

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2663 Session of
1978

INTRODUCED BY DOYLE, BERSON, PRATT, BRANDT, WHITE, KUKOVICH,
FREIND, GEESEY, NOYE AND PICCOLA, SEPTEMBER 11, 1978

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 11, 1978

AN ACT

1 Implementing the addition of section 4.1 to Article IV of the
2 Constitution of Pennsylvania; establishing the Office of
3 Attorney General elected by the citizens and setting forth
4 powers and duties of the Attorney General; creating an Office
5 of General Counsel and providing for legal services for
6 Commonwealth agencies; transferring, reorganizing or
7 reconstituting certain boards, commissions and agencies;
8 placing certain duties upon the courts and district
9 attorneys; and repealing certain acts and parts of acts.

TABLE OF CONTENTS

11 Chapter 1. General Provisions

12 Section 101. Short title.

13 Section 102. Definitions.

14 Chapter 2. Office of Attorney General

15 Section 201. Established as an independent department.

16 Section 202. Vacancy in office.

17 Section 203. Salary.

18 Section 204. Legal advice and civil matters.

19 Section 205. Criminal prosecutions.

20 Section 206. Law enforcement and criminal investigations;

21 Statewide investigating grand juries.

1 Section 207. Membership on agencies.
2 Section 208. Access to books and papers.
3 Chapter 3. Office of General Counsel
4 Section 301. General Counsel.
5 Section 302. Membership on agencies.
6 Chapter 4. Counsel for Independent Agencies
7 Section 401. Counsel; appointment.
8 Section 402. Powers and duties of counsel.
9 Chapter 5. Miscellaneous Provisions
10 Section 501. General transfer of personnel, appropriations,
11 records, equipment, etc.
12 Section 502. Specific transfers of certain powers and duties
13 to the Office of General Counsel.
14 Section 503. Absolute repeals.
15 Section 504. Inconsistent repeals.
16 Section 505. Limited repeals.
17 Section 506. Effective date.

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

20 CHAPTER 1
21 GENERAL PROVISIONS

22 Section 101. Short title.

23 This act shall be known and may be cited as the "Commonwealth
24 Attorneys Act."

25 Section 102. Definitions.

26 The following words and phrases when used in this act shall
27 have, unless the context clearly indicates otherwise, the
28 meanings given to them in this section:

29 "Action." Any action at law or in equity.

30 "Commonwealth agency." Any executive agency or independent

1 agency.

2 "Executive agency." The Governor and the departments,
3 boards, commissions, authorities and other officers and agencies
4 of the Commonwealth government, but the term does not include
5 any court or other officer or agency of the unified judicial
6 system, the General Assembly and its officers and agencies, or
7 any independent agency.

8 "Independent agency." The departments of the Auditor
9 General, State Treasury and Attorney General, the Pennsylvania
10 Public Utility Commission, the Pennsylvania Fish Commission, the
11 Pennsylvania Game Commission, the Historical and Museum
12 Commission, the State Civil Service Commission, the Pennsylvania
13 Turnpike Commission, the Milk Marketing Board, the Pennsylvania
14 Liquor Control Board, the Pennsylvania Human Relations
15 Commission, the Pennsylvania Labor Relations Board, the
16 Pennsylvania Securities Commission, the State Tax Equalization
17 Board and the Brandywine Battlefield Park Commission.

18 "Matter." Action, proceeding or appeal.

19 CHAPTER 2

20 OFFICE OF ATTORNEY GENERAL

21 Section 201. Established as an independent department.

22 (a) General provisions.--The Office of Attorney General
23 shall be an independent department and shall be headed by the
24 Attorney General. The Attorney General shall exercise such
25 powers and perform such duties as are hereinafter set forth. As
26 an independent administrative department the Office of Attorney
27 General shall be subject to the same limitations contained in
28 the act of April 9, 1929 (P.L.177, No.175), known as "The
29 Administrative Code of 1929," and all other acts as are
30 applicable to the independent Department of Auditor General or

1 State Treasury.

2 (b) Consumer Advocate.--The Attorney General shall appoint a
3 Consumer Advocate which appointment shall be subject to the
4 approval of a majority of the members elected to the Senate. The
5 Consumer Advocate shall perform the duties and have the powers
6 set forth in Article IX-A of "The Administrative Code of 1929."

7 (c) Bureaus, divisions and personnel.--The Attorney General
8 shall appoint and fix the compensation of a first deputy
9 attorney general, a director of the Bureau of Consumer
10 Protection and such other deputies, officers and employees who
11 may, at any time, exercise such powers and perform such duties
12 as may be prescribed by the Attorney General. The Attorney
13 General may establish such bureaus or divisions as may be
14 required for the proper conduct of the office.

15 Section 202. Vacancy in office.

16 In the event of a vacancy in the position of Attorney
17 General, the Governor shall nominate, in accordance with the
18 provisions of the Constitution of Pennsylvania and, by and with
19 the advice and consent of two-thirds of the members elected to
20 the Senate, appoint a person to fill the position for the
21 balance of the unexpired term of the Attorney General. Whenever
22 there shall be a vacancy in the position of Attorney General,
23 the first deputy shall exercise the powers and perform the
24 duties of the Attorney General until the vacancy is filled.

25 Section 203. Salary.

26 The Attorney General shall receive a salary which shall be
27 the same as the salary provided for an associate justice of the
28 Supreme Court.

29 Section 204. Legal advice and civil matters.

30 (a) Legal advice.--Upon the request of the Governor or the

1 head of any Commonwealth agency, the Attorney General shall
2 furnish legal advice concerning any matter or issue arising in
3 connection with the exercise of the official powers or the
4 performance of the official duties of the Governor or agency.
5 The Governor may request the advice of the Attorney General
6 concerning the constitutionality of legislation presented to him
7 for approval in order to aid him in the exercise of his approval
8 and veto powers and the advice, if given, shall not be binding
9 upon the Governor. In all other cases the advice when received
10 shall be followed and, when followed, the recipient shall not in
11 any way be liable for doing so, upon his official bond or
12 otherwise. It shall be the duty of the Attorney General to
13 uphold and defend the constitutionality of all statutes so as to
14 prevent their suspension or abrogation in the absence of a
15 controlling decision by a court of competent jurisdiction.
16 Before the Attorney General shall render any opinion
17 interpreting any appropriation act, or any act authorizing the
18 expenditure of money, he shall notify the Departments of the
19 Auditor General and the State Treasury of the question upon
20 which his opinion has been requested, and afford to these
21 departments an opportunity to present any views which they may
22 have upon such question.

23 (b) Commonwealth agencies; rules and regulations.--The
24 Attorney General shall review for form and legality, all
25 proposed rules and regulations of Commonwealth agencies before
26 they are deposited with the Legislative Reference Bureau as
27 required by section 207 of the act of July 31, 1968 (P.L.769,
28 No.240), known as the "Commonwealth Documents Law." If the
29 Attorney General determines that a rule or regulation is in
30 improper form, not statutorily authorized or unconstitutional,

1 he shall notify the agency affected, the Office of General
2 Counsel, and the General Assembly through the offices of the
3 chief clerks of the Senate and the House of Representatives. The
4 Commonwealth agency may revise a rule or regulation to meet the
5 objections of the Attorney General and submit the revised
6 version for his review; if the agency disagrees with the opinion
7 of the Attorney General, it may appeal the decision of the
8 Attorney General by filing a Petition for Review with the
9 Commonwealth Court in such manner as is provided for appeals
10 from final orders of government agencies pursuant to 42 Pa.C.S.
11 § 763 (relating to direct appeals from government agencies). If
12 a rule or regulation has been submitted to the Attorney General
13 and he has not approved it or objected to it within 30 days
14 after submission, the rule or regulation shall be deemed to have
15 been approved.

16 (c) Civil litigation; collection of debts.--The Attorney
17 General shall represent the Commonwealth and all Commonwealth
18 agencies in any litigation brought by or against the
19 Commonwealth, and may intervene in any other action, including
20 those involving charitable bequests and trusts or the
21 constitutionality of any statute. The Attorney General shall
22 represent the Commonwealth and its citizens in any action
23 brought for violation of the antitrust laws of the United States
24 and the Commonwealth. The Attorney General shall collect, by
25 suit or otherwise, all debts, taxes and accounts due the
26 Commonwealth which shall be referred to and placed with the
27 Attorney General for collection by any Commonwealth agency; the
28 Attorney General shall keep a proper docket or dockets, duly
29 indexed, of all such claims, showing whether they are in
30 litigation and their nature and condition. The Attorney General

1 may, upon determining that it is more efficient or otherwise is
2 in the best interest of the Commonwealth, authorize the General
3 Counsel or the counsel for an independent agency to initiate,
4 conduct or defend any particular litigation or category of
5 litigation in his stead. The Attorney General shall approve all
6 settlements over such maximum amounts as he shall determine
7 arising out of claims brought against the Commonwealth pursuant
8 to 42 Pa.C.S. § 5110.

9 (d) Administration of consumer affairs programs.--The
10 Attorney General shall administer the provisions relating to
11 consumer protection set forth in sections 917 through 922 of the
12 act of April 9, 1929 (P.L.177, No.175), known as "The
13 Administrative Code of 1929," and appoint the advisory committee
14 established under section 922.

15 (e) Limitations in civil litigations.--The Attorney General
16 shall not agree to the entry of a consent decree in any action
17 against the Commonwealth or any agency without the approval of
18 the Governor and notice to the General Assembly through the
19 offices of the chief clerks of the Senate and the House of
20 Representatives.

21 (f) Deeds, leases, contracts and fidelity bonds.--The
22 Attorney General shall review for form and legality, all
23 Commonwealth deeds, leases and contracts to be executed by
24 Commonwealth agencies; if the Attorney General determines that a
25 deed, lease, or contract is in improper form, not statutorily
26 authorized or unconstitutional, he shall notify the agency
27 affected, the offices of General Counsel and the General
28 Assembly and the procedures set forth in subsection (b) shall
29 apply. If an instrument has been submitted to the Attorney
30 General and he has not approved it or submitted his objection

1 within 30 days after submission, the instrument shall be deemed
2 to have been approved; the Attorney General may prepare uniform
3 instrument forms and preapprove all such documents which are
4 prepared in accordance with such forms and applicable
5 instructions. The Attorney General shall likewise continue to
6 approve all fidelity, surety, performance and similar bonds as
7 required by law to be submitted to the Attorney General or the
8 former Department of Justice.

9 Section 205. Criminal prosecutions.

10 (a) Prosecutions.--The Attorney General shall have the power
11 to prosecute in any county criminal court the following cases:

12 (1) Criminal charges against State officials or
13 employees affecting the performance of their public duties or
14 the maintenance of the public trust and criminal charges
15 against persons attempting to influence such State officials
16 or employees or benefit from such influence or attempt to
17 influence.

18 (2) Criminal charges involving corrupt organizations as
19 provided for in 18 Pa.C.S. § 911 (relating to corrupt
20 organizations).

21 (3) Upon the request of a district attorney who lacks
22 the resources to conduct an adequate investigation or the
23 prosecution of the criminal case or matter or who represents
24 that there is the potential for an actual or apparent
25 conflict of interest on the part of the district attorney or
26 his office.

27 (4) The Attorney General may petition the court having
28 jurisdiction over any criminal proceeding to permit the
29 Attorney General to supersede the district attorney in order
30 to prosecute a criminal action or to institute criminal

1 proceedings. Upon the filing of the petition, the president
2 judge shall request the Supreme Court to assign a judge to
3 hear the matter. The judge assigned shall hear the matter
4 within 30 days after appointment and make a determination as
5 to whether to allow supersession within 60 days after the
6 hearing. The district attorney shall be given notice of the
7 hearing and may appear and oppose the granting of the
8 petition. Supersession shall be ordered if the Attorney
9 General establishes by a preponderance of the evidence that
10 the district attorney has failed or refused to prosecute and
11 such failure or refusal constitutes abuse of discretion.
12 Either party may appeal to the Supreme Court which appeal
13 shall be heard and determined within 45 days after filing.

14 (5) When the president judge in the district having
15 jurisdiction of any criminal proceeding has reason to believe
16 that the case is a proper one for the intervention of the
17 Commonwealth, he shall request the Attorney General to
18 represent the Commonwealth in the proceeding and to
19 investigate charges and prosecute the defendant. If the
20 Attorney General agrees that the case is a proper one for
21 intervention, he shall file a petition with the court and
22 proceed as provided in paragraph (4). If the Attorney General
23 determines that the case is not a proper case for
24 intervention, he shall notify the president judge
25 accordingly.

26 (6) Criminal charges investigated by and referred to him
27 by a Commonwealth agency arising out of enforcement
28 provisions of the statute charging the agency with a duty to
29 enforce its provision.

30 (7) Indictments returned by a Statewide special

1 investigating grand jury.

2 (8) Criminal charges arising out of activities as the
3 State Medicaid Fraud Control Unit as authorized by the
4 Federal law known as the "Medicare-Medicaid Antifraud and
5 Abuse Amendments."

6 (b) Concurrent jurisdiction to prosecute.--The Attorney
7 General shall have the concurrent prosecutorial jurisdiction
8 with the district attorney for cases arising under subsection
9 (a)(1), (2) and (6) and may refer to the district attorney with
10 his consent any violation or alleged violation of the criminal
11 laws of the Commonwealth which may come to his notice.

12 (c) Criminal appeals.--In any criminal action in which there
13 is an appeal, the Attorney General may in his discretion, upon
14 the request of the district attorney, prosecute the appeal; he
15 may intervene in such other appeals as provided by law or rules
16 of court.

17 (d) Powers when prosecuting.--Whenever the Attorney General
18 prosecutes a criminal action, or appeal, he may employ such
19 special deputies as are necessary for that purpose; such
20 deputies shall take the oath of office and be clothed with all
21 the powers, and subject to all the liabilities imposed by law
22 upon district attorneys, including the power to sign
23 informations or indictments. Whenever the Attorney General
24 intervenes in a criminal action, the costs incurred as a result
25 of the intervention shall be paid by the Commonwealth.

26 Section 206. Law enforcement and criminal investigations;
27 Statewide investigating grand juries.

28 (a) Law enforcement; criminal investigations.--The Attorney
29 General shall be the chief law enforcement officer of the
30 Commonwealth; the district attorney shall be the chief law

1 enforcement officer for the county in which he is elected. The
2 Attorney General shall have the power to investigate any
3 criminal offense which he has the power to prosecute under
4 section 205; he shall continue the existing programs relating to
5 drug law enforcement. The Pennsylvania State Police shall
6 cooperate with the Attorney General and furnish such services as
7 the Attorney General shall request.

8 (b) Statewide investigating grand juries.--

9 (1) The Attorney General shall have the right to
10 petition the Supreme Court to impanel a special investigating
11 grand jury; the Supreme Court shall within 30 days after the
12 petition is filed appoint a hearing judge who within 60 days
13 after appointment shall determine whether to grant the
14 petition. The petition shall be granted only upon a showing
15 by the Attorney General, based upon direct knowledge gained
16 from reliable sources, that:

17 (i) a widespread and systematic organization exists
18 for the purpose of perpetrating crime, racketeering or
19 other violations of the law which occur in two or more
20 counties and which violations may not be discovered,
21 investigated and effectively prosecuted by a district
22 attorney in a particular county; or

23 (ii) widespread instances of crime or corruption
24 have been perpetrated by State officers or employees.
25 Upon a granting of the petition, the Supreme Court shall
26 within 10 days appoint a judge to administer the
27 Statewide grand jury; upon a denial of the petition, the
28 Attorney General may appeal directly to the Supreme Court
29 which appeal shall be decided within 45 days.

30 (2) A Statewide grand jury shall have the same powers

1 and duties and function in the same manner as a county
2 investigative grand jury except that its jurisdiction shall
3 extend throughout this Commonwealth. The judge assigned by
4 the Supreme Court, upon granting the petition, shall set
5 forth in his order:

6 (i) The counties which shall supply jurors and in
7 what ratios.

8 (ii) A location or locations for the grand jury
9 proceeding.

10 (iii) The length of time the grand jury shall be in
11 session.

12 (iv) Such other incidental arrangements as may be
13 necessary. The Supreme Court may adopt rules, consistent
14 with the provisions of this section, establishing
15 standard procedures for the convening of Statewide
16 investigative grand juries. Upon the completion of its
17 work, the grand jury shall issue its report to the judge.

18 Section 207. Membership on agencies.

19 The Attorney General shall serve as a member of the Board of
20 Pardons and he, or his designated deputy, shall serve as a
21 member of the Joint Committee on Documents and Hazardous
22 Substances Transportation Board.

23 Section 208. Access to books and papers.

24 The Office of Attorney General shall have the right to access
25 at all times to the books and papers of any Commonwealth agency
26 necessary to carry out his duties under this act.

27 CHAPTER 3

28 OFFICE OF GENERAL COUNSEL

29 Section 301. General Counsel.

30 There is hereby established the Office of General Counsel

1 which shall be headed by a General Counsel, appointed by the
2 Governor to serve at his pleasure, who shall be the legal
3 advisor to the Governor and shall:

4 (1) Appoint assistant general counsel, and such chief
5 counsel and assistant counsel as are necessary for the
6 operation of each executive agency.

7 (2) Supervise, coordinate and administer the legal
8 services provided by the assistant general counsel, the chief
9 counsel and assistant counsel for each executive agency and,
10 except as otherwise provided by law, each independent agency.

11 (3) Render such legal advice, and such representation
12 prior to litigation, as are required concerning every matter
13 and issue arising in connection with the exercise of the
14 official powers and duties, and performance thereof, in the
15 operation of such executive agency and, upon request, each
16 independent agency.

17 (4) Upon request, assist and cooperate fully with the
18 Attorney General and the counsel of each independent agency
19 in the furtherance of the performance of their duties.

20 (5) Perform any and all legal services required with
21 respect to the issuance of general obligation bonds or tax
22 anticipation notes of the Commonwealth which legal services
23 shall be performed by one or more salaried assistant general
24 counsels. Under no circumstances shall these legal services
25 be performed by the retaining of outside bond counsel.

26 (6) Until otherwise provided by law, serve as chief
27 administrative officer of the following agencies which are
28 hereby placed and made administrative agencies of the Office
29 of General Counsel:

30 (i) The Bureau of Corrections under sections 911,

1 912, 913, 914, 914.1, 915 and 916 of the act of April 9,
2 1929 (P.L.177, No.175), known as "The Administrative Code
3 of 1929."

4 (ii) The Juvenile Court Judges' Commission under
5 sections 905.1 and 905.2 of "The Administrative Code of
6 1929."

7 (iii) The administrator and the office of
8 Administrator for Arbitration Panels for Health Care
9 under section 301 of the act of October 15, 1975
10 (P.L.390, No.111), known as the "Health Care Services
11 Malpractice Act."

12 (iv) The Crime Victim's Compensation Board under
13 sections 477.6, 477.7 and 477.12 of "The Administrative
14 Code of 1929."

15 (v) The Board of Commissioners on Uniform State Laws
16 under section 404 of "The Administrative Code of 1929."

17 (7) Until otherwise provided by law, render appropriate
18 administrative and similar services to the Pennsylvania Crime
19 Commission, which shall continue to exercise the powers and
20 perform the duties required by sections 469, 924 and 925 of
21 "The Administrative Code of 1929," and the transfer of this
22 function from the former Department of Justice to the Office
23 of General Counsel shall not be construed to diminish the law
24 enforcement responsibilities of the commission or to hinder
25 the acquisition by it from any source of information relating
26 to criminal activity.

27 (8) Upon the request of the Governor:

28 (i) initiate appropriate proceedings or defend the
29 Commonwealth or any executive agency when an action or
30 matter has been referred to the Attorney General and the

1 Attorney General refuses or fails to initiate appropriate
2 proceedings or defend the Commonwealth or executive
3 agency; and

4 (ii) represent the Governor or the executive agency
5 if the Attorney General has initiated litigation against
6 him or it.

7 (9) Upon the request of the Governor, appeal any
8 decisions adverse to an executive agency rendered by the
9 Attorney General under section 204(b) or (f).

10 (10) Issue such rules, guidelines, standards and
11 regulations as are necessary to carry out the duties of the
12 General Counsel provided for in this act.

13 Section 302. Membership on agencies.

14 The general counsel shall serve as a member of the Board of
15 Commissioners on Uniform State Laws.

16 CHAPTER 4

17 COUNSEL FOR INDEPENDENT AGENCIES

18 Section 401. Counsel; appointment.

19 Each independent agency may appoint and fix the compensation
20 of a chief counsel and such assistant counsel as it deems
21 necessary to provide it with legal assistance or request such
22 legal services from the Office of General Counsel.

23 Section 402. Powers and duties of counsel.

24 The chief counsel:

25 (1) Shall furnish legal advice to the independent agency
26 concerning any legal matter or issue arising in connection
27 with the exercise of the official powers or performance of
28 the official duties of the agency.

29 (2) May request the assistance of the General Counsel or
30 the Attorney General, or both of them, in any matter or

1 action involving the agency. If advice is requested from the
2 Attorney General, such advice when received shall be followed
3 by the agency, and, when followed, the agency shall not in
4 any way be liable for doing so, upon an official bond or
5 otherwise.

6 (3) Upon the instructions of the independent agency:

7 (i) initiate appropriate proceedings or defend the
8 agency when an action or matter has been referred to the
9 Attorney General and the Attorney General refuses or
10 fails to initiate appropriate proceedings or defend the
11 agency; and

12 (ii) represent the agency if the Attorney General
13 has initiated litigation against it.

14 (4) Upon the instructions of the independent agency,
15 appeal any decisions adverse to it rendered by the Attorney
16 General under subsection (b) or (f) of section 204.

17 CHAPTER 5

18 MISCELLANEOUS PROVISIONS

19 Section 501. General transfer of personnel, appropriations,
20 records, equipment, etc.

21 (a) Transfers to the Attorney General.--All personnel,
22 allocations, equipment, files, records, contracts, agreements,
23 obligations and other materials which are used, employed or
24 expended in connection with the powers, duties or functions
25 transferred by this act to the Office of Attorney General are
26 hereby transferred to the Office of Attorney General with the
27 same force and effect as if the appropriations had been made to
28 and said items had been the property of the Office of Attorney
29 General in the first instance and as if said contracts,
30 agreements and obligations had been incurred or entered into by

1 said Office of Attorney General.

2 (b) Transfers to the Office of General Counsel.--All
3 personnel, allocations, appropriations, equipment, files,
4 records, contracts, agreements, obligations and other materials
5 which are used, employed or expended in connection with the
6 powers, duties or functions transferred by this act to the
7 Office of General Counsel are hereby transferred to the Office
8 of General Counsel with the same force and effect as if the
9 appropriations had been made to and said items had been the
10 property of the Office of General Counsel in the first instance
11 and as if said contracts, agreements and obligations had been
12 incurred or entered into by said Office of General Counsel.

13 (c) Transfers of administrative functions of the Board of
14 Pardons to the Lieutenant Governor.--The administrative
15 functions of the Board of Pardons are hereby transferred to the
16 Lieutenant Governor. All personnel, allocations, appropriations,
17 equipment, files, records, contracts, agreements, obligations
18 and other materials which are used, employed or expended in
19 connection with the powers, duties or functions transferred by
20 this act to the Lieutenant Governor are hereby transferred to
21 the Lieutenant Governor with the same force and effect as if the
22 appropriations had been made to and said items had been the
23 property of the Lieutenant Governor in the first instance and as
24 if said contracts, agreements and obligations had been incurred
25 or entered into by said Lieutenant Governor.

26 (d) Division of general administrative personnel and
27 materials.--The personnel, appropriations, equipment and other
28 items and materials transferred by this section shall include an
29 appropriate portion of the general administrative, overhead and
30 supporting personnel, appropriations, equipment and other

1 materials of the agency and shall also include, where
2 applicable, Federal grants and funds and other benefits from any
3 Federal program.

4 (e) Retention of civil service status.--All personnel
5 transferred pursuant to this act shall retain any civil service
6 employment status assigned to said personnel.

7 Section 502. Specific transfers of certain powers and duties to
8 the Office of General Counsel.

9 The powers and duties of the Attorney General and/or the
10 Department of Justice contained in the following acts or parts
11 of acts are transferred to the Office of General Counsel:

12 Section 3 of the act of June 8, 1907 (P.L.496, No.322),
13 entitled "An act to establish a Board of Commissioners of
14 Navigation for the river Delaware and its navigable tributaries;
15 regulating their jurisdiction over ships, vessels, and boats,
16 and wharves, piers, bulkheads, docks, slips, and basins; and
17 exempting cities of the first class from certain of its
18 provisions; and making an appropriation therefor."

19 Section 9 of the act of July 9, 1919 (P.L.814, No.338),
20 entitled "An act providing for the erection and construction by
21 the Commonwealth of Pennsylvania and the State of New Jersey of
22 a bridge over the Delaware River, connecting the city of
23 Philadelphia and the city of Camden, and the approaches thereto;
24 providing for a joint commission for that purpose, and defining
25 its powers and duties; providing for an independent commission
26 in this Commonwealth in relation thereto, and defining its
27 powers and duties; providing for the payment of a part of the
28 cost thereof by the city of Philadelphia; and providing for the
29 acquiring, taking, and condemnation of the real estate for the
30 site and approaches thereof; providing for the turning over of

1 said bridge upon its completion; and making an appropriation for
2 the purposes of this act."

3 Section 1 of the act of March 24, 1921 (P.L.48, No.23),
4 entitled, as amended, "An act providing for the transfer of
5 convicts from the State penitentiaries and their imprisonment in
6 the penitentiary to which transferred; imposing costs for such
7 transfers upon the Commonwealth; imposing the cost of the
8 maintenance of convicts so transferred upon the counties in
9 which they were convicted; directing that certain notice of such
10 transfer of a convict be given; and making appropriations."

11 Section 2 of the act of May 27, 1921 (P.L.1191, No.443),
12 entitled "An act creating a State Fair Commission for the
13 Commonwealth of Pennsylvania; defining its duties; and making an
14 appropriation therefor."

15 Sections 1 and 6 of the act of July 11, 1923 (P.L.1044,
16 No.425), entitled, as amended, "An act to authorize and provide
17 for the transfer and retransfer of person or persons confined in
18 any penitentiary, prison, workhouse, house of correction, or any
19 other institution for adult prisoners, under sentence of law,
20 convicted but awaiting sentence, awaiting trial, or confined for
21 any other purpose to some other prison, penitentiary, workhouse,
22 house of correction, or other institution for adult prisoners."

23 Sections 404, 477 through 477.16, 905.1, 905.2, 911, 912,
24 913, 914, 914.1, 915 and 916 of the act of April 9, 1929
25 (P.L.177, No.175), known as "The Administrative Code of 1929."

26 Sections 1 and 2 of the act of June 21, 1939 (P.L.660,
27 No.307), entitled, as amended, "An act providing for the return
28 of escaped prisoners and convicts after apprehension, to the
29 penitentiary or state institution from which they escape, by the
30 agents of the Department of Justice or the Pennsylvania State

1 Police, and requiring the penitentiary or state institution to
2 defray the expenses thereof."

3 Section 21.1 of the act of August 6, 1941 (P.L.861, No.323),
4 referred to as Pennsylvania Board of Probation and Parole Law.

5 Section 4 of the act of May 15, 1945 (P.L.547, No.217), known
6 as the "Soil Conservation Law."

7 Section 774 of the act of June 1, 1945 (P.L.1242, No.428),
8 known as the "State Highway Law."

9 Sections 1, 2 and 3 of the act of July 29, 1953 (P.L.1433,
10 No.410), entitled "An act creating certain penal and
11 correctional institutions and boards of trustees; abolishing
12 certain penal institutions; imposing duties upon the
13 Commissioner of Correction of the Department of Justice; and
14 providing for the costs of transportation and maintenance of
15 inmates."

16 Sections 2, 4, 5, 6 and 8 of the act of July 29, 1953
17 (P.L.1435, No.411), entitled "An act relating to the more
18 effective treatment of persons convicted of crime or committed
19 as defective delinquents; creating in the Department of Justice
20 correctional diagnostic and classification centers; providing
21 for the diagnosis and classification of persons sentenced or
22 committed by the courts of a State institution; fixing the
23 responsibility for costs of transportation and maintenance of
24 such persons; prescribing duties of the courts and the powers
25 and duties of the Department of Justice relative thereto; making
26 civil and criminal laws applicable to penitentiaries and persons
27 therein or responsible therefor applicable in the case of the
28 said institutions."

29 Section 1, 2, 3, 4, 5 and 6 of the act of July 19, 1953
30 (P.L.1440, No.414), entitled "An act providing for the

1 construction and equipping of the Pennsylvania Institution for
2 Defective Delinquents; providing for the acquisition of land;
3 providing for the reception, confinement, treatment, care,
4 maintenance and control of inmates; imposing duties and
5 conferring powers on the Department of Justice, Department of
6 Property and Supplies and the General State Authority."

7 Section 1 of the act of December 8, 1959 (P.L.1718, No.632),
8 entitled, as amended, "An act providing for the payment of the
9 salary, medical and hospital expenses of employes of State penal
10 and correctional institutions, State mental hospitals, Youth
11 Development Centers, County Boards of Assistance, and under
12 certain conditions other employes of the Department of Public
13 Welfare, who are injured in the performance of their duties; and
14 providing benefit to their widows and dependents in certain
15 cases."

16 Sections 1 and 6 of the act of December 21, 1959 (P.L.1962,
17 No.717), entitled "An act providing for the creation and
18 operation of the Juvenile Court Judges' Commission in the
19 Department of Justice; prescribing its powers and duties; and
20 making an appropriation."

21 Section 23 of the act of August 23, 1961 (P.L.1068, No.484),
22 entitled, as amended, "An act to provide for the creation and
23 administration of a a Coal Mine Subsidence Insurance Fund within
24 the Department of Environmental Resources for the insurance of
25 compensation for damages to subscribers thereto; declaring false
26 oaths by the subscribers to be misdemeanors; providing penalties
27 for the violation thereof; and making an appropriation."

28 Section 604-A of the act of June 22, 1964 (Sp.Sess., P.L.84,
29 No.6), known as the "Eminent Domain Code."

30 Sections 2, 3 and 5 of the act of December 22, 1965

1 (P.L.1189, No.472), entitled "An act establishing a correctional
2 facility for criminological diagnosis, classification, social
3 and psychological treatment and research, medical treatment and
4 staff training."

5 Sections 2 and 3 of the act of December 27, 1965 (P.L.1237,
6 No.502), entitled "An act establishing regional correctional
7 facilities administered by the Bureau of Correction as part of
8 the State correctional system; establishing standards for county
9 jails, and providing for inspection and classification of county
10 jails and for commitment to State correctional facilities and
11 county jails."

12 Sections 412 and 415 of the act of October 20, 1966 (3rd
13 Sp.Sess., P.L.96, No.6), known as the "Mental Health and Mental
14 Retardation Act of 1966."

15 Section 208 of the act of June 13, 1967 (P.L.31, No.21),
16 known as the "Public Welfare Code."

17 Sections 1 and 2 of the act of July 16, 1968 (P.L.351,
18 No.173), entitled, as amended, "An act authorizing the
19 establishment of prisoner pre-release centers and release plans
20 under the jurisdiction of the Department of Justice and defining
21 its powers and duties."

22 Sections 2, 3 and 7 of the act of October 16, 1972 (P.L.913,
23 No.218), entitled "An act establishing regional community
24 treatment centers for women administered by the Bureau of
25 Correction of the Department of Justice as part of the State
26 Correctional System, providing for the commitment of females to
27 such centers and their temporary release therefrom for certain
28 purposes, restricting confinement of females in county jails and
29 conferring powers and duties upon the Department of Justice and
30 the Bureau of Correction."

Section 104(10) of the act of February 1, 1974 (P.L.34, No.15), known as the "Pennsylvania Municipal Retirement Law."

18 Pa.C.S. §§ 1355 and 1356

24 Pa.C.S. §§ 8501(e), 8502(h) and 8503

42 Pa.C.S. §§ 5974, 5977 and 6352

71 Pa.C.S. §§ 5102, 5901(e) and 5902(h)

Section 503. Absolute repeals.

The following acts or parts of acts are repealed absolutely:

Section 6 of the act of March 22, 1817 (P.L.122, No.98), entitled "An act pertaining to horse racing on public roads in Philadelphia."

The act of April 21, 1857 (P.L.266, No.308), entitled "An act relating to the Office and Duties of Attorney General."

Section 1 of the act of April 8, 1861 (P.L.258, No.260), entitled "An act relative to the Board of Property."

Section 1 of the act of April 8, 1869 (P.L.19, No.19), entitled "An act relating to the settlement of public accounts."

The act of April 12, 1875 (P.L.43, No.48), entitled "An act to provide for the election and appointment of trustees for the state normal schools, and to further regulate their management."

The act of June 3, 1885 (P.L.71, No.44), entitled "An act to provide that all moneys received from policies of insurance upon buildings of the State normal schools shall be held in trust for the repairing and rebuilding of said buildings, and for the payment of the proceeds of said insurance policies for that purpose."

The act of May 2, 1905 (P.L.351, No.225), entitled "An act authorizing the Attorney General to retain and employ attorneys to represent the Commonwealth, in criminal proceedings, in the various courts of oyer and terminer, general jail delivery, and

1 quarter sessions, if requested to do so by the president judge
2 of the district having jurisdiction thereof; providing for the
3 compensation of such attorneys, and defining their duties and
4 powers."

5 Sections 512, 704, 901 and 902, the first sentence of
6 subsection (b) of section 902-A, sections 903, 904, 905, 906,
7 907 and 908 and clause (c) of section 1003 of the act of April
8 9, 1929 (P.L.177, No.175), known as "The Administrative Code of
9 1929."

10 The last paragraph of section 976 of the act of June 3, 1937
11 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

12 Section 204 of the act of August 5, 1941 (P.L.752, No.286),
13 known as the "Civil Service Act."

14 The act of November 25, 1970 (P.L.744, No.241), entitled "An
15 act regulating the solicitation of magazine subscriptions in
16 certain cases and providing penalties."

17 The act of April 18, 1978 (No.25), entitled "An act
18 implementing the provision of section 4.1 and related sections
19 of Article IV of the Constitution of Pennsylvania as added or
20 amended to provide for the election of the Attorney General;
21 providing for the continuation of the powers and duties of the
22 Attorney General through interim gubernatorial appointments to
23 ensure an orderly and efficient transition in the office of
24 Attorney General and the Department of Justice."

25 Section 504. Inconsistent repeals.

26 The following acts or parts of acts are repealed insofar as
27 they are inconsistent with the provisions of this act:

28 Section 2 of the act of March 30, 1897 (P.L.11, No.10),
29 entitled "An act authorizing the purchase by the Commonwealth of
30 unseated lands for the non-payment of taxes for the purpose of

1 creating a State Forest Reservation."

2 Sections 208, 502, 503 and 660 of the act of May 17, 1921
3 (P.L.789, No.285), known as "The Insurance Department Act of one
4 thousand nine hundred and twenty-one."

5 Section 29 of the act of May 25, 1921 (P.L.1144, No.425),
6 entitled "An act creating a Department of Public Welfare;
7 defining its powers and duties; abolishing the Board of Public
8 Charities, the Committee on Lunacy, and the Prison Labor
9 Commission, and all offices thereunder, and vesting all the
10 powers of said board, committee, and commission in the
11 Department of Public Welfare; requiring all reports, notices,
12 statements, or matters, heretofore required to be made, given,
13 or submitted to the Board of Public Charities or the Committee
14 on Lunacy, to be made, given, or submitted to the Department of
15 Public Welfare; and providing penalties."

16 Section 201, to the extent that it creates a Department of
17 Justice, sections 404, 405 and 406, to the extent that they
18 designate the Attorney General as a member of the Board of
19 Commissioners on Uniform State Laws, the Board of Property and
20 the Board of Finance and Revenue, and section 922, to the extent
21 that it provides for the appointment of an advisory committee by
22 the Governor, of the act of April 9, 1929 (P.L.177, No.175),
23 known as "The Administrative Code of 1929."

24 Section 203, 204(A), 702 and 1006 of the act of May 15, 1933
25 (P.L.565, No.111), known as the "Department of Banking Code."

26 Section 1102 of the act of April 28, 1937 (P.L.417, No.105),
27 known as the "Milk Marketing Law."

28 Section 1401 of the act of June 3, 1937 (P.L.1225, No.316),
29 known as "The Game Law."

30 Section 3(c)(5) of the act of August 5, 1941 (P.L.752,

1 No.286), known as the "Civil Service Act."

2 Section 1(b) of the act of June 30, 1947 (P.L.1183, No.492),
3 entitled "An act relating to strikes by public employes;
4 prohibiting such strikes; providing that such employes by
5 striking terminate their employment; providing for reinstatement
6 under certain conditions; providing for a grievance procedure;
7 and providing for hearings before civil service and tenure
8 authorities, and in certain cases before the Pennsylvania Labor
9 Relations Board."

10 Section 1 of the act of April 18, 1949 (P.L.492, No.106),
11 entitled, "An act enabling and authorizing the Department of
12 Public Instruction or any of its departmental administrative
13 boards, commissions, or officers to proceed by injunction or any
14 other process in the court of common pleas in any county where
15 the alleged unauthorized practice was committed, to prohibit and
16 restrain any unlicensed person, association, copartnership, or
17 corporation from engaging in an activity for which a license is
18 required to be issued by the Department of Public Instruction,
19 and to set out the method and procedure therefor."

20 Section 12(c) of the act of January 14, 1952 (1951 P.L.1898,
21 No.522), known as the "Funeral Director Law."

22 Section 7 of the act of October 27, 1955 (P.L.744, No.222),
23 known as the "Pennsylvania Human Relations Act."

24 Section 13 of the act of June 1, 1956 (1955 P.L.1959,
25 No.657), entitled, as amended, "An act fixing the salaries and
26 compensation of the Chief Justice and judges of the Supreme
27 Court, the President Judge and judges of the Superior Court, the
28 judges of the courts of common pleas, the judges of the orphans'
29 courts, the judges of the County Court of Philadelphia and the
30 judges of the County Court and Juvenile Court of Allegheny

1 County, certain associate judges not learned in the law, certain
2 state officers, and the salary and expenses of the members of
3 the General Assembly, and repealing certain inconsistent acts."

4 Section 290 of the act of December 15, 1959 (P.L.1779,
5 No.673), known as "The Fish Law of 1959."

6 Section 1 of the act of September 26, 1961 (P.L.1661,
7 No.692), entitled "An act providing for group life insurance for
8 State employes; establishing a schedule; providing for payment;
9 providing for reduction of insurance upon retirement;
10 authorizing the Secretary of Property and Supplies to act as
11 exclusive agent for the purpose of contracting for insurance;
12 and providing for administration and advisory services by the
13 Department of Property and Supplies."

14 Section 6(g)(7) of the act of September 27, 1961 (P.L.1700,
15 No.699), known as the "Pharmacy Act."

16 Sections 2 and 3 of the act of August 8, 1963 (P.L.595,
17 No.314), entitled "An act relating to private institutions
18 licensed by the Department of Public Welfare or Department of
19 Health; providing remedies against persons operating without a
20 license or violating the laws or rules or regulations made
21 thereunder; and prescribing procedures to be followed."

22 Section 1 of the act of August 8, 1963 (P.L.622, No.330),
23 entitled "An act enabling and authorizing the Commissioner of
24 Professional and Occupational Affairs or any of the
25 administrative boards, commissions or officers within the
26 Department of State or otherwise under his supervision to
27 proceed by injunction or any other process in the court of
28 common pleas in any county where the alleged unauthorized
29 practice was committed to prohibit and restrain any unlicensed
30 person, association, copartnership or corporation from engaging

1 in an activity for which a license is required to be issued by
2 the Commissioner of Professional and Occupational Affairs, and
3 to set out the method and procedure therefor."

4 Section 5(a) of the act of August 9, 1963 (P.L.628, No.337),
5 known as the "Solicitation of Charitable Funds Act," to the
6 extent that the Attorney General is made a member of the
7 Commission on Charitable Organizations.

8 Sections 208, 1052 and 1053 of the act of June 13, 1967
9 (P.L.31, No.21), known as the "Public Welfare Code."

10 Section 5 of the act of January 18, 1968 (1967 P.L.961,
11 No.428), known as the "Municipal Records Act," to the extent
12 that the Attorney General is made a member of the Local
13 Government Records Committee.

14 Section 302 of the act of July 31, 1968 (P.L.738, No.233),
15 known as "The Pennsylvania Fair Plan Act," to the extent that
16 the Attorney General is made a member of the board.

17 Section 205 of the act of July 31, 1968 (P.L.769, No.240),
18 known as the "Commonwealth Documents Law."

19 Sections 1001 and 1003 of the act of July 23, 1970 (P.L.563,
20 No.195), known as the "Public Employe Relations Act."

21 Section 28 of the act of December 3, 1970 (P.L.834, No.275),
22 entitled "An act amending the act of April 9, 1929 (P.L.177,
23 No.175), entitled 'An act providing for and reorganizing the
24 conduct of the executive and administrative work of the
25 Commonwealth by the Executive Department thereof and the
26 administrative departments, boards, commissions, and officers
27 thereof, including the boards of trustees of State Normal
28 Schools, or Teachers Colleges; abolishing, creating,
29 reorganizing or authorizing the reorganization of certain
30 administrative departments, boards, and commissions; defining

1 the powers and duties of the Governor and other executive and
2 administrative officers, and of the several administrative
3 departments, boards, commissions, and officers; fixing the
4 salaries of the Governor, Lieutenant Governor, and certain other
5 executive and administrative officers; providing for the
6 appointment of certain administrative officers, and of all
7 deputies and other assistants and employes in certain
8 departments, boards, and commissions; and prescribing the manner
9 in which the number and compensation of the deputies and all
10 other assistants and employes of certain departments, boards and
11 commissions shall be determined,' creating the Department of
12 Environmental Resources and defining its functions, powers and
13 duties, transferring certain boards and commissions to such
14 department, abolishing the Sanitary Water Board, the Air
15 Pollution Commission and certain other boards and commissions;
16 placing the Navigation Commission for the Delaware River and its
17 navigable tributaries in the Department of Transportation;
18 transferring the functions of the Geographic Board to the
19 Pennsylvania Historical and Museum Commission placing the Valley
20 Forge Park Commission and the Washington Crossing Park
21 Commission in the Pennsylvania Historical and Museum Commission
22 and repealing inconsistent acts."

23 Section 509 of the act of December 5, 1972 (P.L.1280,
24 No.284), known as the "Pennsylvania Securities Act of 1972."

25 Section 4(a)(2) of the act of June 18, 1974 (P.L.359,
26 No.120), referred to as the Municipal Police Education and
27 Training Law, to the extent that the Attorney General is a
28 member of the Municipal Police Officers Education and Training
29 Commission.

30 Section 3 of the act of December 30, 1974 (P.L.1075, No.348),

1 known as the "Interstate Corrections Compact."

2 Section 505. Limited repeals.

3 So much of sections 202 and 206 as relates to the Department
4 of Justice and so much of sections 206, 207.1(d)(1) and 208(a)
5 as relates to the Attorney General of the act of April 9, 1929
6 (P.L.177, No.175), known as "The Administrative Code of 1929,"
7 are repealed.

8 Section 1517(a) of Title 75 (Vehicles), act of November 25,
9 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated
10 Statutes, is repealed to the extent that the Attorney General is
11 made a member of the Medical Advisory Board.

12 Section 506. Effective date.

13 Except for the provisions of section 203 which shall take
14 effect on the third Tuesday of January 1981, this act shall take
15 effect upon the confirmation by the Senate of the Attorney
16 General first occurring on or after the third Tuesday in January
17 1979.