

SETTING SALARIES IN SECOND TO EIGHTH CLASS COUNTIES

Act of Nov. 1, 1971, P.L. 495, No. 113

Cl. 16

AN ACT

Providing for the compensation of county officers in counties of the second through eighth classes, for compensation of district attorneys in cities and counties of the first class, for compensation of district election officers in all counties, for the disposition of fees, for filing of bonds in certain cases and for duties of certain officers. (Title amended Oct. 31, 1997, P.L.482, No.48)

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

Section 1. The annual salaries of county commissioners shall be as follows:

		January 1, 1980
(1)	Counties of the second class Chairman.....	\$34,000
	Other commissioners....	32,000
(2)	Counties of the second class A Chairman.....	30,300
	Other commissioners....	28,300
(3)	Counties of the third class Chairman.....	25,000
	Other commissioners....	24,000
(4)	Counties of the fourth class Chairman.....	21,000
	Other commissioners....	20,000
(5)	Counties of the fifth class Chairman.....	18,000
	Other commissioners....	18,000
(6)	Counties of the sixth class Chairman.....	16,000
	Other commissioners....	16,000
(7)	Counties of the seventh class Chairman.....	12,500
	Other commissioners....	12,500
(8)	Counties of the eighth class Chairman.....	11,000
	Other commissioners....	11,000

(1 amended Nov. 1, 1979, P.L.246, No.82)

Section 2. The annual salaries of sheriffs shall be as follows:

		January 1, 1980
(1)	Counties of the second class.....	\$27,000
(2)	Counties of the second class A.....	23,500
(3)	Counties of the third class.....	20,500
(4)	Counties of the fourth class.....	18,500
(5)	Counties of the fifth class.....	16,000
(6)	Counties of the sixth class.....	14,000
(7)	Counties of the seventh class.....	12,500
(8)	Counties of the eighth class.....	11,000

In those classes of counties in which the sheriff also acts as a warden, the county commissioners may, at their discretion, compensate such sheriff-warden an additional two thousand dollars (\$2,000) for holding said dual positions. The periodic salary increases provided for in section 10.1 of this act shall be applicable to this section.

(2 amended Dec. 13, 1985, P.L.328, No.87)

Section 3. (a) The annual salaries of county treasurers shall be as follows:

		January 1, 1980
(1) Counties of the second class.....	\$27,000	\$30,000
(2) Counties of the second class A.....	23,500	26,500
(3) Counties of the third class.....	20,500	23,500
(4) Counties of the fourth class.....	18,500	21,500
(5) Counties of the fifth class.....	16,000	19,000
(6) Counties of the sixth class.....	14,000	17,000
(7) Counties of the seventh class.....	12,500	15,500
(8) Counties of the eighth class.....	11,000	14,000

(b) Every county treasurer shall perform the duties now or hereafter required by law, and shall be an issuing agent of the Commonwealth of Pennsylvania for the sale of hunting licenses, fishing licenses, and dog licenses, and comply with the laws relating thereto and the rules and regulations of the Secretary of Revenue.

(3 amended Nov. 1, 1979, P.L.246, No.82)

Section 4. The annual salaries of county controllers and auditors shall be as follows:

		January 1, 1980
(1) Counties of the second class.....	\$27,000	\$30,000
(2) Counties of the second class A.....	23,500	26,500
(3) Counties of the third class.....	20,500	23,500
(4) Counties of the fourth class.....	18,500	21,500
(5) Counties of the fifth class.....	16,000	19,000
(6) Counties of the sixth class where the office of controller exists or may be created.....	14,000	17,000
(7) Counties of the seventh class where the office of controller exists or may be created.....	12,500	15,500
(8) Counties of the eighth class where the office of controller exists or may be created.....	11,000	14,000

The county auditors in counties of the sixth, seventh, and eighth classes, where the office of controller does not exist, shall each receive forty-five dollars (\$45) for each six hours of work in the discharge of their duties, together with

seventeen cents (17¢) per circular mile from and to their homes, once, each and every day so employed effective January 1, 1980.

(4 amended Nov. 1, 1979, P.L.246, No.82)

Section 5. (5 repealed Nov. 23, 1994, P.L.640, No.98)

Section 5.1. (a) The district attorney of a city and county of the first class shall be compensated at one thousand dollars (\$1,000) lower than the compensation paid to a judge of a court of common pleas.

(b) The district attorney shall devote full time to the office. The district attorney, while in office, shall not derive, as a result of the necessary legal education and background, any other income from any source, including, but not limited to, income derived from legal publications or other publications dealing with matters related to the office of district attorney, lectures, honorariums and profit shares or divisions of income from any firm with which the district attorney was associated prior to election. This limitation shall not be construed, however, to preclude payment of fees earned for legal work done prior to, but not concluded until after, election as district attorney. In addition, the district attorney shall not engage in any private practice and must be completely disassociated from any firm with which the district attorney was affiliated prior to election. The district attorney-elect may not accept any civil or criminal cases after being elected to the office. Furthermore, the district attorney shall be subject to the canons of ethics as applied to judges in the courts of common pleas of this Commonwealth insofar as the canons apply to salaries, full-time duties and conflicts of interest.

(c) Any complaint by a citizen of the county that a full-time district attorney may be in violation of this section shall be made to the Disciplinary Board of the Supreme Court of Pennsylvania, for determination as to the merit of the complaint. If any substantive basis is found, the board shall proceed in the manner prescribed by the rules of the Supreme Court and make such recommendation for disciplinary action as it deems advisable. If the Supreme Court deems the violation so grave as to warrant removal from office, the prothonotary of the Supreme Court shall transmit its findings to the Speaker of the House of Representatives for such action as the House of Representatives deems advisable under Article VI of the Constitution of Pennsylvania.

(5.1 added Oct. 29, 1987, P.L.373, No.74)

Section 6. (a) The annual salaries of recorders of deeds shall be as follows:

		January 1, 1980
(1)	Counties of the second class.....	\$27,000 \$30,000
(2)	Counties of the second class A.....	23,500 26,500
(3)	Counties of the third class.....	20,500 23,500
(4)	Counties of the fourth class.....	18,500 21,500
(5)	Counties of the fifth class.....	16,000 19,000
(6)	Counties of the sixth class.....	14,000 17,000
(7)	Counties of the seventh class.....	12,500 15,500
(8)	Counties of the eighth class.....	11,000 14,000

(b) The recorder of deeds shall perform the duties now or hereafter required by law, and shall be the collection agent for the Commonwealth of Pennsylvania of the Pennsylvania realty transfer tax, including any amount payable upon a redetermination of the amount of tax due, and shall comply with the laws relating thereto and the rules and regulations of the Secretary of Revenue. In order to ascertain the amount of taxes due when the property is located in more than one county, the recorder of deeds shall not accept for recording such a deed unless it is accompanied by an affidavit showing what taxes are due each county. ((b) amended July 7, 1983, P.L.40, No.21)

(c) The recorder of deeds shall be the collection agent for any political subdivision levying a local realty transfer tax, including any amount payable upon a redetermination of the amount of tax due, without compensation from the political subdivision. In order to ascertain the amount of taxes due when the property is located in more than one political subdivision, the recorder of deeds shall not accept for recording such a deed unless it is accompanied by an affidavit showing what taxes are due each municipality. On or before the tenth of each month, the recorder of deeds shall pay over to the appropriate political subdivision all local realty transfer taxes collected, less two per cent for use of the county, together with a report containing the information as is required by the Commonwealth of Pennsylvania in reporting collections of the Pennsylvania realty transfer tax. The recorder of deeds shall pay the two per cent withheld to the county. The county shall obtain and pay the premium or premiums on any bond or bonds necessary to cover the performance of the recorder of deeds' duties under this subsection. ((c) amended July 7, 1983, P.L.40, No.21)

(d) Upon a redetermination of the amount of realty transfer tax due, the deed shall be rerecorded or the additional realty transfer tax form shall be recorded at the option of the recorder of deeds but the recorder of deeds shall rerecord the deed or record the additional realty transfer tax form only when both State and local amounts payable, and a fee to cover the costs of rerecording or recording, have been tendered. ((d) added July 7, 1983, P.L.40, No.21)

(6 amended Nov. 1, 1979, P.L.246, No.82)

Section 7. (a) The annual salaries of registers of wills shall be as follows:

		January 1, 1980
(1) Counties of the second class.....	\$27,000	\$30,000
(2) Counties of the second class A.....	23,500	26,500
(3) Counties of the third class.....	20,500	23,500
(4) Counties of the fourth class.....	18,500	21,500
(5) Counties of the fifth class.....	16,000	19,000
(6) Counties of the sixth class.....	14,000	17,000
(7) Counties of the seventh class.....	12,500	15,500
(8) Counties of the eighth class.....	11,000	14,000

(b) The registers of wills shall perform the duties now or hereafter required by law, and shall be the agent of the Commonwealth of Pennsylvania for the collection of Pennsylvania transfer inheritance and estate taxes in the case of resident

decedents under the supervision of the Secretary of Revenue and pursuant to the rules and regulations of the Secretary of Revenue.

(7 amended Nov. 1, 1979, P.L.246, No.82)

Section 8. The annual salaries of prothonotaries, clerks of the criminal court division of the courts of common pleas and clerks of the orphans' court division of the courts of common pleas shall be as follows:

		January 1, 1980
(1) Counties of the second class.....	\$27,000	\$30,000
(2) Counties of the second class A.....	23,500	26,500
(3) Counties of the third class.....	20,500	23,500
(4) Counties of the fourth class.....	18,500	21,500
(5) Counties of the fifth class.....	16,000	19,000
(6) Counties of the sixth class.....	14,000	17,000
(7) Counties of the seventh class.....	12,500	15,500
(8) Counties of the eighth class.....	11,000	14,000

(8 amended Nov. 1, 1979, P.L.246, No.82)

Section 9. The annual salaries of coroners shall be as follows:

		January 1, 1980
(1) Counties of the second class.....	\$27,000	\$30,000
(2) Counties of the second class A.....	21,600	24,000
(3) Counties of the third class.....	16,000	19,000
(4) Counties of the fourth class.....	14,000	17,000
(5) Counties of the fifth class.....	11,000	14,000
(6) Counties of the sixth class.....	5,000	7,000
(7) Counties of the seventh class.....	4,500	6,500
(8) Counties of the eighth class.....	3,500	5,500

(9 amended Nov. 1, 1979, P.L.246, No.82)

Section 10. The annual salaries of jury commissioners shall be as follows:

		January 1, 1980
(1) Counties of the second class.....	\$19,700	\$25,700
(2) Counties of the second class A.....	8,500	10,500
(3) Counties of the third class.....	4,500	6,500
(4) Counties of the fourth class.....	3,500	5,000
(5) Counties of the fifth class.....	3,000	4,000
(6) Counties of the sixth class.....	2,000	3,000

(7) Counties of the seventh class.....	1,600	2,500
(8) Counties of the eighth class.....	1,200	2,000

(10 amended Sept. 26, 1981, P.L.278, No.93)

Section 10.1. (a) From and after the effective date of this section, the county commissioners shall have the power to fix the salary of all county officers governed by the provisions of this act.

(b) Salaries for all county officers governed by the provisions of this act shall be fixed by the county commissioners in the following manner:

(1) The county commissioners shall cause notice of intention to fix salaries at a special public meeting on a date certain to be published in a newspaper of general circulation at least ten days in advance of such special public meeting.

(2) The special public meeting shall be held during the hours of 6:00 P.M. and 9:00 P.M., prevailing time, so as to afford the public the greatest opportunity to attend.

(3) The special public meeting shall be held in a centrally located area of the county.

(c) The county commissioners shall not reduce the salary of any county officer below the amount set forth in this act.

(d) No new salary schedule shall be adopted in a calendar year in which the county commissioners are to be elected.

(e) Any salary increase shall be on a percentage basis and applied equally to all county officials except that the county commissioners may provide a greater percentage salary increase to the lowest paid county official, other than the jury commissioners or county auditor, until his salary is equal to the other county officials except the jury commissioners, county auditors, district attorneys and county commissioners. ((e) amended Dec. 18, 1984, P.L.1067, No.212)

(10.1 added Nov. 1, 1979, P.L.246, No.82)

Compiler's Note: Section 6 of Act 98 of 1994 provided that section 10.1 is repealed insofar as it relates to district attorneys.

Section 10.2. (10.2 repealed Jan. 31, 2002, P.L.18, No.3)

Section 11. Where any of the officers herein mentioned hold two or more of the offices for which a salary is herein fixed, he shall receive the highest salary fixed for any one of the offices which he holds, plus an additional amount of two thousand dollars (\$2,000) per annum. The periodic salary increases provided for in section 10.1 of this act shall be applicable to this section.

(11 amended Dec. 13, 1985, P.L.328, No.87)

Section 12. (a) The county officers shall be paid only the salary provided herein for services performed for the county or any other governmental unit: Provided, however, That this restriction shall not apply to those county officers receiving a salary as executive and administrative officers of institution districts existing in their counties.

(b) All fees and commissions received in the conduct of any county office shall be paid directly to the county. Fees shall not be deemed to include reimbursement for mileage.

Section 13. The provisions of this act shall be severable. If any word, phrase, clause, sentence, section or provision of this act is for any reason held to be unconstitutional, the decision of the court shall not affect or impair any of the remaining provisions of this act. It is hereby declared as the legislative intent that this act would have been adopted had

such unconstitutional word, phrase, clause, sentence, section or provision thereof not been included herein.

Section 14. This act shall take effect immediately.