

No. 1998-72

AN ACT

HB 1108

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 assistant district attorneys and for contract procedures.

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

Section 1. Section 1420 of the act of August 9, 1955 (P.L.323, No.130), known as The County Code, amended December 10, 1974 (P.L.827, No.275), is amended to read:

Section 1420. Assistant, *Special Assistant and Deputy Assistant* District Attorneys; Number; Compensation.—(a) The district attorney may appoint such number of assistants, *special assistants or deputy assistants*, learned in the law, to assist him in the discharge of his duties, as is fixed by the salary board of the county. The salary board shall fix the salary of such assistants, *special assistants and deputy assistants*.

(b) *The district attorney may appoint temporary assistants, temporary special assistants or temporary deputy assistants, learned in the law, to assist him in the discharge of his duties, as provided by contract or other personnel agreement with the county or the district attorney. Any attorney-at-law, including a deputy Attorney General or an attorney employed by the Commonwealth, may be appointed under this subsection.*

(c) *An allegation of a violation of this section shall be timely raised prior to the participation of the prosecutor in question. The exclusive remedy for a violation of this section shall be removal by quo warranto of the prosecutor from the appointment that is in violation of this section.*

(d) *Subsections (b) and (c) shall apply to all cases pending on the effective date of this subsection and all cases thereafter, including, but not limited to, those cases on post-trial or on appeal.*

Section 2. Sections 1422 and 1423 of the act are amended to read:

[Section 1422. *Special Assistants.*—The district attorney of any county of the seventh and eighth classes and the district attorney of any county of the sixth class, wherever no regular assistant district attorney has been appointed under section one thousand four hundred twenty of this act, may, with the approval of the salary board, appoint an assistant attorney, learned in the law, to aid in the preparation and trial of any indictment for homicide or murder on behalf of the Commonwealth.

Section 1423. *Appointment of a Deputy for One Term of Court.*—In any case where there is no regularly appointed assistant district attorney,

if in case of sickness or from any other cause, the district attorney shall be unable to attend to the duties and business of the term of a court, he may appoint some competent attorney of the county, with the approval of the court, to act as his deputy for one term but for no longer period. **The salary of such deputy shall be fixed by the salary board.]**

Section 3. Section 1802(h) of the act, amended July 10, 1990 (P.L.379, No.89), is amended to read:

Section 1802. Contract Procedures; Terms and Bonds; Advertising for Bids.—* * *

(h) The contracts or purchases made by the commissioners [**involving an expenditure of over ten thousand dollars (\$10,000)**] which shall not require advertising [or], bidding *or price quotations*, as hereinbefore provided, are as follows:

(1) Those for maintenance, repairs or replacements for water, electric light, or other public works of the county where they do not constitute new additions, extensions or enlargements of existing facilities and equipment. A bond may be required by the commissioners as in other cases for work done.

(2) Those made for improvements, repairs and maintenance of any kind, made or provided by the county through its own employes. This shall not apply to construction materials used in a street improvement.

(3) Those where particular types, models or pieces of new equipment, articles, apparatus, appliances, vehicles or parts thereof, are desired by the commissioners, which are patented and manufactured or copyrighted products.

(4) Those involving any policies of insurance or surety company bonds, those made for public utility service under tariffs on file with the Pennsylvania Public Utility Commission[, **those made with another political subdivision, the Commonwealth of Pennsylvania, the Federal Government, any agency of the Commonwealth or the Federal Government or any municipal authority, including the sale, leasing or loan of any supplies or materials by the Commonwealth or the Federal Government or their agencies, but the price thereof shall not be in excess of that fixed by the Commonwealth, or the Federal Government, or their respective agencies.**]

(5) Those involving services of members of the medical or legal profession, registered architects, engineers, certified public accountants or other personal services involving professional expert advice.

(6) Those involving contracts entered into by nonprofit cooperative hospital service associations for hospitals and nursing homes which are part of the institutional district or which are owned by the county, operated by the county or affiliated with the county by the purchasing of, or participating in contracts for, materials, supplies and equipment.

(7) *Those made with any public body, including, but not limited to, the sale, lease or loan of any supplies or materials to the county by a public body, provided that the price thereof shall not be in excess of that fixed by the public body. The requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating*

to intergovernmental cooperation) shall not apply when a county purchases cooperatively with another public body which has entered into a contract for supplies or materials. As used in this paragraph, "public body" shall mean any of the following:

- (i) the Federal Government;*
- (ii) the Commonwealth of Pennsylvania;*
- (iii) any other state;*
- (iv) a political subdivision, local or municipal authority or other similar local entity of the Commonwealth or any other state; or*
- (v) an agency of the Federal Government, the Commonwealth or any other state.*

* * *

Section 4. This act shall take effect as follows:

- (1) The amendment of sections 1420, 1422 and 1423 of the act and this section shall take effect immediately.
- (2) The remainder of this act shall take effect in 60 days.

APPROVED—The 18th day of June, A.D. 1998.

THOMAS J. RIDGE