
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1425

Session of
1977

INTRODUCED BY FREIND, SPITZ, LYNCH, BURD, STAIRS, HONAMAN,
BRANDT, ARMSTRONG, MOEHLMANN, WENGER, ZEARFOSS,
W. D. HUTCHINSON, RYAN, McCLATCHY AND DAVIES, JUNE 28, 1977

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 28, 1977

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," prohibiting the
21 Commonwealth from paying legal fees for State officials or
22 employes in certain cases.

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

25 Section 1. Section 903, act of April 9, 1929 (P.L.177,
26 No.175), known as "The Administrative Code of 1929," is amended
27 by adding a subsection to read:

1 Section 903. Litigation.--The Department of Justice shall
2 have the power, and its duty shall be:

3 (a) To collect, by suit or otherwise, all debts, taxes, and
4 accounts, due the Commonwealth, which shall be placed with the
5 department for collection by any department, board or
6 commission. The department shall keep a proper docket or
7 dockets, duly indexed, in which it shall make and preserve
8 memoranda of all such claims, showing whether they are in
9 litigation and their nature and condition;

10 (b) To represent the Commonwealth, or any department, other
11 than the Department of the Auditor General, board, commission,
12 or officer thereof, in any litigation to which the Commonwealth
13 or such department, board, commission, or officer, may be a
14 party, or in which the Commonwealth or such department, board,
15 commission, or officer, is permitted or required by law to
16 intervene or interplead.

17 (c) Notwithstanding the provisions of this section or
18 section 709(f), the Commonwealth shall not pay or reimburse any
19 present or former State official or employe for attorneys fees
20 or attendant expenses resulting from any criminal case after the
21 official or employe has been indicted by a grand jury or
22 proceeded against by information by a district attorney,
23 including such criminal cases arising from acts or omissions of
24 the present or former State official or employe while in the
25 service of the Commonwealth within the scope of his employment
26 or official duties, except as provided in 51 Pa. C.S. § 4107
27 (relating to legal aid).

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