

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 163 Session of 2013

INTRODUCED BY BENNINGHOFF, MILLARD, CALTAGIRONE, ROCK, C. HARRIS, GROVE, SWANGER, LAWRENCE, DENLINGER, SCAVELLO, BROOKS, GINGRICH, MURT AND GILLEN, JANUARY 17, 2013

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JANUARY 17, 2013

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," in  
 9 prothonotary, clerks of courts, clerk of orphans' court,  
 10 register of wills, recorder of deeds, further providing for  
 11 how offices to be held.

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

14 Section 1. Section 1302 of the act of August 9, 1955  
 15 (P.L.323, No.130), known as The County Code, amended July 7,  
 16 2011 (P.L.268, No.55), is amended to read:

17 Section 1302. How Offices to Be Held.--(a) In counties of  
 18 the third and fourth classes, one person shall hold the office  
 19 of prothonotary, one person the office of clerk of [the court of  
 20 oyer and terminer and quarter sessions] courts, one person the  
 21 offices of register of wills and clerk of the orphans' court,  
 22 and one person the office of recorder of deeds.

1 (a.1) Notwithstanding subsection (a) or any other law, a  
2 county advancing from the fifth to fourth class as a result of  
3 census figures certified after the primary election in the year  
4 of a municipal election shall maintain the configuration of  
5 offices in effect in the county until the year in which the  
6 offices are next up for election, at which time offices in the  
7 county shall be held in accordance with subsection (a) or any  
8 other general law applicable to the holding of offices and to  
9 the classification of the county.

10 (a.2) Notwithstanding subsection (a) or (a.1) or any other  
11 law, the county commissioners of a county advancing from the  
12 fifth to fourth class may adopt a resolution providing that one  
13 person shall continue to hold the offices of prothonotary and  
14 clerk of courts, unless local law applying to such counties  
15 shall otherwise provide.

16 (b) In counties of the fifth class, one person shall hold  
17 the offices of prothonotary and clerk of [the court of oyer and  
18 terminer and quarter sessions] courts, one person the offices of  
19 register of wills and clerk of the orphans' court, and one  
20 person the office of recorder of deeds, unless local law  
21 applying to such counties shall otherwise provide.

22 (c) In counties of the sixth and seventh classes, one person  
23 shall hold the offices of prothonotary and clerk of [the court  
24 of oyer and terminer and quarter sessions] courts, and one  
25 person the offices of register of wills, recorder of deeds and  
26 clerk of the orphans' court, unless local laws applying to such  
27 counties shall otherwise provide.

28 (d) In counties of the eighth class, one person shall hold  
29 the offices of prothonotary, clerk of [the court of oyer and  
30 terminer and general quarter sessions] courts, clerk of the

1 orphans' court, register of wills and recorder of deeds, unless  
2 local laws applying to such counties shall otherwise provide.

3 (e) This section does not repeal any of the provisions of  
4 section one of the act, approved July two, one thousand eight  
5 hundred thirty-nine (Pamphlet Laws 559), entitled "An act to  
6 provide for the election of prothonotaries, clerks, recorders  
7 and registers," nor any of the provisions of any other local  
8 law.

9 (f) Any county in which the offices provided for herein are  
10 not now held as hereinbefore provided, and which desires to  
11 provide for the holding of two or more of said county offices by  
12 the same person, may, at any time hereafter, accept the  
13 provisions of this section in whole or in part, and provide for  
14 the holding of its county offices, or any of them, in the manner  
15 provided in this section for the class of counties to which it  
16 belongs.

17 (g) The proceedings to accept the provisions of this section  
18 and to join its offices or any of them, as herein provided,  
19 shall be in all respects as provided in section one thousand  
20 three hundred three of this act for the acceptance of the  
21 provisions of that section. Upon the expiration of the term of  
22 any county officer affected by such proceeding, his office shall  
23 be joined to the other whose term still continues, and no  
24 successor shall be elected, or, if the terms of all officers  
25 affected expire at the same time, then upon such expiration such  
26 offices shall be joined and occupied by one person elected at  
27 the preceding municipal election for such purpose.

28 Section 2. This act shall take effect in 60 days.