

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

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

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

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

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

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