

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1104 Session of 2017

INTRODUCED BY DUSH AND GODSHALL, APRIL 7, 2017

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 7, 2017

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(c) 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 (c) Civil litigation; collection of debts.--

8 (1) The Attorney General shall represent the
9 Commonwealth and all Commonwealth agencies and upon request,
10 the Departments of Auditor General and State Treasury and the
11 Public Utility Commission in any action brought by or against
12 the Commonwealth or its agencies, and may intervene in any
13 other action, including those involving charitable bequests
14 and trusts or the constitutionality of any statute. The
15 Attorney General shall represent the Commonwealth and its
16 citizens in any action brought for violation of the antitrust
17 laws of the United States and the Commonwealth.

18 (2) The Attorney General shall collect, by suit or
19 otherwise, all debts, taxes and accounts due the Commonwealth
20 which shall be referred to and placed with the Attorney
21 General for collection by any Commonwealth agency; the
22 Attorney General shall keep a proper docket or dockets, duly
23 indexed, of all such claims, showing whether they are in
24 litigation and their nature and condition.

25 (3) The Attorney General may, upon determining that it
26 is more efficient or otherwise is in the best interest of the
27 Commonwealth, authorize the General Counsel or the counsel
28 for an independent agency to initiate, conduct or defend any
29 particular litigation or category of litigation in his stead.

30 (4) The Attorney General shall approve all settlements

1 over such maximum amounts as he shall determine arising out
2 of claims brought against the Commonwealth pursuant to 42
3 Pa.C.S. § 5110.

4 (5) In carrying out the powers and duties under this
5 subsection, the Attorney General may not enter into a
6 contingency fee agreement with a private attorney for
7 representation of the Commonwealth, a Commonwealth agency or
8 the Office of Attorney General in any civil action or
9 litigation.

10 * * *

11 Section 2. This act shall take effect in 60 days.