

No. 2005-44

AN ACT

HB 1521

Amending Titles 42 (Judiciary and Judicial Procedure), 46 (Legislature) and 71 (State Government) of the Pennsylvania Consolidated Statutes, providing for compensation; and making an inconsistent repeal.

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 18
COMPENSATION

Sec.

- 1801. Definitions.
- 1802. Supreme Court.
- 1803. Superior Court.
- 1804. Commonwealth Court.
- 1805. Courts of common pleas.
- 1806. Philadelphia Municipal Court.
- 1807. Philadelphia Traffic Court.
- 1808. Magisterial district judges.
- 1809. Senior judges.
- 1809.1. District attorneys.
- 1810. Cost of living.

§ 1801. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Base salary.” The salary for the designated Federal official as of January 1, 2005.

§ 1802. Supreme Court.

(a) Justices.—Except as set forth in subsection (b), a justice of the Supreme Court shall receive as an annual salary the base salary of a circuit judge of the United States Court of Appeals plus all adjustments under section 1810 (relating to cost of living).

(b) Chief Justice.—In addition to the salary under subsection (a), the Chief Justice of the Supreme Court shall receive \$5,000.

§ 1803. Superior Court.

(a) Judges.—Except as set forth in subsection (b), a judge of the Superior Court shall receive as an annual salary the base salary of a judge of the

United States District Court plus all adjustments under section 1810 (relating to cost of living).

(b) President Judge.—In addition to the salary under subsection (a), the President Judge of the Superior Court shall receive \$5,000.

§ 1804. Commonwealth Court.

(a) Judges.—Except as set forth in subsection (b), a judge of the Commonwealth Court shall receive as an annual salary the base salary of a judge of the United States District Court plus all adjustments under section 1810 (relating to cost of living).

(b) President Judge.—In addition to the salary under subsection (a), the President Judge of the Commonwealth Court shall receive \$5,000.

§ 1805. Courts of common pleas.

(a) Judges.—Except as set forth in subsection (b), a judge of a court of common pleas shall receive as an annual salary the base salary of a United States magistrate judge plus all adjustments under section 1810 (relating to cost of living).

(b) President judges.—In addition to the salary under subsection (a), the president judge of a court of common pleas shall receive additional compensation in accordance with the following schedule:

(1) Allegheny County, \$2,500.

(2) Philadelphia County, \$3,000.

(3) Judicial districts having six or more judges, \$1,300.

(4) Judicial districts having one to five judges, \$650.

(5) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$1,300.

(6) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or fewer judges, \$650.

(7) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$1,300.

(8) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of five or fewer judges, \$650.

§ 1806. Philadelphia Municipal Court.

(a) Judges.—Except as set forth in subsection (b), a judge of the Philadelphia Municipal Court shall receive as an annual salary the base salary of a United States magistrate judge minus \$3,450 plus all adjustments under section 1810 (relating to cost of living).

(b) President Judge.—In addition to the salary under subsection (a), the President Judge of the Philadelphia Municipal Court shall receive \$2,250.

§ 1807. Philadelphia Traffic Court.

(a) Judges.—Except as set forth in subsection (b), a judge of the Philadelphia Traffic Court shall receive an annual salary equal to 50% of the annual salary determined under section 1805(a) (relating to courts of common pleas) plus \$3,800.

(b) President Judge.—In addition to the salary under subsection (a), the President Judge of the Philadelphia Traffic Court shall receive \$650.

§ 1808. Magisterial district judges.

A magisterial district judge shall receive an annual salary equal to 50% of the annual salary determined under section 1805(a) (relating to courts of common pleas).

§ 1809. Senior judges.

(a) Amount.—The compensation payable to a senior judge of a court of common pleas, a senior Commonwealth Court judge, a senior Superior Court judge and a senior Supreme Court justice, assigned pursuant to section 4121 (relating to assignment of judges), and a senior Philadelphia Municipal Court judge assigned pursuant to section 4124 (relating to assignment of senior Philadelphia Municipal Court judges) shall be \$456 per day plus all adjustments under section 1810(a)(1)(ii) (relating to cost of living). In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not, when added to retirement income paid by the Commonwealth for the senior judge, exceed the annual salary payable by the Commonwealth to a judge then in regular active service on the court from which the senior judge retired.

(b) Limitation.—In any calendar year, the amount of compensation which a senior judge assigned to serve on a court referred to in section 1806 (relating to Philadelphia Municipal Court), 1807 (relating to Philadelphia Traffic Court) or 1808 (relating to magisterial district judges) shall be permitted to earn as a senior judge shall not, when added to retirement income paid by the Commonwealth to that senior judge, exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which that senior judge retired.

(c) Volunteer service.—A senior judge who so elects may serve without being paid all or any portion of the compensation provided by this section.

§ 1809.1. District attorneys.

Notwithstanding section 1401(g) of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, the salary of a district attorney and a part-time district attorney shall be determined as follows:

(1) The salary of a full-time district attorney shall be 95% of the salary of a judge of the court of common pleas under section 1805(a) (relating to court of common pleas).

(2) The salary of a part-time district attorney shall be determined as follows:

(i) Counties of the third or fourth class shall be 60% of the salary under paragraph (1).

(ii) Counties of the fifth or sixth class shall be 50% of the salary under paragraph (1).

(iii) Counties of the seventh or eighth class shall be 40% of the salary under paragraph (1).

§ 1810. Cost of living.

(a) Increase.—Beginning January 1, 2007, and each January 1 thereafter, the current annual salaries under this chapter shall be increased as follows:

(1) Except as set forth in paragraph (2), by the greater of:

(i) the percentage increase in the salary of the applicable designated Federal official during the immediately preceding period from December 1 through November 30; or

(ii) the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) If the salary of the applicable designated Federal official has been increased in the previous 12-month period after not having been increased in one or more previous consecutive 12-month periods, the current annual salaries under this chapter shall be increased by the greater of:

(i) the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics; or

(ii) the excess of the percentage of the increase in the salary of the applicable designated Federal official over the cumulative percentage increase of the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the same period of time between the most current increase in the salary of the applicable designated Federal official and the immediate prior increase.

(b) Administration.—The annual salaries as adjusted under subsection (a) shall be published in the Pennsylvania Bulletin by the Court Administrator of Pennsylvania by January 1, 2007, and by each January 1 thereafter.

Section 2. Title 46 is amended by adding a part to read:

PART II
MEMBERS OF THE GENERAL ASSEMBLY

Chapter

- 11. Compensation
- 13. Officers and Leaders

CHAPTER 11
COMPENSATION

Sec.

- 1101. Definitions.
- 1102. Members of the General Assembly.
- 1103. Legislative officers and leaders.
- 1104. Cost of living.
- 1105. Payment of salaries.
- 1106. Mileage and expenses.

1107. Additional expenses.**§ 1101. Definitions.**

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Base salary.” The salary for the designated Federal official as of January 1, 2005.

§ 1102. Members of the General Assembly.

(a) Senate.—Except as set forth in section 1103(a) (relating to legislative officers and leaders), a member of the Senate shall receive an annual salary equal to 50% of the base salary of a member of the United States House of Representatives plus all adjustments under section 1104 (relating to cost of living).

(b) House of Representatives.—Except as set forth in section 1103(b), a member of the House of Representatives shall receive an annual salary equal to 50% of the base salary of a member of the United States House of Representatives plus all adjustments under section 1104.

§ 1103. Legislative officers and leaders.

(a) Senate.—Annual salaries for legislative officers and leaders of the Senate are as follows:

(1) Except as set forth in paragraph (5)(i), a committee chairman shall receive 55% of the base salary of a member of the United States House of Representatives plus all adjustments under section 1104 (relating to cost of living).

(2) A committee vice chairman shall receive 52.5% of the base salary of a member of the United States House of Representatives plus all adjustments under section 1104.

(3) The following shall receive the salary determined under paragraph (1) plus 20% of that salary:

- (i) Caucus Administrator.
- (ii) Caucus Secretary.
- (iii) Caucus Policy Chairman.
- (iv) Deputy Whip.

(4) The Caucus Chairman shall receive the salary determined under paragraph (3) plus 8% of that salary.

(5) The following shall receive the salary determined under paragraph (4) plus 8% of that salary:

- (i) Appropriations Chairman.
- (ii) Whip.

(6) A Floor Leader shall receive the salary determined under paragraph (5) plus 8% of that salary.

(7) The President pro tempore of the Senate shall receive the salary determined under paragraph (6) plus 8% of that salary.

(b) House of Representatives.—Annual salaries for legislative officers and leaders of the House of Representatives are as follows:

(1) Except as set forth in paragraph (5)(i), a committee chairman shall receive 55% of the base salary of a member of the United States House of Representatives plus all adjustments under section 1104.

(2) A committee vice chairman and a subcommittee chairman shall receive 52.5% of the base salary of a member of the United States House of Representatives plus all adjustments under section 1104.

(3) The following shall receive the salary determined under paragraph (1) plus 20% of that salary:

- (i) Caucus Administrator.
- (ii) Caucus Secretary.
- (iii) Caucus Policy Chairman.

(4) The Caucus Chairman shall receive the salary determined under paragraph (3) plus 8% of that salary.

(5) The following shall receive the salary determined under paragraph (4) plus 8% of that salary:

- (i) Appropriations Chairman.
- (ii) Whip.

(6) A Floor Leader shall receive the salary determined under paragraph (5) plus 8% of that salary.

(7) The Speaker of the House of Representatives shall receive the salary determined under paragraph (6) plus 8% of that salary.

(c) Limitations.—

(1) An individual entitled to receive an annual salary under this section shall be ineligible to concurrently receive an annual salary under section 1102 (relating to members of the General Assembly).

(2) An individual shall be ineligible to concurrently receive more than one annual salary under this section.

(3) An individual entitled to receive an annual salary under subsection (a)(3), (4), (5), (6) or (7) shall be ineligible to concurrently receive an annual salary under subsection (a)(1) or (2).

(4) An individual entitled to receive an annual salary under subsection (b)(3), (4), (5), (6) or (7) shall be ineligible to concurrently receive an annual salary under subsection (b)(1) or (2).

(d) Officers and chairmen.—

(1) Except as set forth in paragraph (2), if an individual receives an annual salary increase under this section, the salary increase shall take effect as of the date the individual is selected or elected.

(2) For an individual who is selected or elected in the first two months of an odd-numbered year, if the individual receives an annual salary increase under this section, the salary increase shall be retroactive to December 1 of the preceding even-numbered year.

§ 1104. Cost of living.

(a) Formula.—On December 1, 2006, and each December 1 thereafter, the current annual salaries under sections 1102 (relating to members of the

General Assembly) and 1103(a)(1) and (2) and (b)(1) and (2) (relating to legislative officers and leaders) shall be increased as follows:

(1) Except as set forth in paragraph (2), by the greater of:

(i) the percentage increase in the salary of the applicable designated Federal official during the immediately preceding period from December 1 through November 30; or

(ii) the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) If the salary of the applicable designated Federal official has been increased in the previous 12-month period after not having been increased in one or more previous consecutive 12-month periods, the current annual salaries under sections 1102 and 1103(a)(1) and (2) and (b)(1) and (2) shall be increased by the greater of:

(i) the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics; or

(ii) the excess of the percentage of the increase in the salary of the applicable designated Federal official over the cumulative percentage increase of the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the same period of time between the most current increase in the salary of the applicable designated Federal official and the immediate prior increase.

(b) Administration.—The annual salaries determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives under subsection (a) shall be published in the Pennsylvania Bulletin by December 1, 2006, and by each December 1 thereafter.

§ 1105. Payment of salaries.

The annual salary of a member of the General Assembly shall be payable in equal monthly installments the first day of the month, including the installment due December 1 of each even-numbered year.

§ 1106. Mileage and expenses.

(a) Mileage.—A member of the General Assembly shall be reimbursed for mileage, circular, between the member's home and the State Capitol for each week the member was in actual attendance in session. The rate of reimbursement shall be set by the Committee on Management Operations for members of the Senate and by the Bipartisan Management Committee for members of the House of Representatives. The rate shall not exceed the Standard Business Mileage Rate set by the Internal Revenue Service.

(b) Expenses.—Each member of the General Assembly shall receive an allocation for clerical assistance and other actual expenses incurred during the member's term in connection with the duties of the member's office in the sum of \$7,500 annually.

§ 1107. Additional expenses.

(a) Senate.—

(1) Beginning on the effective date of this subsection and ending November 30, 2008, a member of the Senate shall receive monthly, in addition to any allocation for clerical assistance and other actual expenses, an unvouchered expense allocation in the amount of 1/12 of the difference between:

(i) the amount specified for a member in:

(A) section 1102(a) (relating to members of the General Assembly) plus section 1104 (relating to cost of living) as appropriate; or

(B) section 1103(a) (relating to legislative officers and leaders) plus section 1104 as appropriate; and

(ii) the amount calculated for that member as of the effective date of this subparagraph pursuant to the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law.

(2) This subsection shall expire November 30, 2008.

(b) House of Representatives.—

(1) Beginning on the effective date of this subsection, a member of the House of Representatives may receive each month, in addition to any allocation for clerical assistance and other actual expenses, an unvouchered expense allocation in the amount of 1/12 of the difference between:

(i) the amount specified for a member in:

(A) section 1102(b); or

(B) section 1103(b) as appropriate; and

(ii) the amount calculated for that member as of the effective date of this subparagraph pursuant to the Public Official Compensation Law.

(2) The Rules Committee of the House of Representatives shall determine the procedure by which a member of the House of Representatives may receive an allocation under this subsection.

(3) This subsection shall expire November 30, 2006.

CHAPTER 13 OFFICERS AND LEADERS

Sec.

1301. Senate.

1302. House of Representatives.

§ 1301. Senate.

(a) Election.—

(1) The President pro tempore of the Senate shall be elected by the members of the Senate.

(2) The following officers of the Senate shall be elected by the appropriate caucus:

- (i) Majority Leader.
- (ii) Minority Leader.
- (iii) Majority Whip.
- (iv) Minority Whip.
- (v) Majority Caucus Chairman.
- (vi) Minority Caucus Chairman.
- (vii) Appropriations Chairman.
- (viii) Minority Appropriations Chairman.
- (ix) Majority Caucus Secretary.
- (x) Minority Caucus Secretary.
- (xi) Minority Policy Chairman.

(b) Appointment.—

(1) The following officers of the Senate shall be appointed by the President pro tempore of the Senate:

- (i) Majority Policy Chairman.
- (ii) Majority Caucus Administrator.
- (iii) Majority Deputy Whip.

(2) The following officers of the Senate shall be appointed by the Minority Leader of the Senate:

- (i) Minority Caucus Administrator.
- (ii) Minority Deputy Whip.

§ 1302. House of Representatives.

(a) Members.—The Speaker of the House of Representatives shall be elected by the members of the House of Representatives.

(b) Caucuses.—The following officers of the House of Representatives shall be elected by the appropriate caucus:

- (1) Majority Leader.
- (2) Minority Leader.
- (3) Majority Whip.
- (4) Minority Whip.
- (5) Majority Caucus Chairman.
- (6) Minority Caucus Chairman.
- (7) Appropriations Chairman.
- (8) Minority Appropriations Chairman.
- (9) Majority Caucus Secretary.
- (10) Minority Caucus Secretary.
- (11) Majority Policy Chairman.
- (12) Minority Policy Chairman.
- (13) Majority Caucus Administrator.
- (14) Minority Caucus Administrator.

Section 3. Title 71 is amended by adding a part to read:

PART II
EXECUTIVE OFFICERS

Chapter

11. Compensation

CHAPTER 11
COMPENSATION

Sec.

- 1101. Definitions.
- 1102. Governor, Lieutenant Governor and Cabinet.
- 1103. State Treasurer, Auditor General and Attorney General.
- 1104. Additional salary prohibited.
- 1105. Cost of living.

§ 1101. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Base salary.” The salary for the designated Federal official as of January 1, 2007.

§ 1102. Governor, Lieutenant Governor and Cabinet.

(a) Governor.—The Governor shall receive an annual salary equal to 85% of the base salary of the Vice President of the United States plus all adjustments under section 1105 (relating to cost of living).

(b) Lieutenant Governor.—The Lieutenant Governor shall receive an annual salary equal to:

- (1) the salary under 46 Pa.C.S. § 1103(a)(7) (relating to legislative officers and leaders); plus
- (2) \$15,000.

(c) Cabinet.—Each of the following officers shall receive an annual salary equal to 85% of the base salary of the Attorney General of the United States plus all adjustments under section 1105:

- (1) Adjutant General.
- (2) Secretary of Aging.
- (3) Secretary of Agriculture.
- (4) Secretary of Banking.
- (5) Secretary of the Commonwealth.
- (6) Secretary of Community and Economic Development.
- (7) Secretary of Conservation and Natural Resources.
- (8) Secretary of Corrections.
- (9) Secretary of Education.
- (10) Secretary of Environmental Protection.
- (11) Secretary of General Services.
- (12) Secretary of Health.
- (13) Insurance Commissioner of the Commonwealth.

- (14) Secretary of Labor and Industry.
- (15) Secretary of Public Welfare.
- (16) Secretary of Revenue.
- (17) Pennsylvania State Police Commissioner.
- (18) Secretary of Transportation.

§ 1103. State Treasurer, Auditor General and Attorney General.

Each of the following officers shall receive an annual salary equal to 94% of the base salary of the Attorney General of the United States plus all adjustments under section 1105 (relating to cost of living):

- (1) State Treasurer.
- (2) Attorney General.
- (3) Auditor General.

§ 1104. Additional salary prohibited.

No officer listed in this chapter shall receive additional salary for services rendered to the Commonwealth in any capacity.

§ 1105. Cost of living.

(a) Increase.—On January 1, 2008, and each January 1 thereafter, the current annual salaries under section 1102(a) and (c) (relating to Governor, Lieutenant Governor and Cabinet) and 1103 (relating to State Treasurer, Auditor General and Attorney General) shall be increased as follows:

(1) Except as set forth in paragraph (2), by the greater of:

(i) the percentage increase in the salary of the applicable designated Federal official during the immediately preceding period from December 1 through November 30; or

(ii) the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) If the salary of the applicable designated Federal official has been increased in the previous 12-month period after not having been increased in one or more previous consecutive 12-month periods, the current annual salaries under sections 1102(a) and (c) and 1103 shall be increased by the greater of:

(i) the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics; or

(ii) the excess of the percentage of the increase in the salary of the applicable designated Federal official over the cumulative percentage increase of the change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the same period of time between the most current

increase in the salary of the applicable designated Federal official and the immediate prior increase.

(b) Administration.—The annual salaries as adjusted under subsection (a) shall be published by the Secretary of the Budget in the Pennsylvania Bulletin by January 1, 2008, and by each January 1 thereafter.

Section 4. This act shall apply as follows:

(1) Except for the application of 46 Pa.C.S. § 1107, the addition of 46 Pa.C.S. §§ 1101 through 1104 and 1106(a) shall apply to members of the General Assembly elected after the effective date of this act.

(2) The addition of 46 Pa.C.S. § 1107 shall apply to members of the General Assembly elected prior to the effective date of this act.

(3) The addition of 71 Pa.C.S. §§ 1102(c) and 1105 shall apply to individuals who are appointed after December 31, 2006.

(4) The addition of 71 Pa.C.S. §§ 1102(a) and (b) and 1103 shall apply to individuals who are elected after the effective date of this act.

(5) For purposes of section 3(d) of the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, the salary of the Secretary of Community and Economic Development shall be deemed to be the salary on the day before the effective date of this act. This salary is subject to adjustment under section 3(e) of the Public Official Compensation Law.

Section 5. The act of September 30, 1983 (P.L.160, No.39), known as the¹ Public Official Compensation Law, is repealed insofar as it is inconsistent with this act.

Section 6. The provisions of this act are nonseverable. If any provision of this act or its application to any person or circumstance is held invalid, the remaining provisions or applications of this act are void.

Section 7. This act shall take effect immediately.

APPROVED—The 7th day of July, A.D. 2005.

EDWARD G. RENDELL

¹“act of September 30, 1983 (P.L.160, No.39), known as the” omitted in enrolled bill.