

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2005 Session of
2001

INTRODUCED BY ROSS, HERMAN, TANGRETTI, BARD, LESCOVITZ AND
GORDNER, OCTOBER 5, 2001

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 11, 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 deputies to act in certain cases, for salaries~~
10 ~~and compensation and for compensation of solicitors appointed~~
11 ~~by county officers; and providing for investigative powers~~
12 ~~relating to solid waste disposal.~~ FURTHER PROVIDING FOR <—
13 PRIVATE SERVICES BY CERTAIN COUNTY EMPLOYEES AND FOR <—
14 COMPENSATION OF SOLICITORS APPOINTED BY COUNTY OFFICERS.

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

17 ~~Section 1. Section 408 of the act of August 9, 1955~~ <—
18 ~~(P.L.323, No.130), known as The County Code, amended December 7,~~
19 ~~1990 (P.L.633, No.163), is amended to read:~~

20 ~~Section 408. Deputies to Act in Certain Cases. (a)~~
21 ~~Whenever any county officer is authorized or required to appoint~~
22 ~~a deputy or deputies, such deputy or principal deputy, where~~
23 ~~there are more than one, shall, during the necessary or~~

1 ~~temporary absence of his principal, perform all duties of such~~
2 ~~principal, including, but not limited to, signing of checks,~~
3 ~~attendance and voting at board meetings and approval of~~
4 ~~purchases where such duties are appropriate and also, in case of~~
5 ~~a vacancy or as provided in section 401(b), until a successor is~~
6 ~~qualified. While fulfilling these duties, in the case of a~~
7 ~~vacancy, the deputy shall receive the salary provided by law for~~
8 ~~the principal or the salary provided for the deputy, whichever~~
9 ~~is greater.~~

10 ~~(b) No person temporarily succeeding to any county office by~~
11 ~~reason of the death, resignation or removal of the duly elected~~
12 ~~or appointed officer, shall execute any of the duties of such~~
13 ~~office until he has first taken oath and filed the bond required~~
14 ~~of the principal officer.~~

15 ~~Section 2. Section 1620 of the act, amended June 29, 1976~~
16 ~~(P.L.460, No.115), is amended to read:~~

17 ~~Section 1620. Salaries and Compensation. The salaries and~~
18 ~~compensation of county officers shall be as now or hereafter~~
19 ~~fixed by law. The salaries and compensation of all appointed~~
20 ~~officers and employes who are paid from the county treasury~~
21 ~~including the salaries of any solicitor appointed pursuant to~~
22 ~~this act which include sheriff, prothonotary, register of wills,~~
23 ~~recorder of deeds, clerk of courts of quarter sessions and over~~
24 ~~and terminer, coroner and county controller or a clerk of~~
25 ~~orphans' court or the county auditors which shall maintain a~~
26 ~~proportionality of at least equal to or greater than twenty five~~
27 ~~per centum of that of the county solicitor shall be fixed by the~~
28 ~~salary board created by this act for such purposes: Provided,~~
29 ~~however, That with respect to representation proceedings before~~
30 ~~the Pennsylvania Labor Relations Board or collective bargaining~~

1 ~~negotiations involving any or all employes paid from the county~~
2 ~~treasury, the board of county commissioners shall have the sole~~
3 ~~power and responsibility to represent judges of the court of~~
4 ~~common pleas, the county and all elected or appointed county~~
5 ~~officers having any employment powers over the affected~~
6 ~~employes. The exercise of such responsibilities by the county~~
7 ~~commissioners shall in no way affect the hiring, discharging and~~
8 ~~supervising rights and obligations with respect to such employes~~
9 ~~as may be vested in the judges or other county officers.~~

10 ~~Section 3. Section 1630 of the act, amended December 6, 1972~~
11 ~~(P.L.1421, No.309), is amended to read:~~

12 ~~Section 1630. Compensation of Solicitors Appointed by County~~
13 ~~Officers. The county commissioners [may] shall appropriate~~
14 ~~money for the payment of any solicitor appointed pursuant to~~
15 ~~this act by a county treasurer, sheriff, prothonotary, register~~
16 ~~of wills, recorder of deeds, clerk of courts of quarter sessions~~
17 ~~and oyer and terminer, coroner [or] and county controller, a~~
18 ~~clerk of orphans' court or the county auditors.~~

19 ~~Section 4. The act is amended by adding a section to read:~~
20 ~~§ 2102. Investigative powers relating to solid waste disposal.~~

21 ~~The county commissioners may designate a county employee and~~
22 ~~an authority established under 53 Pa.C.S. Ch. 56 (relating to~~
23 ~~municipal authorities) and may designate an authority employee~~
24 ~~with the investigative power granted to the Department of~~
25 ~~Environmental Protection under section 1707 of the act of July~~
26 ~~28, 1988 (P.L.556, No.101), known as the "Municipal Waste~~
27 ~~Planning, Recycling and Waste Reduction Act," on property or~~
28 ~~facilities that are presently permitted by the department under~~
29 ~~the environmental laws and regulations of the Commonwealth in~~
30 ~~order to investigate whether solid waste is being disposed of~~

1 ~~within the county in violation of the Municipal Waste Planning,~~
2 ~~Recycling and Waste Reduction Act. Such designated employees are~~
3 ~~authorized to share information gathered in this investigation~~
4 ~~with their employer, State and local government officials and~~
5 ~~the courts.~~

6 Section 5. ~~This act shall take effect in 60 days.~~

7 SECTION 1. ~~SECTION 1630 OF THE ACT OF AUGUST 9, 1955~~ <—
8 ~~(P.L.323, NO.130), KNOWN AS THE COUNTY CODE, AMENDED DECEMBER 6,~~
9 ~~1972 (P.L.1421, NO.309), IS AMENDED TO READ:~~

10 SECTION 1. SECTION 1210 OF THE ACT OF AUGUST 9, 1955 <—
11 (P.L.323, NO.130), KNOWN AS THE COUNTY CODE, IS AMENDED TO READ:

12 SECTION 1210. PRIVATE SERVICES, GIFTS AND PAYMENTS,
13 CONTRACTS, PROHIBITED.--(A) NO SHERIFF, DEPUTY SHERIFF,
14 DETECTIVE OR OTHER COUNTY POLICE OFFICER WHATSOEVER, SHALL
15 PERFORM, DIRECTLY OR INDIRECTLY, ANY OFFICIAL SERVICES OR
16 OFFICIAL DUTIES FOR ANY PERSON, ASSOCIATION OR CORPORATION, OR
17 RECEIVE, DIRECTLY OR INDIRECTLY, ANY COMPENSATION, GIFTS OR
18 GRATUITIES FROM ANY PERSON, ASSOCIATION OR CORPORATION DURING
19 THE PERIOD OF HIS OFFICIAL SERVICES. NOTHING HEREIN CONTAINED
20 SHALL PROHIBIT SUCH OFFICERS FROM SERVING WRITS AND OTHER LEGAL
21 PROCESS AS AUTHORIZED BY LAW. ANY COMPENSATION PAYABLE TO ANY
22 SUCH OFFICER FOR OFFICIAL DUTIES AND SERVICES SHALL BE PAID ONLY
23 OUT OF THE PROPER COUNTY, OR OTHER PUBLIC FUNDS, TO THE AMOUNT
24 AND IN THE MANNER PRESCRIBED BY LAW. GIFTS, DONATIONS, AND
25 GRATUITIES OF ANY NATURE WHATSOEVER MADE BY ANY PERSON,
26 ASSOCIATION OR CORPORATION TO THE COUNTY OR TO ANY OFFICIAL OR
27 AGENT THEREOF, SHALL NOT CONSTITUTE PUBLIC FUNDS WITHIN THE
28 MEANING OF THIS SECTION.

29 (B) NO COUNTY, OR ANY OFFICIAL OR AGENT THEREOF, SHALL
30 ACCEPT AS A GRATUITY, GIFT OR DONATION ANY ARMS, AMMUNITION,

1 MILITARY SUPPLIES, TEAR GAS OR EQUIPMENT, OR SUPPLIES OR
2 ARTICLES OF A SIMILAR CHARACTER FROM, NOR SHALL ANY SUCH
3 GRATUITY, GIFT OR DONATION BE MADE BY ANY PERSON, ASSOCIATION OR
4 CORPORATION.

5 (C) ANY CONTRACT OR AGREEMENT, WHATSOEVER, MADE IN VIOLATION
6 OF THE PROVISIONS OF THIS SECTION, SHALL BE UTTERLY VOID AND OF
7 NO EFFECT, IN LAW OR IN EQUITY, AND IS HEREBY DECLARED TO BE
8 CONTRARY TO PUBLIC POLICY.

9 (D) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
10 UNLESS OTHERWISE PROHIBITED BY RESOLUTION OR ORDINANCE OF THE
11 COUNTY, AN INDIVIDUAL WHO IS EMPLOYED AS A SHERIFF, DEPUTY
12 SHERIFF, DETECTIVE OR OTHER COUNTY POLICE OFFICER MAY ENGAGE IN
13 OUTSIDE EMPLOYMENT, INCLUDING EMPLOYMENT IN SECURITY, DURING A
14 PERIOD IN WHICH THE INDIVIDUAL IS NOT SCHEDULED TO PERFORM, NOR
15 PERFORMING, DUTY AS A COUNTY EMPLOYEE. THE COUNTY IS NOT LIABLE
16 FOR ANY DAMAGE RESULTING FROM AN ACT OF AN INDIVIDUAL ACTING
17 UNDER THIS SUBSECTION.

18 SECTION 2. SECTION 1630 OF THE ACT, AMENDED DECEMBER 6, 1972
19 (P.L.1421, NO.309), IS AMENDED TO READ:

20 SECTION 1630. COMPENSATION OF SOLICITORS APPOINTED BY COUNTY
21 OFFICERS.--THE COUNTY COMMISSIONERS MAY APPROPRIATE MONEY FOR
22 THE PAYMENT OF ANY SOLICITOR APPOINTED PURSUANT TO THIS ACT BY A
23 COUNTY TREASURER, SHERIFF, PROTHONOTARY, REGISTER OF WILLS,
24 RECORDER OF DEEDS, CLERK OF COURTS [OF QUARTER SESSIONS AND OYER <—
25 AND TERMINER], CORONER [OR], A CLERK OF ORPHANS' COURT OR THE <—
26 COUNTY CONTROLLER OR THE COUNTY AUDITORS.

27 ~~SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.~~ <—

28 SECTION 3. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

29 (1) THE AMENDMENT OF SECTION 1630 OF THE ACT SHALL TAKE
30 EFFECT IN 60 DAYS.

1 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
2 IMMEDIATELY.