

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, GILLEN AND GABLER, JANUARY 17, 2013

SENATOR EICHELBERGER, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
JUNE 27, 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,

1 and one person the office of recorder of deeds.

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

11 (A.1) NOTWITHSTANDING SUBSECTION (A) OR ANY OTHER LAW, A <--
12 COUNTY ADVANCING FROM THE FIFTH TO FOURTH CLASS AS A RESULT OF
13 CENSUS FIGURES CERTIFIED AFTER THE PRIMARY ELECTION IN THE YEAR
14 OF A MUNICIPAL ELECTION [SHALL] MAY MAINTAIN THE CONFIGURATION
15 OF OFFICES IN EFFECT IN THE COUNTY AS LONG AS THE COUNTY IN
16 CONSULTATION WITH THE PRESIDENT JUDGE OF THE COURT OF COMMON
17 PLEAS OF THE COUNTY DEEMS APPROPRIATE. AT SUCH TIME AS A COUNTY
18 DECIDES THAT RECONFIGURATION OF THE OFFICES IN THE COUNTY IN
19 ACCORDANCE WITH SUBSECTION (A) OR ANY OTHER GENERAL LAW
20 APPLICABLE TO THE HOLDING OF OFFICES AND TO THE CLASSIFICATION
21 OF THE COUNTY IS APPROPRIATE, THE COUNTY SHALL WAIT UNTIL THE
22 YEAR IN WHICH THE OFFICES ARE NEXT UP FOR ELECTION[, AT WHICH
23 TIME OFFICES IN THE COUNTY SHALL BE HELD IN ACCORDANCE WITH
24 SUBSECTION (A) OR ANY OTHER GENERAL LAW APPLICABLE TO THE
25 HOLDING OF OFFICES AND TO THE CLASSIFICATION OF THE COUNTY] TO
26 EFFECT THAT CHANGE.

27 (a.2) Notwithstanding subsection (a) or (a.1) or any other
28 law, the county commissioners of a county advancing from the
29 fifth to fourth class may adopt a resolution providing that one
30 person shall continue to hold the offices of prothonotary and

clerk of courts, unless local law applying to such counties shall otherwise provide.

(a.3) Notwithstanding subsection (a) or (a.1) or any other law, the county commissioners of a county advancing from the fifth to fourth class may adopt a resolution providing that one person shall hold the offices of register of wills, recorder of deeds and clerk of the orphans' court, unless local law applying to such counties shall otherwise provide.

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

(b.1) Notwithstanding subsection (b) or any other law, the county commissioners of a county advancing from the sixth to the fifth class may adopt a resolution providing that one person shall continue to hold the offices of register of wills, recorder of deeds and clerk of the orphans' court, unless local law applying to such counties shall otherwise provide.

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

(d) In counties of the eighth class, one person shall hold the offices of prothonotary, clerk of [the court of oyer and terminer and general quarter sessions] courts, clerk of the orphans' court, register of wills and recorder of deeds, unless

1 local laws applying to such counties shall otherwise provide.

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

8 (f) Any county in which the offices provided for herein are
9 not now held as hereinbefore provided, and which desires to
10 provide for the holding of two or more of said county offices by
11 the same person, may, at any time hereafter, accept the
12 provisions of this section in whole or in part, and provide for
13 the holding of its county offices, or any of them, in the manner
14 provided in this section for the class of counties to which it
15 belongs. The recombining of the offices that have been separated
16 shall take effect in the year in which the offices are next up
17 for election, at which time offices in the county shall be held
18 in accordance with the subsection authorizing the combining of
19 the offices or any other general law applicable to the holding
20 of offices and to the classification of the county.

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

1 the preceding municipal election for such purpose.

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