

No. 1984-211

AN ACT

HB 1856

Amending the act of August 9, 1955 (P.L.323, No.130), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," further providing for vacancies in office; and further providing for the expenses of county officers attending annual meetings.

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

Section 1. Section 401(b) of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, is amended to read:

Section 401. Enumeration of Elected Officers.—* * *

(b) All such officers shall be elected at the municipal election next preceding the expiration of the terms of the officers now in office, and quadrennially thereafter, and shall hold their offices for a term of four years from the first Monday of January next after their election and until their successors shall be duly qualified, but in the event that any such officer so elected, excepting a county commissioner or auditor, shall fail to qualify, or if no successor shall be elected, then the **[officer then in office shall continue in office only until the first Monday of January following the next municipal election, at which time his successor shall be elected for a term of four years]** *chief deputy, first assistant, first deputy or principal deputy in office at the time the vacancy occurred shall assume the office until a successor has been appointed pursuant to section 409 or until the first Monday in January following the next municipal election, whichever period is shorter.* In the case of a county commissioner or auditor, there shall be a vacancy which shall be filled as provided in this act.

* * *

Section 2. Section 408(a) of the act, amended May 3, 1968 (P.L.115, No.59), is amended to read:

Section 408. Deputies to Act in Certain Cases.—(a) Whenever any county officer is authorized or required to appoint a deputy or deputies, such deputy or principal deputy, where there are more than one, shall, during the necessary or temporary absence of his principal, perform all duties of such principal, and also, in case of a vacancy *or as provided in section 401(b)*, until a successor is qualified.

* * *

Section 3. Section 409 of the act is amended to read:

Section 409. Vacancies Not Otherwise Provided For.—In case of a vacancy, happening by death, resignation or otherwise, in any county office created by the Constitution or laws of this Commonwealth, and where no other provision is made by the Constitution, or by the provisions of this act, to fill the vacancy, it shall be the duty of the Governor to appoint a suitable

person to fill such office, who shall continue therein and discharge the duties thereof *until the first Monday in January following the next municipal election occurring not less than ninety days after the occurrence of the vacancy, or for the balance of the unexpired term, whichever period is shorter. If there is a municipal election occurring not less than ninety days after the occurrence of the vacancy, other than the one at which the office ordinarily is filled, then the office shall be filled at that election for the balance of the unexpired term.* Such appointee shall be confirmed by the Senate if in session.

Section 4. Section 443(a) of the act, amended December 12, 1980 (P.L.1174, No.216), is amended to read:

Section 443. Expenses of Attending Members to be Paid by County; Time Limit on Meetings.—(a) The expenses of all authorized county officers attending the annual meetings of their associations shall be paid by the several counties out of general county funds. Each of these officers, except the county commissioners, shall be allowed for his expenses not to exceed **[seventy-five dollars (\$75)] ninety dollars (\$90)** per day for the number of days specified in subsection (b) of this section, together with mileage going to and returning from such meeting. The expense allowance shall be paid for each day not in excess of two in going to and returning from such meeting.

* * *

Section 5. This act shall take effect immediately.

APPROVED—The 18th day of December, A. D. 1984.

DICK THORNBURGH