



**HOUSE COMMITTEE ON APPROPRIATIONS**  
2009-10 Legislative Session

**FISCAL NOTE**

**HOUSE BILL:** 2000

**PRINTER'S NO:** 2700

**PRIME SPONSOR:** Swanger

<b>FISCAL IMPACT SUMMARY</b>	<b>FY 2009/10</b>	<b>FY 2010/11</b>
<b>Expenditure Increase/(Decrease):</b>		
County Funds <sup>1</sup>	\$0	\$0

<sup>1</sup>All counties except Allegheny, Berks, Bucks, Dauphin, Delaware, Erie, Lackawanna, Lehigh, Montgomery, Northampton, Philadelphia, and York.

**OVERVIEW:**

This bill amends the County Code (August 9, 1955, P.L. 323, No. 130) to give counties the option of abolishing by referendum the office of jury commissioner. The County Code specifies each county shall have two jury commissioners.

Allegheny, Bucks, Delaware, Montgomery, and Philadelphia counties are unaffected by this bill because the section in question of the County Code applies only to counties of the third class through the eight class. Additionally, the Code currently allows certain third class counties based on population to abolish the office, which Berks, Dauphin, and York counties have already exercised.

Except for home rule counties, Chapter 21, Subchapter C, Title 42 (Judiciary and Judicial Procedures), Pa.C.S., provides for jury selection commissions and specifies the office and election of jury commissioner. The home rule counties that do not have jury commissioners are Allegheny, Delaware, Erie, Lackawanna, Lehigh, Northampton, and Philadelphia.

This bill does not mandate the abolition of the office of jury commissioner. It provides counties with the option to abolish the office through a voter referendum. The process to abolish the office can be initiated in one of two ways. First, five percent of the voters, as measured by the highest vote cast for any office in the county at the last preceding election, may file a petition to the county board of elections. Second, the county governing body may adopt a resolution by majority vote.

Section 10 of Act 113 of 1971 provides for the minimum salaries of jury commissioners, which are as follows:

County Class	Minimum Salary as of January 1, 1980
Third	\$6,500
Fourth	\$5,000
Fifth	\$4,000
Sixth	\$3,000
Seventh	\$2,500
Eighth	\$2,000

Section 10.1 of that act provides for a procedure whereby the county commissioners may fix the salaries from time to time above the minima listed above.

The effective date is sixty days.

**ANALYSIS:**

Unless a county exercises the proposed option to abolish the office of jury commissioner, this bill has no fiscal impact. If a county does exercise this option, and it is approved by the voters, the fiscal impact, if any, will depend on how the county now utilizes jury commissioners in comparison to how the county chooses to replace the functions now performed by those commissioners. As specified in the bill, the abolishment of a jury commissioner office can only occur after the terms of the current jury commissioners expire; thus the fiscal impact of this bill cannot occur prior to the expiration of those offices.

In some cases, as with York County who has already abolished the office, there will be some savings consisting of the salaries and benefits less any additional costs to implement new provisions to accomplish the duties currently done by the commissioners. In York County, the court administrator had performed nearly that all the work required for jury selection, and the jury commissioner merely signed off on their selections.

In other counties, however, the jury commissioners perform the necessary work for jury selection. In Indiana and Mercer counties, for example, the jury commissioners work with the president judge in the selection process, making it unlikely that these counties would exercise the option proposed by this bill. If they did, the county would not likely realize any cost savings because the county would need to replace the jury commissioners in order to continue the necessary function of jury selection.

At this time, there is not a complete list detailing which counties function similar to the way York County operated prior to its abolishment of the office or, alternatively, similar to Indiana and Mercer counties. The Pennsylvania Manual for December 2009 lists the following salaries for jury commissioners: Adams (6<sup>th</sup> Class), \$9,201; Armstrong (6<sup>th</sup> Class), \$8,507; Beaver (4<sup>th</sup> Class), \$13,220; Bedford (6<sup>th</sup> Class), \$8,237; Blair (5<sup>th</sup> Class), \$11,596; Bradford (6<sup>th</sup> Class), \$4,448; Butler (4<sup>th</sup> Class), \$15,835; Cambria (4<sup>th</sup> Class), \$11,016; Cameron (8<sup>th</sup> Class), \$5,220; Carbon (6<sup>th</sup> Class), \$8,987; Center (5<sup>th</sup> Class), \$11,944; Chester (3<sup>rd</sup> Class), \$19,248; Clarion (6<sup>th</sup> Class), \$7,893; Clearfield (6<sup>th</sup> Class), \$7,111; Clinton (6<sup>th</sup> Class), \$7,661; Columbia (6<sup>th</sup> Class), \$9,440; Crawford (6<sup>th</sup> Class), \$8,871; Cumberland (4<sup>th</sup> Class), \$13,449; Elk (6<sup>th</sup> Class), \$6,510; Fayette (4<sup>th</sup> Class), \$10,428; Forest (8<sup>th</sup> Class), \$5,381; Franklin (5<sup>th</sup> Class), \$12,813; Fulton: (8<sup>th</sup> Class), \$5,485; Greene (6<sup>th</sup> Class), \$6,652; Huntingdon (6<sup>th</sup> Class), \$6,452; Indiana (6<sup>th</sup> Class), \$8,013; Jefferson (6<sup>th</sup> Class), *not listed*; Juniata (7<sup>th</sup> Class), \$4,825; Lancaster (3<sup>rd</sup> Class), \$7,649;

Lawrence (5<sup>th</sup> Class), \$11,100; Lebanon (5<sup>th</sup> Class), \$10,500; Lycoming (5<sup>th</sup> Class), \$7,779; McKean (6<sup>th</sup> Class), \$7,683; Mercer (5<sup>th</sup> Class), \$12,836; Mifflin (6<sup>th</sup> Class), \$9,817; Monroe (5<sup>th</sup> Class), \$9,700 (*data supplied by the PA State Association of Jury Commissioners*); Montour (8<sup>th</sup> Class), \$5,312; Northumberland (5<sup>th</sup> Class), *not listed*; Perry (7<sup>th</sup> Class), \$6,816; Pike (6<sup>th</sup> Class), \$8,042; Potter (8<sup>th</sup> Class), \$6,687; Schuylkill (4<sup>th</sup> Class), \$11,751; Snyder (7<sup>th</sup> Class), \$7,622; Somerset (6<sup>th</sup> Class), \$9,036; Sullivan (8<sup>th</sup> Class), \$4,585; Susquehanna (6<sup>th</sup> Class), \$7,964; Tioga (6<sup>th</sup> Class), \$9,352; Union (7<sup>th</sup> Class), \$7,616; Venango (6<sup>th</sup> Class), \$8,108; Warren (6<sup>th</sup> Class), \$8,300; Washington (4<sup>th</sup> Class), \$15,196; Wayne (6<sup>th</sup> Class), \$7,221; Westmoreland (3<sup>rd</sup> Class), \$13,349; and Wyoming (7<sup>th</sup>), \$8,136. Each county has two jury commissioners, thus the salary cost would be double for each county. Some counties provide benefits, but most others do not. There is not an available list at this time on which counties provide benefits and their costs.

The following sources were consulted or provided information: the Pennsylvania State Association of Jury Commissioners, the Local Government Commission, and the County Commissioners Association of Pennsylvania, the Pennsylvania Manual, and the counties of Indiana, Mercer, and York.

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**DATE:** May 26, 2010

**General Note and Disclaimer:** *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*