

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

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 5, 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.2) Notwithstanding subsection (a) or (a.1) or any other
12 law, the county commissioners of a county advancing from the
13 fifth to fourth class may adopt a resolution providing that one
14 person shall continue to hold the offices of prothonotary and
15 clerk of courts, unless local law applying to such counties
16 shall otherwise provide.

17 (A.3) NOTWITHSTANDING SUBSECTION (A) OR (A.1) OR ANY OTHER <--
18 LAW, THE COUNTY COMMISSIONERS OF A COUNTY ADVANCING FROM THE
19 FIFTH TO FOURTH CLASS MAY ADOPT A RESOLUTION PROVIDING THAT ONE
20 PERSON SHALL HOLD THE OFFICES OF REGISTER OF WILLS, RECORDER OF
21 DEEDS AND CLERK OF THE ORPHANS' COURT, UNLESS LOCAL LAW APPLYING
22 TO SUCH COUNTIES SHALL OTHERWISE PROVIDE.

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

29 (B.1) NOTWITHSTANDING SUBSECTION (B) OR ANY OTHER LAW, THE <--
30 COUNTY COMMISSIONERS OF A COUNTY ADVANCING FROM THE SIXTH TO THE

1 FIFTH CLASS MAY ADOPT A RESOLUTION PROVIDING THAT ONE PERSON
2 SHALL CONTINUE TO HOLD THE OFFICES OF REGISTER OF WILLS,
3 RECORDER OF DEEDS AND CLERK OF THE ORPHANS' COURT, UNLESS LOCAL
4 LAW APPLYING TO SUCH COUNTIES SHALL OTHERWISE PROVIDE.

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

11 (d) In counties of the eighth class, one person shall hold
12 the offices of prothonotary, clerk of [the court of oyer and
13 terminer and general quarter sessions] courts, clerk of the
14 orphans' court, register of wills and recorder of deeds, unless
15 local laws applying to such counties shall otherwise provide.

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

22 (f) Any county in which the offices provided for herein are
23 not now held as hereinbefore provided, and which desires to
24 provide for the holding of two or more of said county offices by
25 the same person, may, at any time hereafter, accept the
26 provisions of this section in whole or in part, and provide for
27 the holding of its county offices, or any of them, in the manner
28 provided in this section for the class of counties to which it
29 belongs. THE RECOMBINING OF THE OFFICES THAT HAVE BEEN SEPARATED <--
30 SHALL TAKE EFFECT IN THE YEAR IN WHICH THE OFFICES ARE NEXT UP

1 FOR ELECTION, AT WHICH TIME OFFICES IN THE COUNTY SHALL BE HELD
2 IN ACCORDANCE WITH THE SUBSECTION AUTHORIZING THE COMBINING OF
3 THE OFFICES OR ANY OTHER GENERAL LAW APPLICABLE TO THE HOLDING
4 OF OFFICES AND TO THE CLASSIFICATION OF THE COUNTY.

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

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