

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1314 Session of  
2009

INTRODUCED BY METCALFE, CREIGHTON, EVERETT, GABLER, KAUFFMAN,  
MURT, MUSTIO, RAPP, TALLMAN AND VULAKOVICH, APRIL 21, 2009

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 21, 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," further providing for judicial salaries, for  
12 compensation of certain executive branch officials and for  
13 members of the General Assembly.

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

16 Section 1. Sections 2.1(i), 3(e) and 4(d) and (d.1) of the  
17 act of September 30, 1983 (P.L.160, No.39), known as the Public  
18 Official Compensation Law, reenacted and amended November 16,  
19 2005 (P.L.385, No.72), are amended and the sections are amended  
20 by adding subsections to read:

21 Section 2.1. Judicial salaries.

22 \* \* \*

23 (i) Annual cost-of-living adjustment.--

1       (1) Beginning January 1, 1997, and each January 1  
2       thereafter through and including January 1, 2009, the annual  
3       salaries under subsections (a) through (h) shall be increased  
4       by the percentage change in the Consumer Price Index for All  
5       Urban Consumers (CPI-U) for the Pennsylvania, New Jersey,  
6       Delaware and Maryland area for the most recent 12-month  
7       period for which figures have been officially reported by the  
8       United States Department of Labor, Bureau of Labor Statistics  
9       immediately prior to the date the adjustment is due to take  
10      effect. The percentage increase and salary amounts shall be  
11      determined prior to the annual effective date of the  
12      adjustment by the Supreme Court and shall be published in the  
13      Pennsylvania Bulletin by the Court Administrator of  
14      Pennsylvania within 20 days of the date the determination is  
15      made.

16      (2) This subsection shall expire December 31, 2009.

17      (j) Cost-of-living adjustments.--

18      (1) Beginning January 1 of any year in which the  
19      conditions specified in paragraph (2) are satisfied, the  
20      annual salaries under subsections (a) through (h) shall be  
21      increased by the percentage change in the Consumer Price  
22      Index for All Urban Consumers (CPI-U) for the Pennsylvania,  
23      New Jersey, Delaware and Maryland area for the most recent  
24      12-month period for which figures have been officially  
25      reported by the United States Department of Labor, Bureau of  
26      Labor Statistics immediately prior to the date the adjustment  
27      is due to take effect. The percentage increase and salary  
28      amounts shall be determined prior to the annual effective  
29      date of the adjustment by the Supreme Court and shall be  
30      published in the Pennsylvania Bulletin by the Court

1 Administrator of Pennsylvania within 20 days of the date the  
2 determination is made.

3 (2) The adjustment provided for under paragraph (1)  
4 shall occur only if the Secretary of the Budget publishes a  
5 notice in the Pennsylvania Bulletin on or before December 1  
6 of the preceding calendar year, which notice states that:

7 (i) The General Appropriations Act for that fiscal  
8 year, taken together with any other act containing an  
9 appropriation for that fiscal year, provides for a  
10 balanced budget the combined total of which, when  
11 compared to the total budget of the prior fiscal year,  
12 has a proportional difference equal to or less than the  
13 rate of inflation for the prior fiscal year.

14 (ii) No act has been enacted in the preceding 12-  
15 month period providing for the imposition by the  
16 Commonwealth of a new subject of taxation or an increase  
17 in rate of an existing tax.

18 (iii) No act has been enacted in the preceding 12-  
19 month period providing for the establishment by the  
20 Commonwealth, or any of its departments, boards or  
21 commissions, of a new fee or an increase in amount of an  
22 existing fee during that 12-month period.

23 (3) The Secretary of the Budget shall obtain any  
24 information necessary from the Secretary of the Commonwealth  
25 relating to the acts of the General Assembly specified in  
26 paragraph (2) and shall publish a notice in the Pennsylvania  
27 Bulletin as provided in paragraph (2).

28 Section 3. Compensation of Governor and Lieutenant Governor;  
29 State Treasurer; Auditor General; Attorney General;  
30 Commissioners of the Pennsylvania Public Utility

Commission; and heads of departments.

\* \* \*

(e) Annual cost-of-living adjustment.--

(1) Beginning January 1, 1997, and each January 1 thereafter through and including January 1, 2009, the stated annual salaries of the Governor and Lieutenant Governor, the State Treasurer, the Auditor General, the Attorney General and the heads of the departments and members of boards and commissions denoted herein shall be increased by an annual cost-of-living increase calculated by applying the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, for the most recent 12-month period for which figures have been officially reported by the United States Department of Labor, Bureau of Labor Statistics immediately prior to the date the adjustment is due to take effect, to the then current salary amounts authorized. The percentage increase and the salary amounts shall be determined by the Governor prior to the annual effective date of the adjustment and shall be published by the Secretary of the Budget in the Pennsylvania Bulletin within ten days of the date the determination is made.

(2) This subsection shall expire December 31, 2009.

(f) Cost-of-living adjustments.--

(1) Beginning January 1 of any year in which the conditions specified in paragraph (2) are satisfied, the stated annual salaries of the Governor and Lieutenant Governor, the State Treasurer, the Auditor General, the Attorney General and the heads of the departments and members of boards and commissions denoted herein shall be increased

1 by an annual cost-of-living increase calculated by applying  
2 the percentage change in the Consumer Price Index for All  
3 Urban Consumers (CPI-U) for the Pennsylvania, New Jersey,  
4 Delaware and Maryland area, for the most recent 12-month  
5 period for which figures have been officially reported by the  
6 United States Department of Labor, Bureau of Labor Statistics  
7 immediately prior to the date the adjustment is due to take  
8 effect, to the then current salary amounts authorized. The  
9 percentage increase and the salary amounts shall be  
10 determined by the Governor prior to the annual effective date  
11 of the adjustment and shall be published by the Secretary of  
12 the Budget in the Pennsylvania Bulletin within ten days of  
13 the date the determination is made.

14 (2) The adjustment provided for under paragraph (1)  
15 shall occur only if the Secretary of the Budget publishes a  
16 notice in the Pennsylvania Bulletin on or before December 1  
17 of the preceding calendar year, which notice states that:

18 (i) The General Appropriations Act for that fiscal  
19 year, taken together with any other act containing an  
20 appropriation for that fiscal year, provides for a  
21 balanced budget the combined total of which, when  
22 compared to the total budget of the prior fiscal year,  
23 has a proportional difference equal to or less than the  
24 rate of inflation for the prior fiscal year.

25 (ii) No act has been enacted in the preceding 12-  
26 month period providing for the imposition by the  
27 Commonwealth of a new subject of taxation or an increase  
28 in rate of an existing tax.

29 (iii) No act has been enacted in the preceding 12-  
30 month period providing for the establishment by the

1 Commonwealth, or any of its departments, boards or  
2 commissions, of a new fee or an increase in amount of an  
3 existing fee during that 12-month period.

4 (3) The Secretary of the Budget shall obtain any  
5 information necessary from the Secretary of the Commonwealth  
6 relating to the acts of the General Assembly specified in  
7 paragraph (2) and shall publish a notice in the Pennsylvania  
8 Bulletin as provided in paragraph (2).

9 Section 4. Members of the General Assembly.

10 \* \* \*

11 (d) Subsequent annual cost-of-living adjustment for  
12 members.--

13 (1) For the 12-month period beginning December 1, 1997,  
14 through November 30, 1998, and for each like 12-month period  
15 thereafter through and including the 12-month period  
16 beginning December 1, 2008, through November 30, 2009, the  
17 salary of the members of the General Assembly shall be  
18 increased by an annual cost-of-living adjustment calculated  
19 by applying the percentage change in the Consumer Price Index  
20 for All Urban Consumers (CPI-U) for the Pennsylvania, New  
21 Jersey, Delaware and Maryland area, for the most recent 12-  
22 month period for which figures have been officially reported  
23 by the United States Department of Labor, Bureau of Labor  
24 Statistics immediately prior to the date the adjustment is  
25 due to take effect, to the then current salary amounts. The  
26 percentage increase and the new salary amounts shall be  
27 determined jointly by the Chief Clerk of the Senate and the  
28 Chief Clerk of the House of Representatives prior to the  
29 annual effective date of the adjustment and shall be  
30 published by them in the Pennsylvania Bulletin within ten

1 days of the date such determination is made.

2 (2) This subsection shall expire December 1, 2009.

3 (d.1) Subsequent annual cost-of-living adjustment for  
4 officers and leaders.--

5 (1) For the 12-month period beginning December 1, 1997,  
6 through November 30, 1998, and for each like 12-month period  
7 thereafter through and including the 12-month period  
8 beginning December 1, 2008, through November 30, 2009, the  
9 additional compensation of the officers and leaders of the  
10 General Assembly shall be increased by an annual cost-of-  
11 living adjustment calculated by applying the percentage  
12 change in the Consumer Price Index for All Urban Consumers  
13 (CPI-U) for the Pennsylvania, New Jersey, Delaware and  
14 Maryland area, for the most recent 12-month period for which  
15 figures have been officially reported by the United States  
16 Department of Labor, Bureau of Labor Statistics immediately  
17 prior to the date the adjustment is due to take effect, to  
18 the then current compensation. The percentage increase and  
19 the new compensation amounts shall be determined jointly by  
20 the Chief Clerk of the Senate and the Chief Clerk of the  
21 House of Representatives prior to the annual effective date  
22 of the adjustment and shall be published in the Pennsylvania  
23 Bulletin within 20 days immediately prior to each cost-of-  
24 living increase taking effect.

25 (2) This subsection shall expire December 1, 2009.

26 (e) Cost-of-living adjustments for members.--

27 (1) For the 12-month period beginning December 1, 2009  
28 of any such 12-month time period in which the conditions  
29 specified in paragraph (2) are satisfied, the salary of the  
30 members of the General Assembly shall be increased by an

1 annual cost-of-living adjustment calculated by applying the  
2 percentage change in the Consumer Price Index for All Urban  
3 Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware  
4 and Maryland area, for the most recent 12-month period for  
5 which figures have been officially reported by the United  
6 States Department of Labor, Bureau of Labor Statistics  
7 immediately prior to the date the adjustment is due to take  
8 effect, to the then current salary amounts. The percentage  
9 increase and the new salary amounts shall be determined  
10 jointly by the Chief Clerk of the Senate and the Chief Clerk  
11 of the House of Representatives prior to the annual effective  
12 date of the adjustment and shall be published by them in the  
13 Pennsylvania Bulletin within ten days of the date such  
14 determination is made.

15 (2) The adjustment provided for under paragraph (1)  
16 shall occur only if the Secretary of the Budget publishes a  
17 notice in the Pennsylvania Bulletin on or before December 1  
18 of that calendar year, which notice states that:

19 (i) The General Appropriations Act for that fiscal  
20 year, taken together with any other act containing an  
21 appropriation for that fiscal year, provides for a  
22 balanced budget the combined total of which, when  
23 compared to the total budget of the prior fiscal year,  
24 has a proportional difference equal to or less than the  
25 rate of inflation for the prior fiscal year.

26 (ii) No act has been enacted in the preceding 12-  
27 month period providing for the imposition by the  
28 Commonwealth of a new subject of taxation or an increase  
29 in rate of an existing tax.

30 (iii) No act has been enacted in the preceding 12-



1 month period providing for the establishment by the  
2 Commonwealth, or any of its departments, boards or  
3 commissions, of a new fee or an increase in amount of an  
4 existing fee during that 12-month period.

5 (3) The Secretary of the Budget shall obtain any  
6 information necessary from the Secretary of the Commonwealth  
7 relating to the acts of the General Assembly specified in  
8 paragraph (2) and shall publish a notice in the Pennsylvania  
9 Bulletin as provided in paragraph (2).

10 (f) Cost-of-living adjustments for officers and leaders.--

11 (1) For the 12-month period beginning December 1, 2009  
12 of any such 12-month time period in which the conditions  
13 specified in paragraph (2) are satisfied, the additional  
14 compensation of the officers and leaders of the General  
15 Assembly shall be increased by an annual cost-of-living  
16 adjustment calculated by applying the percentage change in  
17 the Consumer Price Index for All Urban Consumers (CPI-U) for  
18 the Pennsylvania, New Jersey, Delaware and Maryland area, for  
19 the most recent 12-month period for which figures have been  
20 officially reported by the United States Department of Labor,  
21 Bureau of Labor Statistics immediately prior to the date the  
22 adjustment is due to take effect, to the then current  
23 compensation. The percentage increase and the new  
24 compensation amounts shall be determined jointly by the Chief  
25 Clerk of the Senate and the Chief Clerk of the House of  
26 Representatives prior to the annual effective date of the  
27 adjustment and shall be published in the Pennsylvania  
28 Bulletin within 20 days immediately prior to each cost-of-  
29 living increase taking effect.

30 (2) The adjustment provided for under paragraph (1)

1 shall occur only if the Secretary of the Budget publishes a  
2 notice in the Pennsylvania Bulletin on or before December 1  
3 of that calendar year, which notice states that:

4 (i) The General Appropriations Act for that fiscal  
5 year, taken together with any other act containing an  
6 appropriation for that fiscal year, provides for a  
7 balanced budget the combined total of which, when  
8 compared to the total budget of the prior fiscal year,  
9 has a proportional difference equal to or less than the  
10 rate of inflation for the prior fiscal year.

11 (ii) No act has been enacted in the preceding 12-  
12 month period providing for the imposition by the  
13 Commonwealth of a new subject of taxation or an increase  
14 in rate of an existing tax.

15 (iii) No act has been enacted in the preceding 12-  
16 month period providing for the establishment by the  
17 Commonwealth, or any of its departments, boards or  
18 commissions, of a new fee or an increase in amount of an  
19 existing fee during that 12-month period.

20 (3) The Secretary of the Budget shall obtain any  
21 information necessary from the Secretary of the Commonwealth  
22 relating to the acts of the General Assembly specified in  
23 paragraph (2) and shall publish a notice in the Pennsylvania  
24 Bulletin as provided in paragraph (2).

25 Section 2. This act shall take effect immediately.