

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1092 Session of 2015

INTRODUCED BY STEPHENS, D. COSTA, QUIGLEY, HARPER AND TOEPEL, MAY 4, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JULY 21, 2015

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,
2 as amended, "An act relating to counties of the second class
3 and second class A; amending, revising, consolidating and
4 changing the laws relating thereto," in county officers,
5 further providing for COMPENSATION OF ELECTED OFFICERS AND <--
6 FOR incompatible offices.

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

9 Section 1. ~~Section 402(a) of the act of July 28, 1953~~ <--
10 ~~(P.L.723, No.230), known as the Second Class County Code, is~~
11 ~~amended and the section is amended by adding a subsection to~~
12 ~~read:~~

13 SECTION 1. SECTION 401.1 OF THE ACT OF JULY 28, 1953 <--
14 (P.L.723, NO.230), KNOWN AS THE SECOND CLASS COUNTY CODE, IS
15 AMENDED BY ADDING A SUBSECTION TO READ:

16 SECTION 401.1. COMPENSATION OF ELECTED OFFICERS.--* * *

17 (D) AN OFFICER ELECTED OR APPOINTED IN A COUNTY OF THE
18 SECOND CLASS A HOLDING TWO COMPATIBLE OFFICES AS DETERMINED
19 UNDER SECTION 402(A.2) SHALL BE ELIGIBLE TO RECEIVE COMPENSATION

1 FROM ONLY ONE OF THE TWO OFFICES.

2 SECTION 2. SECTION 402(A) OF THE ACT IS AMENDED AND THE
3 SECTION IS AMENDED BY ADDING SUBSECTIONS TO READ:

4 Section 402. Incompatible Offices.--(a) [No] In a county of
5 the second class, no elected county officer shall at the same
6 time serve as a member of the legislative body of any city,
7 borough, town or township of any class, nor as school director
8 of any school district, nor as a member of any board of health.

9 (a.1) In a county of the Second Class A, no county
10 commissioner, district attorney, controller or treasurer,
11 whether elected or appointed to fill a vacancy, shall at the
12 same time serve as a member of the legislative body of any city,
13 borough, town or township of any class, nor as school director
14 of any school district, nor as a member of any board of health.

15 (A.2) IN A COUNTY OF THE SECOND CLASS A, AN INDIVIDUAL <--
16 SERVING AS THE PROTHONOTARY, CLERK OF COURTS, REGISTER OF WILLS,
17 CLERK OF ORPHANS' COURT, RECORDER OF DEEDS, SHERIFF OR CORONER
18 MAY AT THE SAME TIME SERVE AS A MEMBER OF THE LEGISLATIVE BODY
19 OF ANY CITY, BOROUGH, TOWN OR TOWNSHIP OF ANY CLASS, AS A SCHOOL
20 DIRECTOR OF ANY SCHOOL DISTRICT OR AS A MEMBER OF ANY BOARD OF
21 HEALTH, BUT SHALL RECUSE HIMSELF FROM ANY ACTION THAT COULD
22 RESULT IN A CONFLICT OF INTEREST BETWEEN THE TWO POSITIONS.

23 * * *

24 Section 2 3. This act shall take effect immediately. <--