



HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 2001

PRINTER'S NO: 2701

PRIME SPONSOR: Swanger

FISCAL IMPACT SUMMARY	FY 2009/10	FY 2010/11
Expenditure Increase/(Decrease):		
Bucks County and Montgomery County Funds	\$0	\$0

OVERVIEW:

This bill amends the Second Class County Code (July 29, 1953, P.L.723, No. 230) to give counties the option of abolishing by referendum the office of jury commissioner. The Second Class County Code specifies each county shall have two jury commissioners.

The counties subject to the Second Class County Code are Allegheny, Bucks, Delaware, and Montgomery. 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 of Allegheny and Delaware do not have jury commissioners. This bill, therefore, applies only to Bucks and Montgomery counties.

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 salaries of jury commissioners, which is \$10,500 for counties of the second class A, but Section 10.1 of that act provides for a procedure whereby the county commissioners may fix the salaries from time to time above the minimum salary of \$10,500. Section 1810 of the Second Class County Code, however, provides for a salary \$6,000. Because the provision in Act 113 was amended at a later time (July 7, 1983, P.L.40, No.21 versus Oct. 20, 1967, P.L.472, No.224), it prevails over the Second Class County Code pursuant to §1936 the Statutory Construction Act of 1972.

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.

According to the testimony of Bucks County Commissioner James F. Cawley before the House Local Government Committee on May 5, 2009, Bucks County will realize \$21,000 in savings by the elimination of the office of jury commissioner. The county commissioners have already voted to reduce the total \$70,000 cost for the salaries and benefits of its two jury commissioners to the statutory minimum, which is the \$21,000 cited above. Mr. Cawley testified that court staff and computer technology now perform almost all the work required for jury selection. If Bucks County did exercise this proposed option, the \$21,000 annual savings (less the one-time cost of advertising for the referendum) would not occur until after the terms of the jury commissioners expire, which is January 2014.

According to the Montgomery County Commissioner Chairman James R. Matthews, jury commissioners in Montgomery County staff the jury selection process on a full-time basis, making it unlikely that the county would exercise the option proposed by this bill. If it 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. The county pays each of its jury commissioners \$27,200 in salary plus about \$14,000 in benefits.

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, Bucks County, and Montgomery County.

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House Appropriations Committee, (D)

DATE: May 26, 2010

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