

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 2005 Session of  
2001INTRODUCED BY ROSS, HERMAN, TANGRETTI, BARD, LESCOVITZ AND  
GORDNER, OCTOBER 5, 2001AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
APRIL 10, 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.

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

15 ~~Section 1. Section 1630 of the act of August 9, 1955~~ <—  
16 ~~(P.L.323, No.130), known as The County Code, amended December 6,~~  
17 ~~1972 (P.L.1421, No.309), is amended to read:~~

18 SECTION 1. SECTION 408 OF THE ACT OF AUGUST 9, 1955 <—  
19 (P.L.323, NO.130), KNOWN AS THE COUNTY CODE, AMENDED DECEMBER 7,  
20 1990 (P.L.633, NO.163), IS AMENDED TO READ:

21 SECTION 408. DEPUTIES TO ACT IN CERTAIN CASES.--(A)  
22 WHENEVER ANY COUNTY OFFICER IS AUTHORIZED OR REQUIRED TO APPOINT

1 A DEPUTY OR DEPUTIES, SUCH DEPUTY OR PRINCIPAL DEPUTY, WHERE  
2 THERE ARE MORE THAN ONE, SHALL, DURING THE NECESSARY OR  
3 TEMPORARY ABSENCE OF HIS PRINCIPAL, PERFORM ALL DUTIES OF SUCH  
4 PRINCIPAL, INCLUDING, BUT NOT LIMITED TO, SIGNING OF CHECKS,  
5 ATTENDANCE AND VOTING AT BOARD MEETINGS AND APPROVAL OF  
6 PURCHASES WHERE SUCH DUTIES ARE APPROPRIATE AND ALSO, IN CASE OF  
7 A VACANCY OR AS PROVIDED IN SECTION 401(B), UNTIL A SUCCESSOR IS  
8 QUALIFIED. WHILE FULFILLING THESE DUTIES, IN THE CASE OF A  
9 VACANCY, THE DEPUTY SHALL RECEIVE THE SALARY PROVIDED BY LAW FOR  
10 THE PRINCIPAL OR THE SALARY PROVIDED FOR THE DEPUTY, WHICHEVER  
11 IS GREATER.

12 (B) NO PERSON TEMPORARILY SUCCEEDING TO ANY COUNTY OFFICE BY  
13 REASON OF THE DEATH, RESIGNATION OR REMOVAL OF THE DULY ELECTED  
14 OR APPOINTED OFFICER, SHALL EXECUTE ANY OF THE DUTIES OF SUCH  
15 OFFICE UNTIL HE HAS FIRST TAKEN OATH AND FILED THE BOND REQUIRED  
16 OF THE PRINCIPAL OFFICER.

17 SECTION 2. SECTION 1620 OF THE ACT, AMENDED JUNE 29, 1976  
18 (P.L.460, NO.115), IS AMENDED TO READ:

19 SECTION 1620. SALARIES AND COMPENSATION.--THE SALARIES AND  
20 COMPENSATION OF COUNTY OFFICERS SHALL BE AS NOW OR HEREAFTER  
21 FIXED BY LAW. THE SALARIES AND COMPENSATION OF ALL APPOINTED  
22 OFFICERS AND EMPLOYES WHO ARE PAID FROM THE COUNTY TREASURY  
23 INCLUDING THE SALARIES OF ANY SOLICITOR APPOINTED PURSUANT TO  
24 THIS ACT WHICH INCLUDE SHERIFF, PROTHONOTARY, REGISTER OF WILLS,  
25 RECORDER OF DEEDS, CLERK OF COURTS OF QUARTER SESSIONS AND OYER  
26 AND TERMINER, CORONER AND COUNTY CONTROLLER OR A CLERK OF  
27 ORPHANS' COURT OR THE COUNTY AUDITORS WHICH SHALL MAINTAIN A  
28 PROPORTIONALITY OF AT LEAST EQUAL TO OR GREATER THAN TWENTY-FIVE  
29 PER CENTUM OF THAT OF THE COUNTY SOLICITOR SHALL BE FIXED BY THE  
30 SALARY BOARD CREATED BY THIS ACT FOR SUCH PURPOSES: PROVIDED,

1 HOWEVER, THAT WITH RESPECT TO REPRESENTATION PROCEEDINGS BEFORE  
2 THE PENNSYLVANIA LABOR RELATIONS BOARD OR COLLECTIVE BARGAINING  
3 NEGOTIATIONS INVOLVING ANY OR ALL EMPLOYEES PAID FROM THE COUNTY  
4 TREASURY, THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE THE SOLE  
5 POWER AND RESPONSIBILITY TO REPRESENT JUDGES OF THE COURT OF  
6 COMMON PLEAS, THE COUNTY AND ALL ELECTED OR APPOINTED COUNTY  
7 OFFICERS HAVING ANY EMPLOYMENT POWERS OVER THE AFFECTED  
8 EMPLOYEES. THE EXERCISE OF SUCH RESPONSIBILITIES BY THE COUNTY  
9 COMMISSIONERS SHALL IN NO WAY AFFECT THE HIRING, DISCHARGING AND  
10 SUPERVISING RIGHTS AND OBLIGATIONS WITH RESPECT TO SUCH EMPLOYEES  
11 AS MAY BE VESTED IN THE JUDGES OR OTHER COUNTY OFFICERS.

12 SECTION 3. SECTION 1630 OF THE ACT, AMENDED DECEMBER 6, 1972  
13 (P.L.1421, NO.309), IS AMENDED TO READ:

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

22 ~~Section 2. This act shall take effect in 60 days.~~ <—

23 SECTION 4. THE ACT IS AMENDED BY ADDING A SECTION TO READ: <—

24 § 2102. INVESTIGATIVE POWERS RELATING TO SOLID WASTE DISPOSAL.

25 THE COUNTY COMMISSIONERS MAY DESIGNATE A COUNTY EMPLOYEE AND  
26 AN AUTHORITY ESTABLISHED UNDER 53 PA.C.S. CH. 56 (RELATING TO  
27 MUNICIPAL AUTHORITIES) AND MAY DESIGNATE AN AUTHORITY EMPLOYEE  
28 WITH THE INVESTIGATIVE POWER GRANTED TO THE DEPARTMENT OF  
29 ENVIRONMENTAL PROTECTION UNDER SECTION 1707 OF THE ACT OF JULY  
30 28, 1988 (P.L.556, NO.101), KNOWN AS THE "MUNICIPAL WASTE

1 PLANNING, RECYCLING AND WASTE REDUCTION ACT," ON PROPERTY OR  
2 FACILITIES THAT ARE PRESENTLY PERMITTED BY THE DEPARTMENT UNDER  
3 THE ENVIRONMENTAL LAWS AND REGULATIONS OF THE COMMONWEALTH IN  
4 ORDER TO INVESTIGATE WHETHER SOLID WASTE IS BEING DISPOSED OF  
5 WITHIN THE COUNTY IN VIOLATION OF THE MUNICIPAL WASTE PLANNING,  
6 RECYCLING AND WASTE REDUCTION ACT. SUCH DESIGNATED EMPLOYEES ARE  
7 AUTHORIZED TO SHARE INFORMATION GATHERED IN THIS INVESTIGATION  
8 WITH THEIR EMPLOYER, STATE AND LOCAL GOVERNMENT OFFICIALS AND  
9 THE COURTS.

10       SECTION 5.   THIS ACT SHALL TAKE EFFECT IN 60 DAYS.