

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 44

Session of 2007

INTRODUCED BY PICCOLA, EARLL, RAFFERTY, D. WHITE, FOLMER, PUNT, ARMSTRONG, EICHELBERGER, O'PAKE, ROBBINS, WOZNIAK, ORIE, SCARNATI, REGOLA AND WAUGH, FEBRUARY 13, 2007

AS AMENDED ON SECOND CONSIDERATION, APRIL 17, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, providing for  
3 compensation of judges and for exclusive jurisdiction of  
4 Supreme Court; and making related repeals.

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

7 Section 1. Chapter 17 of Title 42 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER C

10 COMPENSATION

11 Sec.

12 1741. Compensation of judges.

13 1742. Exclusive jurisdiction of Supreme Court.

14 § 1741. Compensation of judges.

15 (a) Base salaries.--Notwithstanding any other provision of  
16 law to the contrary:

17 (1) A person who is elected or appointed to a term as a  
18 justice of the Supreme Court, judge of the Superior Court,

1 judge of the Commonwealth Court, judge of a court of common  
2 pleas, judge of the Philadelphia Municipal Court, judge of  
3 the Philadelphia Traffic Court or magisterial district judge  
4 after the effective date of this section shall receive a  
5 salary that is equal to the salary payable to persons who  
6 held that particular judicial office on the day prior to the  
7 effective date of this section, plus \$1 and any applicable  
8 cost-of-living adjustment or adjustments under subsection  
9 (b).

10 (2) A person who serves a term as a justice of the  
11 Supreme Court, judge of the Superior Court, judge of the  
12 Commonwealth Court, judge of a court of common pleas, judge  
13 of the Philadelphia Municipal Court, judge of the  
14 Philadelphia Traffic Court or magisterial district judge on  
15 the effective date of this section shall receive a salary  
16 that is equal to the salary payable to persons holding that  
17 particular judicial office on the day prior to the effective  
18 date of this section, plus \$1 and any applicable cost-of-  
19 living adjustment or adjustments under subsection (b).

20 (b) Cost-of-living adjustments.--

21 (1) For the 12-month period beginning January 1, 2008,  
22 and each January 1 thereafter, the annual salaries for  
23 persons subject to subsection (a)(1) or (2) shall be  
24 increased by the percentage change, if any, in the Consumer  
25 Price Index for All Urban Consumers (CPI-U) for the  
26 Pennsylvania, New Jersey, Delaware and Maryland area for the  
27 most recent 12-month period for which figures are officially  
28 reported by the United States Department of Labor, Bureau of  
29 Labor Statistics, immediately prior to the date the  
30 adjustment is due to take effect.

1           (2) In no event shall deflation result in a negative  
2 cost-of-living adjustment to a salary under subsection (a)(1)  
3 or (2).

4 (c) Limitation.--

5           (1) No justice of the Supreme Court shall receive any  
6 annual salary insofar as that salary is based on any increase  
7 in the base salary of a circuit court judge of the United  
8 States Court of Appeals that occurs after the effective date  
9 of this section.

10           (2) No judge of the Superior Court or Commonwealth Court  
11 shall receive any annual salary insofar as that salary is  
12 based on any increase in the base salary of a judge of the  
13 United States District Court that occurs after the effective  
14 date of this section.

15           (3) No judge of a court of common pleas or Philadelphia  
16 Municipal Court, Philadelphia Traffic Court or magisterial  
17 district justice JUDGE shall receive any annual salary ←  
18 insofar as that annual salary is based on any increase in the  
19 base salary of a United States magistrate judge that occurs  
20 after the effective date of this section.

21 § 1742. Exclusive jurisdiction of Supreme Court.

22           The Pennsylvania Supreme Court shall have exclusive  
23 jurisdiction to hear any challenge to or to render a declaratory  
24 judgment concerning the constitutionality of this subchapter.  
25 The Supreme Court is authorized to take such action as it deems  
26 appropriate, consistent with the Supreme Court retaining  
27 jurisdiction over such a matter, to find facts or to expedite a  
28 final judgment in connection with such a challenge or request  
29 for declaratory relief.

30           Section 2. Repeals are as follows:

1           (1) As much of section 2.1 of the act of September 30,  
2           1983 (P.L.160, No.39), known as the Public Official  
3           Compensation Law, that is inconsistent with the addition of  
4           42 Pa.C.S. Ch. 17 Subch. C, is repealed.

5           (2) The General Assembly declares that the repeal under  
6           paragraph (3) is necessary to effectuate the addition of 42  
7           Pa.C.S. Ch. 17 Subch. C.

8           (3) The provisions of 42 Pa.C.S. Ch. 18, added July 7,  
9           2005 (P.L.201, No.44), repealed November 16, 2005 (P.L.385,  
10          No.72) and repeal declared unconstitutional 905 A.2d 918 (Pa.  
11          2006), are repealed.

12          Section 3. This act shall take effect immediately.