

is not exempt, as a war veterans' organization, from compliance with the provisions of the Solicitation Act, the Act of May 13, 1925, P. L. 644, as amended, 10 P. S. § 141, et seq.; and therefore, it is required to obtain a certificate of registration from the Department of Welfare before soliciting money or other property for the purposes enumerated in the act.

Very truly yours,

DEPARTMENT OF JUSTICE,

T. McKEEN CHIDSEY,

*Attorney General.*

H. J. WOODWARD,

*Deputy Attorney General.*

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OPINION No. 590

*Salaries—Increases—Parole Board member.*

As an appointee may not enter upon the duties of the office until he or she has taken the oath of office, it follows as a legal conclusion, that the new rate of compensation may not be paid until that date.

Harrisburg, Pa., June 22, 1949.

Honorable Henry C. Hill, Chairman, Board of Parole, Harrisburg, Pennsylvania.

Sir. In your letter of May 6, 1949, addressed to the Department of Justice, you have asked whether Miss S. M. R. O'Hara is entitled—(1) to receive the salary increase of \$1,000 provided by the Act of July 3, 1947, P. L. 1248, referred to in your letter as Act No. 512; and (2) to receive the increase from the date of the confirmation of her appointment, or from the date of her taking the oath of office.

The answer to the first question will depend upon Section 13 of Article III of the Pennsylvania Constitution which provides as follows:

No law shall extend the term of any public Officer, or increase or diminish his salary or emoluments, after his election or appointment.

The Act of July 3, 1947, which is the most recent amendment to the Act of August 6, 1941, P. L. 861, provides:

Section 5. The chairman of the board shall receive a salary of eleven thousand dollars (\$11,000) per annum and each of the other members of the board shall receive a salary of ten thousand dollars (\$10,000) per annum.

This act became effective on July 3, 1947, the date of its final enactment.

The official records show that Miss O'Hara's former term of office expired on January 21, 1949, and that she continued to hold office until her successor should be chosen. Her reappointment was confirmed by the Senate on April 28, 1949, and her commission is dated on the same date. She took the oath of office on April 30, 1949.

It therefore appears that the increase in salary was made before, and not after her second appointment, and the section of the Constitution quoted above does not apply.

The answer to the second question can be found in Section 218 of The Administrative Code of 1929, 71 P. S. § 78, which provides:

All persons appointed by the Governor under the provisions of this act, and all deputy heads of administrative departments, shall, before entering upon the duties of their offices, take and subscribe the constitutional oath of office, which shall be filed in the office of the Secretary of the Commonwealth.

As an appointee may not enter upon the duties of the office until he or she has taken the oath of office; it follows, as a legal conclusion, that the new rate of compensation may not be paid until that date.

We are, therefore, of the opinion that Miss O'Hara is entitled to receive the increased salary from and after April 30, 1949.

Very truly yours,

DEPARTMENT OF JUSTICE,

T. McKEEN CHIDSEY,  
*Attorney General.*

H. F. STAMBAUGH,  
*Special Counsel.*