

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2305

Session of
2002

INTRODUCED BY LEH, ARGALL, CALTAGIRONE, S. MILLER, ROHRER,
SEMMELE, SANTONI, BARRAR, STEIL, HANNA, KREBS, TURZAI,
CREIGHTON, VANCE, ALLEN, DALLY, RUBLEY, B. SMITH, STETLER AND
NICKOL, JANUARY 24, 2002

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 8, 2002

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," further
9 providing for elected officers.

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

12 Section 1. Section 401 of the act of August 9, 1955
13 (P.L.323, No.130), known as The County Code, amended November
14 26, 1968 (P.L.1099, No.341), December 18, 1984 (P.L.1065,
15 No.211) and June 18, 1998 (P.L.619, No.79), is amended to read:

16 Section 401. Enumeration of Elected Officers.--(a) In each
17 county, there shall be the following officers elected by the
18 qualified electors of the county:

19 (1) Three county commissioners.

20 (2) Three auditors or, in all counties where the office of

1 auditor has heretofore been or shall hereafter be abolished, one
2 controller.

3 (3) One treasurer.

4 (4) One coroner.

5 (5) One recorder of deeds.

6 (6) One prothonotary.

7 (7) One clerk of the court of quarter sessions and of the
8 court of oyer and terminer.

9 (8) One clerk of the orphans' court.

10 (9) One register of wills.

11 (10) One sheriff.

12 (11) One district attorney.

13 (12) Two jury commissioners.

14 (b) All such officers shall be elected at the municipal
15 election next preceding the expiration of the terms of the
16 officers now in office, and quadrennially thereafter, and shall
17 hold their offices for a term of four years from the first
18 Monday of January next after their election and until their
19 successors shall be duly qualified, but in the event that any
20 such officer so elected, excepting a county commissioner or
21 auditor, shall fail to qualify, or if no successor shall be
22 elected, then the chief deputy, first assistant, first deputy or
23 principal deputy in office at the time the vacancy occurred
24 shall assume the office until a successor has been appointed
25 pursuant to section 409 or until the first Monday in January
26 following the next municipal election, whichever period is
27 shorter. In the case of a county commissioner or auditor, there
28 shall be a vacancy which shall be filled as provided in this
29 act.

30 (c) All the county officers enumerated in this section shall

1 remain as now constituted. This section does not create any
2 office in any county where such office does not now exist.

3 (d) The office of jury commissioner may be abolished by
4 referendum at the option of each county which on the effective
5 date of this subsection is a county of the third class having a
6 population under the 1990 Federal decennial census in excess of
7 237,000 residents, but less than 240,000 residents, or a
8 population under the 1990 Federal decennial census in excess of
9 337,000 residents, but less than 341,000 residents, whenever
10 electors equal to at least five per centum of the highest vote
11 cast for any office in the county at the last preceding general
12 election shall file a petition with the county board of
13 elections, or the governing body of the county adopts, by a
14 majority vote, a resolution to place such a question on the
15 ballot and a copy of the resolution is filed with the county
16 board of elections for a referendum on the question of
17 abolishing the office of jury commissioner. Proceedings under
18 this subsection shall be in accordance with the provisions of
19 the act of June 3, 1937 (P.L.1333, No.320), known as the
20 "Pennsylvania Election Code." Upon approval of the referendum
21 the office of jury commissioner shall expire at the completion
22 of the current jury commissioners' terms of office. The
23 referendum shall not take place in any year in which the office
24 of jury commissioners is on the ballot.

25 (e) The office of jury commissioner may be abolished in a
26 county of the third class HAVING A POPULATION DURING THE 2000 <—
27 DECENNIAL CENSUS OF NOT LESS THAN 371,000 AND NOT MORE THAN
28 380,000 if the governing body of the county adopts, by a
29 majority vote, a resolution abolishing the office of jury
30 commissioner. Upon approval of the resolution, the office of <—

1 ~~jury commissioner shall expire.~~ OFFICE OF JURY COMMISSIONER <—
2 SHALL EXPIRE AT THE COMPLETION OF THE CURRENT JURY
3 COMMISSIONERS' TERMS OF OFFICE.

4 Section 2. The amendment of section 401 of the act shall
5 apply to jury commissioners holding office on OR AFTER the <—
6 effective date of this act.

7 Section 3. This act shall take effect immediately.