

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 464 Session of 2013

INTRODUCED BY STACK, TEPLITZ, FONTANA AND COSTA,
FEBRUARY 13, 2013

REFERRED TO FINANCE, FEBRUARY 13, 2013

AN ACT

1 Amending the act of October 15, 1980 (P.L.950, No.164), entitled
2 "A supplement to the act of April 9, 1929 (P.L.177, No.175),
3 entitled 'An act providing for and reorganizing the conduct
4 of the executive and administrative work of the Commonwealth
5 by the Executive Department thereof and the administrative
6 departments, boards, commissions, and officers thereof,
7 including the boards of trustees of State Normal Schools, or
8 Teachers Colleges; abolishing, creating, reorganizing or
9 authorizing the reorganization of certain administrative
10 departments, boards, and commissions; defining the powers and
11 duties of the Governor and other executive and administrative
12 officers, and of the several administrative departments,
13 boards, commissions, and officers; fixing the salaries of the
14 Governor, Lieutenant Governor, and certain other executive
15 and administrative officers; providing for the appointment of
16 certain administrative officers, and of all deputies and
17 other assistants and employes in certain departments, boards,
18 and commissions; and prescribing the manner in which the
19 number and compensation of the deputies and all other
20 assistants and employes of certain departments, boards and
21 commissions shall be determined,' implementing the addition
22 of section 4.1 to Article IV of the Constitution of
23 Pennsylvania; establishing the Office of Attorney General
24 elected by the citizens and setting forth powers and duties
25 of the Attorney General; creating an Office of General
26 Counsel and providing for legal services for Commonwealth
27 agencies; transferring, reorganizing or reconstituting
28 certain boards, commissions and agencies; placing certain
29 duties upon the courts and district attorneys; repealing
30 certain acts and parts of acts and making appropriations," in
31 Office of Attorney General, further providing for legal
32 advice and civil matters.

33 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 204(f) of the act of October 15, 1980
3 (P.L.950, No.164), known as the Commonwealth Attorneys Act, is
4 amended to read:

5 Section 204. Legal advice and civil matters.

6 * * *

7 (f) Deeds, leases, contracts and fidelity bonds.--[The]

8 (1) Subject to the provisions of paragraph (4), the

9 Attorney General shall review for form and legality, all
10 Commonwealth deeds, leases and contracts to be executed by
11 Commonwealth agencies; if the Attorney General determines
12 that a deed, lease, or contract is in improper form, not
13 statutorily authorized or unconstitutional, he shall notify
14 in writing within 30 days after its submission the agency
15 affected, the offices of General Counsel and the General
16 Assembly through the offices of the Secretary of the Senate
17 and the Chief Clerk of the House of Representatives. The
18 agency may rewrite the deed, lease or contract to meet the
19 objections of the Attorney General.

20 (2) (i) If the agency disagrees with the objection of
21 the Attorney General, it may appeal the decision of the
22 Attorney General by filing a Petition for Review with the
23 Commonwealth Court in such manner as is provided for
24 appeals from final orders of government agencies pursuant
25 to 42 Pa.C.S. § 763 (relating to direct appeals from
26 government agencies). If an instrument has been submitted
27 to the Attorney General and he has not approved it or
28 submitted his objection within 30 days after submission,
29 the instrument shall be deemed to have been approved; the
30 Attorney General may prepare uniform instrument forms and

1 preapprove all such documents which are prepared in
2 accordance with such forms and applicable instructions.

3 (ii) Subparagraph (i) shall not apply to a contract
4 subject to paragraph (4).

5 (3) The Attorney General shall likewise continue to
6 approve all fidelity, surety, performance and similar bonds
7 as required by law to be submitted to the Attorney General or
8 the former Department of Justice.

9 (4) (i) The Attorney General may not complete his
10 review for form and legality under this subsection of any
11 contract entered into by the Department of Revenue with
12 any party for the privatization, expansion or performance
13 of any power, duty of function relating to the State
14 lottery under the act of August 26, 1971 (P.L.351,
15 No.91), known as the "State Lottery Law," until 30 days
16 after the Joint State Government Commission files the
17 report required under subparagraph (ii). No such contract
18 shall take effect or be enforceable in this Commonwealth
19 unless the Attorney General completes his review of and
20 approves the contract in accordance with the provisions
21 of this paragraph.

22 (ii) The Joint State Government Commission shall
23 conduct a study to assess the impact of any contract to
24 which subparagraph (i) applies on the State Gaming Fund
25 and the programs and activities funded by the State
26 Gaming Fund. The Joint State Government Commission shall
27 file its report with the General Assembly no later than
28 one year after the effective date of this paragraph.

29 Section 2. This act shall take effect immediately.