. A governor, an assembly, and a senate was established. The Declaration of Rights of the 1776 Constitution remained unchanged to the present day.

Terms to Understand

Select 3 words and write a short paragraph using the new words.

Commissioned - granted powers.

Disproved - found to be false.

Execute - to carry out, put into effect.

Frame of Government - early name for outline or plan of government. Now called a constitution.

Indian Confederacy - joining together of Native American Tribes.

Naturalization Act - gives citizenship to people moving here from another country.

Provincial government - government of a province or colony belonging to another country.

Reluctance - unwilling to do something.

Scandalous - shocking or disgraceful.

Smoldering anger - anger held back and not easily seen.

Stamp Act - a payment of a tax was required when making legal documents and deeds. A stamp was pasted on the document to show payment of the tax.

William Penn - son of Admiral Sir William Penn, a Quaker who received the charter for the new colony to be called "Penns Woods."

Fill in the Blanks

1. Earliest inhabitants of Pennsylvania were _____

2. Migration to the New World resulted from _____

3. Three countries who had early settlements in Pennsylvania

were _____

4. Name the first three counties in Pennsylvania _____

and _____ and _____

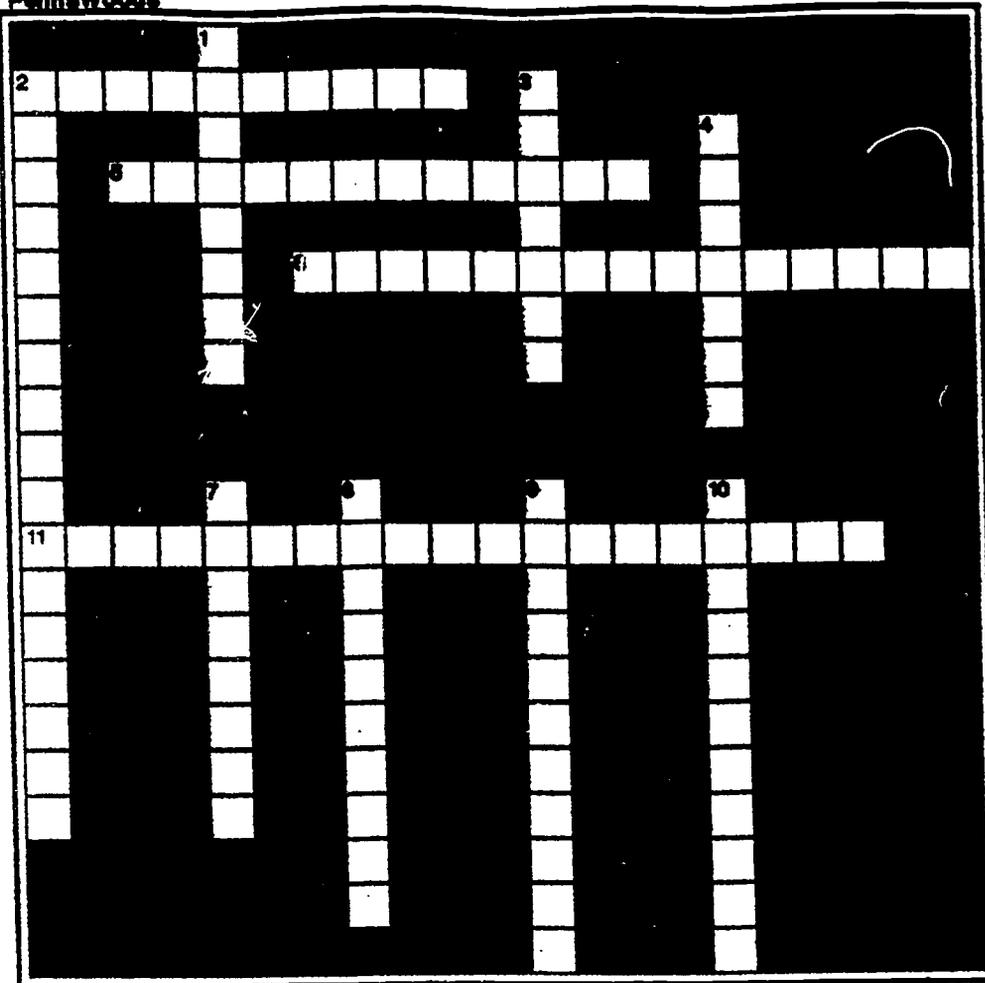
5. The First Plan of government was called a _____

6. Judicial districts were developed by the 1790 _____

7. The new constitution of 1776 included a Declaration _____

_____.

PennsWoods



PennsWoods -CLUES

ACROSS

- 2 Meaning of name Pennsylvania
- 5 Country who granted Charter to William Penn
- 6 Acts passed by Great Britain and hated by colonists
- 11 Name of frame of government from 1701-1776

DOWN

- 1 Legislature led by William Penn
- 2 Name of 1 branch of Government in First Frame of Government
- 3 Religious body to which William Penn belonged
- 4 language spoken by William Penn
- 7 One of the Intolerable Acts passed by Great Britain
- 8 Meeting held to write new constitution
- 9 Name of King who was William Penn's friend, was overthrown in English revolution
- 10 government body

Questions for Discussion

1. Why were the colonists angry with Great Britain?
2. Who had the right to vote between 1682 and 1776? Was this fair?
3. How did William Penn get land from the Indian tribes?

Unit Two

The State Government Today

Introduction:

The first two constitutions were ratified in 1776 and 1790. The third constitution was developed in 1838. This constitution made some changes in the state government. Among the changes were a revision of the state's laws, reduction of the governor's power to appoint persons to fill state offices, an increase in the number of offices to be filled by election and a shortening of some terms of office. Voters were given greater voice in the government. One disadvantage in this constitution was the loss of the vote for African-Americans. In 1874 the nationwide reform movement that was sweeping the United States focused attention on the state government. A constitutional convention was held which resulted in the Constitution of 1874. In 1967-1968 a constitutional convention was held to revise the 1874 constitution and bring it up-to-date. An important part of this constitution was the provision that prohibits the denial of any person's civil rights. A unified judicial system was developed including modernizing the court system. The Governor and other elected officials can succeed themselves for one additional term.

Chapter 1

The General Assembly

The General Assembly consists of the House of Representatives and the Senate. Senators must be at least 25 years of age, and Representatives 21 years of age. No person who has been convicted of embezzlement, bribery, or perjury (giving false statements under oath) is eligible to hold elective office.

The legislature develops our laws, levies taxes and sets aside money from the taxes levied to pay for support of schools, elderly and poor, hospitals, colleges and universities and other government supported projects. Regular sessions of the Senate are usually held on Monday, Tuesday and Wednesday for an average of 35 weeks. Bills about any subject may be considered at a regular session in either house of the legislature, however, bills raising revenue must begin in the House of Representatives.

Legislative Districts

The population of the Commonwealth is divided into 50 Senatorial districts containing an average of 237,300 people and 203 representative districts containing an average of 58,400 people. Since there are fewer Senators, the Senatorial Districts are larger. One Senator is elected for each Senatorial district. One Representative is elected for each representative district.

The House of Representatives and the Senate each keep a journal of the proceedings and a tally of the votes on bills. Proposed laws are known as "bills." Bills are sent to the various standing committees for review before being brought before the entire Senate or House. Bills are read on three different days in each house. A bill must pass in both houses before it can be sent onto the Governor for signature which turns it into a law.

Both Senators and Representatives seek the opinions of the citizens in the Commonwealth while discussing various bills. The legislators also help citizens by assisting them with various problems and concerns. Helping the citizen find his/her way through the complex state government can often give the legislator a chance to know the interests of the people.

The Senate

The Senate elects officers from among the senators. The office of President of the Senate is reserved for the Lieutenant Governor of the Commonwealth. A senator is elected President Pro Tempore to serve in place of the Lieutenant Governor, when he/she is absent. Additional officers are the Secretary-Parliamentarian who keeps a record of the sessions, and also gives advice on the correct way to conduct the sessions according to Senate rules. A Chief Clerk records the bills being considered and keeps records. A majority leader and a minority leader are also elected. The political party that has the most members in the senate is the majority party and elects a member to serve as majority leader. The political party with the lessor number of members is the minority party and they also elected a leader who is called a minority leader. Senators serve 2 year terms.

There are 24 standing or permanent committees in the Senate. The committees have 12 members, 7 are from the majority party and 5 from the minority party. These committees review bills and make recommendations. Committees include:

Aging and Youth	Judiciary
Agriculture & Rural Affairs	Labor and Industry
Appropriations	Law and Justice
Banking and Insurance	Local Government
Communications & High Technology	Public Health & Welfare
Community & Economic Development	Rules & Executive Nominations
Consumer Protection & Professional Licensure	State Government
Education	Transportation
Finance	Urban Affairs & Housing
Game and Fisheries	Veterans Affairs & Emergency
Intergovernmental Affairs	Preparedness

There are 12 members appointed to each committee except the Appropriations committee which has 20 members.

The House of Representatives

The House elects a speaker who will serve as leader. Other officers are the Chief Clerk, and Parliamentarian who have similar duties as in the Senate. In the House the Majority leader is called the Majority Whip and the Minority leader is called the Minority Whip. The political party with the 102 or more members in the House is the Majority Caucus. Caucus means to meet to decide together about an issue. It is a Native American word for elder or counselor. Each caucus names its Floor Leader as spokesman.

A second floor leader called a Whip, is also elected. The political party with the lessor members elects a member as Minority Floor leader and Minority Whip. The term "Whip" was borrowed from the English Parliament. It is a fox-hunting term for a rider who kept watch on the hunting hounds and did not let them stray from the hunt. The Majority Floor Leader and Minority Floor Leader are responsible for keeping their party members informed about important issues concerning bills and encouraging the members to vote. They also work to gain support for the passage of legislation approved by their members.

Since the House of Representatives is more than 4 times as large as the Senate, the House has many additional officers to help the Representatives do their work. A Representative is elected in even numbered years. One of the most famous member of the House was Benjamin Franklin who served for 29 years, including 15 years as Chief Clerk.

The House of Representatives has 25 standing committees. Standing Committees are permanent committees found in both the Senate and House of Representatives. Each committee consists of 24 members, 14 from the majority and 10 from the minority political parties. The majority party is the political party containing more than half of the members. In the House, 102 members are required to become a majority party.

The Senators are appointed to these standing committees and may be a member of 5 or more committees. The committees may develop bills, and may make recommendations for changes (amend), and may delay (table) bills presented to the committee. The committees also considers bills that have been approved in the House of Representatives and sent to the Senate for approval. The committees may decide to change some of the provisions of the bill that was previously approved in the House of Representatives and then the changes in the bill would have to be approved by the House of Representatives. Usually a Senate version of a bill and a House of Representative version of a bill is introduced. Then, each branch considers its own version and a compromise must be reached later.

Committee meetings, and informational meetings about various bills are held daily and each Senator will attend as many of these as possible. A general session is held on a regular basis when bills are presented by the different committees to the entire Senate for their consideration. A vote can be taken or further discussion can be held.

Many of the committees are similar to the standing committees of the Senate. In addition to the previously mentioned standing committees there are three additional standing committees in the House. The three additional committees of the House are: Liquor Control, Insurance and Federal-State Relationships. According to the Pennsylvania Constitution, no bill can become law unless it has been reviewed in a committee. The committee may decide to hold a public hearing instead of a regular committee meeting on a bill. People who wish to discuss information either for or against the passage of the bill can appear at the hearing and have their opinions heard. Often by asking questions of interested citizens, the legislator can decide whether or not this bill may be a desirable law.

During a two-year session, the House considers almost 3,000 bills of which 285 to 360 become laws. Similar to the Senate, bills are assigned to various standing committees to be reviewed. Representatives review the bills and listen to interested groups and individuals. Committee discussions and additional study helps the Representative to support or oppose a bill. The standing committee can vote to amend or change the bill, table it (delay a decision about the bill) or report the bill to the full House to be debated by all the members. When being debated in the full House, the bill can be changed or amended, and tabled. The State constitution requires 102 votes to pass legislation in the House.

Chapter 2

The Executive Branch

Introduction

The Executive branch of the state government is responsible for administering the laws of the Commonwealth. This is one of the three branches of the government, the others are the General Assembly and the Judiciary. The Executive branch of the state government is responsible for administering or carrying out the laws of the Commonwealth.

The Executive branch contains the Governor, Lieutenant Governor, Attorney General, Auditor General, Treasurer and many agencies, boards and commissions. Each of these departments has specific responsibilities in the management of the state.

Powers and Duties of the Governor

According to the Constitution of the Commonwealth, the supreme executive power is given to the Governor, who sees that the laws be carried out. The governor is the Commander-in-Chief of the Military Forces of the Commonwealth and can make appointments to the various departments, state boards, commissions and councils. He/She also appoints judicial officers and justices of the peace with the consent of the legislature. The Governor can appoint people to fill vacancies in offices of Auditor General, the State Treasurer, Attorney General and other elected offices until an election can be held to elect a replacement.

The Governor presents a budget each year to the General Assembly. The budget includes the suggested amounts of money to be spent for all public purposes and also what revenues will be needed. Revenues are the amounts of money raised by various taxes and fees charges by the state. The Office of the Budget, headed by a Secretary of the Budget is responsible for the accounting system, payroll and other financial records of the Commonwealth. This is one of the many offices that assist in the operation of the state.

Lieutenant Governor

The Lieutenant Governor is the President of the Senate and Chairman of the Board of Pardons in the Judicial system. When presiding over the Senate, he/she can not vote unless the Senate is equally divided and then a tie-breaking vote can be cast.

He/she can also take over the duties of the Governor if he/she is unable to complete the elected term because of death, disability, or resignation. The Lieutenant Governor has his/her own staff to assist in the various duties of the office.

Office of Attorney General

The office of Attorney General is an independent department and was created by a constitutional amendment in 1980. The Attorney General is an elected official and is the Commonwealth's chief legal and law enforcement officer. There are four divisions: Criminal Law Division, Civil Law Division, Public Protection Division and Drug Law Division.

The duties of the Attorney General's office are:

- to give legal advice about official duties of the Governor and state agency;
- to represent the Commonwealth in court actions; to collect all debts, taxes and amounts due to the Commonwealth that have been referred to this office
- to be the Commonwealth's chief law enforcement officer for the prosecution of organized crime and public corruption.
- to represent the concerns of the consumer.

A criminal investigation unit and drug enforcement program assists in the prosecution of offenders. The Consumer Advocate represents consumer concerns and can begin legal or administrative action against persons or companies suspected of illegal actions. Citizens who have complains about services or merchandise purchased from businesses or persons can file a complaint with this office. The Consumer Advocate section will read the complaint and decide whether further action should be taken. Examples of complaints include: companies failing to deliver merchandise after payment has been made and fraud cases of inferior service or no service at all.

Office of Auditor General

The Act of 1811 gave responsibility of overseeing the money for the Commonwealth to the Auditor General. The duties of the Auditor General are to ensure that all monies of the Commonwealth are deposited in the State Treasury and public money is dispursed properly. The office is known as the "Watchdog of the State Treasury" The Auditor General reviews the financial records of state departments and state owned institutions such as hospitals and schools.

A Citizen's Service Program acts as a public information and referral service and as a way for citizens to report instances of suspected fraud, mismanagement and waste of money. Interested citizens may call 1-800-922-8477 or write:

Citizen's Service Program,
Department of the Auditor General,
Finance Building,
Harrisburg PA 17120

Office of the State Treasurer

The office of the State Treasurer was created by the Constitution of 1776 and is the oldest elective office in state government. The State Treasurer is an elected office and serves as chief executive officer of the Treasury Department. The State Treasurer receives all the money belonging to the Commonwealth from the state agencies and deposits them in state depositories. This money is then invested to earn interest. Over 60,000 checks are written daily for various agencies such as: Unemployment Compensation, Public Assistance; and tax refunds. Over 3,500 separate accounts are maintained. The department also investigates loss, theft or fraud involving all Commonwealth checks except Unemployment Compensation.

Cabinet Level Agencies

These agencies assist in the management of services provided by the Commonwealth of Pennsylvania.

Department of Aging - Created in 1978. Administers federal and aging programs.

Department of Agriculture - Established in 1895 to promote agriculture.

Department of Banking - Created in 1891. Regulates and charters lending institutions. Licenses money transmitters, consumer discount companies, pawnbrokers, motor vehicle sales finance companies, and installment sellers.

Pennsylvania Economic Development Partnership/and Department of Commerce - Created in 1987. Directs economic activity and promotes job creation. Various bureaus within the department are responsible for small business, women's business development, and export of Pennsylvania manufactured products to foreign countries.

Department of Community Affairs - Developed in 1966 this department assists more than 2,600 municipalities throughout the Commonwealth and is the first state agency of this kind in the nation. Training programs for local government officials, recreation and conservation as well as housing and development programs are among the many services provided.

Department of Corrections - Created by Act 245 in 1984. Manages and supervises the Commonwealth's adult correctional system. The Pennsylvania correctional system has played a major role in the development of correctional systems worldwide. The Pennsylvania System encouraged solitary confinement in which the individual could seek out meaning in life and to repent of previous wrong doing. The "penitentiary" was a development of this plan and was started in 1790 at the Walnut jail in Philadelphia.

Department of Education - Developed by the Free School Law in April 1834. Supervises the educational system in basic and higher education and state libraries. Public and private schools are regulated through this department.

Department of Environmental Resources - Created by Act 275 of 1970 and is responsible for the land and water management program, environmental protection and regulation of mining resources.

Department of General Services - Created by Act 45 of 1975 and is responsible for building construction, purchasing, publishing, and maintenance for state departments and agencies in the Commonwealth.

Department of Health - Created in 1905. Responsible for prevention and reduction of disease and injury, enforcement of health laws, and high quality health care at reasonable cost .

Department of Insurance - Established April 4, 1873 to regulate insurance industry and protect insurance consumer.

Department of Labor and Industry - Established in 1889 to promote health, welfare and safety of employees, reduce workplace disagreement, provide vocational rehabilitation to people with disabilities, assist citizens with work-related injuries and promote job training programs.

Department of Military Affairs - Established in 1793. Is responsible for the Pennsylvania National Guard. Maintains various veteran's homes in the Commonwealth for invalid, disabled, and financially needy veterans.

Department of Public Welfare - Established on May 25, 1921. Is responsible for human service programs to improve and maintain the quality of family life using income maintenance, medical assistance and food stamp programs. Child day care is regulated through this department.

Department of Revenue - Originated in 1927 and is responsible for collecting personal income tax, sales and use tax, corporate tax, inheritance tax, realty transfer tax and motor fuel tax.

Department of State - The Secretary of the Commonwealth heads this department and is the keeper of the Great Seal of the Commonwealth which is used to authenticate government documents. The department is the custodian of the election returns for national, state, judicial, legislative and county offices. Publishes the election returns, examines electronic voting machines. Records and files all legislation enacted by General Assembly. Twenty-seven licensing boards process applications for professional and occupational licenses. Is charged with the registration and regulation of more than 10,000 charities in the Commonwealth to protect the consumer. Also includes the State Athletic Commission which regulation profession and amateur boxing, kick boxing and professional and non-scholastic amateur wrestling.

Pennsylvania State Police - Created in 1905. This was the first state police established in the nation. Responsibility includes enforcement of laws of commonwealth, investigation and detection of crime, arrest of criminals and preservation of law and order.

Department of Transportation - Created in 1970. Is responsible for development of programs to assure adequate, safe, efficient transportation facilities and services.

Chapter 3

The Judiciary

The court system of Pennsylvania has its roots in England's judicial system. Prior to the State Constitution of 1776, Pennsylvania's judicial system consisted of a collection of courts, some inherited from the Duke of York [1664-1673]; some established by William Penn and some created by the Provincial Assembly. The Constitution of 1776 established in each county a common pleas and orphan's court and began the development of a unified judicial system.

The Constitutions of 1838 and 1874 made changes in jurisdiction, tenure and election or appointment of members of the judiciary. The judicial system development was continued by adding courts and defining the terms for the judges. In 1968, the Constitution reorganized the judiciary under a unified system consisting of the Supreme, Superior and Commonwealth Courts, Courts of Common Pleas, Community and Traffic Courts in Philadelphia and Pittsburgh. The office of District Justice was created from the previous Justice of the Peace. A constitutional right of appeal in all cases was also established. The 1968 Constitution also set up the qualifications, election, and terms of office for judges, justices and district judges.

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Qualifications and term of office for judges.

The judge must be a citizen of Pennsylvania and a resident of the district in which he/she serves as judge. All major court judges within the system are elected to ten-year terms. Lower court judges are elected to a term of six years. Appointments are made to fill vacancies by the Governor and must be confirmed by the Senate. The appointees are required to run for election in the first municipal election that is held more than ten months after his/her appointment. Justices and judges must devote full time to their judicial duties and can not practice law, hold office in a political party or political organization or hold an office or position for profit in the government of the United States, the Commonwealth or any local government. A judge can be suspended, disciplined for violations of the rules prohibiting employment, and/or removed for misconduct in office, neglect of duty, or failure to perform the duties of a judge.

The judicial system in Pennsylvania.

The judicial power rests with a unified system consisting of several levels of courts, each with its own jurisdiction and responsibilities. A court's jurisdiction refers to those cases the court is permitted or chooses to hear. There are two forms of jurisdiction: Original jurisdiction-- the first hearing of the case and Appellate jurisdiction--a review of cases heard in a lower court. The Pennsylvania judicial system consists of 5 levels of courts. The highest level state-wide court is the Supreme Court, the next two levels of state-wide courts are the Superior Court and Commonwealth Court. The next two levels of courts are found on the county level: Court of Common Pleas and the District Magistrate Court.

The State Court Structure

Supreme Court

The highest court is the Supreme Court which was established by the Provincial Assembly's Judiciary Act of May 22, 1722. Thus, this court is the oldest appellate court in the nation and predates the United State Supreme Court by 67 years. The Supreme Court consists of seven justices, one of whom is the Chief Justice. The term of office is ten years. The Supreme Court is the final interpreter of the Constitution of the Commonwealth and has original jurisdiction [first time hearing] in cases of state constitutional questions. The Commonwealth is divided into three Supreme Court districts: Eastern, Middle, and Western. Eight sessions are held each year.

The Supreme Court hears appeals from final orders from the lower level Superior and Commonwealth courts in various areas such as:

- 1) Matters prescribed by general rule
- 2) The right to public office.
- 3) Review of qualifications, tenure, or right to serve of judges.
- 4) Review of death sentences.
- 5) Statutes and rules held unconstitutional by courts of common pleas
- 6) Matters where the right to practice law is involved.

The Supreme Court has exclusive jurisdiction of appeals from final orders of the following agencies, among others.

- 1) Legislative Reapportionment Commission
- 2) Agency empowered to admit or recommend the admission of persons to the bar and practice of law in Pennsylvania.

Superior Court

The next court is the Superior Court which was created by the General Assembly in 1895 in order to ease the burden of the Supreme Court. The Superior Court is a state-wide appellate court with a separate jurisdiction from other courts. This court reviews all appeals to final orders from the courts of common pleas. This court consists of seven judges, one of whom is President Judge. The term of office is ten years. The Superior Court is divided into three Superior Court districts: Philadelphia, Harrisburg, and Pittsburgh. This court holds seven sessions per year.

The Superior Court has exclusive appellate jurisdiction of all appeals from final orders of the Courts of Common Pleas in those matters not within the jurisdiction of the Supreme Court or the Commonwealth Court.

Commonwealth Court

The Commonwealth Court came into existence on January 1, 1970 and was created by the Constitution of 1968 to serve as a third state-wide appellate court. This would reduce the workload of the Supreme and Superior Courts and would also provide a court which would hear and try original jurisdiction cases involving action by or for the Commonwealth of Pennsylvania.

This is a state-wide court consisting of nine judges, one of whom is the President Judge. Term of office is ten years. Commonwealth Court has three districts similar to the Supreme and Superior Court. This court handles all appeals from Court of Common Pleas for civil actions or proceedings against the Commonwealth, criminal actions for the violation of any rule, regulation or order of any administrative agency of the Commonwealth and all appeals from local administrative agencies such as The Unemployment Compensation Board of Review, and the Pennsylvania Public Utility Commission

The Commonwealth Court has both original and appellate jurisdiction. The Court has original jurisdiction in:

- 1) Election Code matters.
- 2) Civil actions against the Commonwealth.

The appellate jurisdiction [review of case heard in a lower court] includes:

- 1) Direct appeals from final decisions of state administrative agencies.
- 2) Appeals from Courts of Common Pleas not in jurisdiction of Supreme Court.
- 3) Criminal actions arising from violations of regulations of state administrative agencies or from violations of regulatory statutes administered by a state agency
- 4) Interpretation of home rule charters, local ordinances and legislative acts governing local political subdivisions and appeals from local administrative agencies.
- 5) Eminent domain [taking of land for public use] proceedings.

Chapter 4

The State Agencies

The Cabinet Level Agencies deal with everyday life concerning the operation of state government. Other state agencies also assist in the operation of state-wide interests.

Pennsylvania Council on the Arts - Created in 1966, the council supports various projects begun by non-profit art groups and sponsors workshops and seminars on special topics as arts management and community arts planning.

Civil Service Commission - Created in 1939. Establishes conditions of employment and qualifications of individuals for various state jobs in state agencies.

Pennsylvania Crime Commission - Developed in 1978. Investigates organized crime and corruption in Pennsylvania. Collects and analyzes criminal intelligence information which is used to develop new laws to deal with illegal activities.

Pennsylvania Commission on Crime and Delinquency - Organized in 1978. Examines criminal justice problems and proposes solutions. Manages the statewide prevention program known as Pennsylvania Crime Watch.

Pennsylvania Emergency Management Agency - Established in 1951. Responsible for a statewide emergency management and disaster program which provides assistance statewide for various emergencies.

Pennsylvania Energy Office - Established in 1987. Plans energy conservation programs, recycling programs, and coal, natural gas and oil development projects.

State Ethics Commission - Created in 1978. Administers and enforces the state ethics law which prohibits use of public office for personal financial gain.

Fish and Boat Commission - Developed in 1866, the Pennsylvania Fish Commission is one of the oldest governmental conservation agencies in the nations. Enforces laws on fishing, boating, protection of fish and their living areas and certain threatened and endangered species in the Commonwealth. Restocks various waterways with fish.

Game Commission - Created in 1895. Is responsible for the management of all wildlife in the Commonwealth. Regulates the Game and Wildlife laws and supervises habitat management programs.

Pennsylvania Health Care Cost Containment Council - Established in 1986. Controls health care costs by promoting health care competition through the distribution of uniform cost and quality data for all hospitals and physicians in the Commonwealth.

Pennsylvania Heritage Affairs Commission - Created in 1992. Is responsible for identification, conservation, and promotion of varied cultural traditions that characterize the Commonwealth.

State System of Higher Education - Created in 1982. Includes the 14 publicly-owned universities in Commonwealth. Responsible for instruction for undergraduate and graduate students to and beyond the master's degree in liberal arts and sciences, applied fields and teaching.

Pennsylvania Higher Education Assistance Agency - Established to improve higher education opportunities for residents of the Commonwealth by guaranteeing private loans, issuing State Higher Education Grants, making alternative loans, and administering work-study loan forgiveness and institutional assistance grants programs.

Pennsylvania Higher Educational Facilities Authority - Created in 1967 to acquire, construct, improve, maintain and operate educational facilities for any nonprofit college or university within the Commonwealth.

Historical and Museum Commission - Created in 1945. Responsibilities include collection, care, preservation of history of Pennsylvania, publishing Pennsylvania Heritage magazine and historic preservation of buildings, structures and districts in Commonwealth. The Bureau of Historic Sites and Museums administers 25 historic sites and museums such as Pennsbury Manor and Railroad Museum of Pennsylvania. The State Museum of Pennsylvania is part of this agency.

Pennsylvania Housing Finance Agency - Created in 1972 to finance the development of multi-family rental housing for elderly and low income families.

Human Relations Commission - Created in 1955 to enforce the civil rights laws of the Commonwealth.

Inspector General - Created in 1987 to detect, prevent and eliminate fraud, waste, misconduct and abuse in the operations of state executive agencies.

Liquor Control Board - Created upon the repeal of National Prohibition in 1933. Operates State Liquor Stores. Controls prices, sales, and consumption of alcoholic beverages.

Milk Marketing Board - Created in 1934 to supervise and regulate milk industry including transportation, processing, storage and prices.

Pennsylvania Milrite Council - Created in 1978 to assist the economic development by creation of jobs and encouraging cooperation between labor and government.

Pennsylvania Board of Probation and Parole - Created in 1941 to establish uniform parole and supervision of all offenders sentenced by the courts to a maximum sentence of two or more years.

State Public School Building Authority - Created in 1947 to construct, improve, furnish and maintain buildings for public schools, community colleges and educational broadcasting facilities.

Pennsylvania Public Television Network Commission - Created in 1968 to operate a public television network system connecting all noncommercial television stations in the state.

Public Utility Commission - Created in 1937 to regulate motor carriers such as trucks, taxis and busses, natural gas pipelines, water and telephone lines railroads. A Consumer Services Bureau assists customer-utility disagreements about size of bills, fuel surcharges, and disputes over gas, electric and water meter readings.

State Tax Equalization Board - Created in 1947. The main responsibility is to determine the market value of taxable real estate in each municipality and school district.

Pennsylvania Turnpike Commission - Created in 1937 to construct, finance, operate and maintain a toll highway. The Turnpike opened to traffic October 1, 1940 and consisted of 160 miles. Today, the Turnpike stretches 470 miles from the Gateway Interchange at the Ohio Line to the Delaware River Bridge at the New Jersey Line, and the Northeast Extension extends from Norristown to Scranton.

Commission for Women - Sponsors statewide educational seminars and programs to ensure that Pennsylvania women have equal opportunity and treatment. Serve as a link to the Governor for individual women and organizations and as a network for women's organizations.

Terms to Understand

Select 3 words and write a short paragraph using the new words.

Administer - to carry out.

Appellate court - reviews previous court decisions.

Compromise - each side gives up some things in order to reach a settlement.

Cost containment - to keep within certain limits.

Embezzlement - to take money or items for personal use while they are entrusted to your care.

Indentured servants - people who had borrowed money for passage to Pennsylvania and had agreed to work for 7 years to pay back the loan.

Indictment - a written statement charging a person with a crime.

Judiciary Act 1722 - Gave William Penn more authority to control the court system.

Jurisdiction - authority to make decisions.

Legislative reapportionment committee - resizes legislative districts after the census to have approximately equal numbers in each district.

Parliamentarian - person in charge of procedures and rules

Predates - comes before.

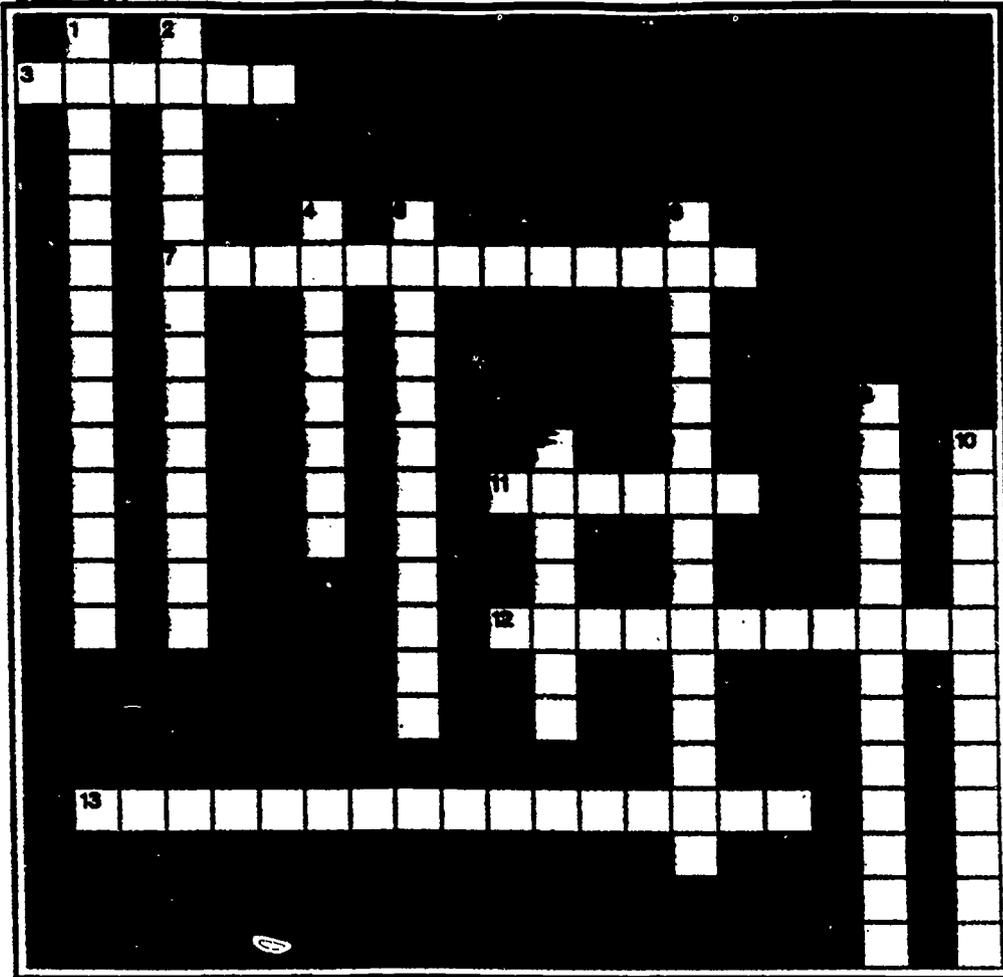
Proprietor - owner of a large tract of land given to him by a king in order to form a colony.

State depositories - banks used by the State.

Fill in the Blanks

1. The General Assembly consists of _____ and _____.
2. The _____ is in charge of the military forces of the Commonwealth.
3. The Great Seal of the Commonwealth is kept by _____.
4. Taxes are collected by _____.
5. The auditor general is also know as the watchdog of _____.
6. The President Pro Tempori of the Senate is also the _____.

State Gov



State Gov -CLUES

ACROSS

- 3 Smaller of the legislature
- 7 Political party having the most members in the legislature
- 11 Plan to obtain and spend money
- 12 In charge of administering criminal laws
- 13 Assists persons who have complaints about purchases from companies

DOWN

- 1 Larger part of the legislature
- 2 Person in charge of procedures and rules
- 4 Head of State Government
- 5 Member of the smaller political party. Makes sure members vote
- 6 Commonwealth's chief legal and law enforcement officer
- 8 Court where appeals can be heard
- 9 Investigates government spending
- 10 Highest court in Commonwealth

Questions for Discussion

1. Why are the Senate and House of Representatives legislative districts different sizes?
2. What is the Consumer Advocate Program?
3. Do you think more people would vote if they could use a computer network link directly to Harrisburg?

Unit 3

Local Governments of the Commonwealth

Introduction:

The Constitution of the Commonwealth of Pennsylvania gives the state the authority to develop laws to regulate local government. The Constitution outlines the basis requirements and rights, requires periodic redistricting, sets up county government with elected row officers, permits classification of local governments according to population and requires taxation to be uniform upon the same classes of people. The Constitution also establishes the procedure for change of municipal boundaries and optional plans of local government. The term "Commonwealth" comes from the English word "weal" and refers to the "well being of the public." While "Commonwealth" is an official legal description referring to Pennsylvania, the term "State" can also be correctly used to refer to Pennsylvania. There are over 5,378 individual units of local government. All were established by the State or provincial government.

Classification

Municipalities and school districts may be classified by population. There are four types of government in Pennsylvania: Counties, cities, boroughs, and townships. There are nine classes of counties, four classes of cities, two classes of townships and five classes of school districts. Boroughs are not classified. Each type of government operates under its own code of laws which set forth the governmental structure as well as the general and specific powers. General laws affect local government by granting power and imposing restrictions. Some examples of general laws are: the Pennsylvania Municipalities Planning Code which grants the local government the power to plan for development and adopt zoning, subdivision and land development ordinances; the Pennsylvania Sewage Facilities Act which regulates community and individual sewage disposal systems; and The Solid Waste Management Act which regulates solid waste collection and recycling.

Home Rule Charter

The Home Rule Charter and Optional Plans Law gives municipalities the power to decide what structure their government will take and what services it will perform. A home rule municipality does not have its powers and organization determined by the state legislature. A home rule municipality drafts and amends its own charter and can exercise any power not prohibited by the state Constitution, General Assembly, or its own home rule charter. As of January 1993, 5 counties, 16 cities, 16 boroughs and 27 townships have adopted a home rule charter.

Taxes

Local governments have the power to levy taxes on individuals and property. Two primary sources of tax revenue are the real estate tax which is permitted by the municipal law and the earned income tax. The earned income tax is permitted by the Local Tax Enabling Act which also authorizes numerous other types of taxes such as occupation privilege tax, and entertainment tax.

The federal government has begun developing direct links with local government through various programs such as housing and community development. Current trends are toward a reduction in federal funding and increased local decision-making for those programs that are federally funded.

Chapter 1

County Government

There are 67 counties in Pennsylvania. This includes the city-county of Philadelphia. Five of the counties have adopted home rule charters: Delaware, Erie, Lackawanna, Lehigh, and Northampton. The counties are responsible for property assessment, regional land use planning, solid waste disposal and public health. Counties perform welfare and mental health functions, establish housing and redevelopment authorities, conduct community development programs, maintain hospitals, support local libraries and other functions that can be better achieved on an area-wide basis. Counties also serve as agents of the state for law enforcement, judicial administration and conducting elections.

A three-member board of county commissioners heads the county government. The county commissioners may adopt resolutions and ordinances, administer oaths, and receive money for benefit of the county. The county commissioners also serve as county board of elections.

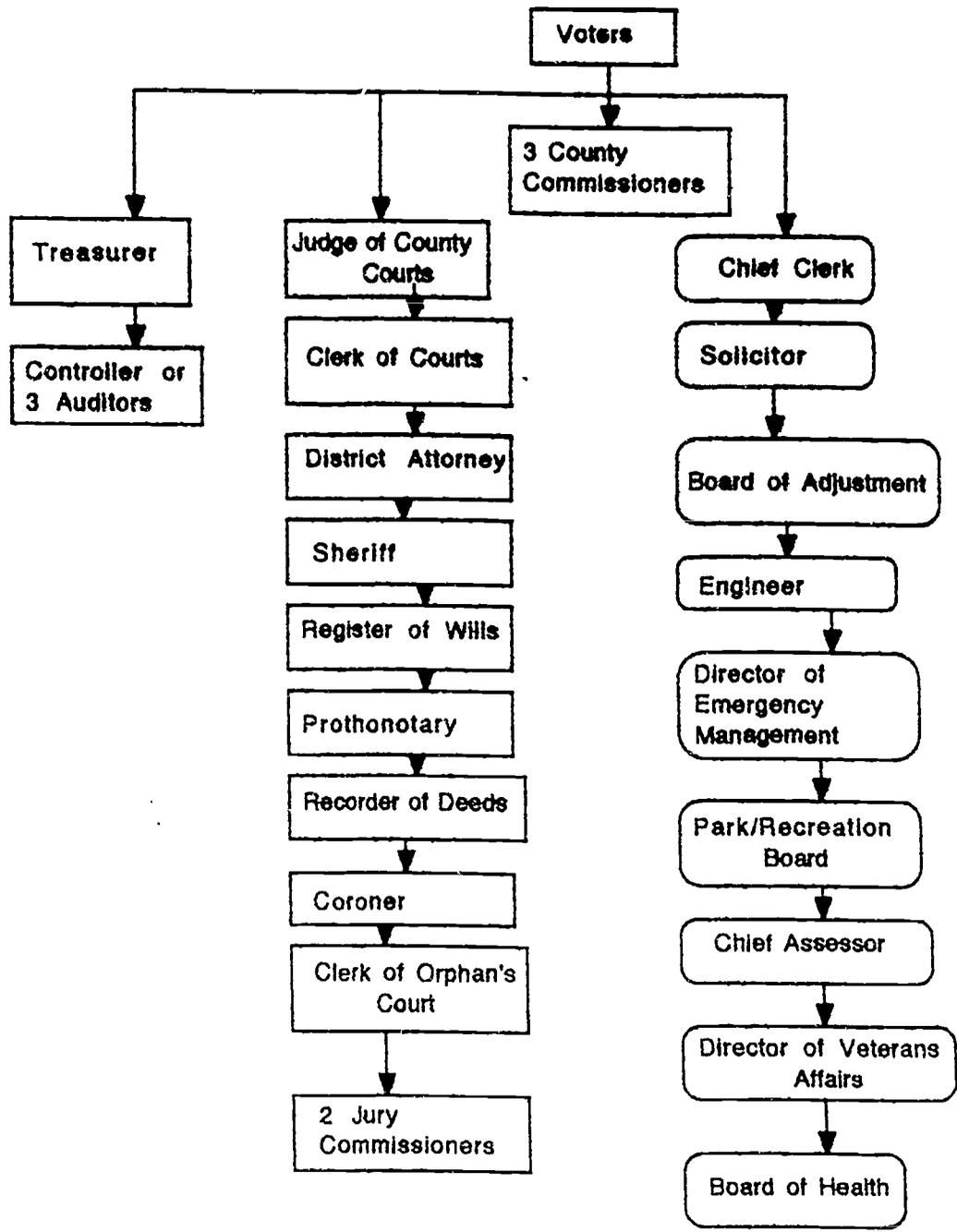
There are three categories of county personnel: first, the elected county finance officers - the treasurer and controller (or 3 auditors in some of the 6th, 7th, and 8th class counties); second, the Court-related elected officials and third, the appointed county officials.

Duties of the Court-related elected county officials are as follows:

Judge of the County Courts: presides over the criminal and civil suits in the court sessions.

Clerk of the Courts: the chief clerk and record keeper for the criminal courts. The clerk keeps all papers filed under criminal and civil procedures of the courts.

District Attorney: conducts in court all criminal prosecution in the name of the state and signs all bills of indictment.



**Elected
Officials**

**Court Related
Elected Officials**

**Appointed
Officials**

County Government

Sheriff: delivers and carries out the orders of the court, serving various writs, processes and other documents, assists in impaneling juries.

Register of Wills: has jurisdiction over the probate of wills, collects the state inheritance tax, maintains records on wills, inventory of estates, and financial records of estates.

Prothonotary: a clerk of the Court of Common Pleas, keeps the records of all civil procedures, signs all writs and summons, processes naturalization papers, records divorce proceedings.

Recorder of Deeds: responsible for the preservation of records relating to real property, records all deeds executed, mortgages, subdivision and other records of property ownership, records military discharges, agreements of sale, property options, leases, records plot plans for development, and collects the real estate transfer tax.

Coroner: investigates deaths of a suspicious or violent nature and is empowered to perform autopsies and hold a coroners jury of inquest when called to determine the cause of death.

Clerk of Orphans Court: files all proceeding related to estates of incompetents and adoptions, may be combined with Register of Wills in some smaller counties.

Duties of the Appointed County Officials are as follows:

Chief Clerk: serves as the link between the county commissioners and the department heads. Official record keeper of the commissioner meeting.

Solicitor: serves as the legal advisor to the county commissioners

Engineer: provides technical information concerning various improvements on the construction of public works.

Director of Emergency Management: responsible for organizing and operating a county-wide emergency communications network which includes disaster plans, evacuations, and training for emergency management personnel such as fire departments.

Board of Adjustment: reviews the assessment roll as prepared by the chief assessor and recommend any needed revisions. Receives the appeals of property owners who wish to have their assessed value reviewed and adjusted.

Park/Recreation Board: makes recommendations to commissioners concerning establishing, equipping, operating and maintaining recreational areas.

Chief Assessor: prepares land maps, tax maps, permanent record cards, plan, surveys and mother material needed to develop a proper real estate assessment.

Director of Veterans' Affairs: assists veterans in preparing forms for financial assistance, entrance into veterans' hospitals, pensions, burials and headstones, and providing markers and flags for cemeteries for Memorial Day.

Board of Health: oversees the enforcement of the various health laws in the county and regulates places of possible infection or contagion, enforces vaccination laws, and protect public health by regular sanitary inspections and exclusion from school of children who are suffering from contagious diseases.

Board of Elections (which consists of the County Commissioners): oversees elections in the county. They can investigate election frauds, receive petitions of candidates for county, city, borough, township, ward, school district and local party offices and publicly announce the results of primaries and elections for these offices. They also receive returns of all primaries and elections from the district election officers and certify the results. Reports are sent to the Secretary of the Commonwealth giving the total number of electors registered in each election district and a breakdown by political party registration.

Chapter 2

City Government

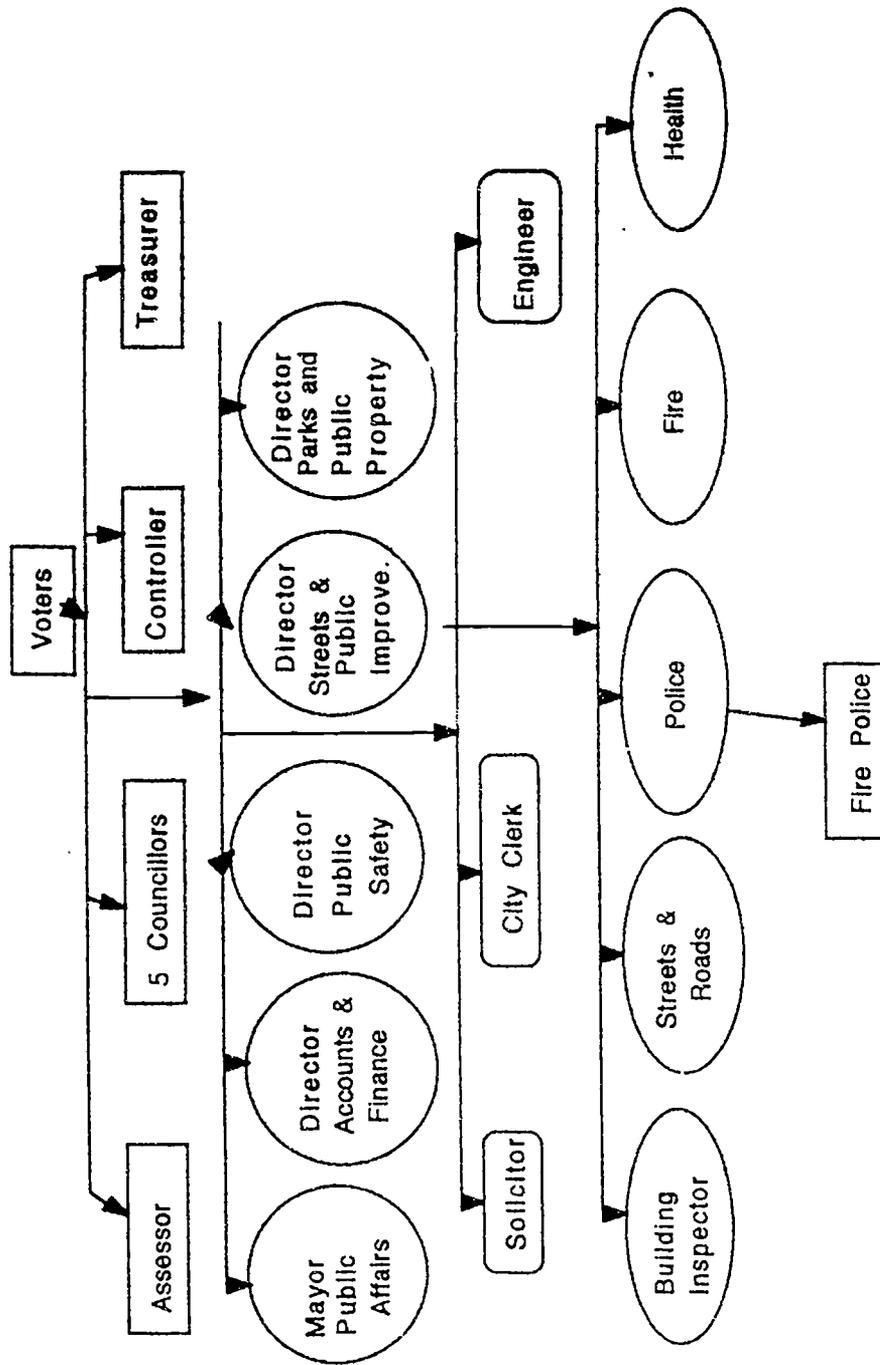
There are three classifications of cities based on population size. A First Class city has 1 million or more persons. Philadelphia is the only First Class city. Philadelphia has a home-rule strong mayor form of government with 17 members elected from each of the ten districts of the city and seven members elected at large. The mayor has administrative control of the city. Elected officials serve a four-year term in office.

A Second Class city has a population range of 500,000 to 1 million persons. Pittsburgh is a Second Class city. A second classification of Second Class A city has a population range of 100,000 to 199,000. Scranton is a Second Class A city. Both of the Second Class and Second Class A cities have a strong mayor with appointment and executive powers and a city council who assists in the government.

A Third Class city has a population of under 100,000 and has three optional forms of government. The Commission form has a mayor and four other members who are in charge of one of the five major departments of the city.

The Mayor-Council form may have five, seven or nine members of the council. A mayor, treasurer and a controller are also elected. The mayor is the chief executive and enforces the ordinances of the council. The mayor also supervises the work of all city departments and submits the annual budget to council.

In the Council-Manager form all the policy making authority is given to the council which may have five, seven or nine members. A city treasurer and controller are also elected. A city manager is appointed by the council and is the chief executive officer of the city. Lock Haven is an example of a Third Class City with a Council-Manager form of government.



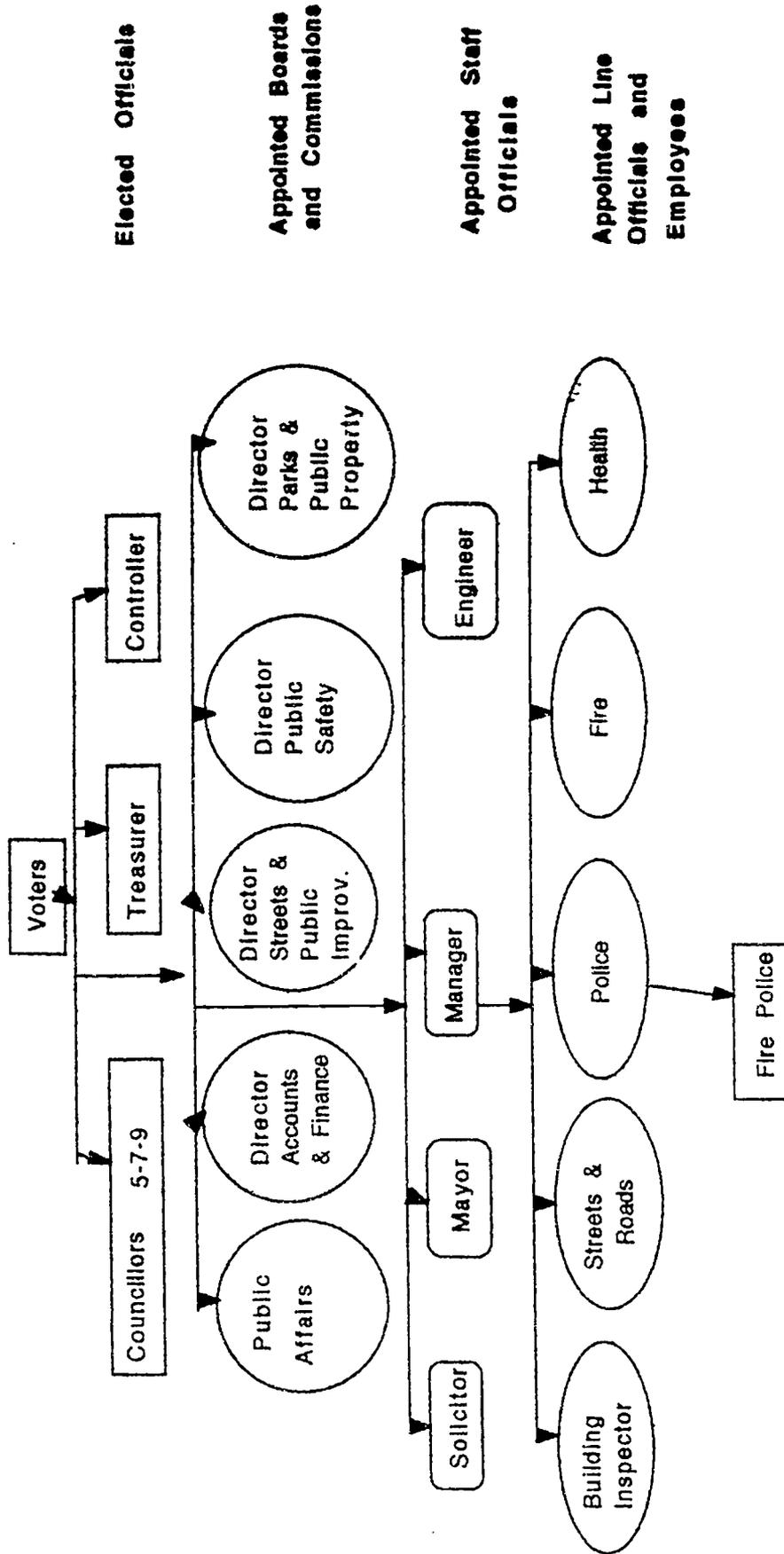
Elected Officials

Appointed Boards and Commissions

Appointed Staff Officials

Appointed Line Officials and Employees

Cities of the Third Class--The Commission Form



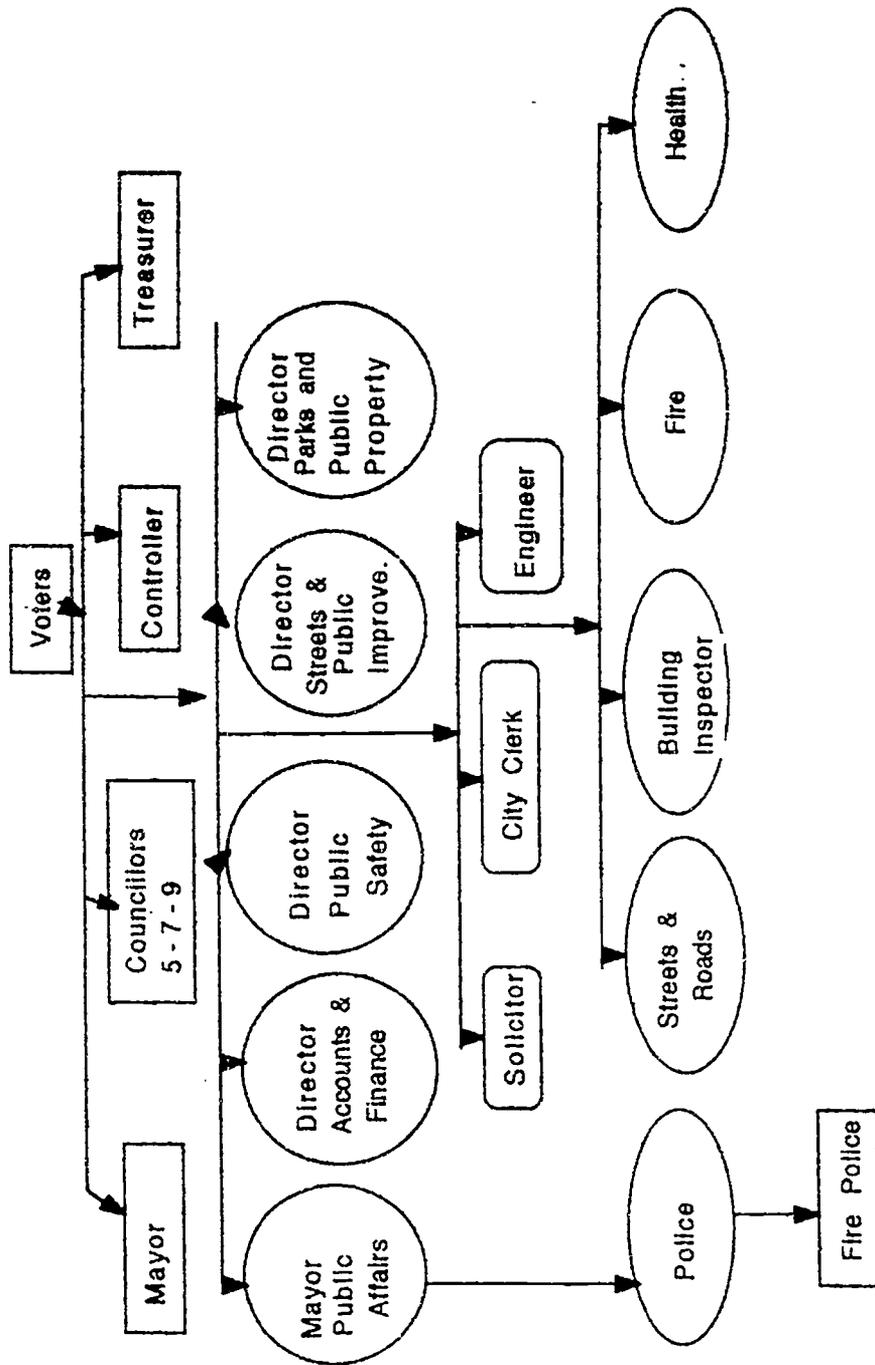
Elected Officials

Appointed Boards and Commissions

Appointed Staff Officials

Appointed Line Officials and Employees

Cities of the Third Class - - Council Manager Form



Elected Officials

Appointed Boards and Commissions

Appointed Staff Officials

Appointed Line Officials and Employees

Cities of the Third Class---The Mayor-Council Form

Chapter 3

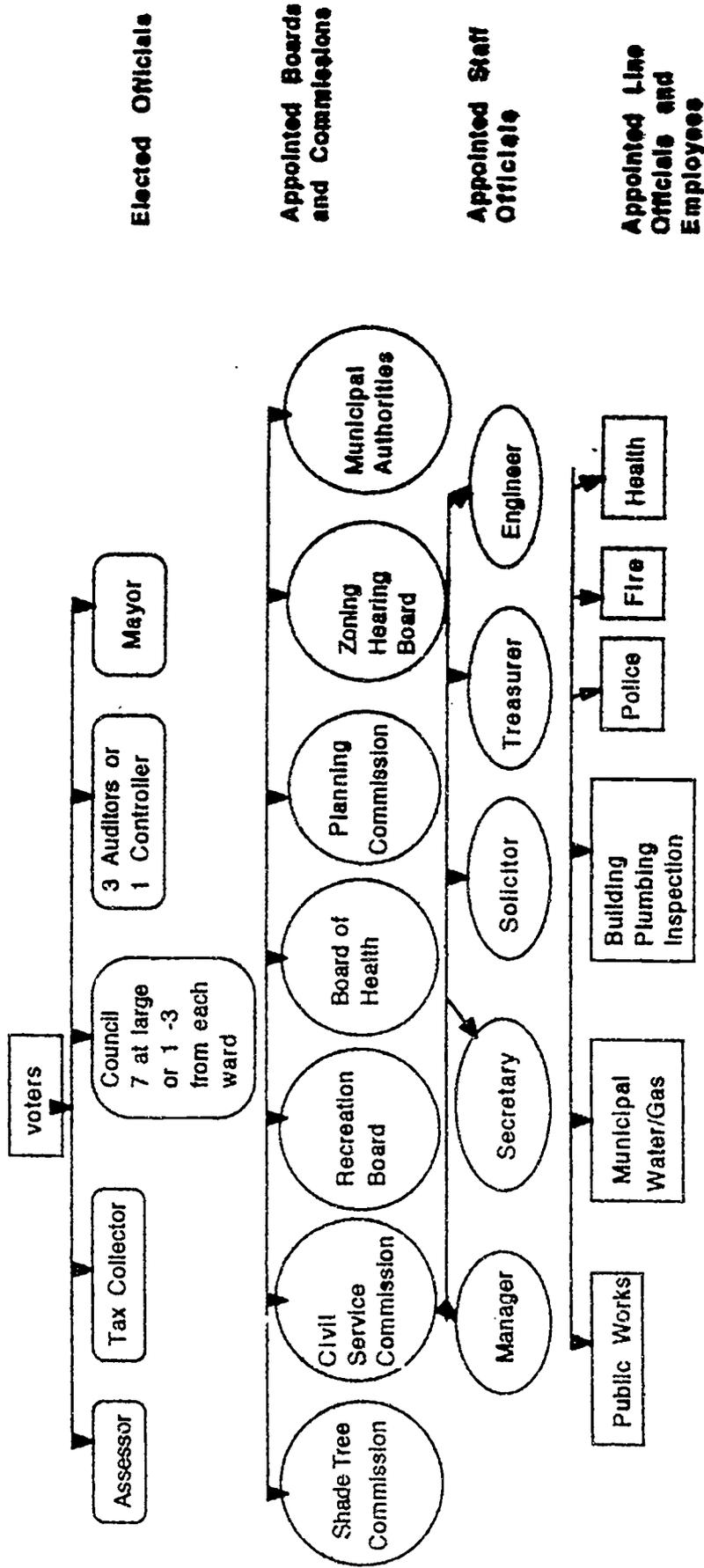
Borough and Township Government

These are the two closest levels of government for most people. These levels of government provide services to the residents which can include water and sewer, refuse collection, road maintenance, police protection, fire protection and local land use planning.

Borough Government

The act of April 3, 1851 established boroughs in Pennsylvania. A borough is a system of government incorporated to provide services to residents. Boroughs are usually more residential in appearance and can also contain small businesses such as retail sales, professional offices, and small repair or manufacturing companies are not loud or dirty. Farmland is often excluded from boroughs since it does not fit the residential or small business appearance.

The "weak mayor" is the form of this government. The borough has a strong dominant council and an executive (mayor or manager) who has limited powers. This mayor or manager is responsible for carrying out the policies and enforcing the ordinances of council. The tax collector, tax assessor and auditors are also elected officials. Borough assessors work under the direction of the chief county assessor. They are usually not involved in assessment of real estate. The primary role of the borough assessor is the assessment of occupations and preparation of the per capita tax role. Most of the cities were once boroughs. Boroughs can be divided into wards and there is a councillor elected from each ward. If a borough is not divided into wards, the seven councillors are elected "at large" to represent all the residents. Boroughs are a middle-ground between city and township governments and provide important community services. The mayor of a borough is authorized to solemnize marriages under the terms of the Marriage Law [48 P.S. 1-13; Marriage Law, Section 13.] Elected officials serve a four-year term in office. The Borough is the only form of government that is not classified according to population size.



Elected Officials

Appointed Boards and Commissions

Appointed Staff Officials

Appointed Line Officials and Employees

Pennsylvania Boroughs

Comparison of County Government to Township Government

County

1. Has a "no-executive" form. Commissioners do not administer laws.
2. Many of the offices are court-related: [see organizational chart]
3. Term of office is 4 years
4. Are classified by population size. When population is changed, classification of county will also change. In the case of reduction in population, two 10-year census must demonstrate the lower population figure before the classification of the county is changed to a lower class.

Township

1. Supervisors/Commissions serve a legislative and executive function. They administer laws as well as create them.
2. No court-related offices.
3. Township Commissioners term of office is 4 years, however, township supervisors serve a 6 year term.
4. Can be classified by population size. A First Class township must have a population of 300 residents or more per mile. The residents must vote in a referendum election to change the classification of the township. Not all townships who qualify to be First townships vote to do so.

Township Government

Township government contains all the land that is not included in cities, or boroughs. There are two types of townships in Pennsylvania based on population size:

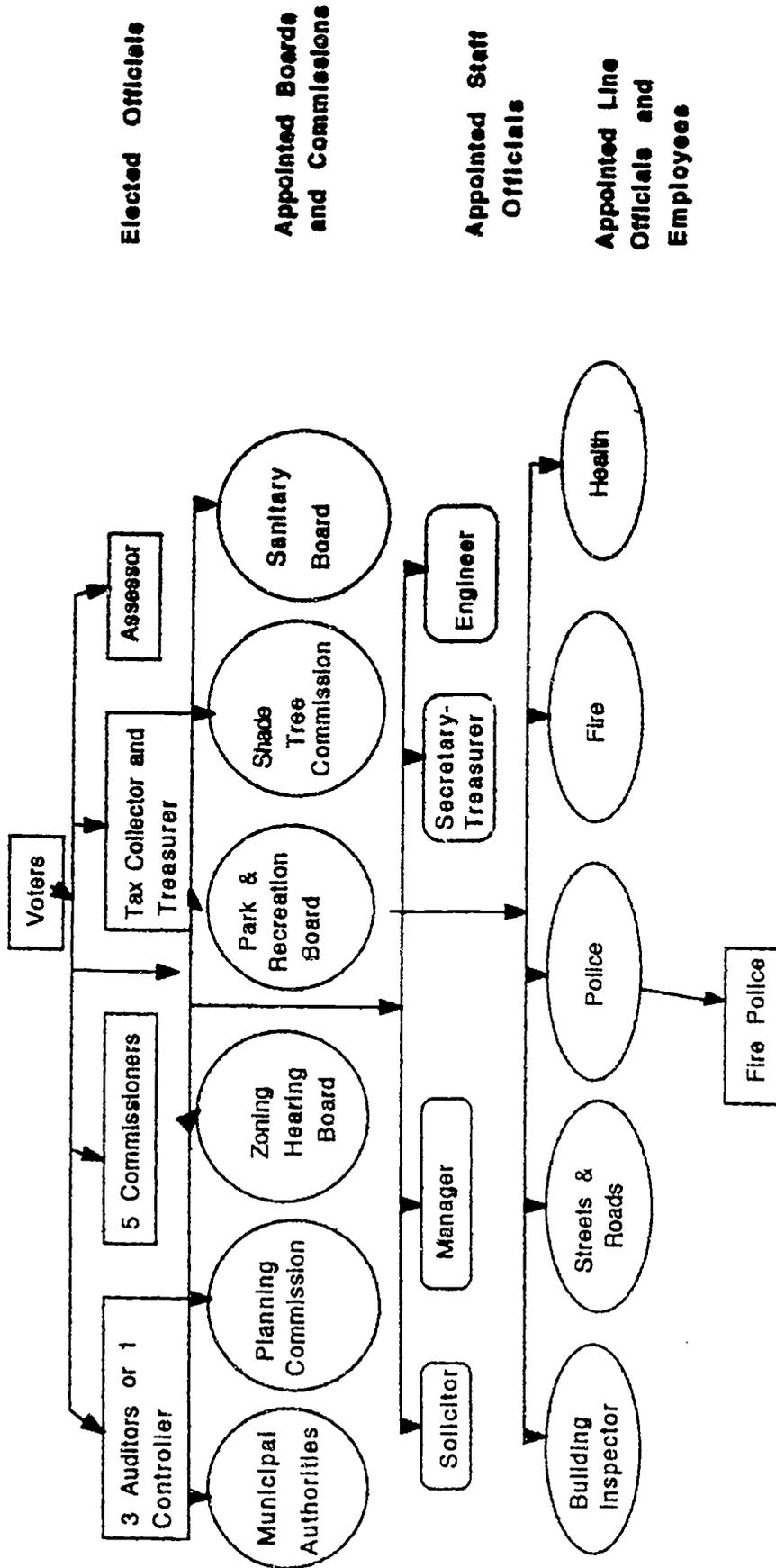
First Class Township

Has a population of 300 persons per square mile and is located in the larger urban areas. The First Class Township is divided into wards of at least 300 registered voters. There is a maximum of 15 wards permitted in the First Class Township. Five Township Commissioners serve for a term of 4 years. Currently there are 91 First Class Townships in Pennsylvania. In order to become a First class Township a referendum election is held. The voters in the township must vote to decide whether to become a First Class Township. Not all townships who would qualify to become a First Class Township have voted to do so.

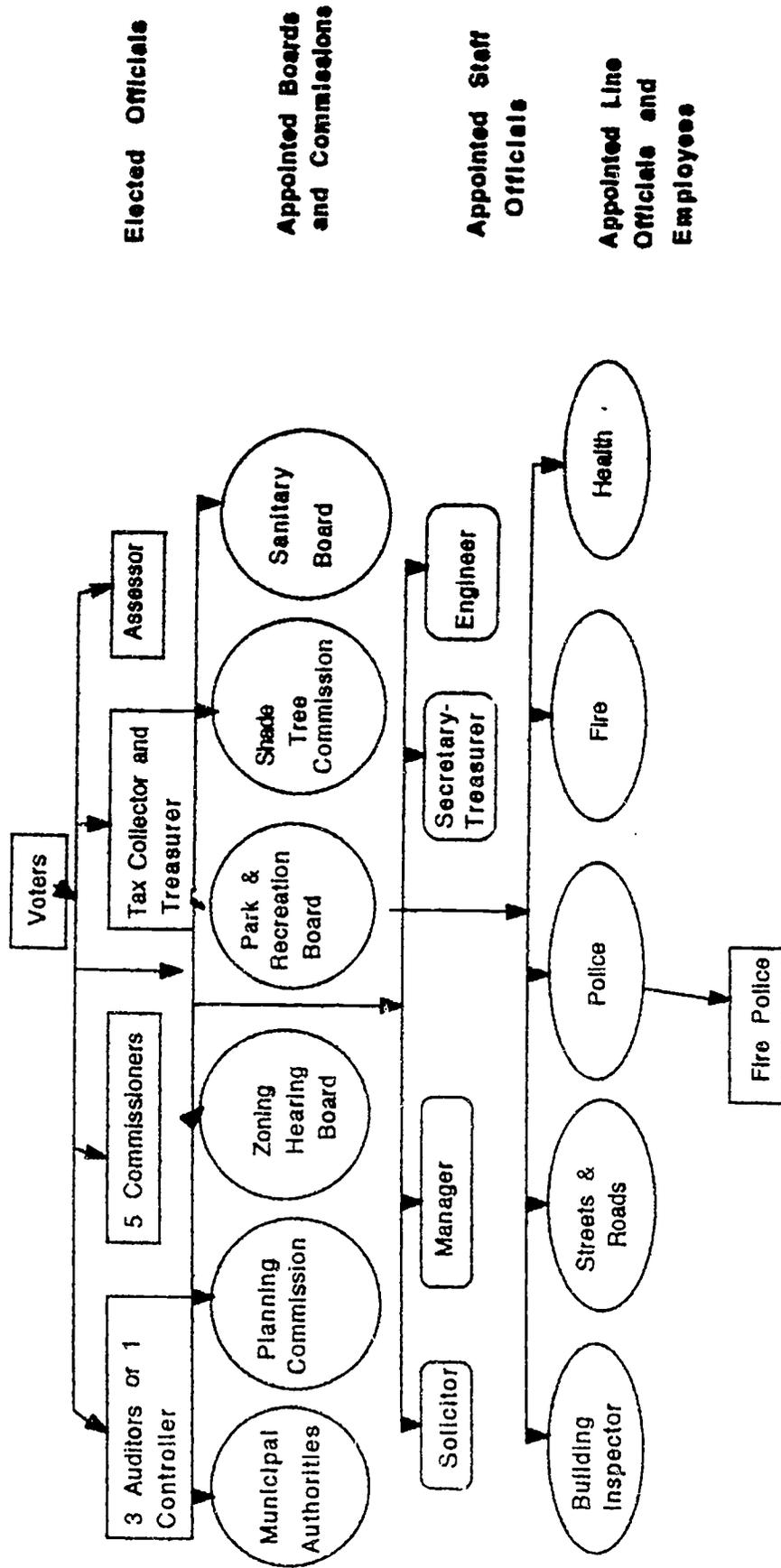
Second Class Township

Second Class townships are governed by 3 township supervisors elected at large. Two additional supervisors may be elected if approved by the voters in a referendum election. Township supervisors serve a six-year term in office. Other elected township offices are 3 auditors, a tax collector and the assessor. Additional boards and commissions are appointed by the township supervisors. Township supervisors may appoint a township manager to handle the day-to-day business of the township. Second class townships form the majority of the townships in Pennsylvania. In small rural areas, fewer boards and commissions are formed and the primary duty of the supervisors is road maintenance.

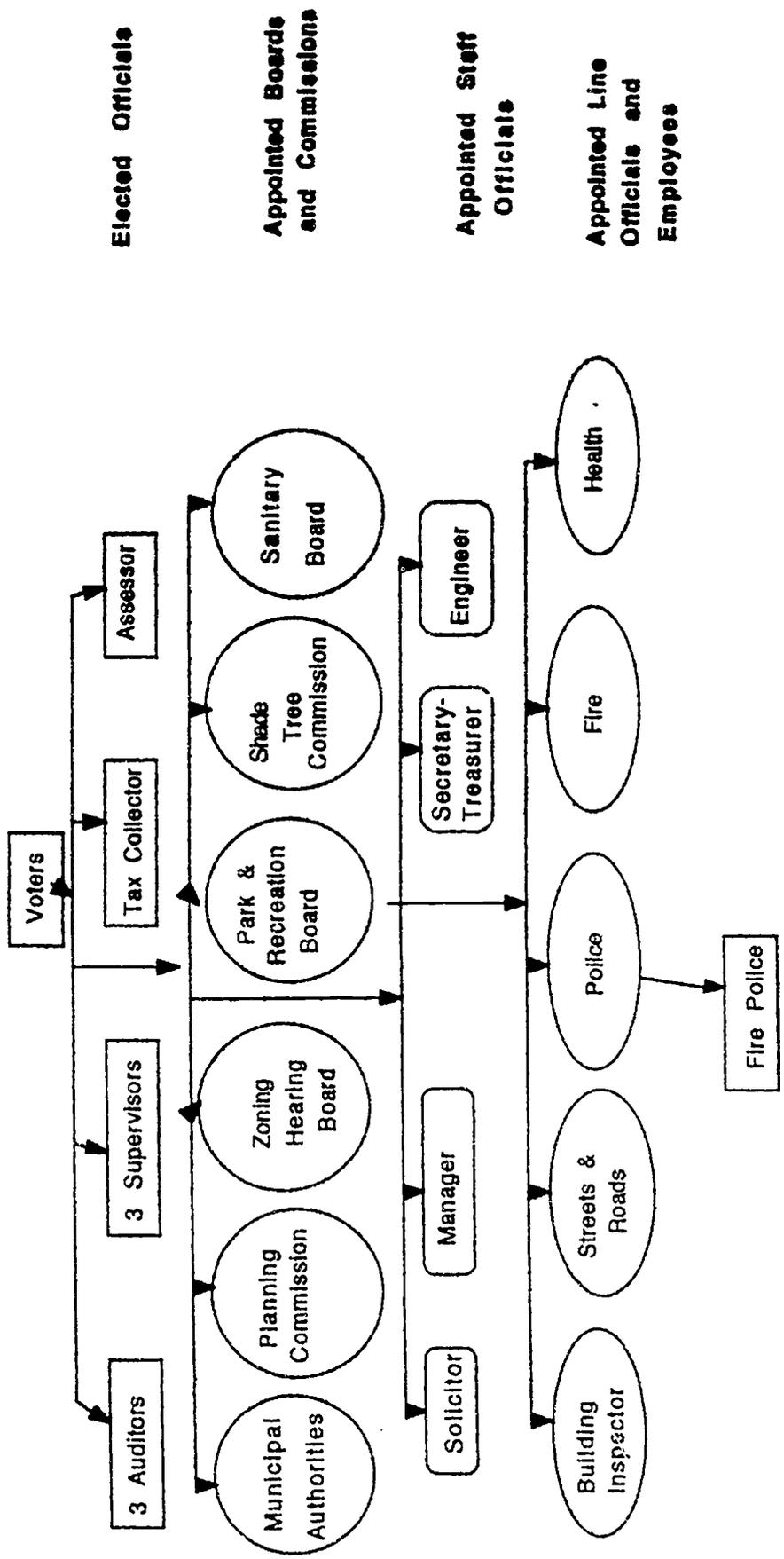
Township government is responsible for the health and safety of its residents. The township officials have a responsibility to enforce state regulations at the township level. An example is the enforcement of the percolation test for new septic system installations. The percolation test checks the fitness of the drainage of the soil. The law regulating this test is a state law, however, the township officials are responsible for the enforcement. Townships have traditionally with the maintenance of roads and public safety. Today, townships are in control of building regulations; land uses through zoning and subdivision ordinances; and the provision of fire and police departments.



Pennsylvania Townships of the First Class



Pennsylvania Townships of the First Class



Elected Officials

Appointed Boards and Commissions

Appointed Staff Officials

Appointed Line Officials and Employees

Pennsylvania Townships of the Second Class

Structure of Township Government.

The organizational charts show two examples of the structure of the Second Class Townships in Pennsylvania. Townships of the First Class can have the same organization with the exception there are 5 Township Commissioners instead of 3 Township Supervisors. The handout shows the structure of a smaller rural township and includes fewer offices. The handout shows a larger number of offices found in the larger Second Class Townships.

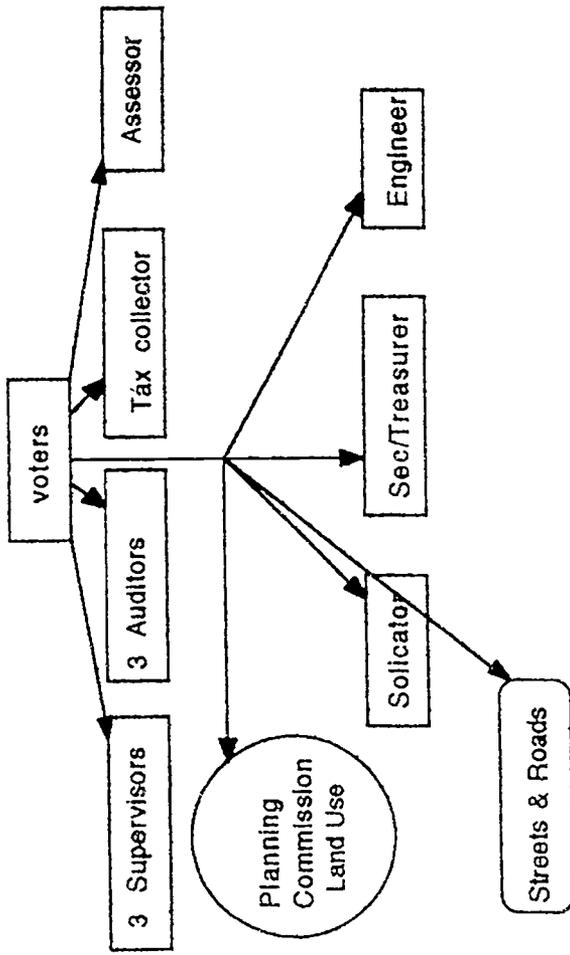
Elected Offices

Township supervisors set policy for the township, enact and enforce ordinances and resolutions, adopt budgets, approve expenditures, hire new employees and levy taxes. They oversee the day-to-day operations of the township.

Auditors conduct an annual audit of the township finances. The auditor looks at the township records to check on the accuracy.

Tax Collector collects school and township real estate taxes and in some cases county real estate taxes. Tax collectors collect special township tax assessments such as an entertainment tax levied against a local amusement park.

Township assessors work under the direction of the county assessor. They are not usually involved in the assessment (or determination of value of the property and buildings for tax purposes) of the real estate but are usually working on assessment of occupations and preparation of the per capita (per person) tax roll. Township assessors are elected only in counties having a population of less than 225,000 people.



Elected Officials

Appointed Board

Appointed Staff Officials

Appointed Officials and Employees

OFFICES FILLED IN A TYPICAL RURAL TOWNSHIP

Appointed Officers

The office of Township secretary/treasurer may be combined in some townships. Term of office is usually one year and can be extended from year to year. The secretary is responsible for keeping township records, giving official notices, and clerical tasks such as gathering, filing and maintaining various kinds of information and records. The Township treasurer is responsible for the financial records and expenditures of the township.

The Solicitor is the attorney for the township and advises the township officials regarding legal matters.

The Engineer prepares plans for construction, maintenance of township roads, bridges, and other property.

A Township manager may be appointed to handle the daily affairs of the township.

Building inspector, streets and roads, police, fire and health officials can be appointed as necessary in the township.

Authorities:

An authority can be created to provide a specific service. This authority can be created by a county, a city, a township or a borough. The authority is a separate unit from the local government that creates it. An authority can be organized by any county, city, town, borough, township or school district. Established by local ordinance, the authority can acquire, construct, improve, maintain and operate projects, borrow money and issue bonds to finance projects. Projects can include solid waste, highways, sewage treatment plants, waterworks, and industrial development. Some examples of authorities on the counties are: Mifflin County Solid Waste Authority, and a Housing Authority. Borough Authorities are: Borough of Lewistown Water Authority, the State College Water Authority. An example of a city authority is the Suburban Lock Haven Water Authority.

Chapter 4

Voting, Elections, Political Parties

Every citizen 18 years of age is eligible to vote if he/she has been a citizen of the United States at least one month, lived in the state and election district at least one month immediately preceding the election. The Constitution of the United States and the Constitution of the Commonwealth of Pennsylvania contain provisions which regulate the election process.

The Constitution of Pennsylvania sets the election days for general and municipal elections. General elections are held every two years in even-numbered years on the Tuesday after the first Monday in November. Municipal elections are held on that same day only in odd-numbered years. The primary elections are held on the third Tuesday in May, except if it is a presidential election year when the day is switched to the fourth Tuesday in April.

A voter in Pennsylvania may cast his/her ballot for the following offices:

President	
Vice-President	NATIONAL LEVEL
2 Senators	
1 Representative	
Governor	
Lieutenant governor	
Auditor general	
State treasurer	
Attorney general	STATE LEVEL
1 State senator	
1 State representative	
Judges of State Supreme, Superior and Commonwealth Courts	

The county has the largest number of elected offices. Many of these offices are court-related. See the chart on County Government which lists the various county elected offices. The City, Borough and Township governments also have various elected officials. The charts on third-class cities, boroughs, first and second class townships list the various elected officials.

In most school districts, elected officials include five, seven or nine directors. In Philadelphia and Pittsburgh, however, the mayor and the court appoint the school directors.

Elections are conducted, supervised and controlled at three levels:

- State-wide level - the Secretary of State;
- County-level - the county board of elections and the county registration commission;
- Local-level - the election district board.

County Board of Elections

The county commissioners serve as the county board of elections. Duties of the county board of elections include: investigations and reports to the court of common pleas; requests for change in election districts; selecting and equipping polling places; instructing election officers; investigation of election frauds and violations of election laws; and receiving nomination papers of candidates for county, city, borough, township, ward, school district, and local party officers. The returns of all primary and elections from district election officers are checked and certified. The certification includes the number of votes received in each election district by each candidate for the General Assembly. A public announcement of the election results is made and a certificate of election is issued to the successful candidates for offices.

Election District Board

The election district board is composed of a judge and two inspectors of elections who are selected at elections for a term of 4 years. Each borough and township, not divided into wards, is an election district. The court of Common Pleas of the county may form and create new elections districts as needed. There is only one polling place in each election district. The number of voting booths should be at least three or one for every one hundred voters. The election board and their assistants are responsible for the conduct of elections in the polling place of their district. They must keep order, protect the secrecy of the ballot, enforce the laws of election procedure, record and count the votes and make a report to the county board of elections. Election districts are created by the court of common pleas.

Candidates work with political parties.

Political parties must use primary elections to nominate their candidates for elective office. Members of a political party also vote for state and local party committee persons. In presidential years, political parties also vote for delegates and alternatives to the national convention. The main function of political parties is to nominate candidates for elective office and help in the campaign for their election. Only members of a political party may vote in the primary. Voters who list themselves as "independent, or not belonging to a political party" can not vote in the primary since voting in the primary is limited to members of political parties only.

According to Pennsylvania law, a political party can be state-wide or county-wide. Political parties are recognized on the basis of the percentage of the votes cast for their candidates in the last election. To meet the legal requirement, a political party must meet certain requirements. To be recognized on the county level, the political party must have one of its candidates poll at least 5 percent of the largest vote cast for any candidate in the preceding election. To be recognized on the state level, the political party must have one of its candidates poll at least 2 percent of the largest vote cast for any candidate in each of 10 counties. When the political party is legally recognized by the Secretary of the Commonwealth, then the political party may use the primary election to nominate candidates.

Political parties who can not meet the legal requirements to use the primary may nominate candidates using nomination papers instead of election at the primary. The nomination papers must specify the name of the political party and the names and addresses of 3 to 5 persons who will fill vacancies in office. Candidates for local offices must have the number of signatures equal to 2 percent of the largest entire vote cast for any elected official, (except a judge of a court), at the last preceding election held in the same district. Signers must be registered voters in the the district. The nomination papers are filed with the county board of elections.

How to register to vote

All voters, (except members of the Armed Forces and bedridden or hospitalized veterans who may be unavoidably absent from their residence) must be registered. The voter is sworn in, and required to give her/his name, address, occupation, and say whether she/he is able to read or has a physical disability that would make it impossible to vote without assistance. Blindness is an example of such a physical disability. If the voter wants to become a member of a political party, she/he must request this at this time. The original registration card becomes part of the district register and is kept in the office of the county registration commission. The registration cards are delivered to the election district boards before each primary and each election.

What happens if you move?

If the voter has not voted for 2 years preceding the election, he/she must reinstate the voter registration. If the voter moves to another election district, a change of address card must be filed at the voter registration office. The judge of the court of common pleas in each county maintains reinstatement system of registration in continuous session at the court house during primary election. This court will hear the petition of any qualified voter who has been removed from the district register for reasons beyond the voters control, such as a newly-returning member of the Armed Forces who wishes to vote.

What happens on Election Day?

The polls are open at 7 AM and close at 8 PM. All persons standing in line at the time the polls close must be permitted to vote. The voter enters the polling place, gives her/his name to the election officer who will check the district register. When the voter's name is found in the district register, she/he signs a voter's certificate which is handed to the election official who compares the signature on the voter's certificate to the signature on the registration card. If the signatures match, the voter is either given a paper ballot, or enters the voting booth enclosure to cast a ballot.

Voters who can not be present because of illness, or travel on the day of election can apply for an absentee ballot at the county board of elections prior to election day. At the end of election day, the voting machines are locked and the operating mechanism is sealed. Paper ballot boxes are opened. Votes are counted and the election officers certify that the number of persons who voted with the number of votes cast are the same or that they can account for the difference if any. The ballot boxes are sealed, and covered placed on the election machines and locked. The election officers prepare two copies of the general returns list which includes the total number of votes cast for each candidate at that polling place. One copy of the general returns list is posted outside the polling place and the second list is returned to the county board of elections in the courthouse. These are unofficial returns at this time.

How are the voting returns checked?

The county board of elections arranges for a Return Board to check the voting returns. The Return Board consists of the judge of court of common pleas, prothonotary, sheriff, county treasurer, clerk of orphan's court, Clerk of oyer and terminer and quarter sessions court, register of wills and recorder of deeds. This board calculates the votes before the third day following the primary or general election. A candidate can petition a recount if he/she suspects there may be a mistake in the count. If no petition is received, the returns are certified and certificates of election are issued to the successful candidates for the county and local election candidates. State candidates receive the certificate of election from the Secretary of the Commonwealth.

What is the Electoral College?

The Federal Constitution in Article II: Section 1. provides:

Each state shall appoint in such a manner as the legislature may direct a number of electors equal to the whole number of Senators and Representatives to which he state may be entitles in Congress; but no Senator or Representative or person holding an office of trust or profit under the United States, shall be appointed an Elector.

The President and Vice President of the United States are not elected directly by the people, but are elected by the Presidential Electors. In Pennsylvania, the Election Code provides that the names of the candidates for Presidential Elector shall not be printed on the ballot, but the names of the candidates and their political parties will appear on the ballot in pairs. These ballots marked for the candidates will be counted as votes for the Presidential Elector. The persons elected to the office of Presidential Elector at the General Election will meet and cast their votes for the President and Vice President at noon on the first Monday after the second Wednesday in December.

How does a candidate get his/her name on the primary ballot?

A nomination petition may be obtained at the county board of elections. This petition requests that the person wants to have her/his name placed on the ballot in the primary election for a specific political party. The prospective candidate must have a certain number of registered voters of the same specific political party sign the petition.

Different political offices require different amounts of signers on the petition. For example: the office of Representative of the General Assembly of the Commonwealth of Pennsylvania requires petitions to be signed by at least 100 members of the specific political party in that legislative district. A prospective township supervisor would need to have her/his petition signed by a number of registered voters of her/his political party who live in that township.

After the candidate nomination petition has been signed, it is returned to the county board of elections with a filing fee. Filing fees vary from \$35 for Judge of a court to \$2 for district magistrate, borough, first class townships, and school districts. There is no filing fee for townships of second class nor for any office where a salary is not provided by law.

Can a candidate's name appear on the ballot for two political parties?

The candidate nomination petition is actually a request by the prospective candidate to be nominated for an office representing a specific political party. In cases where the prospective candidate wishes to be listed on the primary ballot in more than one political party, then a petition from each party is needed. This is called "cross-filing." When cross-filing, the petition from political party A must contain only the signatures and addresses of registered members from the A party who live in the election district where the candidate is seeking election. The petition from political party B must contain only signatures and addresses of registered members of from the B party who live in the election district where the candidate is seeking election. Signers of petitions are permitted to sign only 1 petition for each vacant office. For example, if there are two township supervisors, then a registered voter can sign 2 petitions.

How can a political party help a candidate seeking an elected office?

A potential candidate may seek the endorsement of her/his political party when circulating the petitions. Endorsement by a specific political party means that the political party will help in the campaign by arranging speaking engagements, fund raising events and other ways of publicizing the candidate. When the petition has been filed, and payment of the filing fees made to the board of elections, the name of the candidate can be listed as a candidate of a specific political party on the ballot for the primary.

The prospective candidate must form a committee who begins the campaign for election. This committee can accept money on behalf of the candidate and must keep clear detailed records on the receipts and expenditures of the political campaign. Placement of names on the ballot is completed by drawing lots to see whose name appears first, whose is second and so on.

After the primary, the persons receiving the highest number of votes in each political party will be listed on the ballot in the general election in November. The successful candidate from the primary will then continue his/her campaign for election in the general election. The winning candidate in the November general election will take office in January of the next year.

Terms to Understand

Select 3 words and write a short paragraph using the new words.

Amend - to change a legal document by adding or removing rules.

Assessment roll - list of real estate properties and the value for tax purposes.

Bill of indictment - written statement charging a person with a crime.

Impanel a jury - select members to hear court cases.

Jurisdiction - authority or power to make decisions.

Municipality - city or township.

Naturalization papers - proof of citizenship. Immigrants who wish to become citizens must attend classes and apply to receive permission to become citizens.

Ordinances - local laws such as parking restrictions.

Petition - a legal request.

Probate of wills - process of establishing legality of a will.

Referendum election - submitting a question to the general public to vote and decide to approve or disapprove.

Ward - a local election district usually found in boroughs and larger townships.

Zoning - a plan for land use.

Fill In The Blanks

1. The four types of government in Pennsylvania are:

_____ and _____ and _____
and _____.

2. A city government is classified by

_____.

3. A borough mayor is responsible for _____

_____.

4. Township supervisors in a second class township serve a

_____year term.

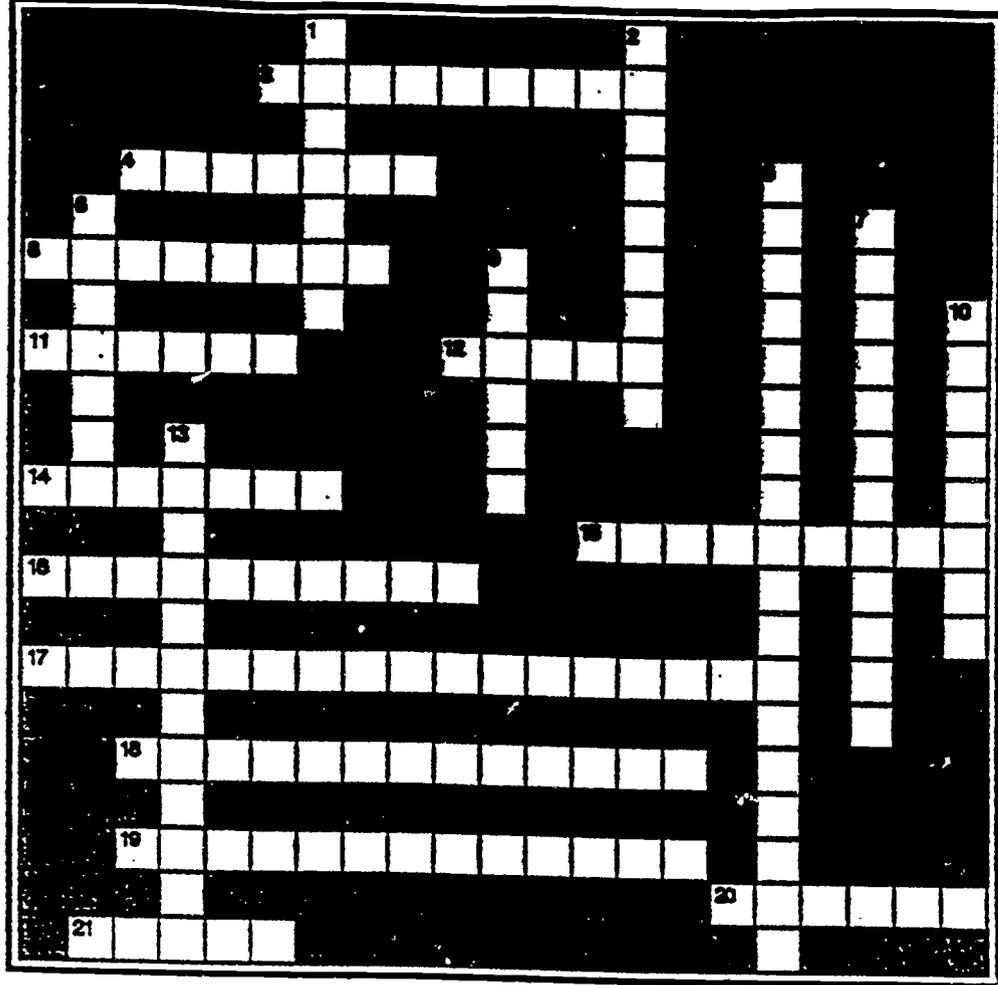
5. If you will be out of town on election day, you may vote by

_____.

6. The unit of government that serves as agent for the state for
law enforcement, judicial administration and conducting elections

is the _____.

Civics



Civics -CLUES

ACROSS

- 3 Lawyer for municipality
- 4 Investigates suspicious deaths
- 8 Local level of government
- 11 One of 67 units in Pennsylvania
- 12 Conducts trials in court
- 14 Officer of the court who carries out court orders
- 15 Plan or charter that allows a municipality special privileges
- 16 Person who supervises finances
- 17 preserves records for real property
- 18 Head of county or first class township
- 19 Collects funds
- 20 Law enforcement
- 21 Head of a borough or city

DOWN

- 1 Group of persons assisting mayor
- 2 Person having charge of funds
- 5 Enforces construction regulations
- 6 A type of government
- 7 A system of fundamental laws and principles in written form
- 9 Makes decisions about matters of law
- 10 Plans and supervises municipal building projects.
- 13 Clerk of Court of Common Pleas

Questions for Discussion

1. What could be done to encourage more people to vote?
2. Should smaller townships or boroughs be encouraged to combine into larger townships in order to reduce expenses of two smaller governments?
3. What are some ways you could become involved in your municipality?
4. The township you live in is having financial problems. The supervisors do not want to raise taxes. Citizens have offered to help by doing some of the work. What types of things could they do?

Unit 4

Commonwealth Tax Structure

Introduction

Taxes are a major source of income for local governments. Counties, cities, boroughs, townships, and school districts levy taxes on real estate and individuals. The real estate tax which is based on the assessment value of land and buildings produces the largest amount of income for local governments.

The *Local Tax Enabling Act : Act 511 of 1965*, permits all local governments except counties, to raise additional revenues from taxes on earned income, mercantile transactions (sales taxes), real estate transfers, amusement, mechanical devices and persons. Real estate transfer taxes are paid when property is sold. A percentage of the selling price is shared between the state and local governments. Mercantile transactions are the sales of items to consumers and include furniture, cars, household items and certain types of clothing. Some local governments use a "per capita" or "per person" tax in which each person pays the same amount of money. Amusement taxes are usually included in amusement park entrance fees.

Many of the taxes we pay every day are included in the prices paid and may not be very noticeable. For example, real estate taxes might be included in the rent paid to the landlord. Sales taxes are an expected part of shopping and we usually pay them without even giving much consideration as to the amount. When buying a car or refrigerator, the taxes may be more noticeable because the price of the item is higher.

Taxes are a part of everyday life where the cost of government operations are spread out among many people. Ideally, each person would only have a small amount to pay if every one paid. However, some people are unable to pay because of low income. Hospitals and churches and other non-profit groups also may not be paying taxes. This raises the amount of taxes other people must pay. Governments are always seeking other ways to raise money without raising taxes, but many times there is no other choice.

Chapter 1

State Taxes

The State uses a uniform income tax which is payable in April by most citizens. Businesses may have a different tax date because of their accounting practices. According to the Constitution, all taxes shall be uniform for income levels and geographic areas. Income taxes are an example of a direct tax. Everyone with income over certain amounts pays a percentage of this income to the government. An income tax return form must be filed each year by individuals and businesses. The form shows all sources of income and the calculations for taxes due. It is important to file the income tax return form, even if income is too small to be taxed. Filing of the form prevents possible charges of non payment of income tax.

The income tax is currently less than 3% of taxable income for individuals. Taxable income is not necessarily the total income of a person. Certain kinds of income are not taxable, for example the income of a service connected disabled war veteran. Other deductions can be made from the total income such as sales taxes paid on a car purchased that year. After these allowable deductions are taken, the remaining amount of income is considered taxable income.

The State Income Tax forms give instructions for calculating the taxable income and also the required tax filing forms. All persons with income above a certain level are required to pay taxes. This included children who may have interest income on bank accounts. Usually in the case of children who may owe taxes, the parents will add the child's income to their own and then calculate the total taxes due.

State taxes for individuals are automatically deducted from total of the employees' paycheck. Tax forms are filed yearly by the individual as a means of telling the state whether the individual had certain allowable deductions and should be entitled to pay less taxes.

Taxes are used to pay for services the state provides to its citizens. Roads, schools, courts and police all cost money. Salaries for people who work in these areas come from the taxes we pay. The states are also required by the federal government to pay for certain services. These are called mandated programs. The federal government sets up the programs, gives the states some money and then requires the states to pay part of the cost. Examples are unemployment payments, and health care costs. Some money is given to the states to cover some of these expenses but often, a certain percentage must be raised by taxes within the state.

We pay more money to the federal government than to any other level of government. The salary of the President of the United States as well as the representatives and senators comes from our taxes. Both individuals and corporations pay taxes to the federal government, state government and local government.

Federal money is also used to send foreign aid to other countries who may request loans from us. Thousands of dollars are also sent to foreign countries each year to pay for our military bases located in these countries. In addition, disaster aid to citizens whose homes are lost to floods, tornadoes, and hurricanes also comes from the federal tax money.

Chapter 2 County Taxes

County taxes are usually billed to the individual rather than deducted from the paycheck of the individual. There are various types of taxes: occupation, real estate and per capita taxes. In counties, the rates of taxation for real estate are expressed in terms of dollars and cents for each \$100 of assessed valuation.

Special purpose taxes are also permitted for parks and playgrounds, libraries, roads and bridges. Personal property taxes are levied on stocks, bonds, annuities, mortgages and other money earned at interest. The law limits the tax rate for personal property taxes.

What are occupation taxes?

Occupations are assessed by the county assessor's office. The assessments are determined according to the type of profession or occupation. Each profession or occupation is given an arbitrary value. For tax purposes, the assessment is calculated in a similar manner as the real estate taxes.

There is also an occupation privilege tax which is a flat rate of \$10 per employed individual age 18 and over.

What is the difference between the occupation tax and the income tax?

The income tax is calculated on the amount of income the individual earns per year. Income tax is paid to federal government, state government and local governments. Income tax is usually withheld from the employees' wages by the employers and sent directly to the appropriate level of government.

Occupation taxes are not withheld from the employees' wages. An exception is the occupation privilege tax of \$10 which is withheld from wages. Occupation taxes are determined by the county assessment office which assigns an arbitrary value to each occupation. The individual is billed directly by the county for the amount of tax.

What are real estate taxes?

Real estate is assessed in order to place a value of the property and any buildings contained on the property. County assessment laws call for determination of market value of the property--what a person would pay to purchase a similar property. This value is determined by comparing the recent sale prices of similar real estate. For example, a brick house that contained 1200 square feet of living area, with two bath rooms and three bedrooms and a two car garage on a half acre lot in Smithfield Township might have been sold for \$50,000. This price is the market value of the other houses that contain the same amount of space, are made of brick, with a garage, and are on a half acre lot located in Smithfield Township. Usually the appraiser will look at the property in order to compare it with others. The State Tax Equalization Board annually determines the total market value of taxable real property in counties, townships and school districts.

The valuation on the property is given to the chief assessor of the county who adds it to the assessment rolls and submits it to the board of assessment appeals. The assessment roll must show the following information for each local government: the name and address of each person subject to be taxed, the value of his or her occupation taken from a list of occupation values, the name and last known address of the last known owner of each parcel and tract of real estate, the value of the land and the value of improvements shown separately. Improvements could be buildings, a swimming pool, or other items added to the property. For tax purposes, the assessment is then calculated at 75% or less of the total market value. The state average is 24.7 percent of market value. This new figure is used to determine the taxes. The tax bill will be expressed in terms of dollars and cents for each \$100 of assessed valuation.

Can the assessment amount be changed?

The Board of Assessments Appeals reviews the assessment roll and may make changes to the property assessment so that similar properties are valued the same. Local governments and tax payers who believe that their properties are incorrectly assessed may file an appeal with the Board of Assessments Appeals.

Do all property owners pay real estate taxes?

Property may be exempt from real estate taxes if it meets the provisions of the Constitution of Pennsylvania and state law. Some of the property includes: churches, nonprofit cemeteries, institutions of learning, property used for charity and benevolence such as homeless shelters, public property used for public purposes, libraries, museums of art. Other property that is exempt from real estate taxes is that owned and occupied by blind, paraplegic or amputee veterans. The Senior Citizens Rebate and Assistance Act provides for rebates on local property taxes or that portion of the rent that represents the tenant's share of the property taxes. Rebates are granted to senior citizens, widows, widowers and permanently disabled persons with income of less than \$15,000.

What is a per capita tax?

Per capita comes from Latin and means per head. The per capita tax is a tax per person. Each person would pay the same amount regardless of income, age, or residence. Some local governments may exclude individuals whose total yearly income is less than \$5,000.

What are user fees?

A user fee is an amount charged for receipt of a service. Some local governments have public garbage collection and recycling. The cost of the service is paid by the persons who have their garbage collected by the particular local government. In this example, the garbage collection fees are user fees. Tolls paid to cross bridges or to drive on the Pennsylvania Turnpike are also user fees.

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The county spends money on salaries of county employees, roads, bridges and the court system. The local county court house, employees and records are all paid from the county budget. In addition, there are the costs of keeping a prisoner in the county jail; the cost of housing prisoners from the local county in other jails or hospitals; and local court trials held in a distant county.

Chapter 4

School Taxes

School districts levy taxes for school purposes. They are authorized to levy enough taxes to pay the full amount of minimum salaries of the teaching and supervisory staff, school building rentals and interest. School district taxes are billed to the individual.

Real estate taxes are most often used by school districts. The market values determined annually by the State Tax Equalization Board are used by the Department of Education in a legislative formula for the distribution of state subsidies or money to each school district.

Act 511 taxes must also be shared between the local township/borough and the school district. Usually the per capita tax is \$10 and is divided equally between the township and school district. Occupation taxes are shared between the school district and township/borough. Per capita taxes of \$5 or less may also be levied on each inhabitant eighteen years of age or over.

Some schools may use other ways of raising money to pay for the operation of the school. In one county, the parents hold dinners and make items which are sold. The money raised is used to buy books or other equipment. Some non-public schools charge tuition to attend classes. This permits the school to raise enough money to pay teachers and buy supplies.

Terms to Understand

Select 3 words and write a short paragraph using the new words.

Appeal - a legal request to have a decision reviewed to decide whether it was correct or incorrect.

Assessment - to determine the money value of property or an occupation.

Exempt - excused, not required.

Mercantile transactions - sales made by businesses.

Per capita - comes from Latin meaning per person.

Rebate - give back or return a portion.

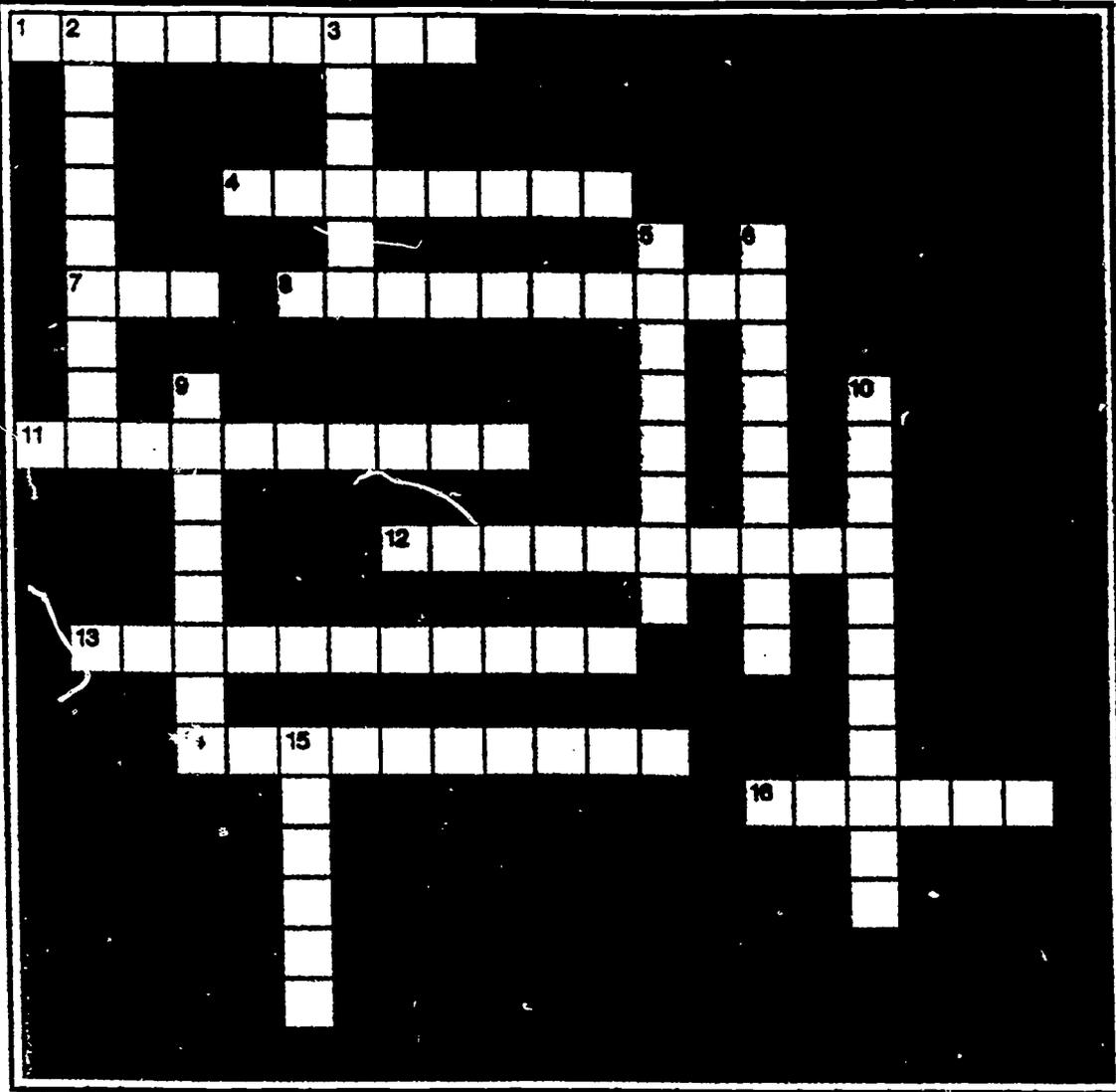
Uniform tax - equal taxes for all.

Vendor - a person or business selling merchandise or services.

Fill In The Blanks

1. The major source of income for local governments is _____
_____.
2. A tax levied on money earned at interest is a _____
_____.
3. When the value of a property is determined for tax purposes,
this is called an _____.
4. Delinquent real estate taxes may be collected by _____
_____.
5. Taxes collected by sale of real estate are called _____
_____.

Taxes



Taxes -CLUES

ACROSS

- 1 subtracted from the total
- 4 real estate
- 7 fees charged by a government in order to obtain money
- 8 land and buildings
- 11 a person
- 12 the job a person has
- 13 one option of government for non-payment of taxes
- 14 payment is overdue
- 16 Legislation permitting the collecting of certain taxes

DOWN

- 2 Deductions from income tax
- 3 money received for work done
- 5 tax paid on things a person buys
- 6 per person
- 9 Kept back, subtracted from a person's income
- 10 Tax paid when property is bought or sold
- 15 new taxes developed and payment requested

Questions for Discussion

1. Should everyone pay exactly the same amount of tax? What would happen if this was the case?

2. What other ways could the government raise money besides using taxes?

3. Property taxes are usually collected twice a year. This results in large lump sum payments which some people find difficult to obtain. Should property taxes be collected monthly?

Unit 5

Legal Structure of the Commonwealth

Introduction

The court system of Pennsylvania has its roots in England's judicial system. The Constitution of 1776 grouped the counties into judicial districts and provided president judges for the common pleas courts in those districts to ease the work load of the state level courts.

The Constitution of 1968 reorganized the Commonwealth under a Unified Judicial System consisting of several levels of courts each with its own jurisdiction and responsibilities. A court's jurisdiction refers to those cases the court is permitted or chooses to hear. There are two forms of jurisdiction: Original jurisdiction--the first hearing of the case and Appellate jurisdiction--a review of cases heard in a lower court. The Pennsylvania judicial system consists of 5 levels of courts. The three highest are state level courts. The next two levels of courts are found on the county level: Court of Common Pleas and the District Magistrate Court.

Chapter 1

The County Court Structure

Court of Common Pleas

The highest level of the county court is the Court of Common Pleas. Pennsylvania's 67 counties are divided into 59 districts. Eight of the districts consist of two counties and the rest have one county. Courts of Common Pleas have existed in Pennsylvania since the Constitution of 1776. However, prior to the Constitution of 1968 there were also Courts of Oyer and Terminer and General Jail Delivery, Quarter Sessions of the Peace and Orphans' courts. During the restructure of the judicial system, these separate courts were abolished and combined into the Court of Common Pleas. Each of the 59 judicial districts in Pennsylvania has one Court of Common Pleas.

The Court of Common Pleas has various special divisions which include:

- 1) Trial Division has jurisdiction of matters concerning criminal and civil matters.
- 2) Orphan's court has jurisdiction of all probate which covers wills and property of deceased persons and trusts.
- 3) Family court has jurisdiction in adoptions and delayed birth certificates, domestic relations, divorce and annulment and problems involving children under 18 years [juvenile section].
- 4) Traffic court which is usually found in larger cities such as Philadelphia and Pittsburgh.

This court has exclusive jurisdiction of appeals from:

- 1) Final orders of the district magistrate court
- 2) Motor vehicle violations
- 3) Liquor code violations
- 4) Matters concerning birth and death records
- 5) Inheritance and estate tax matters
- 6) Occupational disease matters
- 7) Public employee disputes

The Courts of Common Pleas have unlimited original jurisdiction in all cases except for those cases which are limited to the Supreme Court or Superior Court in Pennsylvania. This court receives appeals from final orders of the District Magistrate Court and from certain state and most local government agencies.

Special Courts

The first level of the court system is the special courts. These courts are presided over by district justices, except in Philadelphia. District justices have jurisdiction over summary offenses. Traffic courts are located in some of the larger counties and these courts handle traffic offenses.

District Justice Court

The District Justice Court has jurisdiction of:

- 1) Civil claims of less than \$4,000
- 2) Actions for fines and penalties or other offenses by any government agency.
- 3) May preside at arraignments, fix and accept bail, except for offenses relating to murder and voluntary manslaughter.
- 4) All summary offenses, except when a traffic court may exist.
- 5) All violations under the Vehicle Code if:
 - a) the violation is a first offense
 - b) no personal injury resulted from the violation
 - c) no property damage resulted from the violation
 - d) the defendant pleads guilty.

The District Magisterial districts are organized in five classes according to population density:

- 1) First class district has a population density of more than 5,000 persons per square mile and a population of not less than 65,000 persons.
- 2) Second class district has a population density of more than 500 persons per square mile and a population of between 22,500 and 65,000 persons.
- 3) Third class district has a population density of more than 200 persons per square mile and a population of between 12,000 and 22,500 persons.
- 4) Fourth class district has a population density of more than 70 persons per square mile and a population of between 7,500 and 12,000 persons.
- 5) Fifth class district has a population density of less than 70 persons per square mile and a population of between 4,000 and 7,500 persons.

Duties of the local court personnel.

Each court is unique because of the differences in the Philadelphia and Pittsburgh municipal and traffic courts, but many of the offices remain the same in all courts. For example, each court will have a Clerk of the Court who will maintain the records of the court. On the local county level, the duties of the Court-related elected county officials are as follows:

Judge of the Court of Common Pleas: presides over the criminal and civil suits in the court sessions. The Judge is elected to a ten year term.

Clerk of the Courts: the chief clerk and record keeper for the criminal courts. The clerk keeps all papers filed under criminal and civil procedures of the courts.

District Attorney: conducts in court all criminal prosecution in the name of the state and signs all bills of indictment.

Sheriff: delivers and carries out the orders of the court, serving various writs, processes and other documents, assists in impaneling juries.

Register of Wills: has jurisdiction over the probate of wills, collects the state inheritance tax, maintains records on wills, inventory of estates, and financial records of estates.

Prothonotary: a clerk of the Court of Common Pleas, keeps the records of all civil procedures, signs all writs and summons, processes naturalization papers, records divorce proceedings.

Recorder of Deeds: responsible for the preservation of records relating to real property, records all deeds executed, mortgages, subdivision and other records of property ownership, records military discharges, agreements of sale, property options, leases, records plot plans for development, and collects the real estate transfer tax.

Coroner: investigates deaths of a suspicious or violent nature and is empowered to perform autopsies and hold a coroners jury of inquest when called to determine the cause of death.

Clerk of Orphans Court: files all proceeding related to estates of incompetents and adoptions, may be combined with Register of Wills in some smaller counties.

Chapter 2

Crime and the Law

Laws are a set of rules or guidelines within which various persons and corporations operate. The law is intended to achieve fairness and harmony among the various sections of society. Laws are categorized into approximately eight classifications:

Common Law: based on ancient usages and customs, and decrees of courts.

Legislative Law: enacted by federal, state, or local governments which sets up general rules of conduct in order to achieve harmony. These are the general rules followed in the legislature both on the state and federal levels.

Case Law: created by the courts as a result of decisions made between individuals and others. When a case is decided in a court of law, the decision is used as a reference for other cases that may be similar. Future cases are compared to the first decision by attorneys and judges.

Civil Law: protects private rights and prevents or provides for compensation to balance private wrongs.

Criminal Law: protects public rights and prevents or provides for compensation to balance public wrongs.

Substantive Law: creates, defines, and regulates rights.

Procedural Law: the methods and rules of the legal process in the courts.

Constitutional Law: the highest law of a state or the United States in which the basic individual rights are defined and to which all other law must conform.

Two main categories of laws

There are two categories of laws that an individual may encounter at some point. The first is the criminal law. Criminal law deals with actions by individuals that are considered harmful to individuals and/or property. Criminal law also specifies the punishment for persons found to be violating the law. The second category of law that an individual may encounter is the civil law. Civil law pertains to the rights and duties of persons. Civil law settles arguments between persons. In Civil law, a person is not found guilty, but rather is compelled to pay a sum of money, called damages, to the other party. Civil law is further discussed in the next chapter.

Committing a Crime

The Commonwealth of Pennsylvania has provided for the protection of life and property in the Crimes Code. This collection of laws spells out the actions by individual that are considered criminal and subject to arrest and trial. The two main classes of crimes in Pennsylvania are felonies and misdemeanors. Felony crimes are the most serious. An example of felony crime is murder. There are three classes of felony crime: first degree, second degree and third degree. The first degree is the most serious. There are three degrees of misdemeanor, also in declining order: first degree, second degree, and third degree. The lowest class of crime is a summary offense. One example of a summary offense is a traffic ticket.

Once a crime has been committed, the police are called to investigate. After investigation, the police may have a suspect who is alleged to have committed the crime. The first step is to arrest the person alleged to have committed the crime. The police officer or an individual goes to the district magistrate and files a complaint against the person. The district magistrate issues a warrant or order of arrest against the accused individual. In the case of the lesser crimes of misdemeanor, arrests may be made without the warrant for arrest, especially if the crime was committed in view of a police officer.

After arrest

The accused person is brought before the district magistrate by the police, or he/she may voluntarily appear for the preliminary hearing. The district magistrate's court has the power to hear any summary offense and some misdemeanor offenses. If the evidence presented is determined by the court to justify a trial, the accused is bound over to await action by the grand jury. If insufficient evidence is presented and a trial is not justified, the accused may be discharged. In cases of summary offenses, such as traffic violations, the accused may have a hearing in the district magistrate's court. Appeals of the decision of the district magistrate's court may be made to a higher court, such as the court of common pleas. The accused person may be set free, temporarily, by posting a bond [usually a sum of money] to guarantee that this person will appear for a trial to be held later. If he/she fails to appear, then the bond is forfeited to the court.

The Grand Jury

The grand jury is composed of 23 persons chosen from a panel of citizens. The list of available citizens are prepared by the jury commissioners of the county. If the grand jury finds enough evidence against the accused to justify a trial, an indictment [order to stand trial] may be issued. The accused is brought to trial before the court of common pleas. A formal reading [arraignment] of the charges are read in open court. Through his/her counsel [attorney] the accused may challenge the indictment, or plead guilty or not guilty. If he/she pleads guilty, the judge hands down the sentence. If the accused pleads not guilty, the trial will continue.

The trial is held

A trial jury is empaneled. This is a body of twelve person chosen by lot from a list of potential jurors prepared by the jury commissioner. This list of potential jurors is compiled from various lists available, such as driver's licenses of residents of the county. The case is prosecuted for the state by the district attorney. The district attorney is elected by the voters of the county. The district attorney for the state, and the counsel for the accused may challenge a certain number of jurors as not being suitable for this particular trial. An example of an unsuitable juror would be the relative of the accused.

Once the jury is selected, the trial begins. Both the state prosecution and accused [defendant] gather the evidence, witnesses and arguments. The procedure for doing this is governed by rules and principles. When both side have completed their presentation, the judge then instructs the jury as to the crucial points in the case and the law involved.

The jury goes to another room and discusses the case under the leadership of its foreman. When the jury arrives at a decision [verdict], the jury will return to the court. The foreman of the jury reads the decision of the jury. If the verdict is guilty, the judge sentences the accused.

A sentence is imposed based on the seriousness of the crime. Felony crimes are the most serious and have the longest prison sentences. A felony crime can carry the death penalty, life imprisonment, or several years in prison depending upon whether the felony is first degree, second degree or third degree. Misdemeanor crimes are less serious and have prison sentences of shorter lengths, from one to five years. Summary offenses may have prison sentences of 90 days or less. If the verdict is not guilty, the accused is acquitted and can never be tried again for the same offense.

If the person is found guilty...

The sentence may be suspended [placed on hold for some time] or the person may be given probation [must visit the probation officer on a regular basis] to make sure the convicted person is following the rules set down by the judge at the trial. A judge may set conditions of probation such as finishing high school if the individual has not graduated, or not leaving town without approval of the court. Each judge can set up conditions of probation that he/she thinks will help the convicted individual not commit another crime.

If the convicted person is imprisoned for a long term, he/she is usually sent to a state penitentiary. If the term of imprisonment is for a few months to 2 years, he/she may go to the county jail. A prisoner might be paroled after serving part of his/her sentence and then will visit a state parole officer. He/she may be pardoned or his/her sentence may be changed [commuted] the Governor upon the recommendation of the Pardon Board of the Commonwealth. A commuted sentence is one which has been shortened because of good conduct or certain extenuating circumstances [such as a life threatening disease]. A pardon is an unconditional release. When the prisoner has served his/her sentence, he/she is released from custody.

Chapter 3

Civil Law in Pennsylvania

The second category of law that an individual may encounter is the civil law. Civil law pertains to the rights and duties of persons. An example of this is the right to walk in safety under the neighbor's tree without fear of tree branches falling. If a branch did fall and injure someone, the property owner would be responsible for payment of expenses because it was his/her duty to keep the tree in good repair. Civil law settles arguments between persons. If the property owner disputed the injury to a person caused by the falling of the tree limb, the disagreement could be settled in court. In Civil law, a person is not found guilty, but rather is compelled to pay a sum of money, called damages, to the other party.

What are the two chief kinds of Civil Law?

There are two categories of Civil Law that the individual may encounter. The first kind is Tort Law which covers a private wrong or injury resulting from a breach of a legal duty. This type of law is used by injured parties seeking to be compensated by the wrongdoer. Injuries can be to a person or to property. The second kind is Contract Law which covers agreements between two or more persons. Contracts are involved when an apartment is rented, charge accounts are opened, and when a man and woman have agreed to the contract of marriage.

What happens when someone is accused of breaking a civil law?

If the argument between two or more people can not be settled, it may be necessary to have the court make a decision. One person, the plaintiff, will file a suit against the other party, the defendant. The complaint will state what part of the agreement the plaintiff feels was violated. A summons to appear in court is then handed to the other person or persons in the agreement. These persons are called the defendants.

What happens at the civil law trial?

The summons that was handed to the defendants is an order to appear in court. A jury is impaneled and a trial takes place. The lawyers present the arguments, witnesses and evidence. The procedure for the trial is regulated by rules and principles. When both sides, the prosecutor and the defendant have given their presentations, the judge will instruct the jury about the critical points in the case and explain the law involved. The jury then retires to another room to deliberate or discuss the case and decide on the verdict. The verdict is the decision of the jury. A verdict is reached by the jury and is presented to the judge. If the verdict finds the defendants at fault, a money award for damages may be made against the defendant.

Other Laws

Land Use Laws

Laws that control how we use land are called land use laws. One example of land use law is the local regulation of land in zoning. The local people decide how they want their community to look and what protection they want, and then draw up plans and regulations to control the use.

Agricultural Districts or zones are used by farmers as a type of zoning in which normal farming practices are permitted. This allows a farmer whose land is in an Agricultural District to spread manure, lime, and plow in an environmentally safe manner without concerns that the neighbors will object to the smell. Residential developments are discouraged within Agricultural Districts because of the conflict of normal farming practices and odors which cause complaints by the homeowners.

How is the use of land regulated by local government?

Land use is regulated by subdivision, land use, and zoning ordinances developed by the township and county land use planners. The land use planning committee decides where development is to be encouraged and whether the development should be residential, commercial or industrial. Zoning ordinances will encourage and discourage certain types of development in various areas in order to protect the property values and provide safety for the residents. For example, limiting residences from being built in industrial areas can prevent problems of children playing among dangerous factory streets.

The construction practices used to build buildings are also regulated. Buildings must be constructed safely and in a large enough size for the people or businesses who will be using it. Parking spaces can be planned and wide roads built to accomodate emergency vehicles such as fire trucks.

What is a subdivision, land use ordinance?

This ordinance or law is developed by the township or county and serves to regulate how land is used. The subdivision ordinance covers the dividing of a plot of land into two or more pieces. A housing developer or industrial developer may purchase a large piece of land and then want to build houses or industrial buildings on the land and sell them to individual families or to individual businesses. The dividing of the land is called subdividing. When a developer plans to subdivide a plot of land, plans for the subdivision must be sent to the township planning commission who will then forward the plans on to the county.

The local planning commission will check the plan to see if it meets the regulations of the subdivision ordinance and zoning ordinance. The subdivision ordinance may cover sizes of the buildings, including height, distance from the street, width of the street, number of buildings per square foot of property and whether the intended use is residential, commercial or industrial. If public waste disposal is not available and the owner plans to use a septic system, a percolation test must be conducted on the land. This test measures the ability of the soil to absorb water which determines whether the land is suitable for a septic system. Based on the results of this "perc" test, an on-lot septic system can be designed for the lot.

What is zoning?

Zoning is a method used by a township or county to regulate how land is used. The Pennsylvania Municipalities Planning Code permits the local government to divide the community's land into districts which are called zones. The local government is also permitted to regulate the type and intensity of development within these districts. Usually there are residential zones, commercial, and industrial zones. In a rural area, there also may be agricultural zones. The ordinance provisions may permit, prohibit, regulate, restrict and determine land uses for the community.

What do the zoning regulations include?

The zoning regulations include provisions to permit, prohibit, regulate, restrict and determine size. Included are:

- * Uses of land, watercourses and other bodies of water
- * Size, height, bulk, location, erection, construction, repair, maintenance, alteration, removal and use of structures.
- * Areas and dimensions of land and water upon which structures will be built.
- * Areas and dimensions of land and water that shall remain open and unoccupied by structures.
- * Density of population and use.

What is the purpose of zoning?

The purpose of zoning can be divided into several categories:

- 1) To promote and protect the public health, safety, and by preventing overcrowding of buildings, parking areas, water and sewage, and community protection organizations such as the police department and fire department. Sizes of buildings and the number of persons permitted to occupy them. Lot and yard size, and open spaces may also be regulated.
- 2) To prevent dangerous construction practices for buildings, roads, water and sewerage and allow removal of buildings considered unsafe for use.
- 3) To permit community development in an organized and practical manner. An example of practical community development would be to have residential development occurring in a separate area from industrial or commercial development.
- 4) To preserve prime agricultural farm land and historical buildings and natural areas such as wetlands, and forests.

Who enforces the land use laws?

Land use laws are enforced on the township level by the township planning commission and on the county level by the county planning commission. the planning commissions may disapprove subdivisions and building plans if the plans do not meet the ordinances. Landowners can appeal the decisions of the planning commission to a zoning hearing board if the problem is related to zoning.

Chapter 4 Legal Issues

This section contains information about five major issues concerning citizens in Pennsylvania. It is not intended to replace the advice of an attorney. The purpose is to briefly discuss legal issues and to suggest that if a personal question arises concerning any of these issues an attorney should be consulted.

Divorce and Custody

What is a legal separation?

Technically, there is no such thing in Pennsylvania as a "legal separation." If you are "separated" you and your spouse maintain different residences but are still married unless a divorce has been obtained and is in effect.

Can I prevent my spouse from entering our home?

If the apartment was leased in both names, he/she has a right to be on the property unless a court decides otherwise. If you lock out your spouse, he/she may be able to obtain entry by having the police assist in the entry especially if any property still located in the apartment or house belongs to him/her.

Who owns the household furnishings?

Household items, such as furniture, and appliances usually are not considered the property of one person. The law treats all such property as being jointly owned and used for the benefit of both persons regardless of who actually paid for the items.

What are the grounds for divorce in Pennsylvania?

Pennsylvania has no-fault grounds and fault grounds for divorce. In the no-fault grounds, the couple may decide that the marriage is broken with no chance for reconciliation and agree to divorce. There are some requirements for length of separation of the couple. Contact an attorney for the latest information about no-fault divorce requirements. The fault grounds for divorce require that one person will have committed misconduct such as adultery, bigamy, desertion, or has been convicted of a crime for which he/she will spend more than two years in prison. Other grounds for divorce may also exist. An attorney should be contacted for further information about grounds for divorce in Pennsylvania.

What is the difference between divorce and annulment?

An annulment cancels an invalid contract of marriage. Marriage is a contract. If either individual was unable to enter the contract because of being underage, being intoxicated, or being offered a bribe of some sort to complete the contract, then the contract can be considered null and void.

An annulment "erases" the marriage as though it never existed, since it legally never did exist. A divorce is the severing of a legal contract of marriage using the court to ensure fair treatment of the parties involved.

Who is entitled to custody of the children?

Parents may decide custody arrangements among themselves. If, however, they are unable to arrive at a solution then, the court may decide the best custodial arrangement. The court takes into consideration the best interest and welfare of the children. Usually one parent has primary custody and the other parent may have temporary partial custody during certain times. Special preference to the mother of young children is declining in favor of the best arrangement for the children.

Who is responsible for the support of the children?

Both parents are responsible to support their children. The obligation of support exists even if the parents are not married. The amount of support to be paid by one parent to the other is decided by considering the earning capacities of the parents, income levels, needs of the children, needs and amount of assets owned by each parent.

When a child reaches the age of 18, the parents may not be required to support that child. However, if the child has some physical, mental or emotional disability and is unable to support him/herself, then the parents are responsible for support beyond age 18.

If visitation rights are denied, must child support still be paid?

The order for support is a legal obligation to pay child support. Failure to pay the required child support will result in legal action being taken by the court to require that the payments shall be made. This action may include sentencing the offender to a period of time in jail. Visitation and partial custody rights are separate. A parent can request that the court enforce the visitation and partial custody rights. However, withholding child support to force a parent to allow visitation rights will result in serious problems for the support paying parent.

How is child support obtained?

A complaint for support is filed in the domestic relations section of the court. A conference will be held by a hearing officer and both parties will be required to give information about income and assets and to prove the financial needs. The hearing officer will submit a recommendation of amount of support based on either an agreement by the parents or by the hearing officer alone if no agreement is reached. The court will enter an order of support taking into consideration that recommendation.

Housing and Eviction

What are my rights as a tenant?

Under Pennsylvania law, you have the right to live in a rental home that is safe, sanitary and liveable. This means that your landlord must keep it that way throughout your rental period by making repairs as necessary.

What repairs must the landlord make?

The landlord must make repairs as necessary to keep the home in a safe, sanitary, and liveable condition. Examples are: repair of a badly leaking roof, broken furnace, or plumbing that does not work. The landlord is not required to make "cosmetic" repairs such as changing the color of the paint, or replacing carpet.

What is the process of eviction?

The landlord has three reasons for evicting a tenant: term of lease has ended, non-payment of rent and damage to the property or other violation of the lease. The landlord must give notice of eviction in writing giving the reason for the eviction, and date by which the tenant must move. The length of notice depends upon the length of the lease. A lease of less than one year requires a 30 day notice. A lease of more than one year requires a 3 month notice. If the intended eviction is for non-payment of rent between the months of April 1 to September 1 only a 15 day notice is required.

At the end of the notice period, the landlord may file a landlord/tenant complaint with the District Magistrate. The District Magistrate may issue a judgement in favor of the landlord or the tenant depending upon which party may have violated the lease agreement in the opinion of the court. If the tenant has not paid the rent, then the tenant may be at fault. If the landlord has not responded to a request for repair, for example a leaking roof, and the tenant's furniture is damaged, the landlord may be at fault.

There is a 30 day appeal period after the judgement is issued. At the end of the 30 days, if the tenant is at fault, the landlord may request a Writ of Possession which give the tenant a 15 day notice to move. If the tenant does not move at the end of the 15 days, the sheriff may break and enter and remove the tenant. If the landlord is at fault, the court may order that the tenant receive payment for damages.

What is a security deposit?

The landlord may require a sum of money on deposit in case of damages. This money is considered a security deposit. The amount of security deposit may not be more than two months rent. The security deposit is to be used for damages to the property and not for rent payment.

The tenant must give notice to the landlord when moving and give the forwarding address. The landlord must either return the security deposit or give an itemized damage list of deductions for damages within 30 days. If the landlord does not respond within 30 days, the tenant may sue for the security deposit. If the tenant does not give a forwarding address, the landlord may keep the security deposit.

Can a tenant make repairs and deduct the cost from the rent?

The tenant must notify the landlord in writing about the problem. The problem must be considered necessary to make the home safe and liveable. For example, replacing a broken window, exterminating mice or bugs. The repairs can not be putting in wall-to-wall carpeting or repainting.

The landlord must receive the written notice of a problem such as the heating system does not work, or the roof may be leaking, and should be given a chance to make the repairs. If after a "reasonable time" the tenant still does not have the problem repaired. then, the landlord should be told that unless repairs are made by a certain date, the tenant will have the repairs made and the cost subtracted from the rent. The tenant must get 2 written estimates from qualified repair-persons who should not be relatives of the tenant. The repair should be reasonably priced and should not cost more than the rent. A signed receipt from the repair-person should be given to the landlord with the next rent check and the amount of the repair deducted from the rent.

Sexual Harassment

What is sexual harassment?

In November 1980, the Federal Equal Employment Opportunity Commission defined sexual harassment as a form of sex discrimination in employment. The definition: "Sexual harassment is any sexual attention that is unwanted or is not freely or mutually agreeable to both parties. It may include leering, pinching, patting, verbal comments, subtle pressure for sexual activity, repeated propositions for dates, sexually suggestive objects or pictures, sexual jokes, unwanted body contact, attempted rape and rape.

Harassers almost always act alone and may harass several different people at the same time. Women are embarrassed or humiliated that they are the target of this behavior and may go to great lengths to conceal it from family and friends. The sexual harasser may be a teacher, a supervisor, an employer, a client, a customer or a friend.

Sexual harassment is a form of violence against women that men may use as a means to maintain power over them. It occurs in our society due to traditional cultural beliefs that view women as sexual beings, men's property, and exploiting women as though the women want to be controlled and overpowered. Advertisers portray females as vulnerable and as sexual objects to sell products such as cars and beer.

What can be done if I feel I am being sexually harassed?
Direct action should be taken to stop sexual harassment when it is occurring. The situation is very likely to get worse if the woman does not take action. If the woman does nothing as allows it to continue, the man is likely to think that she accepts this behavior. The woman should talk with someone in charge, a supervisor, the school administration, or a person designated by the employer to handle this problem. Use the following guidelines:

- 1) Do not laugh at the harassing behavior.
- 2) Give the harasser a firm "no" at the first sign of sexual harassment. Write a letter or tell the person that this behavior is unacceptable.
- 3) Avoid being alone with the harasser.
- 4) Make it known in front of other people that this type of behavior is offensive and unacceptable.
- 5) Write down as carefully as possible exactly what happened, where, and when and who may have witnessed it. This is very important.
- 6) Talk with others to see if they have been harassed. Group complaints are viewed as being more important than a single complaint.
- 7) Ask witness to verify the experience and talk to friends and relatives for emotional support.

Employment Rights

What employment laws protect workers?

The Fair Labor Standards Act enacted in 1938 established a minimum wage and a forty hour work week. The purpose of this law was to prevent the employers from requiring long working days, extremely low wages, and the employment of children. Employees who work for companies that conduce business across state lines, are not considered management or connected to management must be paid at least the current minimum wage for working a 40 hour week. Any hours that the employee may work that exceeds 40 hours should be considered overtime work. Employers may require that employees work overtime as a part of the job, however, the employee must receive one and one half time their regular hourly rate for hours worked in excess of 40 hours.

Employment of children below a certain age is prohibited depending upon the nature of the job. Hazardous occupations such as coal mining can not employ children under the age of 18.

The Equal Pay Act of 1963 prohibits discrimination on the basis of sex in the payment of wages to employees. Males and females must be paid the same wages for equal work, where the job duties involve equal skill, effort, and responsibility and work is performed under similar working conditions.

Title VII of the Civil Rights Act of 1963 outlaws racial discrimination of employees in private companies, state and local government, and educational institutions.

Americans with Disabilities Act requires that an employer not discriminate against an otherwise qualified handicapped individual in employment. The employer is required to reasonably accommodate known handicaps of employees or applicants.

A person is considered handicapped if:

- a) there is, or thought to be, a physical or mental impairment which substantially limits one or more major life activities.
- b) he/she has a contagious or infection disease as listed in the act.
- c) he/she has a history of addiction to alcohol or illegal drugs, except that current usage of drugs is not covered as a handicap.

Public Benefits

What are public benefits?

Assistance given to individuals and families to aid in meeting basic living expenses. There are three categories of public benefits:

A. Cash assistance:

1) Aid to Families with Dependant Children [AFDC]
Federal money to help households with children where there is only one parent, an incapacitated or impaired parent, an unemployed parent who is the principle wage earner.

2) General Assistance [GA]
State money to help individuals and couples without children.

3) Supplemental Security Income [SSI]
Federal money with a small state supplement, to help individuals who are unable to work due to physical and/or mental impairments.

4) Social Security Disability [SSD or Title II]
Federal program to help individuals and/or families who are unable to work due to physical and/or mental impairments and who have a work history. The benefit rates in this program are dependant on work history

B. Medical assistance:

State and federal money to help meet the medical need of low-income people.

C. Food Stamps:

Federally funded, state operated program to help meet the nutritional needs of low-income people.

What is Social Security?

Social Security is a federal government insurance program under which an individual is paid monthly benefits when earnings stop or are reduced because a worker retires, or becomes disabled. If a worker dies, the benefits will be paid to a spouse or to children who are under the age of 18. Payments are deducted from the paychecks of the worker. The worker must qualify by working for a certain amount of time before benefits can be received. Contact the Social Security Office for further information.

Debt Collection

What protection is there for the consumer?

A company or person seeking to collect money owed by a consumer must follow certain procedures.

1. There must be no deceptive tactics:
 - a- Making false representations to obtain information from the debtor.
 - b- Misrepresenting the character, extent or amount of the debt or the status in legal proceedings.
 - c- Misrepresenting the collector's identity or affiliation.
 - d- Using simulated process or simulated official documents.
 - e- Threatening consequences for nonpayment unless the action is lawful and the collector intends to carry out the consequences.
 - f- Falsely claiming that the debtor has committed a crime or some disgraceful conduct.

2. Communication with the debtor and others involved such as family, friends or employer is regulated:
- a- Cannot make collect telephone calls
 - b- May not telephone or visit within 7 days of last contact or visit.
 - c- Must state identity at beginning of contact or visit.
 - d- Cannot call debtor at place of employment after a written request that such calls stop.
 - e- Cannot call debtor at place of employment unless it is current billing address or creditor has been unable to reach debtor for thirty days and has no reason to know that employer prohibits such calls.
 - f- Cannot send mail to debtor at job unless that is current billing address or debtor has agreed to receiving mail at work.
 - g- Cannot visit debtor at job unless requested in writing by debtor.
 - h- Cannot enter a debtor's home without permission of adult family member and must leave if asked.
 - i- Cannot allow the conversation to be overheard by others.
 - j- Cannot communicate with a debtor represented by an attorney.
 - k- Cannot use profane, obscene and other abusive language.
 - l- Must contact at convenient times after 8:00 am and not later than 9:00 pm.

Many additional books about Pennsylvania are available in the local library and at the offices of Senators and Representatives of Pennsylvania. This book is intended to be a brief overview of many parts of the government of Pennsylvania from the historical legislatures to modern day government.

Terms to Understand

Select 3 words and write a short paragraph using the new words.

Commutated sentence - changes made to a prison sentence by the Governor of the state.

Deeds executed - ownership of real estate is transferred from one person to another.

Incompetent - a person who is unable to make decisions for him/herself because of illness or mentally unable.

Inquest - investigation.

Pennsylvania Bar Association - professional organization regulating lawyers. Lawyers must pass written examination to gain entrance.

Probate of wills - the act of proving a will is legal and correct.

Probation - suspending a jail term for a minor offense with the promise of good behavior and requirement of meeting with a probation officer who acts as supervisor of good conduct.

Property options - several choices held available to property owner. Examples are: divide into smaller size, and construction of a certain type of building.

Subdivision - dividing a piece of real estate into two or more pieces.

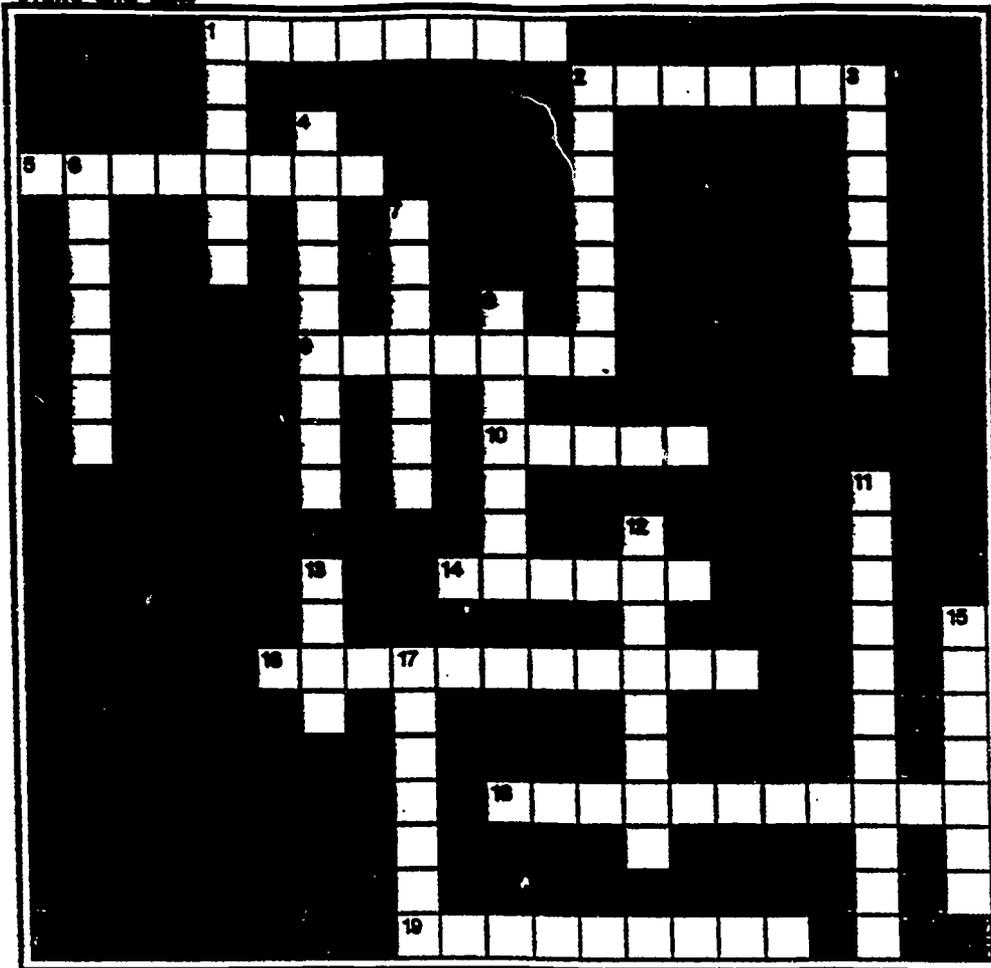
Summons - legal document requiring a person to appear in court and give information of interest to a court case.

Tort law - covers damage or injury done to someone by intentional actions of another person.

Fill in the Blanks

1. The lowest court in Pennsylvania is the _____
_____.
2. Murder is an example of a _____ offense.
3. Laws that protect a person rights and duties are called
_____ laws.
4. Zoning is a type of _____ law.
5. A minimum wage and forty hour work week was established
by the _____.
6. If you are ordered to appear in court to give information of
concern to a court case, you will receive a _____.

Crime and Law



DOWN

- 1 To blame or to accuse of a crime
- 2 Money paid to make up for loss
- 3 Make certain a law is followed
- 4 Person who has to answer charges against him/herself in court
- 6 To appear in court as a witness
- 7 Case before a court of law
- 8 An argument or quarrel
- 11 A less serious crime
- 12 Accused or charges with committing a crime
- 13 Group of 12 persons who decide on innocence or guilt at a trial
- 15 A person who has seen or heard something
- 17 To blame or to accuse of a crime

Crime and Law -CLUES

ACROSS

- 1 A legal agreement
- 2 legal ending of a marriage
- 5 A lawyer
- 9 to end or quit
- 10 To give an answer to a charge in a court of law
- 14 A serious crime
- 16 The process of trying to punish someone through court action
- 18 To look into carefully to find information
- 19 Thought to be guilty of a crime

BEST COPY AVAILABLE

Questions for Discussion

1. Why would a township want to control whether land is to be used as residential, commercial/business or farmland?
2. If people are so upset at rising crime rates, why do they refuse to serve on juries?
3. A person is convicted of a crime and is sentenced to a jail term of 3-5 years with time off for good behavior. Should there be a specific amount of time to be served [example 3 years and 2 months] with no time off?
4. In larger cities, landlords often abandon run-down property. When the real estate taxes are not paid, the city becomes the owner. The city does not have the money to repair it. What could be done with this property?

Glossary

Administer - to carry out.

Amend - to change a legal document by adding or removing rule.

Appeal - a legal request to have a decision reviewed to decide whether it was correct or incorrect.

Appellate court - reviews previous court decisions.

Assessment - to determine the money value of property or an occupation.

Assessment roll - list of real estate properties and the value for tax purposes.

Bill of indictment - written statement charging a person with a crime.

Commissioned - granted powers.

Commutated sentence - changes made to a prison sentence by the Governor of the state.

Compromise - each side gives up some things in order to reach a settlement.

Cost containment - to keep within certain limits.

Deeds executed - ownership of real estate is transferred from one person to another.

Disproved - found to be false.

Embezzlement - to take money or items for personal use while they are entrusted to your care.

Exempt - excused, not required.

Execute - to carry out, put into effect.

● **Frame of Government** - early name for outline or plan of government. Now called a constitution.

Impanel a jury - select members to hear court cases.

Incompetent - a person who is unable to make decisions for him/herself because of illness or mentally unable.

Indentured servants - people who had borrowed money for passage to Pennsylvania and had agreed to work for 7 years to pay back the loan.

Indian Confederacy - joining together of Native American Tribes.

Indictment - a written statement charging a person with a crime.

Inquest - investigation.

Judiciary Act 1722 - Gave William Penn more authority to control the court system.

Jurisdiction - authority or power to make decisions.

● **Legislative reapportionment committee** - resizes legislative districts after the census to have approximately equal numbers in each district.

Mercantile transactions - sales made by businesses.

Municipality - city or township.

Naturalization Act - gives citizenship to people moving here from another country.

Naturalization papers - proof of citizenship. Immigrants who wish to become citizens must attend classes and apply to receive permission to become citizens.

Ordinances - local laws such as parking restrictions.

Parliamentarian - person in charge of procedures and rules

Pennsylvania Bar Association - professional organization regulating lawyers. Lawyers must pass written examination to gain entrance.

● **Per capita** - comes from Latin meaning per person.

Petition - a legal request.

Predates - comes before.

Probate of wills - the act of proving a will is legal and correct.

Probation - suspending a jail term for a minor offense with the promise of good behavior and requirement of meeting with a probation officer who acts as supervisor of good conduct.

Property options - several choices held available to property owner. Examples are: divide into smaller size, and construction of a certain type of building.

Proprietor - owner of a large tract of land given to him by a king in order to form a colony.

Provincial government - government of a province or colony belonging to another country.

Rebate - give back or return a portion.

Referendum election - submitting a question to the general public to vote and decide to approve or disapprove.

Reluctance - unwilling to do something.

Scandalous - shocking or disgraceful.

Smoldering anger - anger held back and not easily seen.

Stamp Act - a payment of a tax was required when making legal documents and deeds. A stamp was pasted on the document to show payment of the tax.

State depositories - banks used by the State.

Subdivision - dividing a piece of real estate into two or more pieces.

Summons - legal document requiring a person to appear in court and give information of interest to a court case.

Tort law - covers damage or injury done to someone by intentional actions of another person.

● **Uniform tax** - equal taxes for all.

Vendor - a person or business selling merchandise or services.

Ward - a local election district usually found in boroughs and larger townships.

William Penn - son of Admiral Sir William Penn, a Quaker who received the charter for the new colony to be called "Penns Woods."

Zoning - a plan for land use.

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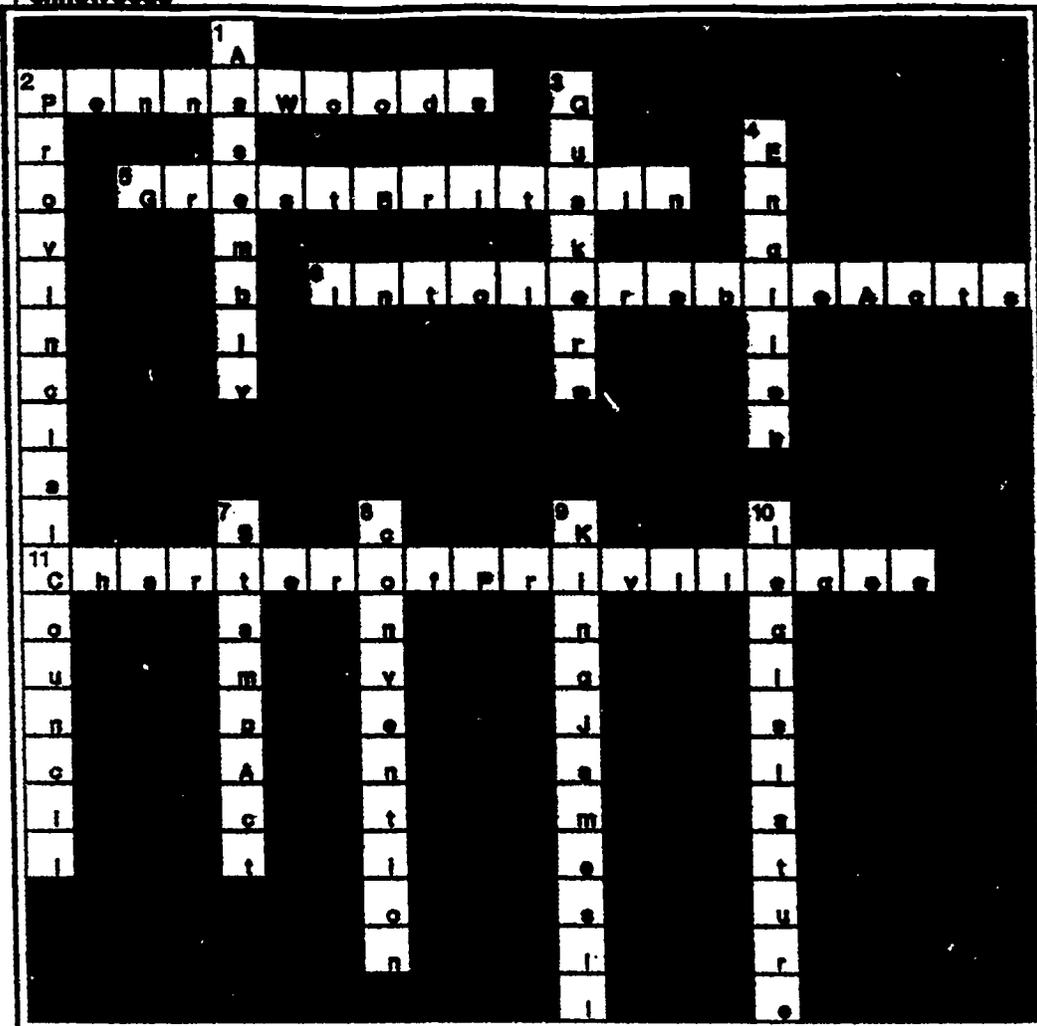
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Appendix

Fill in the Blanks Answers

1. Earliest inhabitants of Pennsylvania were groups of native Americans.
2. Migration to the New World resulted from desire for religious freedom and wars in Europe.
3. Three countries who had early settlements in Pennsylvania were Sweden, Netherlands and Great Britain.
4. Name the first three counties in Pennsylvania: Chester and Philadelphia and Bucks
5. The First Plan of government was called a Frame of Government.
6. Judicial districts were developed by the 1790 Constitution.
7. The new constitution of 1776 included a Declaration of Rights

PennaWoods

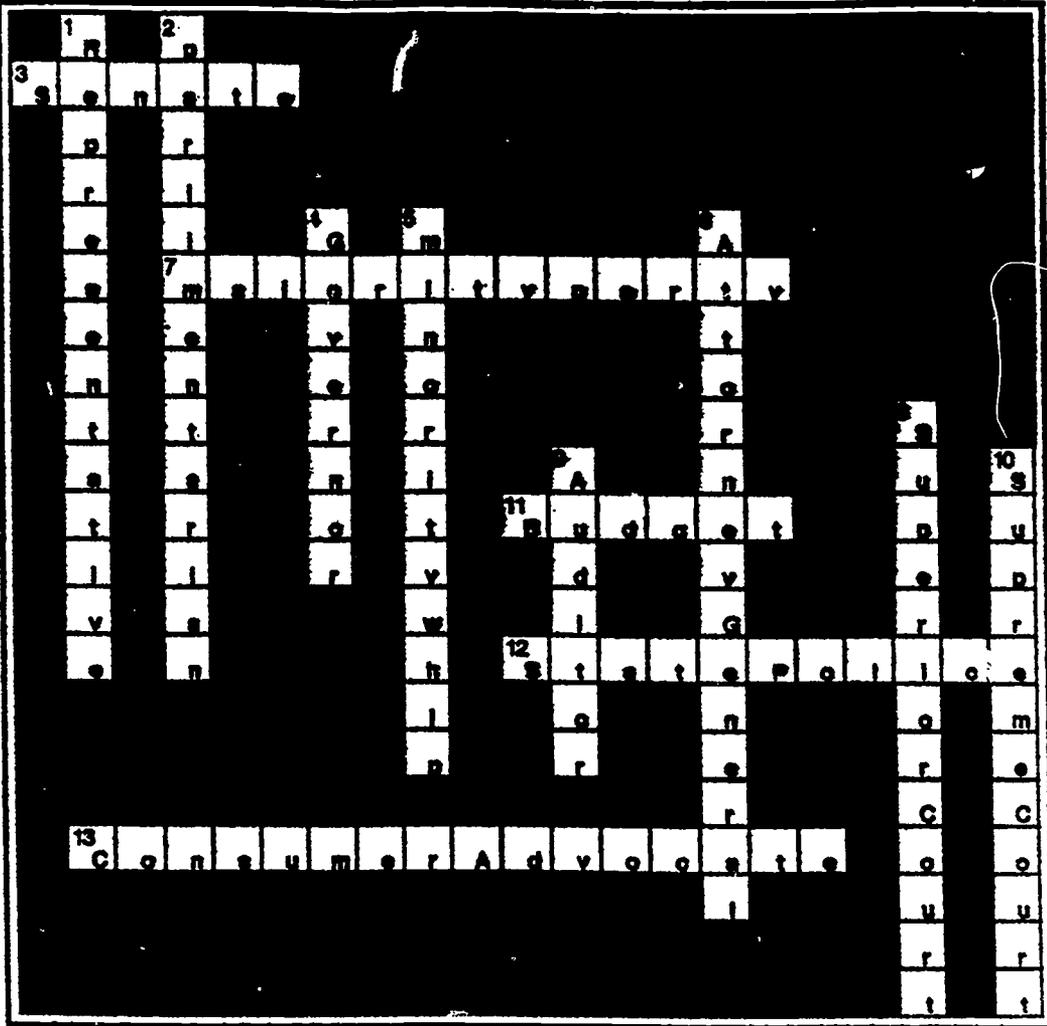


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Fill in the Blanks Answers

1. The General Assembly consists of Senate and House of Representatives.
2. The Governor is in charge of the military forces of the Commonwealth.
3. The Great Seal of the Commonwealth is kept by the Department of State.
4. Taxes are collected by Department of Revenue.
5. The auditor general is also know as the watchdog of the State Treasury.
6. The President Pro Tempori of the Senate is also the Lieutenant Governor.

State Gov

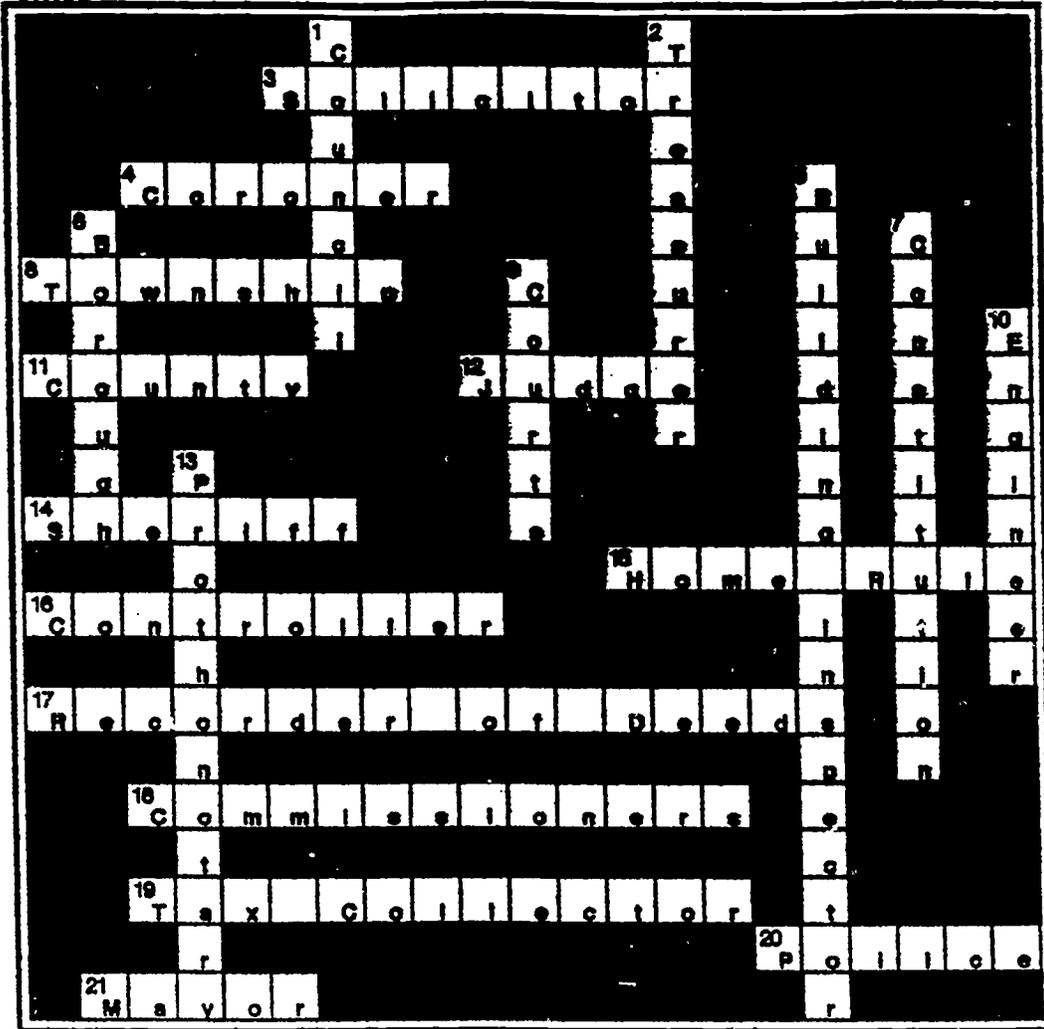


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Fill In The Blanks Answers

1. The four types of government in Pennsylvania are:
counties and cities and boroughs and townships.
2. A city government is classified by population.
3. A borough mayor is responsible for enforcing ordinances of the borough council.
4. Township supervisors in a second class township serve a
6 year term.
5. If you will be out of town on election day, you may vote by
applying for an absentee ballot.
6. The unit of government that serves as agent for the state for
law enforcement, judicial administration and conducting elections
is the county.

Clues



Fill In The Blanks Answers

1. The major source of income for local governments is _____
real estate and personal property taxes.

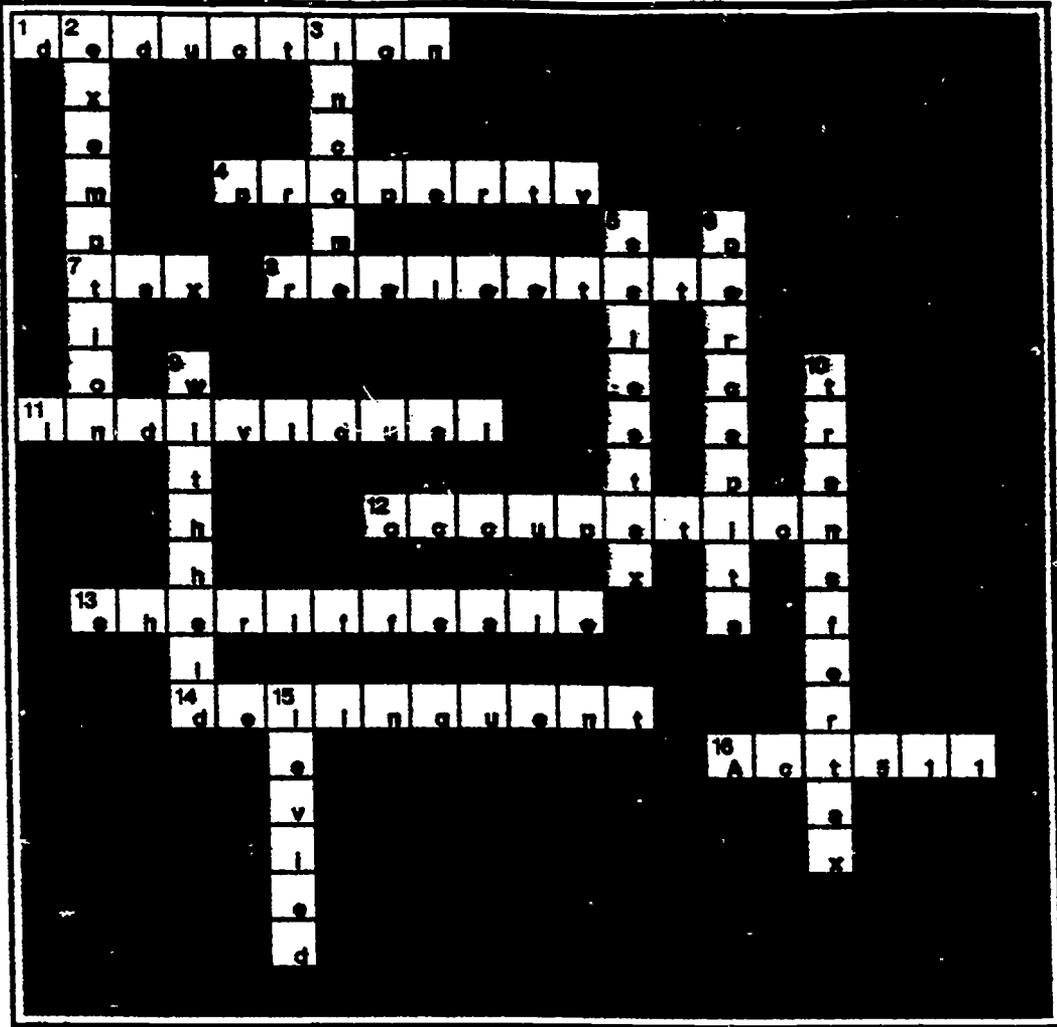
2. A tax levied on money earned at interest is a _____
personal property tax

3. When the value of a property is determined for tax purposes,
this is called an assessment.

4. Delinquent real estate taxes may be collected by _____
sale of property.

5. Taxes collected by sale of real estate are called _____
real estate transfer taxes.

Taxes

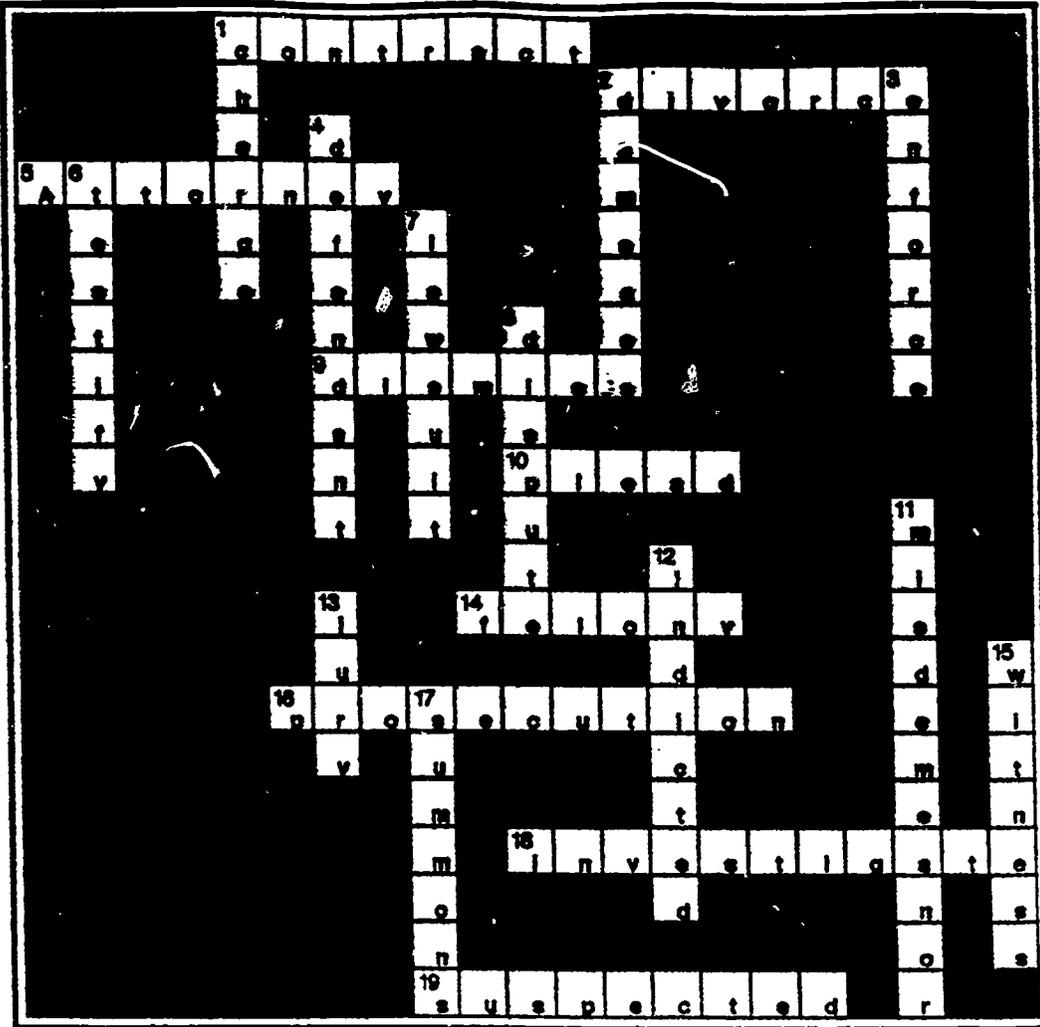


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Fill in the Blanks Answers

1. The lowest court in Pennsylvania is the District Magistrate Court.
2. Murder is an example of a felony offense.
3. Laws that protect a person rights and duties are called civil laws.
4. Zoning is a type of land use law.
5. A minimum wage and forty hour work week was established by the Fair Labor Standards Act.
6. If you are ordered to appear in court to give information of concern to a court case, you will receive a summons.

Crime and Law



**CONSTITUTION
OF THE
COMMONWEALTH OF
PENNSYLVANIA**



HOUSE OF REPRESENTATIVES

CONSTITUTION
OF THE
COMMONWEALTH OF
PENNSYLVANIA
1991



Prepared under the direction of
JOHN J. ZUBECK
Chief Clerk
HOUSE OF REPRESENTATIVES

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CONSTITUTION
of the
COMMONWEALTH OF PENNSYLVANIA

PREAMBLE

We, the people of the Commonwealth of Pennsylvania, grateful to Almighty God for the blessings of civil and religious liberty, and humbly invoking His guidance, do ordain and establish this Constitution.

Article I

DECLARATION OF RIGHTS

That the general, great and essential principles of liberty and free government may be recognized and unalterably established, WE DECLARE THAT —

Inherent Rights of Mankind

Section 1. All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Political Powers

Section 2. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness. For the advancement of these ends they have at all times an inalienable and inalienable right to alter, reform or abolish their government in such manner as they may think proper.

Religious Freedom

Section 3. All men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

Religion

Section 4. No person who acknowledges the being of a God and a future state of rewards and punishments shall, on account of his religious sentiments, be disqualified to hold any office or place of trust or profit under this Commonwealth.

Elections

Section 5. Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

Article I—DECLARATION OF RIGHTS**Trial by Jury**

Section 6. Trial by jury shall be as heretofore and the right thereof remain inviolate. The General Assembly may provide, however, by law, that a verdict may be rendered by not less than five-sixths of the jury in any civil case.

Freedom of Press and Speech; Libels

Section 7. The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature or any branch of government, and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information, where the fact that such publication was not maliciously or negligently made shall be established to the satisfaction of the jury; and in all indictments for libels the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Security from Searches and Seizures

Section 8. The people shall be secure in their persons, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Rights of Accused in Criminal Prosecutions

Section 9. In all criminal prosecutions the accused hath a right to be heard by himself and his counsel, to demand the nature and cause of the accusation against him, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and, in prosecutions by indictment or information, a speedy public trial by an impartial jury of the vicinage; he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty or property, unless by the judgment of his peers or the law of the land. The use of a suppressed voluntary admission or voluntary confession to impeach the credibility of a person may be permitted and shall not be construed as compelling a person to give evidence against himself.

Initiation of Criminal Proceedings; Twice in Jeopardy; Eminent Domain

Section 10. Except as hereinafter provided no person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger, or by leave of the court for oppression or misdemeanor in office. Each of the several courts of common pleas may, with the approval of the Supreme Court, provide for the initiation of criminal proceedings therein by information filed in the manner provided by law. No person shall, for the same offense, be twice put in jeopardy of life or limb; nor shall private property be taken or applied to public use, without authority of law and without just compensation being first made or secured.

Courts to be Open; Suits Against the Commonwealth

Section 11. All courts shall be open; and every man for an injury done him in his lands, goods, person or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay. Suits may be brought against the Commonwealth in such manner, in such courts and in such cases as the Legislature may by law direct.

Power of Suspending Laws

Section 12. No power of suspending laws shall be exercised unless by the Legislature or by its authority.

Bail; Fines and Punishments

Section 13. Excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

Prisoners to be Bailable; Habeas Corpus

Section 14. All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Special Criminal Tribunals

Section 15. No commission shall issue creating special temporary criminal tribunals to try particular individuals or particular classes of cases.

Insolvent Debtors

Section 16. The person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditors in such manner as shall be prescribed by law.

Ex Post Facto Laws; Impairment of Contracts

Section 17. No ex post facto law, nor any law impairing the obligation of contracts, or making irrevocable any grant of special privileges or immunities, shall be passed.

Attainder

Section 18. No person shall be attainted of treason or felony by the Legislature.

Attainder Limited

Section 19. No attainder shall work corruption of blood, nor, except during the life of the offender, forfeiture of estate to the Commonwealth.

Right of Petition

Section 20. The citizens have a right in a peaceable manner to assemble together for their common good, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by petition, address or remonstrance.

Right to Bear Arms

Section 21. The right of the citizens to bear arms in defense of themselves and the State shall not be questioned.

Standing Army; Military Subordinate to Civil Power

Section 22. No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

Article I—DECLARATION OF RIGHTS**Quartering of Troops**

Section 23. No soldier shall in time of peace be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

Titles and Offices

Section 24. The Legislature shall not grant any title of nobility or hereditary distinction, nor create any office the appointment to which shall be for a longer term than during good behavior.

Reservation of Powers in People

Section 25. To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

No Discrimination by Commonwealth and Its Political Subdivisions

Section 26. Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.

Natural Resources and the Public Estate

Section 27. The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

Prohibition Against Denial or Abridgment of Equality of Rights Because of Sex

Section 28. Equality of rights under the law shall not be denied or abridged in the Commonwealth of Pennsylvania because of the sex of the individual.

Article II

THE LEGISLATURE

Legislative Power

Section 1. The legislative power of this Commonwealth shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

Election of Members; Vacancies

Section 2. Members of the General Assembly shall be chosen at the general election every second year. Their term of service shall begin on the first day of December next after their election. Whenever a vacancy shall occur in either House, the presiding officer thereof shall issue a writ of election to fill such vacancy for the remainder of the term.

Terms of Members

Section 3. Senators shall be elected for the term of four years and Representatives for the term of two years.

Sessions

Section 4. The General Assembly shall be a continuing body during the term for which its Representatives are elected. It shall meet at 12 o'clock noon on the first Tuesday of January each year. Special sessions shall be called by the Governor on petition of a majority of the members elected to each House or may be called by the Governor whenever in his opinion the public interest requires.

Qualifications of Members

Section 5. Senators shall be at least 25 years of age and Representatives 21 years of age. They shall have been citizens and inhabitants of the State four years, and inhabitants of their respective districts one year next before their election (unless absent on the public business of the United States or of this State), and shall reside in their respective districts during their terms of service.

Disqualification to Hold Other Office

Section 6. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under this Commonwealth to which a salary, fee or perquisite is attached. No member of Congress or other person holding any office (except of attorney-at-law or in the National Guard or in a reserve component of the armed forces of the United States) under the United States or this Commonwealth to which a salary, fee or perquisite is attached shall be a member of either House during his continuance in office.

Ineligibility by Criminal Convictions

Section 7. No person hereafter convicted of embezzlement of public moneys, bribery, perjury or other infamous crime, shall be eligible to the General Assembly, or capable of holding any office of trust or profit in this Commonwealth.

Compensation

Section 8. The members of the General Assembly shall receive such salary and mileage for regular and special sessions as shall be fixed by law, and no other compensation whatever, whether for service upon committee or otherwise. No member of either House shall during the term for which he may have been elected, receive any increase of salary, or mileage, under any law passed during such term.

Article II—THE LEGISLATURE**Election of Officers; Judge of Election and Qualifications of Members**

Section 9. The Senate shall, at the beginning and close of each regular session and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of the Lieutenant Governor, in any case of absence or disability of that officer, and whenever the said office of Lieutenant Governor shall be vacant. The House of Representatives shall elect one of its members as Speaker. Each House shall choose its other officers, and shall judge of the election and qualifications of its members.

Quorum

Section 10. A majority of each House shall constitute a quorum, but a smaller number may adjourn from day to day and compel the attendance of absent members.

Powers of Each House; Expulsion

Section 11. Each House shall have power to determine the rules of its proceedings and punish its members or other persons for contempt or disorderly behavior in its presence, to enforce obedience to its process, to protect its members against violence or offers of bribes or private solicitation, and, with the concurrence of two-thirds, to expel a member, but not a second time for the same cause, and shall have all other powers necessary for the Legislature of a free State. A member expelled for corruption shall not thereafter be eligible to either House, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense.

Journals; Yeas and Nays

Section 12. Each House shall keep a journal of its proceedings and from time to time publish the same, except such parts as require secrecy, and the yeas and nays of the members on any question shall, at the desire of any two of them, be entered on the journal.

Open Sessions

Section 13. The sessions of each House and of committees of the whole shall be open, unless when the business is such as ought to be kept secret.

Adjournments

Section 14. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Privileges of Members

Section 15. The members of the General Assembly shall in all cases, except treason, felony, violation of their oath of office, and breach or surety of the peace, be privileged from arrest during their attendance at the sessions of their respective Houses and in going to and returning from the same; and for any speech or debate in either House they shall not be questioned in any other place.

Legislative Districts

Section 16. The Commonwealth shall be divided into 50 senatorial and 203 representative districts, which shall be composed of compact and contiguous territory as nearly equal in population as practicable. Each senatorial district shall elect one Senator, and each representative district one Representative. Unless absolutely necessary no county, city, incorporated town, borough, township or ward shall be divided in forming either a senatorial or representative district.

Legislative Reapportionment Commission

Section 17. (a) In each year following the year of the Federal decennial census, a Legislative Reapportionment Commission shall be constituted for the purpose of reapportioning the Commonwealth. The commission shall act by a majority of its entire membership.

(b) The commission shall consist of five members: four of whom shall be the majority and minority leaders of both the Senate and the House of Representatives, or deputies appointed by each of them, and a chairman selected as hereinafter provided. No later than 60 days following the official reporting of the Federal decennial census as required by Federal law, the four members shall be certified by the President pro tempore of the Senate and the Speaker of the House of Representatives to the elections officer of the Commonwealth who under law shall have supervision over elections.

The four members within 45 days after their certification shall select the fifth member, who shall serve as chairman of the commission, and shall immediately certify his name to such elections officer. The chairman shall be a citizen of the Commonwealth other than a local, State or Federal official holding an office to which compensation is attached.

If the four members fail to select the fifth member within the time prescribed, a majority of the entire membership of the Supreme Court within 30 days thereafter shall appoint the chairman as aforesaid and certify his appointment to such elections officer.

Any vacancy in the commission shall be filled within 15 days in the same manner in which such position was originally filled.

(c) No later than 90 days after either the commission has been duly certified or the population data for the Commonwealth as determined by the Federal decennial census are available, whichever is later in time, the commission shall file a preliminary reapportionment plan with such elections officer.

The commission shall have 30 days after filing the preliminary plan to make corrections in the plan.

Any person aggrieved by the preliminary plan shall have the same 30-day period to file exceptions with the commission in which case the commission shall have 30 days after the date the exceptions were filed to prepare and file with such elections officer a revised reapportionment plan. If no exceptions are filed within 30 days, or if filed and acted upon, the commission's plan shall be final and have the force of law.

(d) Any aggrieved person may file an appeal from the final plan directly to the Supreme Court within 30 days after the filing thereof. If the appellant establishes that the final plan is contrary to law, the Supreme Court shall issue an order remanding the plan to the commission and directing the commission to reapportion the Commonwealth in a manner not inconsistent with such order.

(e) When the Supreme Court has finally decided an appeal or when the last day for filing an appeal has passed with no appeal taken, the reapportionment plan shall have the force of law and the districts therein provided shall be used thereafter in elections to the General Assembly until the next reapportionment as required under this section 17.

(f) The General Assembly shall appropriate sufficient funds for the compensation and expenses of members and staff appointed by the commission, and other necessary expenses. The members of the commission shall be entitled to such compensation for their services as the General Assembly from time to time shall determine, but no part thereof shall be paid until a preliminary plan is filed. If a preliminary plan is filed but the commission fails to file a revised or final plan within the time prescribed, the commission members shall forfeit all right to compensation not paid.

(g) If a preliminary, revised or final reapportionment plan is not filed by the commission within the time prescribed by this section, unless the time be extended by the Supreme Court for cause shown, the Supreme Court shall immediately proceed on its own motion to reapportion the Commonwealth.

Article II—THE LEGISLATURE

(h) Any reapportionment plan filed by the commission, or ordered or prepared by the Supreme Court upon the failure of the commission to act, shall be published by the elections officer once in at least one newspaper of general circulation in each senatorial and representative district. The publication shall contain a map of the Commonwealth showing the complete reapportionment of the General Assembly by districts, and a map showing the reapportioned districts in the area normally served by the newspaper in which the publication is made. The publication shall also state the population of the senatorial and representative districts having the smallest and largest population and the percentage variation of such districts from the average population for senatorial and representative districts.

Article III
LEGISLATION

A. Procedure

Passage of Bills

Section 1. No law shall be passed except by bill, and no bill shall be so altered or amended, on its passage through either House, as to change its original purpose.

Reference to Committee; Printing

Section 2. No bill shall be considered unless referred to a committee, printed for the use of the members and returned therefrom.

Form of Bills

Section 3. No bill shall be passed containing more than one subject, which shall be clearly expressed in its title, except a general appropriation bill or a bill codifying or compiling the law or a part thereof.

Consideration of Bills

Section 4. Every bill shall be considered on three different days in each House. All amendments made thereto shall be printed for the use of the members before the final vote is taken on the bill and before the final vote is taken, upon written request addressed to the presiding officer of either House by at least 25% of the members elected to that House, any bill shall be read at length in that House. No bill shall become a law, unless on its final passage the vote is taken by yeas and nays, the names of the persons voting for and against it are entered on the journal, and a majority of the members elected to each House is recorded thereon as voting in its favor.

Concurring in Amendments; Conference Committee Reports

Section 5. No amendment to bills by one House shall be concurred in by the other, except by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting for and against recorded upon the journal thereof; and reports of committees of conference shall be adopted in either House only by the vote of a majority of the members elected thereto, taken by yeas and nays, and the names of those voting recorded upon the journals.

Revival and Amendment of Laws

Section 6. No law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only, but so much thereof as is revived, amended, extended or conferred shall be re-enacted and published at length.

Notice of Local and Special Bills

Section 7. No local or special bill shall be passed unless notice of the intention to apply therefor shall have been published in the locality where the matter or the thing to be effected may be situated, which notice shall be at least 30 days prior to the introduction into the General Assembly of such bill and in the manner to be provided by law; the evidence of such notice having been published, shall be exhibited in the General Assembly, before such act shall be passed.

Article III—LEGISLATION**Signing of Bills**

Section 8. The presiding officer of each House shall, in the presence of the House over which he presides, sign all bills and joint resolutions passed by the General Assembly, after their titles have been publicly read immediately before signing; and the fact of signing shall be entered on the journal.

Action on Concurrent Orders and Resolutions

Section 9. Every order, resolution or vote, to which the concurrence of both Houses may be necessary, except on the question of adjournment, shall be presented to the Governor and before it shall take effect be approved by him, or being disapproved, shall be repassed by two-thirds of both Houses according to the rules and limitations prescribed in case of a bill.

Revenue Bills

Section 10. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other bills.

Appropriation Bills

Section 11. The general appropriation bill shall embrace nothing but appropriations for the executive, legislative and judicial departments of the Commonwealth, for the public debt and for public schools. All other appropriations shall be made by separate bills, each embracing but one subject.

Legislation Designated by Governor at Special Sessions

Section 12. When the General Assembly shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session.

Vote Denied Members with Personal Interest

Section 13. A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

B. Education**Public School System**

Section 14. The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth.

Public School Money Not Available to Sectarian Schools

Section 15. No money raised for the support of the public schools of the Commonwealth shall be appropriated to or used for the support of any sectarian school.

C. National Guard**National Guard to be Organized and Maintained**

Section 16. The citizens of this Commonwealth shall be armed, organized and disciplined for its defense when and in such manner as may be directed by law. The General Assembly shall provide for maintaining the National Guard by appropriations from the Treasury of the Commonwealth, and may exempt from State military service persons having conscientious scruples against bearing arms.

D. Other Legislation Specifically Authorized**Appointment of Legislative Officers and Employees**

Section 17. The General Assembly shall prescribe by law the number, duties and compensation of the officers and employees of each House, and no payment shall be made from the State Treasury, or be in any way authorized, to any person, except to an acting officer or employee elected or appointed in pursuance of law.

Compensation Laws Allowed to General Assembly

Section 18. The General Assembly may enact laws requiring the payment by employers, or employers and employees jointly, of reasonable compensation for injuries to employees arising in the course of their employment, and for occupational diseases of employees, whether or not such injuries or diseases result in death, and regardless of fault of employer or employee, and fixing the basis of ascertainment of such compensation and the maximum and minimum limits thereof, and providing special or general remedies for the collection thereof; but in no other cases shall the General Assembly limit the amount to be recovered for injuries resulting in death, or for injuries to persons or property, and in case of death from such injuries, the right of action shall survive, and the General Assembly shall prescribe for whose benefit such actions shall be prosecuted. No act shall prescribe any limitations of time within which suits may be brought against corporations for injuries to persons or property, or for other causes different from those fixed by general laws regulating actions against natural persons, and such acts now existing are avoided.

Appropriations for Support of Widows and Orphans of Persons Who Served in the Armed Forces

Section 19. The General Assembly may make appropriations of money to institutions wherein the widows of persons who served in the armed forces are supported or assisted, or the orphans of persons who served in the armed forces are maintained and educated; but such appropriations shall be applied exclusively to the support of such widows and orphans.

Classification of Municipalities

Section 20. The Legislature shall have power to classify counties, cities, boroughs, school districts, and townships according to population, and all laws passed relating to each class, and all laws passed relating to, and regulating procedure and proceedings in court with reference to, any class, shall be deemed general legislation within the meaning of this Constitution.

Land Title Registration

Section 21. Laws may be passed providing for a system of registering, transferring, insuring of and guaranteeing land titles by the State, or by the counties thereof, and for settling and determining adverse or other claims to and interest in lands the titles to which are so registered, transferred, insured, and guaranteed; and for the creation and collection of indemnity funds; and for carrying the system and powers hereby provided for into effect by such existing courts as may be designated by the Legislature. Such laws may provide for continuing the registering, transferring, insuring, and guaranteeing such titles after the first or original registration has been perfected by the court, and provision may be made for raising the necessary funds for expenses and salaries of officers, which shall be paid out of the treasury of the several counties.

Article III—LEGISLATION**State Purchases**

Section 22. The General Assembly shall maintain by law a system of competitive bidding under which all purchases of materials, printing, supplies or other personal property used by the government of this Commonwealth shall so far as practicable be made. The law shall provide that no officer or employee of the Commonwealth shall be in any way interested in any purchase made by the Commonwealth under contract or otherwise.

Change of Venue

Section 23. The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided by law.

Paying Out Public Moneys

Section 24. No money shall be paid out of the treasury, except on appropriations made by law and on warrant issued by the proper officers; but cash refunds of taxes, licenses, fees and other charges paid or collected, but not legally due, may be paid, as provided by law, without appropriation from the fund into which they were paid on warrant of the proper officer.

Emergency Seats of Government

Section 25. The General Assembly may provide, by law, during any session, for the continuity of the executive, legislative, and judicial functions of the government of the Commonwealth, and its political subdivisions, and the establishment of emergency seats thereof and any such laws heretofore enacted are validated. Such legislation shall become effective in the event of an attack by an enemy of the United States.

Extra Compensation Prohibited; Claims Against the Commonwealth; Pensions

Section 26. No bill shall be passed giving any extra compensation to any public officer, servant, employee, agent or contractor, after services shall have been rendered or contract made, nor providing for the payment of any claim against the Commonwealth without previous authority of law: Provided, however, That nothing in this Constitution shall be construed to prohibit the General Assembly from authorizing the increase of retirement allowances or pensions of members of a retirement or pension system now in effect or hereafter legally constituted by the Commonwealth, its political subdivisions, agencies or instrumentalities, after the termination of the services of said member.

Changes in Term of Office or Salary Prohibited

Section 27. No law shall extend the term of any public officer, or increase or diminish his salary or emoluments, after his election or appointment.

E. Restrictions on Legislative Power**Change of Permanent Location of State Capital**

Section 28. No law changing the permanent location of the Capital of the State shall be valid until the same shall have been submitted to the qualified electors of the Commonwealth at a general election and ratified and approved by them.

Appropriations for Public Assistance, Military Service, Scholarships

Section 29. No appropriation shall be made for charitable, educational or benevolent purposes to any person or community nor to any denominational and sectarian

institution, corporation or association: Provided, That appropriations may be made for pensions or gratuities for military service and to blind persons 21 years of age and upwards and for assistance to mothers having dependent children and to aged persons without adequate means of support and in the form of scholarship grants or loans for higher educational purposes to residents of the Commonwealth enrolled in institutions of higher learning except that no scholarship, grants or loans for higher educational purposes shall be given to persons enrolled in a theological seminary or school of theology.

Charitable and Educational Appropriations

Section 30. No appropriation shall be made to any charitable or educational institution not under the absolute control of the Commonwealth, other than normal schools established by law for the professional training of teachers for the public schools of the State, except by a vote of two-thirds of all the members elected to each House.

Delegation of Certain Powers Prohibited

Section 31. The General Assembly shall not delegate to any special commission, private corporation or association, any power to make, supervise or interfere with any municipal improvement, money, property or effects, whether held in trust or otherwise, or to levy taxes or perform any municipal function whatever.

Notwithstanding the foregoing limitation or any other provision of the Constitution, the General Assembly may enact laws which provide that the findings of panels or commissions, selected and acting in accordance with law for the adjustment or settlement of grievances or disputes or for collective bargaining between policemen and firemen and their public employers shall be binding upon all parties and shall constitute a mandate to the head of the political subdivision which is the employer, or to the appropriate officer of the Commonwealth if the Commonwealth is the employer, with respect to matters which can be remedied by administrative action, and to the lawmaking body of such political subdivision or of the Commonwealth, with respect to matters which require legislative action, to take the action necessary to carry out such findings.

Certain Local and Special Laws

Section 32. The General Assembly shall pass no local or special law in any case which has been or can be provided for by general law and specifically the General Assembly shall not pass any local or special law:

1. Regulating the affairs of counties, cities, townships, wards, boroughs or school districts:
2. Vacating roads, town plats, streets or alleys:
3. Locating or changing county seats, erecting new counties or changing county lines:
4. Erecting new townships or boroughs, changing township lines, borough limits or school districts:
5. Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the treasury:
6. Exempting property from taxation:
7. Regulating labor, trade, mining or manufacturing:
8. Creating corporations, or amending, renewing or extending the charters thereof:

Nor shall the General Assembly indirectly enact any special or local law by the partial repeal of a general law; but laws repealing local or special acts may be passed.

Article IV
THE EXECUTIVE

Executive Department

Section 1. The Executive Department of this Commonwealth shall consist of a Governor, Lieutenant Governor, Attorney General, Auditor General, State Treasurer, and Superintendent of Public Instruction and such other officers as the General Assembly may from time to time prescribe.

Duties of Governor; Election Procedure; Tie or Contest

Section 2. The supreme executive power shall be vested in the Governor, who shall take care that the laws be faithfully executed; he shall be chosen on the day of the general election, by the qualified electors of the Commonwealth, at the places where they shall vote for Representatives. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the President of the Senate, who shall open and publish them in the presence of the members of both Houses of the General Assembly. The person having the highest number of votes shall be Governor, but if two or more be equal and highest in votes, one of them shall be chosen Governor by the joint vote of the members of both Houses. Contested elections shall be determined by a committee, to be selected from both Houses of the General Assembly, and formed and regulated in such manner as shall be directed by law.

Terms of Office of Governor; Number of Terms

Section 3. The Governor shall hold his office during four years from the third Tuesday of January next ensuing his election. Except for the Governor who may be in office when this amendment is adopted, he shall be eligible to succeed himself for one additional term.

Lieutenant Governor

Section 4. A Lieutenant Governor shall be chosen jointly with the Governor by the casting by each voter of a single vote applicable to both offices, for the same term, and subject to the same provisions as the Governor; he shall be President of the Senate. As such, he may vote in case of a tie on any question except the final passage of a bill or joint resolution, the adoption of a conference report or the concurrence in amendments made by the House of Representatives.

Attorney General

Section 4.1. An Attorney General shall be chosen by the qualified electors of the Commonwealth on the day the general election is held for the Auditor General and State Treasurer; he shall hold his office during four years from the third Tuesday of January next ensuing his election and shall not be eligible to serve continuously for more than two successive terms; he shall be the chief law officer of the Commonwealth and shall exercise such powers and perform such duties as may be imposed by law.

Qualifications of Governor, Lieutenant Governor and Attorney General

Section 5. No person shall be eligible to the office of Governor, Lieutenant Governor or Attorney General except a citizen of the United States, who shall have attained the age of 30 years, and have been seven years next preceding his election an inhabitant of this Commonwealth, unless he shall have been absent on the public business of the United States or of this Commonwealth. No person shall be eligible to the office of Attorney General except a member of the bar of the Supreme Court of Pennsylvania.

Article IV—THE EXECUTIVE**Disqualification for Offices of Governor, Lieutenant Governor and Attorney General**

Section 6. No member of Congress or person holding any office (except of attorney-at-law or in the National Guard or in a reserve component of the armed forces of the United States) under the United States or this Commonwealth shall exercise the office of Governor, Lieutenant Governor or Attorney General.

Military Power

Section 7. The Governor shall be commander-in-chief of the military forces of the Commonwealth, except when they shall be called into actual service of the United States.

Appointing Power

Section 8. (a) The Governor shall appoint a Secretary of Education and such other officers as he shall be authorized by law to appoint. The appointment of the Secretary of Education and of such other officers as may be specified by law, shall be subject to the consent of two-thirds or a majority of the members elected to the Senate as is specified by law.

(b) The Governor shall fill vacancies in offices to which he appoints by nominating to the Senate a proper person to fill the vacancy within 90 days of the first day of the vacancy and not thereafter. The Senate shall act on each executive nomination within 25 legislative days of its submission. If the Senate has not voted upon a nomination within 15 legislative days following such submission, any five members of the Senate may, in writing, request the presiding officer of the Senate to place the nomination before the entire Senate body whereby the nomination must be voted upon prior to the expiration of five legislative days or 25 legislative days following submission by the Governor, whichever occurs first. If the nomination is made during a recess or after adjournment sine die, the Senate shall act upon it within 25 legislative days after its return or reconvening. If the Senate for any reason fails to act upon a nomination submitted to it within the required 25 legislative days, the nominee shall take office as if the appointment had been consented to by the Senate. The Governor shall in a similar manner fill vacancies in the offices of Auditor General, State Treasurer, justice, judge, justice of the peace and in any other elective office he is authorized to fill. In the case of a vacancy in an elective office, a person shall be elected to the office on the next election day appropriate to the office unless the first day of the vacancy is within two calendar months immediately preceding the election day in which case the election shall be held on the second succeeding election day appropriate to the office.

(c) In acting on executive nominations, the Senate shall sit with open doors. The votes shall be taken by yeas and nays and shall be entered on the journal.

Pardoning Power; Board of Pardons

Section 9. (a) In all criminal cases except impeachment the Governor shall have power to remit fines and forfeitures, to grant reprieve commutation of sentences and pardons; but no pardon shall be granted, nor sentence commuted, except on the recommendation in writing of a majority of the Board of Pardons, after full hearing in open session, upon due public notice. The recommendation, with the reasons therefor at length, shall be delivered to the Governor and a copy thereof shall be kept on file in the office of the Lieutenant Governor in a docket kept for that purpose.

(b) The Board of Pardons shall consist of the Lieutenant Governor who shall be chairman, the Attorney General and three members appointed by the Governor with the consent of two-thirds or a majority of the members elected to the Senate as is specified by law for terms of six years. The three members appointed by the Governor shall be residents of Pennsylvania and shall be recognized leaders in their fields; one shall be

a member of the bar, one a penologist, and the third a doctor of medicine, psychiatrist or psychologist. The board shall keep records of its actions, which shall at all times be open for public inspection.

Information from Department Officials

Section 10. The Governor may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

Messages to the General Assembly

Section 11. He shall, from time to time, give to the General Assembly information of the state of the Commonwealth, and recommend to their consideration such measures as he may judge expedient.

Power to Convene and Adjourn the General Assembly

Section 12. He may, on extraordinary occasions, convene the General Assembly, and in case of disagreement between the two Houses, with respect to the time of adjournment, adjourn them to such time as he shall think proper, not exceeding four months. He shall have power to convene the Senate in extraordinary session by proclamation for the transaction of Executive business.

When Lieutenant Governor to Act as Governor

Section 13. In the case of the death, conviction on impeachment, failure to qualify or resignation of the Governor, the Lieutenant Governor shall become Governor for the remainder of the term and in the case of the disability of the Governor, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disability is removed.

Vacancy in Office of Lieutenant Governor

Section 14. In case of the death, conviction on impeachment, failure to qualify or resignation of the Lieutenant Governor, or in case he should become Governor under section 13 of this article, the President pro tempore of the Senate shall become Lieutenant Governor for the remainder of the term. In case of the disability of the Lieutenant Governor, the powers, duties and emoluments of the office shall devolve upon the President pro tempore of the Senate until the disability is removed. Should there be no Lieutenant Governor, the President pro tempore of the Senate shall become Governor if a vacancy shall occur in the office of Governor and in case of the disability of the Governor, the powers, duties and emoluments of the office shall devolve upon the President pro tempore of the Senate until the disability is removed. His seat as Senator shall become vacant whenever he shall become Governor and shall be filled by election as any other vacancy in the Senate.

Approval of Bills; Vetoes

Section 15. Every bill which shall have passed both Houses shall be presented to the Governor; if he approves he shall sign it, but if he shall not approve he shall return it with his objections to the House in which it shall have originated, which House shall enter the objections at large upon their journal, and proceed to re-consider it. If after such re-consideration, two-thirds of all the members elected to that House shall agree to pass the bill, it shall be sent with the objections to the other House by which likewise it shall be re-considered, and if approved by two-thirds of all the members elected to that House it shall be a law; but in such cases the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for and against the bill shall be

Article IV—THE EXECUTIVE

entered on the journals of each House, respectively. If any bill shall not be returned by the Governor within ten days after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall be a law, unless he shall file the same, with his objections, in the office of the Secretary of the Commonwealth, and give notice thereof by public proclamation within 30 days after such adjournment.

Partial Disapproval of Appropriation Bills

Section 16. The Governor shall have power to disapprove of any item or items of any bill, making appropriations of money, embracing distinct items, and the part or parts of the bill approved shall be the law, and the item or items of appropriation disapproved shall be void, unless re-passed according to the rules and limitations prescribed for the passage of other bills over the Executive veto.

Contested Elections of Governor, Lieutenant Governor and Attorney General; When Succeeded

Section 17. The Chief Justice of the Supreme Court shall preside upon the trial of any contested election of Governor, Lieutenant Governor or Attorney General and shall decide questions regarding the admissibility of evidence, and shall, upon request of the committee, pronounce his opinion upon other questions of law involved in the trial. The Governor, Lieutenant Governor and Attorney General shall exercise the duties of their respective offices until their successors shall be duly qualified.

Terms of Office of Auditor General and State Treasurer; Number of Terms; Eligibility of State Treasurer to become Auditor General

Section 18. The terms of the Auditor General and of the State Treasurer shall each be four years from the third Tuesday of January next ensuing his election. They shall be chosen by the qualified electors of the Commonwealth at general elections but shall not be eligible to serve continuously for more than two successive terms. The State Treasurer shall not be eligible to the office of Auditor General until four years after he has been State Treasurer.

State Seal; Commissions

Section 19. The present Great Seal of Pennsylvania shall be the seal of the State. All commissions shall be in the name and by authority of the Commonwealth of Pennsylvania, and be sealed with the State seal and signed by the Governor.

Article V
THE JUDICIARY

Unified Judicial System

Section 1. The judicial power of the Commonwealth shall be vested in a unified judicial system consisting of the Supreme Court, the Superior Court, the Commonwealth Court, courts of common pleas, community courts, municipal and traffic courts in the City of Philadelphia, such other courts as may be provided by law and justices of the peace. All courts and justices of the peace and their jurisdiction shall be in this unified judicial system.

Supreme Court

Section 2. The Supreme Court (a) shall be the highest court of the Commonwealth and in this court shall be reposed the supreme judicial power of the Commonwealth; (b) shall consist of seven justices, one of whom shall be the Chief Justice; and (c) shall have such jurisdiction as shall be provided by law.

Superior Court

Section 3. The Superior Court shall be a statewide court, and shall consist of the number of judges, which shall be not less than seven judges, and have such jurisdiction as shall be provided by this Constitution or by the General Assembly. One of its judges shall be the president judge.

Commonwealth Court

Section 4. The Commonwealth Court shall be a statewide court, and shall consist of the number of judges and have such jurisdiction as shall be provided by law. One of its judges shall be the president judge.

Courts of Common Pleas

Section 5. There shall be one court of common pleas for each judicial district (a) having such divisions and consisting of such number of judges as shall be provided by law, one of whom shall be the president judge; and (b) having unlimited original jurisdiction in all cases except as may otherwise be provided by law.

Community Courts; Philadelphia Municipal Court and Traffic Court

Section 6. (a) In any judicial district a majority of the electors voting thereon may approve the establishment or discontinuance of a community court. Where a community court is approved, one community court shall be established; its divisions, number of judges and jurisdiction shall be as provided by law.

(b) The question whether a community court shall be established or discontinued in any judicial district shall be placed upon the ballot in a primary election by petition which shall be in the form prescribed by the officer of the Commonwealth who under law shall have supervision over elections. The petition shall be filed with that officer and shall be signed by a number of electors equal to 5% of the total votes cast for all candidates for the office occupied by a single official for which the highest number of votes was cast in that judicial district at the last preceding general or municipal election. The manner of signing such petitions, the time of circulating them, the affidavits of the persons circulating them and all other details not contained herein shall be governed by the general laws relating to elections. The question shall not be placed upon the ballot in a judicial district more than once in any five-year period.

Article V—THE JUDICIARY

(c) In the City of Philadelphia there shall be a municipal court and a traffic court. The number of judges and the jurisdiction of each shall be as provided by law. These courts shall exist so long as a community court has not been established or in the event one has been discontinued under this section.

Justices of the Peace; Magisterial Districts

Section 7. (a) In any judicial district, other than the City of Philadelphia, where a community court has not been established or where one has been discontinued there shall be one justice of the peace in each magisterial district. The jurisdiction of the justice of the peace shall be as provided by law.

(b) The General Assembly shall by law establish classes of magisterial districts solely on the basis of population and population density and shall fix the salaries to be paid justices of the peace in each class. The number and boundaries of magisterial districts of each class within each judicial district shall be established by the Supreme Court or by the courts of common pleas under the direction of the Supreme Court as required for the efficient administration of justice within each magisterial district.

Other Court

Section 8. The General Assembly may establish additional courts or divisions of existing courts, as needed, or abolish any statutory court or division thereof.

Right of Appeal

Section 9. There shall be a right of appeal in all cases to a court of record from a court not of record; and there shall also be a right of appeal from a court of record or from an administrative agency to a court of record or to an appellate court, the selection of such court to be as provided by law; and there shall be such other rights of appeal as may be provided by law.

Judicial Administration

Section 10. (a) The Supreme Court shall exercise general supervisory and administrative authority over all the courts and justices of the peace, including authority to temporarily assign judges and justices of the peace from one court or district to another as it deems appropriate.

(b) The Supreme Court shall appoint a court administrator and may appoint such subordinate administrators and staff as may be necessary and proper for the prompt and proper disposition of the business of all courts and justices of the peace.

(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.

(d) The Chief Justice and president judges of all courts with seven or less judges shall be the justice or judge longest in continuous service on their respective courts; and in the event of his resignation from this position the justice or judge next longest in continuous service shall be the Chief Justice or president judge. The president judges of all

other courts shall be selected for five-year terms by the members of their respective courts, except that the president judge of the traffic court in the City of Philadelphia shall be appointed by the Governor. A Chief Justice or president judge may resign such position and remain a member of the court. In the event of a tie vote for office of president judge in a court which elects its president judge, the Supreme Court shall appoint as president judge one of the judges receiving the highest number of votes.

(e) Should any two or more justices or judges of the same court 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.

Judicial Districts; Boundaries

Section 11. The number and boundaries of judicial districts shall be changed by the General Assembly only with the advice and consent of the Supreme Court.

Qualifications of Justices, Judges and Justices of the Peace

Section 12. (a) Justices, judges and justices of the peace shall be citizens of the Commonwealth. Justices and judges, except the judges of the traffic court in the City of Philadelphia, shall be members of the bar of the Supreme Court. Justices and judges of statewide courts, for a period of one year preceding their election or appointment and during their continuance in office, shall reside within the Commonwealth. Other judges and justices of the peace, for a period of one year preceding their election or appointment and during their continuance in office, shall reside within their respective districts, except as provided in this article for temporary assignments.

(b) Judges of the traffic court in the City of Philadelphia and justices of the peace shall be members of the bar of the Supreme Court or shall complete a course of training and instruction in the duties of their respective offices and pass an examination prior to assuming office. Such courses and examinations shall be as provided by law.

Election of Justices, Judges and Justices of the Peace; Vacancies

Section 13. (a) Justices, judges and justices of the peace shall be elected at the municipal election next preceding the commencement of their respective terms of office by the electors of the Commonwealth or the respective districts in which they are to serve.

(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.

(c) The provisions of section 13(b) shall not apply either in the case of a vacancy to be filled by retention election as provided in section 15(b), or in the case of a vacancy created by failure of a justice or judge to file a declaration for retention election as provided in section 15(b). In the case of a vacancy occurring at the expiration of an appointive term under section 13(b), the vacancy shall be filled by election as provided in section 13(a).

Article V—THE JUDICIARY

(d) At the primary election in 1969, the electors of the Commonwealth may elect to have the justices and judges of the Supreme, Superior, Commonwealth and all other statewide courts appointed by the Governor from a list of persons qualified for the offices submitted to him by the Judicial Qualifications Commission. If a majority vote of those voting on the question is in favor of this method of appointment, then whenever any vacancy occurs thereafter for any reason in such court, the Governor shall fill the vacancy by appointment in the manner prescribed in this subsection. Such appointment shall not require the consent of the Senate.

(e) Each justice or judge appointed by the Governor under section 13(d) shall hold office for an initial term ending the first Monday of January following the next municipal election more than 24 months following the appointment.

Judicial Qualifications Commission

Section 14. (a) Should the method of judicial selection be adopted as provided in section 13 (d), there shall be a Judicial Qualifications Commission, composed of four non-lawyer electors appointed by the Governor and three non-judge members of the bar of the Supreme Court appointed by the Supreme Court. No more than four members shall be of the same political party. The members of the commission shall serve for terms of seven years, with one member being selected each year. The commission shall consider all names submitted to it and recommend to the Governor not fewer than ten nor more than 20 of those qualified for each vacancy to be filled.

(b) During his term, no member shall hold a public office or public appointment for which he receives compensation, nor shall he hold office in a political party or political organization.

(c) A vacancy on the commission shall be filled by the appointing authority for the balance of the term.

Tenure of Justices, Judges and Justices of the Peace

Section 15. (a) The regular term of office of justices and judges shall be ten years and the regular term of office for judges of the municipal court and traffic court in the City of Philadelphia and of justices of the peace shall be six years. The tenure of any justice or judge shall not be affected by changes in judicial districts or by reduction in the number of judges.

(b) A justice or judge elected under section 13(a), appointed under section 13(d) or retained under this section 15(b) may file a declaration of candidacy for retention election with the officer of the Commonwealth who under law shall have supervision over elections on or before the first Monday of January of the year preceding the year in which his term of office expires. If no declaration is filed, a vacancy shall exist upon the expiration of the term of office of such justice or judge to be filled by election under section 13(a) or by appointment under section 13(d) if applicable. If a justice or judge files a declaration, his name shall be submitted to the electors without party designation, on a separate judicial ballot card in a separate column on voting machines, at the municipal election immediately preceding the expiration of the term of office of the justice or judge to determine only the question whether he shall be retained in office. If a majority is against retention, a vacancy shall exist upon the expiration of his term of office, to be filled by appointment under section 13(b) or under section 13(d) if applicable. If a majority favors retention, the justice or judge shall serve for the regular term of office provided herein, unless sooner removed or retired. At the expiration of each term a justice or judge shall be eligible for retention as provided herein, subject only to the retirement provisions of this article.

Compensation and Retirement of Justices, Judges and Justices of the Peace

Section 16. (a) Justices, judges and justices of the peace shall be compensated by the Commonwealth as provided by law. Their compensation shall not be diminished during their terms of office, unless by law applying generally to all salaried officers of the Commonwealth.

(b) Justices, judges and justices of the peace shall be retired upon attaining the age of 70 years. Former and retired justices, judges and justices of the peace shall receive such compensation as shall be provided by law. No compensation shall be paid to any justice, judge or justice of the peace who is suspended or removed from office under section 18 of this article or under Article VI.

(c) A former or retired justice or judge may, with his consent, be assigned by the Supreme Court on temporary judicial service as may be prescribed by rule of the Supreme Court.

Prohibited Activities

Section 17. (a) Justices and judges shall devote full time to their judicial duties, and shall not engage in the practice of law, hold office in a political party or political organization, or hold an office or position of profit in the government of the United States, the Commonwealth or any municipal corporation or political subdivision thereof, except in the armed service of the United States or the Commonwealth.

(b) Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court. Justices of the peace shall be governed by rules or canons which shall be prescribed by the Supreme Court.

(c) No justice, judge or justice of the peace shall be paid or accept for the performance of any judicial duty or for any service connected with his office, any fee, emolument or perquisite other than the salary and expenses provided by law.

(d) No duties shall be imposed by law upon the Supreme Court or any of the justices thereof or the Superior Court or any of the judges thereof, except such as are judicial, nor shall any of them exercise any power of appointment except as provided in this Constitution.

Suspension, Removal, Discipline and Compulsory Retirement

Section 18. (a) There shall be a Judicial Inquiry and Review Board having nine members as follows: three judges of the courts of common pleas from different judicial districts and two judges of the Superior Court, all of whom shall be selected by the Supreme Court; and two non-judge members of the bar of the Supreme Court and two non-lawyer electors, all of whom shall be selected by the Governor.

(b) The members shall serve for terms of four years, provided that a member, rather than his successor, shall continue to participate in any hearing in progress at the end of his term. A vacancy on the board shall be filled by the respective appointing authority for the balance of the term. The respective appointing authority may remove a member only for cause. No member shall serve more than four consecutive years; he may be reappointed after a lapse of one year. Annually the members of the board shall elect a chairman. The board shall act only with the concurrence of a majority of its members.

(c) A member shall not hold office in a political party or political organization. Members, other than judges, shall be compensated for their services as the Supreme Court shall prescribe. All members shall be reimbursed for expenses necessarily incurred in the discharge of their official duties.

(d) Under the procedure prescribed herein, any justice or judge may be suspended, removed from office or otherwise disciplined for violation of section 17 of this article,

Article V—THE JUDICIARY

misconduct in office, neglect of duty, failure to perform his duties, or conduct which prejudices the proper administration of justice or brings the judicial office into dispute, and may be retired for disability seriously interfering with the performance of his duties.

(e) The board shall keep informed as to matters relating to grounds for suspension, removal, discipline, or compulsory retirement of justices or judges. It shall receive complaints or reports, formal or informal, from any source pertaining to such matters, and shall make such preliminary investigations as it deems necessary.

(f) The board, after such investigation, may order a hearing concerning the suspension, removal, discipline or compulsory retirement of a justice or judge. The board's orders for attendance of or testimony by witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings.

(g) If, after hearing, the board finds good cause therefor, it shall recommend to the Supreme Court the suspension, removal, discipline or compulsory retirement of the justice or judge.

(h) The Supreme Court shall review the record of the board's proceedings on the law and facts and may permit the introduction of additional evidence. It shall order suspension, removal, discipline or compulsory retirement, or wholly reject the recommendation, as it finds just and proper. Upon an order for compulsory retirement, the justice or judge shall be retired with the same rights and privileges were he retired under section 16 of this article. Upon an order for suspension or removal, the justice or judge shall be suspended or removed from office, and his salary shall cease from the date of such order. All papers filed with and proceedings before the board shall be confidential but upon being filed by the board in the Supreme Court, the record shall lose its confidential character. The filing of papers with and the giving of testimony before the board shall be privileged.

(i) No justice or judge shall participate as a member of the board or of the Supreme Court in any proceeding involving his suspension, removal, discipline or compulsory retirement.

(j) The Supreme Court shall prescribe rules of procedure under this section.

(k) The Supreme Court shall prescribe rules of procedure for the suspension, removal, discipline and compulsory retirement of justices of the peace.

(l) A justice, judge or justice of the peace convicted of misbehavior in office by a court, disbarred as a member of the bar of the Supreme Court or removed under this section 18 shall forfeit automatically his judicial office and thereafter be ineligible for judicial office.

(m) A justice or judge who shall file for nomination for or election to any public office other than a judicial office shall forfeit automatically his judicial office.

(n) This section is in addition to and not in substitution for the provisions for impeachment for misbehavior in office contained in Article VI. No justice, judge or justice of the peace against whom impeachment proceedings are pending in the Senate shall exercise any of the duties of his office until he has been acquitted.

COURTS OTHER THAN IN THE CITY OF PHILADELPHIA AND ALLEGHENY COUNTY

The Supreme Court

Section 1. The Supreme Court shall exercise all the powers and, until otherwise provided by law, jurisdiction now vested in the present Supreme Court and, until otherwise provided by law, the accused in all cases of felonious homicide shall have the right of appeal to the Supreme Court.

The Superior Court

Section 2. Until otherwise provided by law, the Superior Court shall exercise all the jurisdiction now vested in the present Superior Court. The present terms of all judges of the Superior Court which would otherwise expire on the first Monday of January in an odd-numbered year shall be extended to expire in the even-numbered year next following.

Commonwealth Court

Section 3. The Commonwealth Court shall come into existence on January 1, 1970. Notwithstanding anything to the contrary in this article, the General Assembly shall stagger the initial terms of judges of the Commonwealth Court.

The Courts of Common Pleas

Section 4. Until otherwise provided by law, the several courts of common pleas shall exercise the jurisdiction now vested in the present courts of common pleas. The courts of oyer and terminer and general jail delivery, quarter sessions of the peace, and orphans' courts are abolished and the several courts of common pleas shall also exercise the jurisdiction of these courts. Orphans' courts in judicial districts having separate orphans' courts shall become orphans' court divisions of the courts of common pleas and the court of common pleas in those judicial districts shall exercise the jurisdiction presently exercised by the separate orphans' courts through their respective orphans' court division.

Orphans' Court Judges

Section 5. In those judicial districts having separate orphans' courts, the present judges thereof shall become judges of the orphans' court division of the court of common pleas and the present president judge shall become the president judge of the orphans' court division of the court of common pleas for the remainder of his term without diminution in salary.

Courts of Common Pleas in Multi-County Judicial Districts

Section 6. Courts of common pleas in multi-county judicial districts are abolished as separate courts and are hereby constituted as branches of the single court of common pleas established under this article in each such judicial district.

Community Courts

Section 7. In a judicial district which establishes a community court, a person serving as a justice of the peace at such time:

- (a) May complete his term exercising the jurisdiction provided by law and with the compensation provided by law, and
- (b) Upon completion of his term, his office is abolished and no judicial function of the kind heretofore exercised by a justice of the peace shall thereafter be exercised other than by the community court.

JUSTICES, JUDGES AND JUSTICES OF THE PEACE

Justices, Judges and Justices of the Peace

Section 8. Notwithstanding any provision in the article, a present justice, judge or justice of the peace may complete his term of office.

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Article V—THE JUDICIARY**Associate Judges**

Section 9. The office of associate judge not learned in the law is abolished, but a present associate judge may complete his term.

Retention Election of Present Justices and Judges

Section 10. A present judge who was originally elected to office and seeks retention in the 1969 municipal election and is otherwise eligible may file his declaration of candidacy by February 1, 1969.

Selection of President Judges

Section 11. (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.

**MAGISTRATES, ALDERMEN AND JUSTICES OF THE
PEACE AND MAGISTERIAL DISTRICTS OTHER
THAN IN THE CITY OF PHILADELPHIA**

Magistrates, Aldermen and Justices of the Peace

Section 12. An alderman, justice of the peace or magistrate:

(a) May complete his term, exercising the jurisdiction provided by law and with the method of compensation provided by law prior to the adoption of this article;

(b) Shall be deemed to have taken and passed the examination required by this article for justices of the peace if he has completed one full term of office before creation of a magisterial district, and

(c) At the completion of his term, his office is abolished.

(d) Except for officers completing their terms, after the first Monday in January, 1970, no judicial function of the kind heretofore exercised by these officers, by mayors and like officers in municipalities shall be exercised by any officer other than the one justice of the peace elected or appointed to serve in that magisterial district.

Magisterial Districts

Section 13. So that the provisions of this article regarding the establishment of magisterial districts and the instruction and examination of justices of the peace may be self-executing, until otherwise provided by law in a manner agreeable to this article, the following provisions shall be in force:

(a) The Supreme Court or the courts of common pleas under the direction of the Supreme Court shall fix the number and boundaries of magisterial districts of each class within each judicial district by January 1, 1969, and these magisterial districts, except where a community court has been adopted, shall come into existence on January 1, 1970, the justices of the peace thereof to be elected at the municipal election in 1969. These justices of the peace shall retain no fine, costs or any other sum that shall be delivered into their hands for the performance of any judicial duty or for any service connected with their offices, but shall remit the same to the Commonwealth, county, municipal subdivision, school district or otherwise as may be provided by law.

(b) Classes of magisterial districts.

(i) Magisterial districts of the first class shall have a population density of more than 5,000 persons per square mile and a population of not less than 65,000 persons.

(ii) Magisterial districts of the second class shall have a population density of between 1,000 and 5,000 persons per square mile and a population of between 20,000 persons and 65,000 persons.

(iii) Magisterial districts of the third class shall have a population density of between 200 and 1,000 persons per square mile and a population of between 12,000 persons and 20,000 persons.

(iv) Magisterial districts of the fourth class shall have a population density of between 70 and 200 persons per square mile and a population of between 7,500 persons and 12,000 persons.

(v) Magisterial districts of the fifth class shall have a population density of under 70 persons per square mile and a population of between 4,000 persons and 7,500 persons.

(c) Salaries of justices of the peace.

The salaries of the justices of the peace shall be as follows:

(i) In first class magisterial districts, \$12,000 per year,

(ii) In second class magisterial districts, \$10,000 per year,

(iii) In third class magisterial districts, \$8,000 per year,

(iv) In fourth and fifth class magisterial districts, \$5,000 per year.

(v) The salaries here fixed shall be paid by the State Treasurer and for such payment this article and schedule shall be sufficient warrant.

(d) Course of training, instruction and examination. The course of training and instruction and examination in civil and criminal law and procedure for a justice of the peace shall be devised by the Department of Public Instruction, and it shall administer this course and examination to insure that justices of the peace are competent to perform their duties.

Magisterial Districts

Section 14. Effective immediately upon establishment of magisterial districts and until otherwise prescribed the civil and criminal procedural rules relating to venue shall apply to magisterial districts; all proceedings before aldermen, magistrates and justices of the peace shall be brought in and only in a magisterial district in which occurs an event which would give rise to venue in a court of record; the court of common pleas upon its own motion or on application at any stage of proceedings shall transfer any proceeding in any magisterial district to the justice of the peace for the magisterial district in which proper venue lies.

PROTHONOTARIES AND CLERKS OTHER THAN IN THE CITY OF PHILADELPHIA

Prothonotaries, Clerks of Courts, Clerks of Orphans' Courts

Section 15. Until otherwise provided by law, the offices of prothonotary and clerk of courts shall become the offices of prothonotary and clerk of courts of the court of common pleas of the judicial district, and in multi-county judicial districts of their county's branch of the court of common pleas, and the clerk of the orphans' court in a judicial district now having a separate orphans' court shall become the clerk of the orphans' court division of the court of common pleas, and these officers shall continue to perform the duties of the office and to maintain and be responsible for the records, books and dockets as heretofore. In judicial districts where the clerk of the orphans'

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court is not the register of wills, he shall continue to perform the duties of the office and to maintain and be responsible for the records, books and dockets as heretofore until otherwise provided by law.

THE CITY OF PHILADELPHIA

Courts and Judges

Section 16. Until otherwise provided by law: (a) the court of common pleas shall consist of a trial division, orphans' court division and family court division.

(b) The judges of the court of common pleas shall become judges of the trial division of the court of common pleas provided for in this article and their tenure shall not otherwise be affected.

(c) The judges of the county court shall become judges of the family court division of the court of common pleas and their tenure shall not otherwise be affected.

(d) The judges of the orphans' court shall become judges of the orphans' court division of the court of common pleas and their tenure shall not otherwise be affected.

(e) As designated by the Governor, 22 of the present magistrates shall become judges of the municipal court and six shall become judges of the traffic court, and their tenure shall not otherwise be affected.

(f) One of the judges of the court of common pleas shall be president judge and he shall be selected in the manner provided in section 10 (d) of this article. He shall be the administrative head of the court and shall supervise the court's judicial business.

(g) Each division of the court of common pleas shall be presided over by an administrative judge, who shall be one of its judges and shall be elected for a term of five years by a majority vote of the judges of that division. He shall assist the president judge in supervising the judicial business of the court and shall be responsible to him. Subject to the foregoing, the judges of the court of common pleas shall prescribe rules defining the duties of the administrative judges. The president judge shall have the power to assign judges from each division to each other division of the court when required to expedite the business of the court.

(h) Until all members of the municipal court are members of the bar of the Supreme Court, the president judge of the court of common pleas shall appoint one of the judges of the municipal court as president judge for a five-year term or at the pleasure of the president judge of the court of common pleas. The president judge of the municipal court shall be eligible to succeed himself as president judge for any number of terms and shall be the administrative head of that court and shall supervise the judicial business of the court. He shall promulgate all administrative rules and regulations and make all judicial assignments. The president judge of the court of common pleas may assign temporarily judges of the municipal court who are members of the bar of the Supreme Court to the court of common pleas when required to expedite the business of the court.

(i) The Governor shall appoint one of the judges of the traffic court as president judge for a term of five years or at the pleasure of the Governor. The president judge of the traffic court shall be eligible to succeed himself as president judge for any number of terms, shall be the executive and administrative head of the traffic court, and shall supervise the judicial business of the court, shall promulgate all administrative rules and regulations, and shall make all judicial assignments.

(j) The exercise of all supervisory and administrative powers detailed in this section 16 shall be subject to the supervisory and administrative control of the Supreme Court.

(k) The prothonotary shall continue to exercise the duties of that office for the trial division of the court of common pleas and for the municipal court.

(l) The clerk of quarter sessions shall continue to exercise the duties of that office for the trial division of the court of common pleas and for the municipal court.

(m) That officer serving as clerk to the county court shall continue to exercise the duties of that office for the family division of the court of common pleas.

(n) The register of wills shall serve ex officio as clerk of the orphans' court division of the court of common pleas.

(o) The court of common pleas shall have unlimited original jurisdiction in all cases except those cases assigned by this schedule to the municipal court and to the traffic court. The court of common pleas shall have all the jurisdiction now vested in the court of common pleas, the court of oyer and terminer and general jail delivery, courts of quarter sessions of the peace, orphans' court, and county court. Jurisdiction in all of the foregoing cases shall be exercised through the trial division of the court of common pleas except in those cases which are assigned by this schedule to the orphans' court and family court divisions of the court of common pleas. The court of common pleas through the trial division shall also hear and determine appeals from the municipal court and traffic court.

(p) The court of common pleas through the orphans' court division shall exercise the jurisdiction heretofore exercised by the orphans' court.

(q) The court of common pleas through the family court division of the court of common pleas shall exercise jurisdiction in the following matters:

(i) Domestic Relations: desertion or nonsupport of wives, children and indigent parents, including children born out of wedlock; proceedings for custody of children; divorce and annulment and property matters relating thereto.

(ii) Juvenile Matters: dependent, delinquent and neglected children and children under 18 years of age, suffering from epilepsy, nervous or mental defects, incorrigible, runaway and disorderly minors 18 to 20 years of age and preliminary hearings in criminal cases where the victim is a juvenile.

(iii) Adoptions and Delayed Birth Certificates.

(r) The municipal court shall have jurisdiction in the following matters:

(i) Committing magistrates' jurisdiction in all criminal matters.

(ii) All summary offenses, except those under the motor vehicle laws.

(iii) All criminal offenses for which no prison term may be imposed or which are punishable by a term of imprisonment of not more than two years, and indictable offenses under the motor vehicle laws for which no prison term may be imposed or punishable by a term of imprisonment of not more than three years. In these cases, the defendant shall have no right of trial by jury in that court, but he shall have the right of appeal for trial de novo including the right to trial by jury to the trial division of the court of common pleas. Until there are a sufficient number of judges who are members of the bar of the Supreme Court serving in the municipal court to handle such matters, the trial division of the court of common pleas shall have concurrent jurisdiction over such matters, the assignment of cases to the respective courts to be determined by rule prescribed by the president judge of the court of common pleas.

(iv) Matters arising under The Landlord and Tenant Act of 1951.

(v) All civil claims involving less than \$500. In these cases, the parties shall have no right of trial by jury in that court but shall have the right of appeal for a trial de novo including the right to trial by jury to the trial division of the court of common pleas, it being the purpose of this subsection to establish an expeditious small claims procedure whereby it shall not be necessary for the litigants to obtain counsel. This limited grant of civil jurisdiction shall be co-extensive with the civil jurisdiction of the trial division of the court of common pleas.

(vi) As commissioners to preside at arraignments, fix and accept bail, issue warrants and perform duties of a similar nature.

Article V—THE JUDICIARY

The grant of jurisdiction under clauses (iii) and (v) of this subsection may be exercised only by those judges who are members of the bar of the Supreme Court.

(s) The traffic court shall have exclusive jurisdiction of all summary offenses under the motor vehicle laws.

(t) The courts of oyer and terminer and general jail delivery, quarter sessions of the peace, the county court, the orphans' court and the ten separate courts of common pleas are abolished and their jurisdiction and powers shall be exercised by the court of common pleas provided for in this article through the divisions established by this schedule.

(u) The office of magistrate, the board of magistrates and the present traffic court are abolished.

(v) Those judges appointed to the municipal court in accordance with subsection (e) of this section who are not members of the bar of the Supreme Court shall be eligible to complete their present terms and to be elected to and serve for one additional term, but not thereafter.

(w) The causes, proceedings, books, dockets and records of the abolished courts shall become those of the court or division thereof to which, under this schedule, jurisdiction of the proceedings or matters concerned has been transferred, and that court or division thereof shall determine and conclude such proceedings as if it had assumed jurisdiction in the first instance.

(x) The present president judges of the abolished courts and chief magistrate shall continue to receive the compensation to which they are now entitled as president judges and chief magistrate until the end of their present terms as president judges and chief magistrate respectively.

(y) The offices of prothonotary and register of wills in the City of Philadelphia shall no longer be considered constitutional offices under this article, but their powers and functions shall continue as at present until these offices are covered in the Home Rule Charter by a referendum in the manner provided by law.

(z) If a community court is established in the City of Philadelphia, a person serving as a judge of the municipal or traffic court at that time:

(i) Notwithstanding the provisions of subsection (v) of this section, may complete his term exercising the jurisdiction provided by law and with the compensation provided by law; and

(ii) At the completion of his term, his office is abolished and no jurisdiction of the kind exercised by those officers immediately after the effective date of this article and schedule shall thereafter be exercised other than by the community court.

ALLEGHENY COUNTY**Courts**

Section 17. Until otherwise provided by law:

(a) The court of common pleas shall consist of a trial division, an orphans' court division and a family court division; the courts of oyer and terminer and general jail delivery and quarter sessions of the peace, the county court, the orphans' court, and the juvenile court are abolished and their present jurisdiction shall be exercised by the court of common pleas. Until otherwise provided by rule of the court of common pleas and, except as otherwise provided in this schedule, the court of common pleas shall exercise the jurisdiction of the present court of common pleas and the present county court through the trial division. Until otherwise provided by rule of the court of common pleas, the jurisdiction of the present orphans' court, except as otherwise provided in this schedule, shall be exercised by the court of common pleas through the orphans' court division.

(b) Until otherwise provided by rule of the court of common pleas, the court of common pleas shall exercise jurisdiction in the following matters through the family court division:

(i) Domestic Relations: Desertion or nonsupport of wives, children and indigent parents, including children born out of wedlock; proceedings, including habeas corpus, for custody of children; divorce and annulment and property matters relating thereto.

(ii) Juvenile Matters: All matters now within the jurisdiction of the juvenile court.

(iii) Adoptions and Delayed Birth Certificates.

Judges

Section 18. Until otherwise provided by law, the present judges of the court of common pleas shall continue to act as the judges of that court; the present judges of the county court shall become judges of the court of common pleas; the present judges of the orphans' court shall become judges of the orphans' court division of the court of common pleas; the present judges of the juvenile court shall become judges of the family court division of the court of common pleas.

President Judges

Section 19. The present president judge of the court of common pleas may complete his term as president judge; the present president judge of the orphans' court shall be the president judge of the orphans' court division of the court of common pleas for the remainder of his term as president judge, and the present president judge of the county court shall be the president judge of the family court division of the court of common pleas for the remainder of his term as president judge, all these without diminution of salary as president judge. The president judge of the trial division shall be selected pursuant to section 20 of this schedule.

President Judges; Court Divisions

Section 20. Until otherwise provided by law, the trial division, the orphans' court division and the family court division of the court of common pleas shall each be presided over by a president judge, who shall be one of the judges of such division and shall be elected for a term of five years by a majority vote of the judges of that division. He shall assist the president judge of the court of common pleas in supervising the judicial business of the court and shall be responsible to him. Subject to the foregoing, the judges of the court of common pleas shall prescribe rules defining the duties of the president judges. The president judge of the court of common pleas shall have the power to assign judges from one division to another division of the court when required to expedite the business of the court. The exercise of these supervisory and administrative powers, however, shall be subject to the supervisory and administrative powers of the Supreme Court.

THE CITY OF PITTSBURGH

Inferior Courts

Section 21. Upon the establishment of magisterial districts pursuant to this article and schedule, and unless otherwise provided by law, the police magistrates, including those serving in the traffic court, the housing court and the city court shall continue as at present. Such magistrates shall be part of the unified judicial system and shall be subject to the general supervisory and administrative authority of the Supreme Court. Such magistrates shall be subject to the provisions of this article and schedule regarding educational requirements and prohibited activities of justices of the peace.

Article V—THE JUDICIARY

CAUSES, PROCEEDINGS, BOOKS AND RECORDS**Causes, Proceedings, Books and Records**

Section 22. All causes and proceedings pending in any abolished court or office of the justice of the peace shall be determined and concluded by the court to which jurisdiction of the proceedings has been transferred under this schedule and all books, dockets and records of any abolished court or office of the justice of the peace shall become those of the court to which, under this schedule, jurisdiction of the proceedings concerned has been transferred.

COMMISSION AND BOARD**Judicial Qualifications Commission**

Section 23. The selection of the first members of the Judicial Qualifications Commission provided for in section 14 (a) of this article shall be made as follows: The Governor shall appoint the four non-lawyer members for terms of, respectively, one year, three years, five years and seven years, no more than two of whom shall be members of the same political party. The Supreme Court shall appoint the three non-judge members of the bar of the Supreme Court of Pennsylvania for terms, respectively, of two years, four years and six years, no more than two of whom shall be members of the same political party.

Judicial Inquiry and Review Board

Section 24. The selection of the first members of the Judicial Inquiry and Review Board shall be made as follows: one judge of the Superior Court, one non-judge member of the bar of the Supreme Court, and one non-lawyer member shall be selected for two-year terms; one judge of the Superior Court, one non-judge member of the bar of the Supreme Court, and one non-lawyer member shall be selected for four-year terms; one judge of the court of common pleas shall be selected for a term of two years, one for a term of three years, and one for a term of four years.

GENERAL PROVISIONS**Dispensing with Trial by Jury**

Section 25. Until otherwise provided by law, the parties, by agreement filed, may in any civil case dispense with trial by jury, and submit the decision of such case to the court having jurisdiction thereof, and such court shall hear and determine the same; and the judgment thereon shall be subject to writ of error as in other cases.

Writs of Certiorari

Section 26. Unless and until changed by rule of the Supreme Court, in addition to the right of appeal under section 9 of this article, the judges of the courts of common pleas, within their respective judicial districts, shall have power to issue writs of certiorari to the municipal court in the City of Philadelphia, justices of the peace and inferior courts not of record and to cause their proceedings to be brought before them, and right and justice to be done.

Judicial Districts

Section 27. Until changed in accordance with section 11 of this article, the number and boundaries of judicial districts shall remain as at present.

Referendum

Section 28. The officer of the Commonwealth who under law shall have supervision over elections shall cause the question provided for in section 13 (d) of this article to be placed on the ballot in the 1969 primary election throughout the Commonwealth.

Persons Specially Admitted by Local Rules

Section 29. Any person now specially admitted to practice may continue to practice in the court of common pleas or in that division of the court of common pleas and the municipal court in the City of Philadelphia which substantially includes the practice for which such person was previously specially admitted.

Article VI

PUBLIC OFFICERS

Selection of Officers Not Otherwise Provided for in Constitution

Section 1. All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law.

Incompatible Offices

Section 2. No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

Oath of Office

Section 3. Senators, Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation before a person authorized to administer oaths.

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity."

The oath or affirmation shall be administered to a member of the Senate or to a member of the House of Representatives in the hall of the House to which he shall have been elected.

Any person refusing to take the oath or affirmation shall forfeit his office.

Power of Impeachment

Section 4. The House of Representatives shall have the sole power of impeachment.

Trial of Impeachments

Section 5. All impeachments shall be tried by the Senate. When sitting for that purpose the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

Officers Liable to Impeachment

Section 6. The Governor and all other civil officers shall be liable to impeachment for any misbehavior in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth. The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Removal of Civil Officers

Section 7. All civil officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed civil officers, other than judges of the courts of record, may be removed at the pleasure of the power by which they shall have been appointed. All civil officers elected by the people, except the Governor, the Lieutenant Governor, members of the General Assembly and judges of the courts of record, shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

Article VII ELECTIONS

Qualifications of Electors

Section 1. Every citizen 21 years of age, possessing the following qualifications, shall be entitled to vote at all elections subject, however, to such laws requiring and regulating the registration of electors as the General Assembly may enact.

1. He or she shall have been a citizen of the United States at least one month.
2. He or she shall have resided in the State 90 days immediately preceding the election.
3. He or she shall have resided in the election district where he or she shall offer to vote at least 60 days immediately preceding the election, except that if qualified to vote in an election district prior to removal of residence, he or she may, if a resident of Pennsylvania, vote in the election district from which he or she removed his or her residence within 60 days preceding the election.

General Election Day

Section 2. The general election shall be held biennially on the Tuesday next following the first Monday of November in each even-numbered year, but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto: Provided, That such election shall always be held in an even-numbered year.

Municipal Election Day; Offices to be Filled on Election Days

Section 3. All judges elected by the electors of the State at large may be elected at either a general or municipal election, as circumstances may require. All elections for judges of the courts for the several judicial districts, and for county, city, ward, borough, and township officers, for regular terms of service, shall be held on the municipal election day; namely, the Tuesday next following the first Monday of November in each odd-numbered year, but the General Assembly may by law fix a different day, two-thirds of all the members of each House consenting thereto: Provided, That such elections shall be held in an odd-numbered year: Provided further, That all judges for the courts of the several judicial districts holding office at the present time, whose terms of office may end in an odd-numbered year, shall continue to hold their offices until the first Monday of January in the next succeeding even-numbered year.

Method of Elections; Secrecy in Voting

Section 4. All elections by the citizens shall be by ballot or by such other method as may be prescribed by law: Provided, That secrecy in voting be preserved.

Electors Privileged from Arrest

Section 5. Electors shall in all cases except treason, felony and breach or surety of the peace, be privileged from arrest during their attendance on elections and in going to and returning therefrom.

Election and Registration Laws

Section 6. All laws regulating the holding of elections by the citizens, or for the registration of electors, shall be uniform throughout the State, except that laws regulating and requiring the registration of electors may be enacted to apply to cities only, provided that such laws be uniform for cities of the same class, and except further, that the General Assembly shall, by general law, permit the use of voting machines, or other

Article VII—ELECTIONS

mechanical devices for registering or recording and computing the vote, at all elections or primaries, in any county, city, borough, incorporated town or township of the Commonwealth, at the option of the electors of such county, city, borough, incorporated town or township, without being obliged to require the use of such voting machines or mechanical devices in any other county, city, borough, incorporated town or township, under such regulations with reference thereto as the General Assembly may from time to time prescribe. The General Assembly may, from time to time, prescribe the number and duties of election officers in any political subdivision of the Commonwealth in which voting machines or other mechanical devices authorized by this section may be used.

Bribery of Electors

Section 7. Any person who shall give, or promise or offer to give, to an elector, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, or who shall give or promise to give such consideration to any other person or party for such elector's vote or for the withholding thereof, and any elector who shall receive or agree to receive, for himself or for another, any money, reward or other valuable consideration for his vote at an election, or for withholding the same, shall thereby forfeit the right to vote at such election, and any elector whose right to vote shall be challenged for such cause before the election officers, shall be required to swear or affirm that the matter of the challenge is untrue before his vote shall be received.

Witnesses in Contested Elections

Section 8. In trials of contested elections and in proceedings for the investigation of elections, no person shall be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceedings except for perjury in giving such testimony.

Fixing Election Districts

Section 9. Townships and wards of cities or boroughs shall form or be divided into election districts of compact and contiguous territory and their boundaries fixed and changed in such manner as may be provided by law.

Viva Voce Elections

Section 10. All elections by persons in a representative capacity shall be viva voce or by automatic recording device publicly indicating how each person voted.

Election Officers

Section 11. District election boards shall consist of a judge and two inspectors, who shall be chosen at municipal elections for such terms as may be provided by law. Each elector shall have the right to vote for the judge and one inspector, and each inspector shall appoint one clerk. The first election board for any new district shall be selected, and vacancies in election boards filled, as shall be provided by law. Election officers shall be privileged from arrest upon days of election, and while engaged in making up and transmitting returns, except upon warrant of a court of record or judge thereof, for an election fraud, for felony, or for wanton breach of the peace. In cities they may claim exemption from jury duty during their terms of service.

Disqualifications for Service as Election Officer

Section 12. No persons shall be qualified to serve as an election officer who shall hold, or shall within two months have held any office, appointment or employment in or under the government of the United States, or of this State, or of any city, or county, or of any municipal board, commission or trust in any city, save only notaries public and persons in the National Guard or in a reserve component of the armed forces of the United States; nor shall any election officer be eligible to any civil office to be filled at an election at which he shall serve, save only to such subordinate municipal or local offices, below the grade of city or county offices, as shall be designated by general law.

Contested Elections

Section 13. The trial and determination of contested elections of electors of President and Vice-President, members of the General Assembly, and of all public officers, whether State, judicial, municipal or local, and contests involving questions submitted to the electors at any election shall be by the courts of law, or by one or more of the law judges thereof. The General Assembly shall, by general law, designate the courts and judges by whom the several classes of election contests shall be tried, and regulate the manner of trial and all matters incident thereto; but no such law assigning jurisdiction, or regulating its exercise, shall apply to any contest arising out of an election held before its passage.

Absentee Voting

Section 14. The Legislature shall, by general law, provide a manner in which, and the time and place at which, qualified electors who may, on the occurrence of any election, be absent from the State or county of their residence, because their duties, occupation or business require them to be elsewhere or who, on the occurrence of any election, are unable to attend at their proper polling places because of illness or physical disability or who will not attend a polling place because of the observance of a religious holiday or who cannot vote because of election day duties, in the case of a county employee, may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

Article VIII
TAXATION AND FINANCE

Uniformity of Taxation

Section 1. All taxes shall be uniform, upon the same class of subjects, within the territorial limits of the authority levying the tax, and shall be levied and collected under general laws.

Exemptions and Special Provisions

Section 2. (a) The General Assembly may by law exempt from taxation:

- (i) Actual places of regularly stated religious worship;
- (ii) Actual places of burial, when used or held by a person or organization deriving no private or corporate profit therefrom and no substantial part of whose activity consists of selling personal property in connection therewith;
- (iii) That portion of public property which is actually and regularly used for public purposes;
- (iv) That portion of the property owned and occupied by any branch, post or camp of honorably discharged servicemen or servicewomen which is actually and regularly used for benevolent, charitable or patriotic purposes; and
- (v) Institutions of purely public charity, but in the case of any real property tax exemptions only that portion of real property of such institution which is actually and regularly used for the purposes of the institution.

(b) The General Assembly may, by law:

- (i) Establish standards and qualifications for private forest reserves, agricultural reserves, and land actively devoted to agricultural use, and make special provision for the taxation thereof;
- (ii) Establish as a class or classes of subjects of taxation the property or privileges of persons who, because of age, disability, infirmity or poverty are determined to be in need of tax exemption or of special tax provisions, and for any such class or classes, uniform standards and qualifications. The Commonwealth, or any other taxing authority, may adopt or employ such class or classes and standards and qualifications, and except as herein provided may impose taxes, grant exemptions, or make special tax provisions in accordance therewith. No exemption or special provision shall be made under this clause with respect to taxes upon the sale or use of personal property, and no exemption from any tax upon real property shall be granted by the General Assembly under this clause unless the General Assembly shall provide for the reimbursement of local taxing authorities by or through the Commonwealth for revenue losses occasioned by such exemption;
- (iii) Establish standards and qualifications by which local taxing authorities may make uniform special tax provisions applicable to a taxpayer for a limited period of time to encourage improvement of deteriorating property or areas by an individual, association or corporation, or to encourage industrial development by a non-profit corporation; and
- (iv) Make special tax provisions on any increase in value of real estate resulting from residential construction. Such special tax provisions shall be applicable for a period not to exceed two years.
- (v) Establish standards and qualifications by which local taxing authorities in counties of the first and second class may make uniform special real property tax provisions applicable to taxpayers who are long-time owner-occupants as shall be defined by the General Assembly of residences in areas where real property values have risen markedly as a consequence of the refurbishing or renovating of other deteriorating residences or the construction of new residences.

Article VIII—TAXATION AND FINANCE

(c) Citizens and residents of this Commonwealth, who served in any war or armed conflict in which the United States was engaged and were honorably discharged or released under honorable circumstances from active service, shall be exempt from the payment of all real property taxes upon the residence occupied by the said citizens and residents of this Commonwealth imposed by the Commonwealth of Pennsylvania or any of its political subdivisions if, as a result of military service, they are blind, paraplegic or double or quadruple amputees or have a service-connected disability declared by the United States Veterans' Administration or its successor to be a total or 100% permanent disability, and if the State Veterans' Commission determines that such persons are in need of the tax exemptions granted herein. This exemption shall be extended to the unmarried surviving spouse upon the death of an eligible veteran, provided that the State Veterans' Commission determines that such person is in need of the exemption.

Reciprocal Exemptions

Section 3. Taxation laws may grant exemptions or rebates to residents, or estates of residents, of other States which grant similar exemptions or rebates to residents, or estates of residents, of Pennsylvania.

Public Utilities

Section 4. The real property of public utilities is subject to real estate taxes imposed by local taxing authorities. Payment to the Commonwealth of gross receipts taxes or other special taxes in replacement of gross receipts taxes by a public utility and the distribution by the Commonwealth to the local taxing authorities of the amount as herein provided shall, however, be in lieu of local taxes upon its real property which is used or useful in furnishing its public utility service. The amount raised annually by such gross receipts or other special taxes shall not be less than the gross amount of real estate taxes which the local taxing authorities could have imposed upon such real property but for the exemption herein provided. This gross amount shall be determined in the manner provided by law. An amount equivalent to such real estate taxes shall be distributed annually among all local taxing authorities in the proportion which the total tax receipts of each local taxing authority bear to the total tax receipts of all local taxing authorities, or in such other equitable proportions as may be provided by law.

Notwithstanding the provisions of this section, any law which presently subjects real property of public utilities to local real estate taxation by local taxing authorities shall remain in full force and effect.

Exemption from Taxation Restricted

Section 5. All laws exempting property from taxation, other than the property above enumerated, shall be void.

Taxation of Corporations

Section 6. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the Commonwealth shall be a party.

Commonwealth Indebtedness

Section 7. (a) No debt shall be incurred by or on behalf of the Commonwealth except by law and in accordance with the provisions of this section.

(1) Debt may be incurred without limit to suppress insurrection, rehabilitate areas affected by man-made or natural disaster, or to implement unissued authority approved by the electors prior to the adoption of this article.

(2) The Governor, State Treasurer and Auditor General, acting jointly, may (i) issue tax anticipation notes having a maturity within the fiscal year of issue and payable exclusively from: revenues received in the same fiscal year, and (ii) incur debt for the purpose of refunding other debt, if such refunding debt matures within the term of the original debt.

(3) Debt may be incurred without limit for purposes specifically itemized in the law authorizing such debt, if the question whether the debt shall be incurred has been submitted to the electors and approved by a majority of those voting on the question.

(4) Debt may be incurred without the approval of the electors for capital projects specifically itemized in a capital budget, if such debt will not cause the amount of all net debt outstanding to exceed one and three-quarters times the average of the annual tax revenues deposited in the previous five fiscal years as certified by the Auditor General. For the purposes of this subsection, debt outstanding shall not include debt incurred under clauses (1) and (2) (i), or debt incurred under clause (2) (ii) if the original debt would not be so considered, or debt incurred under subsection (3) unless the General Assembly shall so provide in the law authorizing such debt.

(b) All debt incurred for capital projects shall mature within a period not to exceed the estimated useful life of the projects as stated in the authorizing law, and when so stated shall be conclusive. All debt, except indebtedness permitted by clause (2) (i), shall be amortized in substantial and regular amounts, the first of which shall be due prior to the expiration of a period equal to one-tenth the term of the debt.

(c) As used in this section, debt shall mean the issued and outstanding obligations of the Commonwealth and shall include obligations of its agencies or authorities to the extent they are to be repaid from lease rentals or other charges payable directly or indirectly from revenues of the Commonwealth. Debt shall not include either (1) that portion of obligations to be repaid from charges made to the public for the use of the capital projects financed, as determined by the Auditor General, or (2) obligations to be repaid from lease rentals or other charges payable by a school district or other local taxing authority, or (3) obligations to be repaid by agencies or authorities created for the joint benefit of the Commonwealth and one or more other State governments.

(d) If sufficient funds are not appropriated for the timely payment of the interest upon and installments of principal of all debt, the State Treasurer shall set apart from the first revenues thereafter received applicable to the appropriate fund a sum sufficient to pay such interest and installments of principal, and shall so apply the money so set apart. The State Treasurer may be required to set aside and apply such revenues at the suit of any holder of Commonwealth obligations.

Commonwealth Credit Not to be Pledged

Section 8. The credit of the Commonwealth shall not be pledged or loaned to any individual, company, corporation or association nor shall the Commonwealth become a joint owner or stockholder in any company, corporation or association.

Municipal Debt Not to be Assumed by Commonwealth

Section 9. The Commonwealth shall not assume the debt, or any part thereof, of any county, city, borough, incorporated town, township or any similar general purpose unit of government unless such debt shall have been incurred to enable the Commonwealth to suppress insurrection or to assist the Commonwealth in the discharge of any portion of its present indebtedness.

Audit

Section 10. The financial affairs of any entity funded or financially aided by the Commonwealth, and all departments, boards, commissions, agencies, instrumental-

Article VIII—TAXATION AND FINANCE

ities, authorities and institutions of the Commonwealth, shall be subject to audits made in accordance with generally accepted auditing standards.

Any Commonwealth officer whose approval is necessary for any transaction relative to the financial affairs of the Commonwealth shall not be charged with the function of auditing that transaction after its occurrence.

Gasoline Taxes and Motor License Fees Restricted

Section 11. All proceeds from gasoline and other motor fuel excise taxes, motor vehicle registration fees and license taxes, operators' license fees and other excise taxes imposed on products used in motor transportation after providing therefrom for (a) cost of administration and collection, (b) payment of obligations incurred in the construction and reconstruction of public highways and bridges shall be appropriated by the General Assembly to agencies of the State or political subdivisions thereof; and used solely for construction, reconstruction, maintenance and repair of and safety on public highways and bridges and air navigation facilities and costs and expenses incident thereto, and for the payment of obligations incurred for such purposes, and shall not be diverted by transfer or otherwise to any other purpose, except that loans may be made by the State from the proceeds of such taxes and fees for a single period not exceeding eight months, but no such loan shall be made within the period of one year from any preceding loan, and every loan made in any fiscal year shall be repayable within one month after the beginning of the next fiscal year.

Governor's Budget and Financial Plan

Section 12. Annually, at the times set by law, the Governor shall submit to the General Assembly:

(a) A balanced operating budget for the ensuing fiscal year setting forth in detail (i) proposed expenditures classified by department or agency and by program and (ii) estimated revenues from all sources. If estimated revenues and available surplus are less than proposed expenditures, the Governor shall recommend specific additional sources of revenue sufficient to pay the deficiency and the estimated revenue to be derived from each source;

(b) A capital budget for the ensuing fiscal year setting forth in detail proposed expenditures to be financed from the proceeds of obligations of the Commonwealth or of its agencies or authorities or from operating funds; and

(c) A financial plan for not less than the next succeeding five fiscal years, which plan shall include for each such fiscal year:

(i) Projected operating expenditures classified by department or agency and by program, in reasonable detail, and estimated revenues, by major categories, from existing and additional sources, and

(ii) Projected expenditures for capital projects specifically itemized by purpose, and the proposed sources of financing each.

Appropriations

Section 13. (a) Operating budget appropriations made by the General Assembly shall not exceed the actual and estimated revenues and surplus available in the same fiscal year.

(b) The General Assembly shall adopt a capital budget for the ensuing fiscal year.

Surplus

Section 14. All surplus of operating funds at the end of the fiscal year shall be appropriated during the ensuing fiscal year by the General Assembly.

Project "70"

Section 15. In addition to the purposes stated in Article VIII, section 7 of this Constitution, the Commonwealth may be authorized by law to create debt and to issue bonds to the amount of \$70,000,000 for the acquisition of land for State parks, reservoirs and other conservation and recreation and historical preservation purposes, and for participation by the Commonwealth with political subdivisions in the acquisition of land for parks, reservoirs and other conservation and recreation and historical preservation purposes, subject to such conditions and limitations as the General Assembly may prescribe.

Land and Water Conservation and Reclamation Fund

Section 16. In addition to the purposes stated in Article VIII, section 7 of this Constitution, the Commonwealth may be authorized by law to create a debt and issue bonds in the amount of \$500,000,000 for a Land and Water Conservation and Reclamation Fund to be used for the conservation and reclamation of land and water resources of the Commonwealth, including the elimination of acid mine drainage, sewage, and other pollution from the streams of the Commonwealth, the provision of State financial assistance to political subdivisions and municipal authorities of the Commonwealth of Pennsylvania for the construction of sewage treatment plants, the restoration of abandoned strip-mined areas, the control and extinguishment of surface and underground mine fires, the alleviation and prevention of subsidence resulting from mining operations, and the acquisition of additional lands and the reclamation and development of park and recreational lands acquired pursuant to the authority of Article VIII, section 15 of this Constitution, subject to such conditions and liabilities as the General Assembly may prescribe.

SCHEDULE

Effective when the last bonds have been issued under their authority, sections 15 and 16 of article eight of the Constitution of Pennsylvania are hereby repealed.

Special Emergency Legislation

Section 17. (a) Notwithstanding any provisions of this Constitution to the contrary, the General Assembly shall have the authority to enact laws providing for tax rebates, credits, exemptions, grants-in-aid, State supplementations, or otherwise provide special provisions for individuals, corporations, associations or nonprofit institutions, including nonpublic schools (whether sectarian or nonsectarian) in order to alleviate the danger, damage, suffering or hardship faced by such individuals, corporations, associations, institutions or nonpublic schools as a result of Great Storms or Floods of September 1971, of June 1972, or of 1974, or of 1975 or of 1976.

(b) Notwithstanding the provisions of Article III, section 29 subsequent to a Presidential declaration of an emergency or of a major disaster in any part of this Commonwealth, the General Assembly shall have the authority by a vote of two-thirds of all members elected to each House to make appropriations limited to moneys required for Federal emergency or major disaster relief. This subsection may apply retroactively to any Presidential declaration of an emergency or of a major disaster in 1976 or 1977.

Article IX LOCAL GOVERNMENT

Local Government

Section 1. The General Assembly shall provide by general law for local government within the Commonwealth. Such general law shall be uniform as to all classes of local government regarding procedural matters.

Home Rule

Section 2. Municipalities shall have the right and power to frame and adopt home rule charters. Adoption, amendment or repeal of a home rule charter shall be by referendum. The General Assembly shall provide the procedure by which a home rule charter may be framed and its adoption, amendment or repeal presented to the electors. If the General Assembly does not so provide, a home rule charter or a procedure for framing and presenting a home rule charter may be presented to the electors by initiative or by the governing body of the municipality. A municipality which has a home rule charter may exercise any power or perform any function not denied by this Constitution, by its home rule charter or by the General Assembly at any time.

Optional Plans

Section 3. Municipalities shall have the right and power to adopt optional forms of government as provided by law. The General Assembly shall provide optional forms of government for all municipalities. An optional form of government shall be presented to the electors by initiative, by the governing body of the municipality, or by the General Assembly. Adoption or repeal of an optional form of government shall be by referendum.

County Government

Section 4. County officers shall consist of commissioners, controllers or auditors, district attorneys, public defenders, treasurers, sheriffs, registers of wills, recorders of deeds, prothonotaries, clerks of the courts, and such others as may from time to time be provided by law.

County officers, except for public defenders who shall be appointed as shall be provided by law, shall be elected at the municipal elections and shall hold their offices for the term of four years, beginning on the first Monday of January next after their election, and until their successors shall be duly qualified; all vacancies shall be filled in such a manner as may be provided by law.

County officers shall be paid only by salary as provided by law for services performed for the county or any other governmental unit. Fees incidental to the conduct of any county office shall be payable directly to the county or the Commonwealth, or as otherwise provided by law.

Three county commissioners shall be elected in each county. In the election of these officers each qualified elector shall vote for no more than two persons, and the three persons receiving the highest number of votes shall be elected.

Provisions for county government in this section shall apply to every county except a county which has adopted a home rule charter or an optional form of government. One of the optional forms of county government provided by law shall include the provisions of this section.

Article IX—LOCAL GOVERNMENT**Intergovernmental Cooperation**

Section 5. A municipality by act of its governing body may, or upon being required by initiative and referendum in the area affected shall, cooperate or agree in the exercise of any function, power or responsibility with, or delegate or transfer any function, power or responsibility to, one or more other governmental units including other municipalities or districts, the Federal government, any other state or its governmental units, or any newly created governmental unit.

Area Government

Section 6. The General Assembly shall provide for the establishment and dissolution of government of areas involving two or more municipalities or parts thereof.

Area-wide Powers

Section 7. The General Assembly may grant powers to area governments or to municipalities within a given geographical area in which there exists intergovernmental cooperation or area government and designate the classes of municipalities subject to such legislation.

Consolidation, Merger or Boundary Change

Section 8. Uniform Legislation.—The General Assembly shall, within two years following the adoption of this article, enact uniform legislation establishing the procedure for consolidation, merger or change of the boundaries of municipalities.

Initiative.—The electors of any municipality shall have the right, by initiative and referendum, to consolidate, merge and change boundaries by a majority vote of those voting thereon in each municipality, without the approval of any governing body.

Study.—The General Assembly shall designate an agency of the Commonwealth to study consolidation, merger and boundary changes, advise municipalities on all problems which might be connected therewith, and initiate local referendum.

Legislative Power.—Nothing herein shall prohibit or prevent the General Assembly from providing additional methods for consolidation, merger or change of boundaries.

Appropriation for Public Purposes

Section 9. The General Assembly shall not authorize any municipality or incorporated district to become a stockholder in any company, association or corporation, or to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual. The General Assembly may provide standards by which municipalities or school districts may give financial assistance or lease property to public service, industrial or commercial enterprises if it shall find that such assistance or leasing is necessary to the health, safety or welfare of the Commonwealth or any municipality or school district. Existing authority of any municipality or incorporated district to obtain or appropriate money for, or to loan its credit to, any corporation, association, institution or individual, is preserved.

Local Government Debt

Section 10. Subject only to the restrictions imposed by this section, the General Assembly shall prescribe the debt limits of all units of local government including municipalities and school districts. For such purposes, the debt limit base shall be a percentage of the total revenue, as defined by the General Assembly, of the unit of local government computed over a specific period immediately preceding the year of borrowing. The debt limit to be prescribed in every such case shall exclude all indebtedness (1) for any project to the extent that it is self-liquidating or self-supporting or which has

heretofore been defined as self-liquidating or self-supporting, or (2) which has been approved by referendum held in such manner as shall be provided by law. The provisions of this paragraph shall not apply to the City or County of Philadelphia.

Any unit of local government, including municipalities and school districts, incurring any indebtedness, shall at or before the time of so doing adopt a covenant, which shall be binding upon it so long as any such indebtedness shall remain unpaid, to make payments out of its sinking fund or any other of its revenues or funds at such time and in such annual amounts specified in such covenant as shall be sufficient for the payment of the interest thereon and the principal thereof when due.

Local Reapportionment

Section 11. Within the year following that in which the Federal decennial census is officially reported as required by Federal law, and at such other times as the governing body of any municipality shall deem necessary, each municipality having a governing body not entirely elected at large shall be reapportioned, by its governing body or as shall otherwise be provided by uniform law, into districts which shall be composed of compact and contiguous territory as nearly equal in population as practicable, for the purpose of describing the districts for those not elected at large.

Philadelphia Debt

Section 12. The debt of the City of Philadelphia may be increased in such amount that the total debt of said city shall not exceed 13 1/2% of the average of the annual assessed valuations of the taxable realty therein, during the ten years immediately preceding the year in which such increase is made, but said city shall not increase its indebtedness to an amount exceeding 3% upon such average assessed valuation of realty, without the consent of the electors thereof at a public election held in such manner as shall be provided by law.

In ascertaining the debt-incurring capacity of the City of Philadelphia at any time, there shall be deducted from the debt of said city so much of such debt as shall have been incurred, or is about to be incurred, and the proceeds thereof expended, or about to be expended, upon any public improvement, or in construction, purchase or condemnation of any public utility, or part thereof, or facility therefor, if such public improvement or public utility, or part thereof, or facility therefor, whether separately, or in connection with any other public improvement or public utility, or part thereof, or facility therefor, may reasonably be expected to yield revenue in excess of operating expenses sufficient to pay the interest and sinking fund charges thereon. The method of determining such amount, so to be deducted, shall be as now prescribed, or which may hereafter be prescribed by law.

In incurring indebtedness for any purpose the City of Philadelphia may issue its obligations maturing not later than 50 years from the date thereof, with provision for a sinking fund to be in equal or graded annual or other periodical installments. Where any indebtedness shall be or shall have been incurred by said City of Philadelphia for the purpose of the construction or improvement of public works or utilities of any character, from which income or revenue is to be derived by said city, or for the reclamation of land to be used in the construction of wharves or docks owned or to be owned by said city, such obligations may be in an amount sufficient to provide for, and may include the amount of the interest and sinking fund charges accruing and which may accrue thereon throughout the period of construction, and until the expiration of one year after the completion of the work for which said indebtedness shall have been incurred.

No debt shall be incurred by, or on behalf of, the County of Philadelphia.

Article IX—LOCAL GOVERNMENT**Abolition of County Offices in Philadelphia**

Section 13. (a) In Philadelphia all county offices are hereby abolished, and the city shall henceforth perform all functions of county government within its area through officers selected in such manner as may be provided by law.

(b) Local and special laws, regulating the affairs of the City of Philadelphia and creating offices or prescribing the powers and duties of officers of the City of Philadelphia, shall be valid notwithstanding the provisions of section 32 of Article III of this Constitution.

(c) All laws applicable to the County of Philadelphia shall apply to the City of Philadelphia.

(d) The City of Philadelphia shall have, assume and take over all powers, property, obligations and indebtedness of the County of Philadelphia.

(e) The provisions of section 2 of this article shall apply with full force and effect to the functions of the county government hereafter to be performed by the city government.

(f) Upon adoption of this amendment all county officers shall become officers of the City of Philadelphia, and until the General Assembly shall otherwise provide, shall continue to perform their duties and be elected, appointed, compensated and organized in such manner as may be provided by the provisions of this Constitution and the laws of the Commonwealth in effect at the time this amendment becomes effective, but such officers serving when this amendment becomes effective shall be permitted to complete their terms.

Definitions

Section 14. As used in this article, the following words shall have the following meanings:

"Municipality" means a county, city, borough, incorporated town, township or any similar general purpose unit of government which shall hereafter be created by the General Assembly.

"Initiative" means the filing with the applicable election officials at least 90 days prior to the next primary or general election of a petition containing a proposal for referendum signed by electors comprising 5% of the number of electors voting for the office of Governor in the last gubernatorial general election in each municipality or area affected. The applicable election official shall place the proposal on the ballot in a manner fairly representing the content of the petition for decision by referendum at said election. Initiative on a similar question shall not be submitted more often than once in five years. No enabling law shall be required for initiative.

"Referendum" means approval of a question placed on the ballot, by initiative or otherwise, by a majority vote of the electors voting thereon.

Article X
PRIVATE CORPORATIONS

Certain Unused Charters Void

Section 1. The charters and privileges granted prior to 1874 to private corporations which had not been organized in good faith and commenced business prior to 1874 shall be void.

Certain Charters to be Subject to the Constitution

Section 2. Private corporations which have accepted or accept the Constitution of this Commonwealth or the benefits of any law passed by the General Assembly after 1873 governing the affairs of corporations shall hold their charters subject to the provisions of the Constitution of this Commonwealth.

Revocation, Amendment and Repeal of Charters and Corporation Laws

Section 3. All charters of private corporations and all present and future common or statutory law with respect to the formation or regulation of private corporations or prescribing powers, rights, duties or liabilities of private corporations or their officers, directors or shareholders may be revoked, amended or repealed.

Compensation for Property Taken by Corporations Under Right of Eminent Domain

Section 4. Municipal and other corporations invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed by the construction or enlargement of their works, highways or improvements and compensation shall be paid or secured before the taking, injury or destruction.

Article XI AMENDMENTS

Proposal of Amendments by the General Assembly and Their Adoption

Section 1. Amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of the members elected to each House, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and the Secretary of the Commonwealth shall cause the same to be published three months before the next general election, in at least two newspapers in every county in which such newspapers shall be published; and if, in the General Assembly next afterwards chosen, such proposed amendment or amendments shall be agreed to by a majority of the members elected to each House, the Secretary of the Commonwealth shall cause the same again to be published in the manner aforesaid; and such proposed amendment or amendments shall be submitted to the qualified electors of the State in such manner, and at such time at least three months after being so agreed to by the two Houses, as the General Assembly shall prescribe; and, if such amendment or amendments shall be approved by a majority of those voting thereon, such amendment or amendments shall become a part of the Constitution; but no amendment or amendments shall be submitted oftener than once in five years. When two or more amendments shall be submitted they shall be voted upon separately.

(a) In the event a major emergency threatens or is about to threaten the Commonwealth and if the safety or welfare of the Commonwealth requires prompt amendment of this Constitution, such amendments to this Constitution may be proposed in the Senate or House of Representatives at any regular or special session of the General Assembly, and if agreed to by at least two-thirds of the members elected to each House, a proposed amendment shall be entered on the journal of each House with the yeas and nays taken thereon and the official in charge of statewide elections shall promptly publish such proposed amendment in at least two newspapers in every county in which such newspapers are published. Such amendment shall then be submitted to the qualified electors of the Commonwealth in such manner, and at such time, at least one month after being agreed to by both Houses as the General Assembly prescribes.

(b) If an emergency amendment is approved by a majority of the qualified electors voting thereon, it shall become part of this Constitution. When two or more emergency amendments are submitted they shall be voted on separately.

PENNSYLVANIA CONSOLIDATED STATUTES



CONSTITUTION

1993 CUMULATIVE SUPPLEMENT

Containing all provisions enacted through Act 1993-67
of the 1993 Legislative Session

Prepared and published under authority of Title 1,
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Commonwealth of Pennsylvania
Legislative Reference Bureau
Harrisburg, Pennsylvania
July 31, 1993

EXPLANATION

This cumulative supplement pamphlet contains the additions to and changes in the provisions of the Constitution of Pennsylvania made through the 1993 Regular Session of the General Assembly through Act 1993-57, approved July 8, 1993. It replaces prior cumulative supplements and should be retained until replaced by a subsequent cumulative supplement or until superseded by a revised permanent edition.

OFFICIAL PUBLICATION

This pamphlet is an official publication of the Commonwealth of Pennsylvania and is legal evidence of the statutory and constitutional provisions contained therein.

HOW TO CITE

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Permanent Pamphlet Edition:	Pa.Const. (1984 Ed.) Art. I, § 1
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**CONSTITUTION
of the
COMMONWEALTH OF PENNSYLVANIA**

Cumulative Supplement to 1984 Edition

ARTICLE V. THE JUDICIARY

- § 16. Compensation and retirement of justices, judges and justices of the peace.
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- § 2. Exemptions and special provisions.

Appendix to Constitution

**ARTICLE V
THE JUDICIARY**

- § 16. Compensation and retirement of justices, judges and justices of the peace.

(a) Justices, judges and justices of the peace shall be compensated by the Commonwealth as provided by law. Their compensation shall not be diminished during their terms of office, unless by law applying generally to all salaried officers of the Commonwealth.

(b) Justices, judges and justices of the peace shall be retired upon attaining the age of 70 years. Former and retired justices, judges and justices of the peace shall receive such compensation as shall be provided by law. Except as provided by law, no salary, retirement benefit or other compensation, present or deferred, shall be paid to any justice, judge or justice of the peace who, under section 18 or under Article VI, is suspended, removed or barred from holding judicial office for conviction of a felony or misconduct in office or conduct which prejudices the proper administration of justice or brings the judicial office into disrepute.

(c) A former or retired justice or judge may, with his consent, be assigned by the Supreme Court on temporary judicial service as may be prescribed by rule of the Supreme Court.
(May 18, 1993, P.L. , J.R.1)

§ 18. Suspension, removal, discipline and other sanctions.

(a) There shall be an independent board within the Judicial Branch, known as the Judicial Conduct Board, the composition, powers and duties of which shall be as follows:

(1) The board shall be composed of 12 members, as follows: two judges, other than senior judges, one from the courts of common pleas and the other from either the Superior Court or the Commonwealth Court, one justice of the peace who need not be a member of the bar of the Supreme Court, three non-judge members of the bar of the Supreme Court and six non-lawyer electors.

(2) The judge from either the Superior Court or the Commonwealth Court, the justice of the peace, one non-judge member of the bar of the Supreme Court and three non-lawyer electors shall be appointed to the board by the Supreme Court. The judge from the courts of common pleas, two non-judge members of the bar of the Supreme Court and three non-lawyer electors shall be appointed to the board by the Governor.

(3) Except for the initial appointees whose terms shall be provided by the schedule to this article, the members shall serve for terms of four years. All members must be residents of this Commonwealth. No more than three of the six members appointed by the Supreme Court may be registered in the same political party. No more than three of the six members appointed by the Governor may be registered in the same political party. Membership of a judge or justice of the peace shall terminate if the member ceases to hold the judicial position that qualified the member for the appointment. Membership shall terminate if a member attains a position that would have rendered the member ineligible for appointment at the time of the appointment. A vacancy shall be filled by the respective appointing authority for the remainder of the term to which the member was appointed. No member may serve more than four consecutive years but may be reappointed after a lapse of one year. The Governor shall convene the board for its first meeting. At that meeting and annually thereafter, the members of the board shall elect a chairperson. The board shall act only with the concurrence of a majority of its members.

(4) No member of the board, during the member's term, may hold office in a political party or political organization. Except for a judicial member, no member of the board, during the member's term, may hold a compensated public office or public appointment. All members shall be reimbursed for expenses necessarily incurred in the discharge of their official duties.

(5) The board shall prescribe general rules governing the conduct of members. A member may be removed by the board for a violation of the rules governing the conduct of members.

(6) The board shall appoint a chief counsel and other staff, prepare and administer its own budget as provided by law, exercise supervisory and administrative authority over all board staff and board functions, establish and promulgate its own rules of procedure, prepare and disseminate an annual report and take other actions as are necessary to ensure its efficient operation.

The budget request of the board shall be made by the board as a separate item in the request submitted by the Supreme Court on behalf of the Judicial Branch to the General Assembly.

(7) The board shall receive and investigate complaints regarding judicial conduct filed by individuals or initiated by the board; issue subpoenas to compel testimony under oath of witnesses, including the subject of the investigation, and to compel the production of documents, books, accounts and other records relevant to the investigation; determine whether there is probable cause to file formal charges against a justice, judge or justice of the peace for conduct proscribed by this section; and present the case in support of the charges before the Court of Judicial Discipline.

(8) Complaints filed with the board or initiated by the board shall not be public information. Statements, testimony, documents, records or other information or evidence acquired by the board in the conduct of an investigation shall not be public information. A justice, judge or justice of the peace who is the subject of a complaint filed with the board or initiated by the board or of an investigation conducted by the board shall be apprised of the nature and content of the complaint and afforded an opportunity to respond fully to the complaint prior to any probable cause determination by the board. All proceedings of the board shall be confidential except when the subject of the investigation waives confidentiality. If, independent of any action by the board, the fact that an investigation by the board is in progress becomes a matter of public record, the board may, at the direction of the subject of the investigation, issue a statement to confirm that the investigation is in progress, to clarify the procedural aspects of the proceedings, to explain the rights of the subject of the investigation to a fair hearing without prejudgment or to provide the response of the subject of the investigation to the complaint. In acting to dismiss a complaint for lack of probable cause to file formal charges, the board may, at its discretion, issue a statement or report to the complainant or to the subject of the complaint, which may contain the identity of the complainant, the identity of the subject of the complaint, the contents and nature of the complaint, the actions taken in the conduct of the investigation and the results and conclusions of the investigation. The board may include with a report a copy of information or evidence acquired in the course of the investigation.

(9) If the board finds probable cause to file formal charges concerning mental or physical disability against a justice, judge or justice of the peace, the board shall so notify the subject of the charges and provide the subject with an opportunity to resign from judicial office or, when appropriate, to enter a rehabilitation program prior to the filing of the formal charges with the Court of Judicial Discipline.

(10) Members of the board and its chief counsel and staff shall be absolutely immune from suit for all conduct in the course of their official duties. No civil action or disciplinary complaint predicated upon the filing of a complaint or other documents with the board or testimony before the board

may be maintained against any complainant, witness or counsel.

(b) There shall be a Court of Judicial Discipline, the composition, powers and duties of which shall be as follows:

(1) The court shall be composed of a total of eight members as follows: three judges other than senior judges from the courts of common pleas, the Superior Court or the Commonwealth Court, one justice of the peace, two non-judge members of the bar of the Supreme Court and two non-lawyer electors. Two judges, the justice of the peace and one non-lawyer elector shall be appointed to the court by the Supreme Court. One judge, the two non-judge members of the bar of the Supreme Court and one non-lawyer elector shall be appointed to the court by the Governor.

(2) Except for the initial appointees whose terms shall be provided by the schedule to this article, each member shall serve for a term of four years; however, the member, rather than the member's successor, shall continue to participate in any hearing in progress at the end of the member's term. All members must be residents of this Commonwealth. No more than two of the members appointed by the Supreme Court may be registered in the same political party. No more than two of the members appointed by the Governor may be registered in the same political party. Membership of a judge or justice of the peace shall terminate if the judge or justice of the peace ceases to hold the judicial position that qualified the judge or justice of the peace for appointment. Membership shall terminate if a member attains a position that would have rendered that person ineligible for appointment at the time of the appointment. A vacancy on the court shall be filled by the respective appointing authority for the remainder of the term to which the member was appointed in the same manner in which the original appointment occurred. No member of the court may serve more than four consecutive years but may be reappointed after a lapse of one year.

(3) The court shall prescribe general rules governing the conduct of members. A member may be removed by the court for a violation of the rules of conduct prescribed by the court. No member, during the member's term of service, may hold office in any political party or political organization. Except for a judicial member, no member of the court, during the member's term of service, may hold a compensated public office or public appointment. All members of the court shall be reimbursed for expenses necessarily incurred in the discharge of their official duties.

(4) The court shall appoint staff and prepare and administer its own budget as provided by law and undertake actions needed to ensure its efficient operation. All actions of the court, including disciplinary action, shall require approval by a majority vote of the members of the court. The budget request of the court shall be made as a separate item in the request by the Supreme Court on behalf of the Judicial Branch to the General Assembly. The court shall adopt rules to govern the conduct of proceedings before the court.

(5) Upon the filing of formal charges with the court by the board, the

court shall promptly schedule a hearing or hearings to determine whether a sanction should be imposed against a justice, judge or justice of the peace pursuant to the provisions of this section. The court shall be a court of record, with all the attendant duties and powers appropriate to its function. Formal charges filed with the court shall be a matter of public record. All hearings conducted by the court shall be public proceedings conducted pursuant to the rules adopted by the court and in accordance with the principles of due process and the law of evidence. Parties appearing before the court shall have a right to discovery pursuant to the rules adopted by the court and shall have the right to subpoena witnesses and to compel the production of documents, books, accounts and other records as relevant. The subject of the charges shall be presumed innocent in any proceeding before the court, and the board shall have the burden of proving the charges by clear and convincing evidence. All decisions of the court shall be in writing and shall contain findings of fact and conclusions of law. A decision of the court may order removal from office, suspension, censure or other discipline as authorized by this section and as warranted by the record.

(6) Members of the court and the court's staff shall be absolutely immune from suit for all conduct in the course of their official duties, and no civil action or disciplinary complaint predicated on testimony before the court may be maintained against any witness or counsel.

(c) Decisions of the court shall be subject to review as follows:

(1) A justice, judge or justice of the peace shall have the right to appeal a final adverse order of discipline of the court. A judge or justice of the peace shall have the right to appeal to the Supreme Court in a manner consistent with rules adopted by the Supreme Court; a justice shall have the right to appeal to a special tribunal composed of seven judges, other than senior judges, chosen by lot from the judges of the Superior Court and Commonwealth Court who do not sit on the Court of Judicial Discipline or the board, in a manner consistent with rules adopted by the Supreme Court. The special tribunal shall hear and decide the appeal in the same manner in which the Supreme Court would hear and decide an appeal from an order of the court.

(2) On appeal, the Supreme Court or special tribunal shall review the record of the proceedings of the court as follows: on the law, the scope of review is plenary; on the facts, the scope of review is clearly erroneous; and, as to sanctions, the scope of review is whether the sanctions imposed were lawful. The Supreme Court or special tribunal may revise or reject an order of the court upon a determination that the order did not sustain this standard of review; otherwise, the Supreme Court or special tribunal shall affirm the order of the court.

(3) An order of the court which dismisses a complaint against a judge or justice of the peace may be appealed by the board to the Supreme Court, but the appeal shall be limited to questions of law. An order of the court which dismisses a complaint against a justice of the Supreme Court may be

appealed by the board to a special tribunal in accordance with paragraph (1), but the appeal shall be limited to questions of law.

(4) No justice, judge or justice of the peace may participate as a member of the board, the court, a special tribunal or the Supreme Court in any proceeding in which the justice, judge or justice of the peace is a complainant, the subject of a complaint, a party or a witness.

(d) A justice, judge or justice of the peace shall be subject to disciplinary action pursuant to this section as follows:

(1) A justice, judge or justice of the peace may be suspended, removed from office or otherwise disciplined for conviction of a felony; violation of section 17 of this article; misconduct in office; neglect or failure to perform the duties of office or conduct which prejudices the proper administration of justice or brings the judicial office into disrepute, whether or not the conduct occurred while acting in a judicial capacity or is prohibited by law; or conduct in violation of a canon or rule prescribed by the Supreme Court. In the case of a mentally or physically disabled justice, judge or justice of the peace, the court may enter an order of removal from office, retirement, suspension or other limitations on the activities of the justice, judge or justice of the peace as warranted by the record. Upon a final order of the court for suspension without pay or removal, prior to any appeal, the justice, judge or justice of the peace shall be suspended or removed from office; and the salary of the justice, judge or justice of the peace shall cease from the date of the order.

(2) Prior to a hearing, the court may issue an interim order directing the suspension, with or without pay, of any justice, judge or justice of the peace against whom formal charges have been filed with the court by the board or against whom has been filed an indictment or information charging a felony. An interim order under this paragraph shall not be considered a final order from which an appeal may be taken.

(3) A justice, judge or justice of the peace convicted of misbehavior in office by a court, disbarred as a member of the bar of the Supreme Court or removed under this section shall forfeit automatically his judicial office and thereafter be ineligible for judicial office.

(4) A justice, judge or justice of the peace who files for nomination for or election to any public office other than a judicial office shall forfeit automatically his judicial office.

(5) This section is in addition to and not in substitution for the provisions for impeachment for misbehavior in office contained in Article VI. No justice, judge or justice of the peace against whom impeachment proceedings are pending in the Senate shall exercise any of the duties of office until acquittal.

(May 18, 1993, P.L. , J.R.1)

SCHEDULE TO JUDICIARY ARTICLE**COMMISSION AND BOARD****§ 24. Judicial discipline.**

(a) The members of the Judicial Inquiry and Review Board shall vacate their offices 90 days after the adoption of the amendment to section 18 of this article, and all proceedings pending before the Judicial Inquiry and Review Board and all records shall be transferred to the Judicial Conduct Board for further proceedings.

(b) Of the members initially appointed to the Judicial Conduct Board, the judge appointed by the Supreme Court shall serve a four-year term, and the judge appointed by the Governor shall serve a three-year term. The justice of the peace initially appointed shall serve a two-year term. Of the three non-judge members of the bar of the Supreme Court initially appointed, the first appointed by the Governor shall serve a three-year term, the next appointed by the Governor shall serve a two-year term, and the non-judge member of the bar of the Supreme Court appointed by the Supreme Court shall serve a one-year term. Of the six non-lawyer electors initially appointed, the first appointed by the Governor and the first appointed by the Supreme Court shall serve a four-year term, the next appointed by the Governor and the next appointed by the Supreme Court shall serve a three-year term, and the next appointed by the Governor and the next appointed by the Supreme Court shall serve a two-year term.

(c) Of the three judges initially appointed to the Court of Judicial Discipline, the first appointed by the Supreme Court shall serve a four-year term, the next appointed by the Supreme Court shall serve a three-year term, and the judge appointed by the Governor shall serve a two-year term. The justice of the peace initially appointed shall serve a one-year term. Of the non-judge members of the bar initially appointed, the first appointed shall serve a four-year term, and the next appointed shall serve a three-year term. Of the two non-lawyer electors initially appointed, the non-lawyer elector appointed by the Governor shall serve a three-year term, and the non-lawyer elector appointed by the Supreme Court shall serve a two-year term.

(May 18, 1993, P.L. , J.R.1)

**ARTICLE VII
ELECTIONS****§ 14. Absentee voting.**

The Legislature shall, by general law, provide a manner in which, and the time and place at which, qualified electors who may, on the occurrence of any election, be absent from the State or county of their residence, because their duties, occupation or business require them to be elsewhere or who, on the occurrence of any election, are unable to attend at their proper polling places because of illness or physical disability or who will not attend a

polling place because of the observance of a religious holiday or who cannot vote because of election day duties, in the case of a county employee, may vote, and for the return and canvass of their votes in the election district in which they respectively reside.

(Nov. 5, 1985, P.L.555, J.R.1)

ARTICLE VIII TAXATION AND FINANCE

§ 2. Exemptions and special provisions.

* * *

(c) Citizens and residents of this Commonwealth, who served in any war or armed conflict in which the United States was engaged and were honorably discharged or released under honorable circumstances from active service, shall be exempt from the payment of all real property taxes upon the residence occupied by the said citizens and residents of this Commonwealth imposed by the Commonwealth of Pennsylvania or any of its political subdivisions if, as a result of military service, they are blind, paraplegic or double or quadruple amputees or have a service-connected disability declared by the United States Veterans Administration or its successor to be a total or 100% permanent disability, and if the State Veterans' Commission determines that such persons are in need of the tax exemptions granted herein. This exemption shall be extended to the unmarried surviving spouse upon the death of an eligible veteran provided that the State Veterans' Commission determines that such person is in need of the exemption.

(Nov. 5, 1985, P.L.556, J.R.2)

Rejection of Proposed 1989 Amendment. The question of amending subsection (b) to permit local taxing authorities to reduce tax rates on residential real property to the extent of additional revenues obtained from personal income taxes, as more fully set forth in Joint Resolution No.1 of 1989, was submitted to the electors at the municipal election on May 16, 1989, and was rejected. Section 1 of Article XI prohibits the submission of an amendment more often than once in five years.

1985 Amendment. Joint Resolution No.2 amended subsec. (c).

APPENDIX TO CONSTITUTION OF PENNSYLVANIA

Supplementary Provisions of Constitutional Amendments

1993, MAY 18, P.L. , J.R.1

§ 2. Advertisement and submission of amendments to electorate.

Upon passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to

comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers shall be published in sufficient time after passage of these proposed constitutional amendments. Upon the second passage of these proposed constitutional amendments by the General Assembly, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers shall be published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit these proposed constitutional amendments to the qualified electors of this Commonwealth at the first primary, general or municipal election occurring at least three months after the proposed constitutional amendments are passed by the General Assembly which meets the requirements of and is in conformance with section 1 of Article XI of the Constitution of Pennsylvania.

Explanatory Note. Joint Resolution No.1 amended sections 16 and 18 of Article V and section 24 of the Schedule to Article V.