

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 62 Session of 2009

INTRODUCED BY PERRY, BARRAR, BOYD, CREIGHTON, CUTLER, EVERETT, GEIST, GOODMAN, HARRIS, HELM, KAUFFMAN, KORTZ, MARSICO, MELIO, ROAE, ROCK, SAYLOR, SCAVELLO, STEVENSON AND VULAKOVICH, JANUARY 26, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JANUARY 26, 2009

AN ACT

1 Amending the act of September 30, 1983 (P.L.160, No.39),
2 entitled "An act establishing salaries and compensation of
3 certain public officials including justices and judges of
4 Statewide courts, judges of courts of common pleas, judges of
5 the Philadelphia Municipal Court, judges of the Philadelphia
6 Traffic Court, district justices and the Governor, the
7 Lieutenant Governor, the State Treasurer, the Auditor
8 General, the Attorney General and certain other State
9 officers and the salary and certain expenses of the members
10 of the General Assembly; and repealing certain inconsistent
11 acts," providing for commission on salaries and benefits for
12 elected officials and duties of commission.

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

15 Section 1. The act of September 30, 1983 (P.L.160, No.39),
16 known as the Public Official Compensation Law, is amended by
17 adding sections to read:

18 Section 4.1. Commission on Salaries and Benefits for Elected
19 Officials.

20 (a) Establishment.--There is established a commission to be
21 known as the Commission on Salaries and Benefits for Elected
22 Officials. The commission shall consist of members chosen at

1 random from the voter rolls of each congressional district.

2 (b) Composition.--The commission members shall be selected
3 by lot by the Secretary of State from among those registered
4 voters eligible to vote at the time persons are selected for
5 appointment to full terms on the commission under subsection
6 (d). One member shall be selected from each congressional
7 district to serve on the commission. Another person shall be
8 selected to serve as an alternate. The secretary shall establish
9 policies and procedures for conducting the selection by lot.

10 (c) Policies and procedures.--The policies and procedures
11 shall include, but not be limited to, notifying persons selected
12 and for providing a new selection from a congressional district
13 if a person selected from the district declines appointment to
14 the commission or if, following the person's appointment, the
15 person's position on the commission becomes vacant before the
16 end of the person's term of office.

17 (d) Terms.--All members shall serve four-year terms.

18 (e) Term limits and removal.--No person may be appointed to
19 more than two terms. No member of the commission may be removed
20 during his or her term of office unless for cause of incapacity,
21 incompetence, neglect of duty, malfeasance in office or for a
22 disqualifying change of residence.

23 (f) Code of conduct.--

24 (1) A member of the commission shall:

25 (i) Not engage in any ex parte communication with
26 any public officials, including justices and judges of
27 Statewide courts, judges of courts of common pleas,
28 judges of the Philadelphia Municipal Court, judges of the
29 Philadelphia Traffic Court, district justices, the
30 Governor, the Lieutenant Governor, the State Treasurer,

1 the Auditor General, the Attorney General and other State
2 officers, members of the General Assembly, legislator,
3 judge or other individual whose salary or benefits or a
4 portion thereof is determined by the provisions of this
5 act.

6 (ii) Not engage in any ex parte communication with a
7 person acting on his own behalf or on behalf of an
8 official subject to the provisions of subparagraph (i).

9 (iii) Not solicit funds for any charitable,
10 educational, religious, health, fraternal, civic or other
11 nonprofit entity from a person subject to the provisions
12 of subparagraph (i) or (ii). A commission member may
13 serve as an officer, employee or member of the governing
14 body of a nonprofit entity and may attend, make personal
15 contributions to and plan or preside over the entity's
16 fundraising events. A commission member may permit his
17 name to appear on the letterhead used for fundraising
18 events if the letterhead contains only the commission
19 member's name and position with the nonprofit entity.

20 (iv) Not meet or engage in discussions with an
21 individual subject to the provisions of subparagraph (i)
22 or (ii) unless the meeting or discussion occurs on the
23 business premises of the commission and is recorded in a
24 log maintained for this purpose. The log shall be
25 available for public inspection during the regular
26 business hours of the commission.

27 (v) Avoid impropriety and the appearance of
28 impropriety at all times and observe standards and
29 conduct that promote public confidence in the oversight
30 of salary or benefit increases and decreases for public

officials employed in this Commonwealth.

(2) As used in this subsection, the following words and phrases shall have the meanings given to them in this paragraph:

"Member." An individual appointed to and sworn in as a member of the commission in accordance with section 4.1(a).

"Person." Any natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association or any other form of legal business entity.

(g) Absences.--The unexcused absence of any person who is a member of the commission from two consecutive meetings of the commission shall constitute the relinquishment of that person's membership on the commission. Such a relinquishment creates a vacancy in that person's position on the commission. A member's absence may be excused by the chair of the commission upon the member's written request if the chair believes there is just cause for the absence. Such a request must be received by the chair before the meeting for which the absence is to be excused. A member's absence from a meeting of the commission may also be excused during the meeting for which the member is absent by the affirmative vote of a majority of the members of the commission present at the meeting.

(h) Eligibility.--No State official, public employee, lobbyist or immediate family member of the official, employee or lobbyist, subject to the registration requirements of 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure) is eligible for membership on the commission. As used in this subsection, the phrase "immediate family" means the parents, spouse, siblings,

children or dependent relative of the official, employee or lobbyist whether or not living in the household of the official, employee or lobbyist.

(i) Alternates.--The candidate chosen from the voter rolls not serving on the commission shall serve as an alternate. The alternate shall succeed a commission member vacating his position. Once an alternate begins serving on the commission, the Secretary of State shall initiate the procedure to randomly select another person to serve as an alternate.

(j) Definition.--As used in this section, the term "benefit" shall include, but not be limited to, compensation including pension, health care and per diems.

Section 4.2. Duties of Commission on Salaries and Benefits for Elected Officials.

(a) Salary study.--The Commission on Salaries and Benefits for Elected Officials established in section 4.1 shall study the relationship of salaries to the duties of members of the General Assembly, all elected officials of the executive branch of State government and all judges of the Supreme Court, court of appeals, superior courts and district courts and shall fix the salary for each respective position.

(b) Organization and operation.--Except as provided otherwise by this section and section 4.1, the commission shall be solely responsible for its own organization, operation and action and shall enjoy the fullest cooperation of all State officials, departments and agencies.

(c) Prohibition.--The commission shall not reduce salaries or benefits during terms of office.

(d) Compensation of members.--Members of the commission shall receive no compensation for their services, but shall be

1 eligible to receive a subsistence allowance and travel expenses.

2 (e) Selection of chair.--The members of the commission shall
3 elect a chair from among their number.

4 (f) Salary and benefits schedule and voting.--The commission
5 shall set a schedule of salaries and benefits by an affirmative
6 vote of not less than 11 members of the commission.

7 (g) Filing of initial schedule.--The commission shall file
8 its initial schedule of salaries and benefits for the elected
9 officials with the Secretary of State no later than the first
10 Monday in June, 2010, and shall file a schedule biennially
11 thereafter. Each schedule shall be filed in legislative bill
12 form, shall be assigned a chapter number and published with the
13 session laws of the General Assembly. The signature of the chair
14 of the commission shall be affixed to each schedule submitted to
15 the Secretary of State. The chair shall certify that the
16 schedule has been adopted in accordance with the provisions of
17 State law and with the rules, if any, of the commission. The
18 schedules shall become effective 60 days after the filing.

19 (h) Meetings.--Before the filing of any salary and benefits
20 schedule, the commission shall first develop a proposed salary
21 and benefits schedule and then hold no fewer than four meetings
22 to take public testimony on the proposed schedule within the
23 four months immediately preceding the filing. At the last public
24 hearing that is held as a regular meeting on the proposed
25 schedule, the commission shall adopt the originally proposed or
26 amended salary and benefits schedule, which will be filed with
27 the Secretary of State. All meetings, actions, hearings and
28 business of the commission shall be subject to 65 Pa.C.S. Ch. 7
29 (relating to open meetings).

30 (i) Current salaries and benefits.--Salaries, benefits, and

1 cost-of-living increases of the officials referred to in
2 subsection (a) shall continue until modified by the commission
3 under this section.

4 (j) Increases and decreases.--In fixing salaries or
5 benefits, a majority of the commission must vote in the
6 affirmative for the increase or decrease. The commission shall
7 not increase or reduce salaries or benefits by more than 10%.

8 (k) Definition.--As used in this section, the term "benefit"
9 shall include, but not be limited to, compensation including
10 pension, health care and per diems.

11 Section 2. This act shall take effect in 60 days.