
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2172 Session of
2021

INTRODUCED BY ROAE, PENNYCUICK, RYAN, HAMM, MAJOR, STAMBAUGH,
BERNSTINE, SMITH AND GLEIM, DECEMBER 15, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, DECEMBER 15, 2021

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 members of the General Assembly.

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

14 Section 1. Section 4(d) and (d.1) of the act of September
15 30, 1983 (P.L.160, No.39), known as the Public Official
16 Compensation Law, amended October 16, 2020 (P.L.706, No.79), are
17 amended to read:

18 Section 4. Members of the General Assembly.

19 * * *

20 (d) Subsequent annual cost-of-living adjustment for
21 members.--

22 (1) Except as provided under [paragraph (2)] paragraphs

1 (2) and (3), for the 12-month period beginning December 1,
2 1997, through November 30, 1998, and for each like 12-month
3 period thereafter, the salary of the members of the General
4 Assembly shall be increased by an annual cost-of-living
5 adjustment calculated by applying the percentage change in
6 the Consumer Price Index for All Urban Consumers (CPI-U) for
7 the Pennsylvania, New Jersey, Delaware and Maryland area, for
8 the most recent 12-month period for which figures have been
9 officially reported by the United States Department of Labor,
10 Bureau of Labor Statistics immediately prior to the date the
11 adjustment is due to take effect, to the then current salary
12 amounts. The percentage increase and the new salary amounts
13 shall be determined jointly by the Chief Clerk of the Senate
14 and the Chief Clerk of the House of Representatives prior to
15 the annual effective date of the adjustment and shall be
16 published by them in the Pennsylvania Bulletin within ten
17 days of the date such determination is made.

18 (2) The salary of the members of the General Assembly
19 may not be increased by an annual cost-of-living adjustment
20 under paragraph (1) for the period beginning December 1,
21 2020, through November 30, 2021. Notice of the provisions of
22 this subsection shall be transmitted to the Legislative
23 Reference Bureau for publication in the Pennsylvania Bulletin
24 prior to December 1, 2020.

25 (3) A member of the General Assembly may opt out of the
26 automatic annual cost-of-living adjustment under paragraph
27 (1) in accordance with this paragraph. The following apply:

28 (i) The decision to opt out of the automatic annual
29 cost-of-living adjustment:

30 (A) Must be made during the month of November of

1 the year in which the member is elected.

2 (B) Shall be effective during the entire term to
3 which the member is elected.

4 (C) May not be rescinded during the term to
5 which the member is elected.

6 (ii) If a member of the General Assembly opts out of
7 the automatic annual cost-of-living adjustment, the
8 member shall still receive, during the entire term for
9 which the decision to opt out is made, the annual salary
10 established for members of the General Assembly that was
11 in effect at the time of the member's latest election to
12 the General Assembly.

13 (iii) The Chief Clerk of the Senate and the Chief
14 Clerk of the House of Representatives shall jointly
15 develop a form for members of the General Assembly to
16 opt out the annual cost-of-living adjustment. The form
17 shall be in substantially in the following form:

18 AUTOMATIC COST-OF-LIVING ADJUSTMENT OPT OUT
19 FOR MEMBERS OF THE GENERAL ASSEMBLY

20 I,, choose to opt out of the
21 automatic annual cost-of-living adjustment for members of the
22 General Assembly, as provided under section 4 of the Public
23 Official Compensation Act, during the entire term for which I
24 was elected as a member of the General Assembly. Instead, I
25 choose to have my annual salary as a member of the General
26 Assembly remain, throughout the entire term for which I was
27 elected, the same as it was on the day that I was last
28 elected, without any automatic cost-of-living adjustment.

29
30 (Signature)

.....
(Date)

1 (iv) To opt out of the automatic annual cost-of-
2 living adjustment, a member of the General Assembly must
3 complete the form described in subparagraph (iii) and
4 return it to the Chief Clerk of the Senate or the Chief
5 Clerk of the House Representatives, as applicable, by
6 November 30 of the year in which the member was elected,
7 so that the member's annual salary may be processed
8 without the automatic annual cost-of-living adjustment.

9 (v) If a member of the General Assembly does not
10 complete the form described in subparagraph (iii) in
11 accordance with subparagraph (iv), the member shall
12 receive the automatic annual cost-of-living adjustment.

13 (vi) For purposes of this paragraph, the term
14 "member of the General Assembly" or "member" means an
15 individual elected to the Senate or the House of
16 Representatives, regardless of whether the individual has
17 begun the term of service.

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

20 (1) Except as provided under [paragraph (2)] paragraphs
21 (2) and (3), for the 12-month period beginning December 1,
22 1997, through November 30, 1998, and for each like 12-month
23 period thereafter, the additional compensation of the
24 officers and leaders of the General Assembly shall be
25 increased by an annual cost-of-living adjustment calculated
26 by applying the percentage change in the Consumer Price Index
27 for All Urban Consumers (CPI-U) for the Pennsylvania, New
28 Jersey, Delaware and Maryland area, for the most recent 12-
29 month period for which figures have been officially reported
30 by the United States Department of Labor, Bureau of Labor

1 Statistics immediately prior to the date the adjustment is
2 due to take effect, to the then current compensation. The
3 percentage increase and the new compensation amounts shall be
4 determined jointly by the Chief Clerk of the Senate and the
5 Chief Clerk of the House of Representatives prior to the
6 annual effective date of the adjustment and shall be
7 published in the Pennsylvania Bulletin within 20 days
8 immediately prior to each cost-of-living increase taking
9 effect.

10 (2) The additional compensation of the officers and
11 leaders of the General Assembly may not be increased by an
12 annual cost-of-living adjustment under paragraph (1) for the
13 period beginning December 1, 2020, through November 30, 2021.
14 Notice of the provisions of this subsection shall be
15 transmitted to the Legislative Reference Bureau for
16 publication in the Pennsylvania Bulletin prior to December 1,
17 2020.

18 (3) An officer or leader of the General Assembly may opt
19 out of the automatic annual cost-of-living adjustment under
20 paragraph (1) in accordance with this paragraph. The
21 following apply:

22 (i) The decision to opt out of the automatic annual
23 cost-of-living adjustment:

24 (A) Must be made during the month of November of
25 the year in which the officer or leader is elected.

26 (B) Shall be effective during the entire term to
27 which the officer or leader is elected.

28 (C) May not be rescinded during the term to
29 which the officer or leader is elected.

30 (ii) If an officer or leader of the General Assembly

1 opts out of the automatic annual cost-of-living
2 adjustment, the officer or leader shall still receive,
3 during the entire term for which the decision to opt out
4 is made, the additional compensation established under
5 subsection (b) that was in effect at the time of the
6 officer's or leader's latest election as officer or
7 leader.

8 (iii) The Chief Clerk of the Senate and the Chief
9 Clerk of the House of Representatives shall jointly
10 develop a form for officers and leaders of the General
11 Assembly to opt out of the annual cost-of-living
12 adjustment. The form shall be in substantially the
13 following form:

14 AUTOMATIC COST-OF-LIVING ADJUSTMENT OPT OUT
15 FOR OFFICERS AND LEADERS OF THE GENERAL ASSEMBLY

16 I,, choose to opt out of the
17 automatic annual cost-of-living adjustment for officers and
18 leaders of the General Assembly, as provided under section 4
19 of the Public Official Compensation Act, during the entire
20 term for which I was elected as an officer or leader of the
21 General Assembly. Instead, I choose to have my additional
22 compensation as an officer or leader of the General Assembly
23 remain, throughout the entire term for which I was elected as
24 an officer or leader, the same as it was on the day that I
25 was last elected as an officer or leader, without any
26 automatic cost-of-living adjustment.

27

28 (Signature) (Date)

29

30 (Position as officer or leader)

1 (iv) To opt out of the automatic annual cost-of-
2 living adjustment, an officer or leader of the General
3 Assembly must complete the form described in subparagraph
4 (iii) and return it to the Chief Clerk of the Senate or
5 the Chief Clerk of the House Representatives, as
6 applicable, by November 30 of the year in which the
7 officer or leader was elected, so that the officer's or
8 leader's additional compensation may be processed without
9 the automatic annual cost-of-living adjustment.

10 (v) If an officer or leader of the General Assembly
11 does not complete the form described in subparagraph
12 (iii) in accordance with subparagraph (iv), the officer
13 or leader shall receive the automatic annual cost-of-
14 living adjustment.

15 (vi) For purposes of this paragraph, the term
16 "officer or leader of the General Assembly" or "officer
17 or leader" means an individual described under subsection
18 (b), regardless of whether the individual has begun
19 service as an officer or leader.

20 Section 2. This act shall take effect immediately.