

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 998 Session of 2020

INTRODUCED BY LEACH AND BREWSTER, JANUARY 27, 2020

REFERRED TO LOCAL GOVERNMENT, JANUARY 27, 2020

AN ACT

1 Amending Titles 8 (Boroughs and Incorporated Towns), 11 (Cities)
2 and 53 (Municipalities Generally) of the Pennsylvania
3 Consolidated Statutes, in powers and duties of elected
4 officials, further providing for organization of council,
5 quorum, participation by telecommunication device, voting,
6 compensation and eligibility and for compensation of
7 auditors; in mayor, further providing for salary of mayor; in
8 council, further providing for salaries; in mayor, further
9 providing for salary; providing for municipal salaries; and
10 making related repeals.

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

13 Section 1. Sections 1001(e), 1053(a) and (b) and 10A04(a) of
14 Title 8 of the Pennsylvania Consolidated Statutes are amended to
15 read:

16 § 1001. Organization of council, quorum, participation by
17 telecommunication device, voting, compensation and
18 eligibility.

19 * * *

20 (e) [Compensation.--Members of council may receive
21 compensation to be fixed by ordinance as follows:

22 (1) In boroughs with a population of less than 5,000, a

1 maximum of \$1,875 per year.

2 (2) In boroughs with a population of 5,000 or more but
3 less than 10,000, a maximum of \$2,500 per year.

4 (3) In boroughs with a population of 10,000 or more but
5 less than 15,000, a maximum of \$3,250 per year.

6 (4) In boroughs with a population of 15,000 or more but
7 less than 25,000, a maximum of \$4,125 per year.

8 (5) In boroughs with a population of 25,000 or more but
9 less than 35,000, a maximum of \$4,375 per year.

10 (6) In boroughs with a population of 35,000 or more, a
11 maximum of \$5,000 per year.

12 The salaries shall be payable monthly or quarterly for the
13 duties imposed by this part. Benefits provided to members of
14 council under section 1202(26) (relating to specific powers)
15 shall not be considered pay, salary or compensation, but payment
16 for all or a part of the premiums or charges for the benefits
17 shall be in accordance with section 1202(26). Any change in
18 salary, compensation or emoluments of the elected office shall
19 become effective at the beginning of the next term of the member
20 of council.] (Reserved).

21 * * *

22 § 1053. Compensation of auditors.

23 (a) General compensation.--[Subject to the limitations set
24 forth in subsection (b), receive \$10 per hour for each hour or
25 portion of an hour necessarily employed in the discharge of the
26 auditor's duties, to be paid by the borough.

27 (b) Limits.--No auditor in a borough having a population of
28 10,000 or less shall be entitled to receive more than \$1,000 for
29 completing the annual audit, settlement and adjustment. No
30 auditor in a borough having a population in excess of 10,000

1 shall be entitled to receive more than \$2,000 for completing the
2 annual audit, settlement and adjustment.] The compensation for
3 each auditor shall be set by the council.

4 * * *

5 § 10A04. Salary of mayor.

6 (a) General rule.--The salary of the mayor shall be
7 established by ordinance. [and shall not exceed the following:

8 (1) In a borough with a population of less than 5,000, a
9 maximum of \$2,500 per year.

10 (2) In a borough with a population of 5,000 or more but
11 less than 10,000, a maximum of \$5,000 per year.

12 (3) In a borough with a population of 10,000 or more but
13 less than 15,000, a maximum of \$7,500 per year.

14 (4) In a borough with a population in excess of 15,000,
15 a maximum of \$500 per year per 1,000 residents or fraction of
16 1,000, the population to be determined by the latest official
17 census figures.]

18 * * *

19 Section 2. Sections 11016(c) and 11208(b) of Title 11 are
20 amended to read:

21 § 11016. Salaries.

22 * * *

23 (c) [Range.--The salary paid to a council member shall be in
24 accordance with the following:

25 (1) Until changed by ordinance, for the term of council
26 members in newly created cities, each council member may
27 receive a salary as follows:

28 (i) Not more than \$1,875 per year in cities having a
29 population of less than 5,000.

30 (ii) Not more than \$2,500 per year in cities having

1 a population of 5,000 or more but less than 10,000.

2 (iii) Not more than \$3,250 per year in cities having
3 a population of 10,000 or more but less than 15,000.

4 (iv) Not more than \$4,125 per year in cities having
5 a population of 15,000 or more but less than 25,000.

6 (v) Not more than \$4,375 per year in cities having a
7 population of 25,000 or more but less than 35,000.

8 (vi) Not more than \$5,000 per year in cities having
9 a population of 35,000 or more.

10 (2) The compensation to be received by council members
11 and elected officials in cities other than newly created
12 cities shall be fixed by ordinance of council finally enacted
13 at least two days prior to the last day fixed by law for
14 candidates to withdraw their names from nominating
15 petitions.] (Reserved).

16 § 11208. Salary.

17 * * *

18 (b) [Amounts.--Until changed by ordinance, the salary of
19 mayors in newly created cities shall be as follows:

20 (1) In cities with a population of less than 5,000, a
21 maximum of \$2,500 per year.

22 (2) In cities with a population of 5,000 or more but
23 less than 10,000, a maximum of \$5,000 per year.

24 (3) In cities with a population of 10,000 or more but
25 less than 15,000, a maximum of \$7,500 year.

26 (4) In cities with a population of more than 15,000, a
27 maximum of \$500 per every thousand residents per year as
28 determined by the most recent census data provided by the
29 United States Census Bureau.] (Reserved).

30 * * *

1 Section 3. Title 53 is amended by adding a chapter to read:

2 CHAPTER 15

3 SALARIES

4 Sec.

5 1501. Scope of chapter.

6 1502. (Reserved).

7 1503. Counties in general.

8 1504. First class counties.

9 1505. Second class counties.

10 1506. Third class counties.

11 1507. Fourth class counties.

12 1508. Sixth class counties.

13 1509. First class townships.

14 1510. Second class townships.

15 1511. Boroughs and incorporated townships.

16 1512. First class cities.

17 1513. Second class cities (Reserved).

18 1514. Second class A cities.

19 1515. Third class cities (Reserved).

20 § 1501. Scope of chapter.

21 This chapter authorizes certain municipalities to set the
22 salaries for certain elected officials.

23 § 1502. (Reserved).

24 § 1503. Counties in general.

25 (a) Positions.--The county commissioners in each county of
26 the second, third, fourth, fifth, sixth, seventh or eighth
27 classes shall have the authority in their own county to set
28 salaries for the following offices:

29 (1) The county commissioners.

30 (2) Treasurer.

- 1 (3) Controller.
- 2 (4) Auditor.
- 3 (5) Coroner.
- 4 (6) Recorder of deeds.
- 5 (7) Prothonotary.
- 6 (8) Clerks of the criminal court division of the courts
7 of common pleas.
- 8 (9) Clerks of the orphans' court division of the courts
9 of common pleas.
- 10 (10) Register of wills.
- 11 (11) Sheriff.
- 12 (12) Jury commissioners.
- 13 (13) District attorney.

14 (b) Multiple offices.--If an individual holds more than one
15 office under subsection (a), the individual shall receive the
16 higher salary plus an amount set by the board of commissioners.

17 (c) Public meetings.--The board of commissioners shall set
18 the salaries of the positions under subsection (a) in accordance
19 with the following:

20 (1) The board shall give notice of intention to fix
21 salaries at a public meeting on a date certain to be
22 published in a newspaper of general circulation at least 10
23 days in advance of the public meeting.

24 (2) The public meeting shall be held during the hours of
25 6 p.m. and 9 p.m., prevailing time, so as to afford the
26 public the greatest opportunity to attend.

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

29 § 1504. First class counties.

30 The county commissioners in each county of the first class

1 shall have the authority to set salaries for the following
2 offices when held in the county of the first class:

- 3 (1) City commissioners.
- 4 (2) Sheriff.
- 5 (3) Coroner.
- 6 (4) Deputy coroner.
- 7 (5) District attorney.
- 8 (6) Assistant district attorney.
- 9 (7) Detectives.

10 § 1505. Second class counties.

11 The county commissioners in each county of the second class
12 shall have the authority to set salaries for the following
13 offices when held in the county of the second class:

- 14 (1) Deputy sheriff.
- 15 (2) (Reserved).

16 § 1506. Third class counties.

17 The county commissioners in each county of the third class
18 shall have the authority to set salaries for the following
19 offices when held in the county of the third class:

- 20 (1) Controller.
- 21 (2) Deputy sheriff.
- 22 (3) Recorder of deeds.
- 23 (4) Clerk of courts.
- 24 (5) Jury commissioner.
- 25 (6) Coroner.

26 § 1507. Fourth class counties.

27 The county commissioners in each county of the fourth class
28 shall have the authority to set salaries for the following
29 offices when held in the county of the fourth class:

- 30 (1) Coroner.

1 (2) (Reserved).

2 § 1508. Sixth class counties.

3 The county commissioners in each county of the sixth class
4 shall have the authority to set salaries for the following
5 offices when held in the county of the sixth class:

6 (1) Jury commissioners.

7 (2) (Reserved).

8 § 1509. First class townships.

9 (a) Compensation.--The township commissioners in each
10 township of the first class shall have the authority to set
11 salaries for the following offices when held in the township of
12 the first class:

13 (1) Commissioner, council member or supervisor.

14 (2) Auditor.

15 (3) Controller.

16 (b) Tax collectors.--Tax collectors shall be compensated in
17 accordance with the following:

18 (1) The salary for the position of tax collector shall
19 be set by the township commissioners.

20 (2) The township tax collector shall be allowed actual
21 printing and postage expenses as shall be incurred in
22 performing the duties of the tax collector.

23 § 1510. Second class townships.

24 The township supervisors in each township of the second class
25 shall have the authority to set salaries for the following
26 offices when held in the township of the second class:

27 (1) Tax collectors.

28 (2) Supervisors.

29 (3) Auditors.

30 § 1511. Boroughs and incorporated townships.

1 The council or supervisors in each borough or incorporated
2 township shall have the authority to set salaries for the
3 following offices when held in the borough or incorporated
4 township:

5 (1) Tax collectors.

6 (2) (Reserved).

7 § 1512. First class cities.

8 The council of each first class city shall have the authority
9 to set salaries for the following offices when held in the city
10 of the first class:

11 (1) Tax collector.

12 (2) Council members.

13 (3) District attorney.

14 § 1513. Second class cities (Reserved).

15 § 1514. Second class A cities.

16 The council of each second class A city shall have the
17 authority to set salaries for the following offices when held in
18 the city of the second class A:

19 (1) Tax collector.

20 (2) (Reserved).

21 § 1515. Third class cities (Reserved).

22 Section 4. Repeals are as follows:

23 (1) The General Assembly declares as follows:

24 (i) The repeal under paragraph (2)(i) is necessary
25 to effectuate the addition of 53 Pa.C.S. § 1504(4).

26 (ii) The repeal under paragraph (2)(ii) is necessary
27 to effectuate the addition of 53 Pa.C.S. § 1504(7).

28 (iii) The repeal under paragraph (2)(iii) is
29 necessary to effectuate the addition of 53 Pa.C.S. §
30 1504(3).

1 (iv) The repeal under paragraph (2)(iv) is necessary
2 to effectuate the addition of 53 Pa.C.S. § 1506 (5).

3 (v) The repeal under paragraph (2)(v) is necessary
4 to effectuate the addition of 53 Pa.C.S. §§ 1504(1) and
5 (2), 1505(1) and 1506(2).

6 (vi) The repeal under paragraph (2)(vi) is necessary
7 to effectuate the addition of 53 Pa.C.S. § 1507(1).

8 (vii) The repeal under paragraph (2)(vii) is
9 necessary to effectuate the addition of 53 Pa.C.S. §
10 1506(6).

11 (viii) The repeal under paragraph (2)(viii) is
12 necessary to effectuate the addition of 53 Pa.C.S. §
13 1506(1), (3) and (4).

14 (ix) The repeal under paragraph (2)(ix) is necessary
15 to effectuate the addition of 53 Pa.C.S. § 1509(a)(3).

16 (x) The repeal under paragraph (2)(x) is necessary
17 to effectuate the addition of 53 Pa.C.S. §§ 1509(b),
18 1510(1) and 1511(1).

19 (xi) The repeals under paragraph (2)(xi) and (xii)
20 are necessary to effectuate the addition of Chapter 15 of
21 Title 53.

22 (2) The following acts and parts of acts are repealed:

23 (i) The act of July 20, 1917 (P.L.1141, No.396),
24 entitled "An act fixing the salary of the deputy coroner
25 of counties having a population of one million five
26 hundred thousand or over."

27 (ii) Section 2 of the act of June 3, 1919 (P.L.369,
28 No.180), entitled "An act providing for the appointment
29 by the district attorney, in counties having a population
30 of over one million five hundred thousand inhabitants, of

1 a chief county detective, an assistant chief county
2 detective, and special county detectives; defining their
3 duties; defining their authority; fixing their salaries,
4 and authorizing the payment of the same, together with
5 the necessary traveling expenses, by the county."

6 (iii) The act of June 1, 1911, (P.L.556, No.220),
7 entitled "An act to fix the salary of the coroner of any
8 county of this Commonwealth having a population of one
9 million or over."

10 (iv) Section 1 of the act of May 20, 1921 (P.L.976,
11 No.347), entitled "An act fixing the salary of the jury
12 commissioners of the counties of the third class."

13 (v) The act of June 12, 1923 (P.L.692, No.288),
14 entitled "An act fixing the salary of city commissioners
15 of Philadelphia, formerly known as county commissioners
16 in counties of the first class."

17 (vi) Section 1 of the act of April 7, 1927 (P.L.168,
18 No.140), entitled "An act to fix the salary of the
19 coroner of counties of the fourth class."

20 (vii) Section 1 of the act of April 22, 1927
21 (P.L.348, No.212), entitled "An act to fix the salaries
22 to be paid to coroners in counties of the third class."

23 (viii) Section 1 of the act of May 3, 1927 (P.L.516
24 No.332), entitled "An act fixing the salaries of the
25 county controller, recorder of deeds and clerk of courts
26 in counties of the third class."

27 (ix) Section 1102 of the act of June 24, 1931
28 (P.L.1206, No.331), known as The First Class Township
29 Code.

30 (x) Sections 34 and 35 of the act of May 25, 1945

1 (P.L.1050, No.394), known as the Local Tax Collection
2 Law.

3 (xi) The act of November 1, 1971 (P.L.495, No.113),
4 entitled "An act providing for the compensation of county
5 officers in counties of the second through eighth
6 classes, for compensation of district attorneys in cities
7 and counties of the first class, for compensation of
8 district election officers in all counties, for the
9 disposition of fees, for filing of bonds in certain cases
10 and for duties of certain officers."

11 (xii) The act of August 19, 1953 (P.L.1102, No.299),
12 entitled, "An act providing additional compensation for
13 coroners in fifth class counties under certain
14 circumstances."

15 (3) The following acts and parts of acts are repealed
16 insofar as they are inconsistent with the provisions of this
17 act:

18 (i) Sections 11 and 12 of the act of April 19, 1883
19 (P.L.9, No.10), entitled "An act to abolish the office of
20 the collector of all outstanding or delinquent taxes, to
21 authorize and empower the receiver of taxes to collect
22 the delinquent taxes, and to provide for the more
23 efficient collection of said delinquent taxes, in cities
24 of the first class."

25 (ii) Section 1 of the act of June 3, 1919 (P.L.370,
26 No.181) entitled "An act to fix the number and salaries
27 of assistant district attorneys in counties of this
28 Commonwealth having over one million five hundred
29 thousand inhabitants, and prescribing the powers and
30 duties of said assistant district attorneys."

1 (iii) Section 5 of Article II of the act of June 25,
2 1919 (P.L.581, No.274), entitled "An act for the better
3 government of cities of the first class of this
4 Commonwealth."

5 (iv) Section 4 of the act of May 8, 1929 (P.L.1643,
6 No.510), entitled "An act relating to the collection of
7 city, county, school, and poor taxes within the
8 territorial limits of cities of the second class A;
9 establishing the office of collector of taxes therein;
10 defining its duties and powers; changing the powers of
11 and imposing duties upon cities of the second class A,
12 counties, school districts and poor districts, and the
13 officers thereof; and imposing penalties."

14 (v) Sections 703 and 1001 of the act of June 24,
15 1931 (P.L.1206, No.331), known as The First Class
16 Township Code.

17 (vi) Sections 606 and 902 of the act of May 1, 1933
18 (P.L.103, No.69), known as The Second Class Township
19 Code.

20 (vii) Section 1 of the act of May 4, 1933 (P.L.276,
21 No.99), entitled "An act fixing the compensation and
22 mileage of jury commissioners in counties of the sixth
23 class."

24 (viii) The act of April 13, 1937 (P.L.290, No.74),
25 entitled "A supplement to the act, approved the seventh
26 day of March, one thousand nine hundred and one (Pamphlet
27 Laws, twenty), entitled 'An act for the government of
28 cities of the second class,' creating the position of
29 solicitor for the department of city controller."

30 (ix) The act of May 2, 1945 (P.L.375, No.160),

1 entitled "An act conferring upon the councils of cities
2 of the first class the power and devolving upon them the
3 duty of fixing and determining the salaries, wages and
4 other compensation payable out of the treasury of such
5 cities from and after the first day of January, one
6 thousand nine hundred and forty-six of all public
7 officers, clerks and other public employes, except the
8 salaries of elected officers, whose salaries are fixed by
9 law."

10 (x) The act of May 20, 1949 (P.L.1591, No.480),
11 entitled "An act providing for the compensation of the
12 mayor, council and appointed officers in cities of the
13 second class A."

14 Section 5. Contracts, obligations and collective bargaining
15 agreements entered into under an act or part of an act repealed
16 in section 4 of this act are not affected nor impaired by the
17 repeal.

18 Section 6. This act shall take effect in 60 days.