

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2668 Session of  
1990

INTRODUCED BY MURPHY, LEVDANSKY, CESSAR, McVERRY, FARMER AND  
MELIO, JUNE 12, 1990

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, JUNE 12, 1990

AN ACT

1 Amending the act of April 13, 1972 (P.L.184, No.62), entitled  
2 "An act giving municipalities the right and power to adopt  
3 home rule charters or one of several optional plans of  
4 government and to exercise the powers and authority of local  
5 self-government subject to certain restrictions and  
6 limitations; providing procedures for such adoption and  
7 defining the effect thereof," providing for an additional  
8 county optional plan.

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

11 Section 1. The act of April 13, 1972 (P.L.184, No.62), known  
12 as the Home Rule Charter and Optional Plans Law, is amended by  
13 adding an article to read:

14 ARTICLE X-A

15 OPTIONAL COUNTY PLAN:

16 CONSOLIDATION OF COURT-RELATED OFFICES

17 Section 1001-A. The form of government provided in this  
18 article shall be known as the "Optional County Plan:  
19 Consolidated Court-Related Offices" and shall, together with  
20 Article IV of this act, govern any county in which the voters

1 have adopted this plan pursuant to the procedure set forth in  
2 section 1004-A. This option shall be available only to those  
3 municipalities commonly known as "counties." Nothing in this  
4 county optional plan shall be construed or interpreted in any  
5 way to change or affect the organization, structure and powers  
6 of county government except for the consolidation of the offices  
7 of register of wills, prothonotary and clerk of court.

8 Section 1002-A. (a) The county officers are:

9 (1) County commissioners.

10 (2) Controller.

11 (3) District attorney.

12 (4) Public defender.

13 (5) Treasurer.

14 (6) Sheriff.

15 (7) Recorder of deeds.

16 (8) Administrator of court records.

17 (b) County officers, except as otherwise provided by law or  
18 this article, shall be elected at the municipal elections and  
19 shall hold their offices for the term of four years, beginning  
20 on the first Monday of January next after their election, and  
21 until their successors shall be duly qualified; all vacancies  
22 shall be filled in such manner as may be provided by law.

23 (c) County officers shall be paid only by salary as provided  
24 by law for services performed for the county or any other  
25 governmental unit. Fees incidental to the conduct of any county  
26 office shall be payable directly to the county or the  
27 Commonwealth, or as otherwise provided by law.

28 (d) Three county commissioners shall be elected in each  
29 county. In the election of these officers, each qualified  
30 elector shall vote for not more than two persons, and the three

1 persons receiving the highest number of votes shall be elected.

2 (e) Jury commissioners shall be statutory officers and shall  
3 be elected at the municipal elections and shall hold their  
4 office for the term of four years beginning on the first Monday  
5 of January next after election and until their successors shall  
6 be duly qualified; the salary board shall fix their salary;  
7 vacancies shall be filled by the president judge of the court of  
8 common pleas.

9 (f) The public defender shall be appointed as provided by  
10 law. The administrator of court records shall be appointed by  
11 the board of county commissioners.

12 Section 1003-A. All county officers shall exercise those  
13 powers granted by the provisions of general law applicable to  
14 the county offices of the class of county to which it belongs.  
15 The administrator of court records shall perform such functions  
16 and duties and shall exercise those powers granted to the  
17 register of wills, prothonotary and clerk of courts by the  
18 provisions of general law applicable to the class of county to  
19 which those offices formerly belonged.

20 Section 1004-A. (a) Notwithstanding any other provisions of  
21 this act, the optional county plan authorized under this article  
22 may be adopted without the creation of a government study  
23 commission.

24 (b) Whenever authorized by ordinance of the governing body  
25 of the county or upon a referendum petition of the registered  
26 voters submitted to the county board of electors, an election  
27 shall be held in the county upon the following question:

28 Should the present form of county government be changed  
29 by consolidating the officers of register of wills,

30 prothonotary and clerk of courts into one office known as

1 the administrator of court records, as authorized by the  
2 Optional County Plan; Consolidated Court-Related Offices  
3 in the Home Rule Charter and Optional Plans Law?

4 (c) The petition calling for such election shall be in the  
5 form required by subsection (e), and shall be signed by electors  
6 of the municipality comprising five per cent of the number of  
7 electors voting for the office of Governor in the last  
8 gubernatorial general election within the municipality.

9 (d) Within five days after the final enactment of an  
10 ordinance authorizing such election, the chief clerk shall file  
11 a certified copy of the ordinance with the county board of  
12 elections, together with a copy of the question to be submitted  
13 to the electors. At the next municipal or general or primary  
14 election occurring not less than the thirteenth Tuesday after  
15 the filing of the ordinance or the petition with the county  
16 election board, it shall cause the question above stated to be  
17 submitted to the electors of the municipality as other questions  
18 are submitted under the provisions of the Pennsylvania Election  
19 Code.

20 (e) A referendum petition under this section shall be filed  
21 not later than the thirteenth Tuesday prior to the election, and  
22 the petition and the proceedings therein shall be in the manner  
23 and subject to the provisions of the election laws which relate  
24 to the signing, filing and adjudication of nomination petitions  
25 insofar as such provisions are applicable, except that no  
26 referendum petition shall be signed or circulated prior to the  
27 twentieth Tuesday before the election nor later than the  
28 thirteenth Tuesday before the election.

29 Section 1005-A. Except for section 1271 of this act, Article  
30 XII of this act shall not be applicable to the optional county

1 plan authorized under this article.

2 Section 1006-A. Whenever the legally qualified voters of the  
3 county, by a majority vote of those voting on the question, vote  
4 in favor of adopting the optional county plan authorized under  
5 this article, the county shall be governed under the form of  
6 government selected by the electors from the first Monday of  
7 January following the municipal election at which the former  
8 offices of register of wills, prothonotary and clerk of courts  
9 would have been elected.

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