

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 272

Session of
1975

INTRODUCED BY GLEASON, USTYNOSKI, WRIGHT, D. S. HAYES,
DININNI, FISHER AND KLINGAMAN, FEBRUARY 4, 1975

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 4, 1975

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," providing for bond counsel
21 in the Treasury Department.

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

24 Section 1. Sections 512 and 902, act of April 9, 1929
25 (P.L.177, No.175), known as "The Administrative Code of 1929,"
26 amended December 17, 1970 (P.L.935, No.292), are amended to
27 read:

1 Section 512. Legal Advice and Services.--Whenever any
2 department, other than the Department of the Auditor General and
3 other than the Treasury Department as to bond counsel, board,
4 commission, or officer of the State Government, shall require
5 legal advice concerning its conduct or operation, or when any
6 legal difficulty or dispute arises, or litigation is commenced
7 or to be commenced in which any department, other than the
8 Department of the Auditor General, board, commission, or
9 officer, is concerned, or whenever any taxes or other accounts
10 of any kind whatever due the Commonwealth remain overdue and
11 unpaid for a period of ninety days, it shall be the duty of such
12 department, board, commission, or officer, to refer the same to
13 the Department of Justice.

14 It shall be the duty of any department, other than the
15 Department of the Auditor General and other than the Treasury
16 Department as to bond counsel, board, commission, or officer,
17 having requested and received legal advice from the Department
18 of Justice regarding the official duty of such department,
19 board, commission, or officer, to follow the same, and, when any
20 officer shall follow the advice given him by the Department of
21 Justice, he shall not be in any way liable for so doing, upon
22 his official bond or otherwise.

23 Before the Department of Justice shall render any opinion,
24 interpreting any appropriation act, or act authorizing the
25 expenditure of money, it shall notify the Department of the
26 Auditor General and the Treasury Department, of the question
27 upon which its opinion has been requested, and afford to these
28 departments an opportunity to present any views which they may
29 have upon such question.

30 It shall be unlawful for any department, other than the

1 Department of the Auditor General and other than the Treasury
2 Department as to bond counsel, board, commission, or officer, of
3 the Commonwealth, to engage any attorney to represent such
4 department, board, commission, or officer, in any matter or
5 thing relating to the public business of such department, board,
6 commission, or officer, without the approval in writing of the
7 Attorney General.

8 Section 902. Legal Advice.--The Department of Justice shall
9 have the power, and its duty shall be:

10 (a) To furnish legal advice to the Governor, and to all
11 administrative departments, other than the Department of the
12 Auditor General and other than the Treasury Department as to
13 bond counsel, boards, commissions, and officers of the State
14 Government, concerning any matter or thing arising in connection
15 with the exercise of the official powers or the performance of
16 the official duties of the Governor, or such administrative
17 departments, boards, commissions, or officers;

18 (b) To supervise, direct and control all of the legal
19 business of every administrative department, other than the
20 Department of the Auditor General and other than the Treasury
21 Department as to bond counsel, board, and commission of the
22 State Government.

23 Section 2. The act is amended by adding a section to read:

24 Section 1104. Bond Counsel.--The State Treasurer shall have
25 the power to appoint within the Treasury Department and fix the
26 compensation of bond counsel and such assistants as may be
27 necessary who shall handle all legal matters connected with
28 Commonwealth bond issues.