

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1503 Session of 2015

INTRODUCED BY REESE, COX, GABLER, HEFFLEY, M. K. KELLER,
LONGIETTI, MARSHALL, MASSER, MENTZER, MURT, MUSTIO, PEIFER,
PICKETT AND SNYDER, AUGUST 14, 2015

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, AUGUST 14, 2015

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled,
2 as amended, "An act relating to counties of the first, third,
3 fourth, fifth, sixth, seventh and eighth classes; amending,
4 revising, consolidating and changing the laws relating
5 thereto; relating to imposition of excise taxes by counties,
6 including authorizing imposition of an excise tax on the
7 rental of motor vehicles by counties of the first class; and
8 providing for regional renaissance initiatives," further
9 providing for incompatible offices, for solicitor to the
10 controller, for counsel, for solicitor to county treasurer in
11 certain counties, for appointment and qualifications, for
12 solicitor in certain counties, for solicitor to coroner, for
13 solicitor to register in certain counties and for solicitor
14 to recorder of deeds in certain counties.

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

17 Section 1. Section 402(a) of the act of August 9, 1955
18 (P.L.323, No.130), known as The County Code, amended June 19,
19 1963 (P.L.150, No.95), is amended to read:

20 Section 402. Incompatible Offices.--(a) No elected county
21 officer or county solicitor, whether the solicitor is one person
22 or a member or associate of a law firm, partnership, association
23 or professional corporation, shall, at the same time, serve as a

1 member of the legislative body of any city, borough, town or
2 township of any class, nor as treasurer or tax collector of any
3 city, borough, incorporated town or township, nor as school
4 director of any school district, nor as a member of any board of
5 health.

6 * * *

7 Section 2. Sections 604 and 704 of the act are amended to
8 read:

9 Section 604. Solicitor to the Controller.--(a) The county
10 controller may designate and appoint one person, learned in the
11 law, to act as his solicitor. Such solicitor shall advise upon
12 all such legal matters as may be submitted to him, and shall
13 conduct any litigation desired by the county controller. He
14 shall hold office at the pleasure of the controller.

15 (b) The appointed solicitor may be one person or a law firm,
16 partnership, association or professional corporation. In the
17 absence of the solicitor, the law firm, partnership, association
18 or professional corporation of which the solicitor is a member
19 or associate may perform any of the duties or functions of the
20 solicitor.

21 Section 704. Counsel.--The auditors may employ a competent
22 attorney-at-law to act as their counsel and attorney. The
23 attorney-at-law may be one person or a law firm, partnership,
24 association or professional corporation. In the absence of the
25 attorney-at-law, the law firm, partnership, association or
26 professional corporation of which the attorney-at-law is a
27 member or associate may perform any of the duties or functions
28 of the attorney-at-law.

29 Section 3. Section 807 of the act, amended June 7, 1961
30 (P.L.245, No.141), is amended to read:

1 Section 807. Solicitor to County Treasurer in Third, Fourth,
2 Fifth, Sixth, Seventh and Eighth Class Counties.--(a) In
3 counties of the third, fourth, fifth, sixth, seventh and eighth
4 classes, the county treasurer is authorized to appoint one
5 person, learned in the law, as his solicitor. The solicitor
6 shall advise upon all legal matters that may be submitted to him
7 and shall conduct any litigation when requested so to do by the
8 treasurer.

9 (b) The appointed solicitor may be one person or a law firm,
10 partnership, association or professional corporation. In the
11 absence of the solicitor, the law firm, partnership, association
12 or professional corporation of which the solicitor is a member
13 or associate may perform any of the duties or functions of the
14 solicitor.

15 Section 4. Section 901 of the act is amended to read:

16 Section 901. Appointment; Qualifications.--(a) The county
17 commissioners shall appoint a county solicitor, who shall be an
18 attorney-at-law admitted to practice in the courts of this
19 Commonwealth. He shall, before entering upon the duties of his
20 office, file with the county commissioners an agreement to pay
21 all fees, attorney's fees, and commissions received from every
22 source as county solicitor into the county treasury.

23 (b) The appointed county solicitor may be one person or a
24 law firm, partnership, association or professional corporation.
25 In the absence of the solicitor, the law firm, partnership,
26 association or professional corporation of which the solicitor
27 is a member or associate may perform any of the duties or
28 functions of the solicitor.

29 Section 5. Section 1213 of the act, amended June 7, 1961
30 (P.L.245, No.141), is amended to read:

1 Section 1213. Solicitor in Third, Fourth, Fifth, Sixth,
2 Seventh and Eighth Class Counties.--(a) In all counties of the
3 third, fourth, fifth, sixth, seventh and eighth classes, the
4 sheriff may appoint one person, learned in the law, as his
5 solicitor. Said solicitor shall advise the sheriff upon all
6 legal matters that may be submitted to him, and shall conduct
7 any litigation in connection with the sheriff's office when
8 requested so to do by the sheriff.

9 (b) The appointed solicitor may be one person or a law firm,
10 partnership, association or professional corporation. In the
11 absence of the solicitor, the law firm, partnership, association
12 or professional corporation of which the solicitor is a member
13 or associate may perform any of the duties or functions of the
14 solicitor.

15 Section 6. Section 1252 of the act, added December 6, 1972
16 (P.L.1421, No.309), is amended to read:

17 Section 1252. Solicitor to Coroner.--(a) The coroner may
18 appoint one person learned in the law, as his solicitor. Said
19 solicitor shall advise the coroner upon all legal matters that
20 may be submitted to him and shall conduct any litigation in
21 connection with the coroner's office when requested so to do by
22 the coroner.

23 (b) The appointed solicitor may be one person or a law firm,
24 partnership, association or professional corporation. In the
25 absence of the solicitor, the law firm, partnership, association
26 or professional corporation of which the solicitor is a member
27 or associate may perform any of the duties or functions of the
28 solicitor.

29 Section 7. Sections 1311 and 1314 of the act, amended June
30 7, 1961 (P.L.245, No.141), are amended to read:

1 Section 1311. Solicitor to Register in Counties of the
2 Third, Fourth, Fifth, Sixth, Seventh and Eighth Classes.--(a)
3 In all counties of the third, fourth, fifth, sixth, seventh and
4 eighth classes, the register of wills is authorized to appoint
5 one person, learned in the law, as his solicitor. Said solicitor
6 shall advise upon all legal matters that may be submitted to
7 him, and shall conduct any litigation when requested so to do by
8 the register of wills.

9 (b) The appointed solicitor may be one person or a law firm,
10 partnership, association or professional corporation. In the
11 absence of the solicitor, the law firm, partnership, association
12 or professional corporation of which the solicitor is a member
13 or associate may perform any of the duties or functions of the
14 solicitor.

15 Section 1314. Solicitor to Recorder of Deeds in Counties of
16 the Third, Fourth, Fifth, Sixth, Seventh and Eighth Classes.--a)
17 In all counties of the third, fourth, fifth, sixth, seventh and
18 eighth classes, the recorder of deeds may appoint one person as
19 his solicitor. Said solicitor shall advise the recorder of deeds
20 upon all legal matters that may be submitted to him, and conduct
21 all litigation connected with the recorder of deeds' office when
22 requested so to do by the recorder of deeds.

23 (b) The appointed solicitor may be one person or a law firm,
24 partnership, association or professional corporation. In the
25 absence of the solicitor, the law firm, partnership, association
26 or professional corporation of which the solicitor is a member
27 or associate may perform any of the duties or functions of the
28 solicitor.

29 Section 8. This act shall take effect in 60 days.