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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2005 Session of  
2001

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

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SENATOR GERLACH, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,  
APRIL 30, 2002

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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 COMPENSATION OF SOLICITORS APPOINTED BY COUNTY OFFICERS.

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

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

19 ~~Section 408. Deputies to Act in Certain Cases. (a)~~  
20 ~~Whenever any county officer is authorized or required to appoint~~  
21 ~~a deputy or deputies, such deputy or principal deputy, where~~  
22 ~~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 1630. COMPENSATION OF SOLICITORS APPOINTED BY COUNTY  
11 OFFICERS.--THE COUNTY COMMISSIONERS MAY APPROPRIATE MONEY FOR  
12 THE PAYMENT OF ANY SOLICITOR APPOINTED PURSUANT TO THIS ACT BY A  
13 COUNTY TREASURER, SHERIFF, PROTHONOTARY, REGISTER OF WILLS,  
14 RECORDER OF DEEDS, CLERK OF COURTS OF QUARTER SESSIONS AND OYER  
15 AND TERMINER, CORONER [OR] A CLERK OF ORPHANS' COURT OR THE  
16 COUNTY CONTROLLER OR THE COUNTY AUDITORS.

17 SECTION 2. THIS ACT SHALL TAKE EFFECT IN 60 DAYS.