

COUNTY CODE - HOW OFFICES TO BE HELD

Act of Jul. 9, 2013, P.L. 268, No. 51

Cl. 16

Session of 2013

No. 2013-51

HB 163

AN ACT

Amending the act of August 9, 1955 (P.L.323, No.130), entitled, as amended, "An act relating to counties of the first, third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; relating to imposition of excise taxes by counties, including authorizing imposition of an excise tax on the rental of motor vehicles by counties of the first class; and providing for regional renaissance initiatives," in prothonotary, clerks of courts, clerk of orphans' court, register of wills, recorder of deeds, further providing for how offices to be held.

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

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

Section 1302. How Offices to Be Held.--(a) In counties of the third and fourth classes, one person shall hold the office of prothonotary, one person the office of 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.

(a.1) Notwithstanding subsection (a) or any other law, a county advancing from the fifth to fourth class as a result of census figures certified after the primary election in the year of a municipal election [shall] **may** maintain the configuration of offices in effect in the county **as long as the county, in consultation with the president judge of the court of common pleas of the county, deems appropriate. At such time as a county decides that reconfiguration of the offices in the county in accordance with subsection (a) or any other general law applicable to the holding of offices and to the classification of the county is appropriate, the county shall wait** until the year in which the offices are next up for election[, at which time offices in the county shall be held in accordance with subsection (a) or any other general law applicable to the holding of offices and to the classification of the county] **to effect that change.**

(a.2) 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 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 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. **The recombining of the offices that have been separated shall take effect in the year in which the offices are next up for election, at which time offices in the county shall be held in accordance with the subsection authorizing the combining of the offices or any other general law applicable to the holding of offices and to the classification of the county.**

(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.

APPROVED--The 9th day of July, A.D. 2013.

TOM CORBETT