

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 962

Session of  
1979

INTRODUCED BY MESSRS. ALDEN, MILLER, POLITE AND GOEBEL,  
APRIL 2, 1979

SENATOR SMITH, APPROPRIATIONS, IN SENATE, AS AMENDED,  
SEPTEMBER 24, 1980

~~AN ACT~~ A SUPPLEMENT

<—

1 ~~Amending~~ TO 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," ~~requiring all departments,~~ <—  
21 ~~boards, commissions or other agencies of the Commonwealth to~~  
22 ~~submit bid requests and specifications to the Bureau of~~  
23 ~~Correction of the Department of Justice.~~ IMPLEMENTING THE <—  
24 ADDITION OF SECTION 4.1 TO ARTICLE IV OF THE CONSTITUTION OF  
25 PENNSYLVANIA; ESTABLISHING THE OFFICE OF ATTORNEY GENERAL  
26 ELECTED BY THE CITIZENS AND SETTING FORTH POWERS AND DUTIES  
27 OF THE ATTORNEY GENERAL; CREATING AN OFFICE OF GENERAL  
28 COUNSEL AND PROVIDING FOR LEGAL SERVICES FOR COMMONWEALTH  
29 AGENCIES; TRANSFERRING, REORGANIZING OR RECONSTITUTING  
30 CERTAIN BOARDS, COMMISSIONS AND AGENCIES; PLACING CERTAIN  
31 DUTIES UPON THE COURTS AND DISTRICT ATTORNEYS; REPEALING  
32 CERTAIN ACTS AND PARTS OF ACTS AND MAKING APPROPRIATIONS.

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35 SECTION ~~508~~. 509. EFFECTIVE DATE. <—

36 The General Assembly of the Commonwealth of Pennsylvania  
37 hereby enacts as follows:

38 ~~Section 1. Section 915, act of April 9, 1929 (P.L.177,~~ <—  
39 ~~No.175), known as "The Administrative Code of 1929," is amended~~  
40 ~~by adding a clause to read:~~

41 ~~Section 915. Inmate Labor. The Bureau of Correction shall~~  
42 ~~have the power and its duty shall be:~~

43 \* \* \*

44 ~~(c.1) Every administrative department, board, commission or~~  
45 ~~other agency of the Commonwealth, or a political subdivision~~  
46 ~~thereof, prior to purchasing goods, furniture, supplies or~~  
47 ~~equipment manufactured by the bureau, as published in the~~

1 ~~Pennsylvania Bulletin, shall submit to the bureau the~~  
2 ~~invitations to bid together with bid specifications relating to~~  
3 ~~the item or items intended to be purchased. The Department of~~  
4 ~~General Services shall not award a purchase contract for items~~  
5 ~~of a type manufactured by the bureau unless the bureau has been~~  
6 ~~notified and invited to submit a bid. The intent of this clause~~  
7 ~~is to give the opportunity to the bureau to compete with other~~  
8 ~~manufacturers or suppliers.~~

9 ~~Section 2. This act shall take effect in 60 days.~~

10

#### CHAPTER 1

11

#### GENERAL PROVISIONS

12 SECTION 101. SHORT TITLE.

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13 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "COMMONWEALTH  
14 ATTORNEYS ACT."

15 SECTION 102. DEFINITIONS.

16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
17 HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE  
18 MEANINGS GIVEN TO THEM IN THIS SECTION:

19 "ACTION." ANY ACTION AT LAW OR IN EQUITY.

20 "COMMONWEALTH AGENCY." ANY EXECUTIVE AGENCY OR INDEPENDENT  
21 AGENCY.

22 "EXECUTIVE AGENCY." THE GOVERNOR AND THE DEPARTMENTS,  
23 BOARDS, COMMISSIONS, AUTHORITIES AND OTHER OFFICERS AND AGENCIES  
24 OF THE COMMONWEALTH GOVERNMENT, BUT THE TERM DOES NOT INCLUDE  
25 ANY COURT OR OTHER OFFICER OR AGENCY OF THE UNIFIED JUDICIAL  
26 SYSTEM, THE GENERAL ASSEMBLY AND ITS OFFICERS AND AGENCIES, OR  
27 ANY INDEPENDENT AGENCY.

28 "INDEPENDENT AGENCY." THE DEPARTMENT OF THE ATTORNEY  
29 GENERAL, THE PENNSYLVANIA FISH COMMISSION, THE PENNSYLVANIA GAME  
30 COMMISSION, THE HISTORICAL AND MUSEUM COMMISSION, THE STATE

1 CIVIL SERVICE COMMISSION, THE PENNSYLVANIA TURNPIKE COMMISSION,  
2 THE MILK MARKETING BOARD, THE PENNSYLVANIA LIQUOR CONTROL BOARD,  
3 THE PENNSYLVANIA HUMAN RELATIONS COMMISSION, THE PENNSYLVANIA  
4 LABOR RELATIONS BOARD, THE PENNSYLVANIA SECURITIES COMMISSION,  
5 THE STATE TAX EQUALIZATION BOARD, PENNSYLVANIA HIGHER EDUCATION  
6 ASSISTANCE AGENCY, THE PENNSYLVANIA CRIME COMMISSION, AND THE  
7 STATE ETHICS COMMISSION. EXCEPT FOR THE PROVISIONS OF SECTION  
8 204(B) AND (F), AND FOR ACTIONS PURSUANT TO 42 PA.C.S. § 5110  
9 (RELATING TO LIMITED WAIVER OF SOVEREIGN IMMUNITY), FOR THE  
10 PURPOSES OF THIS ACT THE DEPARTMENTS OF THE AUDITOR GENERAL,  
11 INCLUDING THE BOARD OF CLAIMS, STATE TREASURY AND THE  
12 PENNSYLVANIA PUBLIC UTILITY COMMISSION SHALL NOT BE CONSIDERED  
13 EITHER EXECUTIVE AGENCIES OR INDEPENDENT AGENCIES.

14 "MATTER." ACTION, PROCEEDING OR APPEAL.

15 SECTION 103. STANDING TO QUESTION LEGAL REPRESENTATION.

16 NO PARTY TO AN ACTION, OTHER THAN A COMMONWEALTH AGENCY  
17 INCLUDING THE DEPARTMENTS OF AUDITOR GENERAL AND STATE TREASURY,  
18 SHALL HAVE STANDING TO QUESTION THE AUTHORITY OF THE LEGAL  
19 REPRESENTATION OF THE AGENCY.

## 20 CHAPTER 2

### 21 OFFICE OF ATTORNEY GENERAL

22 SECTION 201. ESTABLISHED AS AN INDEPENDENT DEPARTMENT.

23 (A) GENERAL PROVISIONS.--THE OFFICE OF ATTORNEY GENERAL  
24 SHALL BE AN INDEPENDENT DEPARTMENT AND SHALL BE HEADED BY THE  
25 ATTORNEY GENERAL. THE ATTORNEY GENERAL SHALL EXERCISE SUCH  
26 POWERS AND PERFORM SUCH DUTIES AS ARE HEREINAFTER SET FORTH. AS  
27 AN INDEPENDENT ADMINISTRATIVE DEPARTMENT THE OFFICE OF ATTORNEY  
28 GENERAL SHALL BE SUBJECT TO THE SAME LIMITATIONS CONTAINED IN  
29 THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE  
30 ADMINISTRATIVE CODE OF 1929," AND ALL OTHER ACTS AS ARE

1 APPLICABLE TO THE INDEPENDENT DEPARTMENT OF AUDITOR GENERAL OR  
2 STATE TREASURY.

3 (B) CONSUMER ADVOCATE.--THE ATTORNEY GENERAL SHALL APPOINT A  
4 CONSUMER ADVOCATE WHICH APPOINTMENT SHALL BE SUBJECT TO THE  
5 APPROVAL OF A MAJORITY OF THE MEMBERS ELECTED TO THE SENATE. THE  
6 CONSUMER ADVOCATE SHALL PERFORM THE DUTIES AND HAVE THE POWERS  
7 SET FORTH IN ARTICLE IX-A OF "THE ADMINISTRATIVE CODE OF 1929."

8 (C) BUREAUS, DIVISIONS AND PERSONNEL.--THE ATTORNEY GENERAL  
9 SHALL APPOINT AND FIX THE COMPENSATION OF A FIRST DEPUTY  
10 ATTORNEY GENERAL, A DIRECTOR OF THE BUREAU OF CONSUMER  
11 PROTECTION AND SUCH OTHER DEPUTIES, OFFICERS AND EMPLOYEES WHO  
12 MAY, AT ANY TIME, EXERCISE SUCH POWERS AND PERFORM SUCH DUTIES  
13 AS MAY BE PRESCRIBED BY THE ATTORNEY GENERAL. THE ATTORNEY  
14 GENERAL MAY ESTABLISH SUCH BUREAUS OR DIVISIONS AS MAY BE  
15 REQUIRED FOR THE PROPER CONDUCT OF THE OFFICE, INCLUDING A  
16 CRIMINAL INVESTIGATION BUREAU.

17 SECTION 202. VACANCY IN OFFICE.

18 IN THE EVENT OF A VACANCY IN THE POSITION OF ATTORNEY  
19 GENERAL, THE GOVERNOR SHALL NOMINATE, IN ACCORDANCE WITH THE  
20 PROVISIONS OF THE CONSTITUTION OF PENNSYLVANIA AND, BY AND WITH  
21 THE ADVICE AND CONSENT OF TWO-THIRDS OF THE MEMBERS ELECTED TO  
22 THE SENATE, APPOINT A PERSON TO FILL THE POSITION FOR THE  
23 BALANCE OF THE UNEXPIRED TERM OF THE ATTORNEY GENERAL. WHENEVER  
24 THERE SHALL BE A VACANCY IN THE POSITION OF ATTORNEY GENERAL,  
25 THE FIRST DEPUTY SHALL EXERCISE THE POWERS AND PERFORM THE  
26 DUTIES OF THE ATTORNEY GENERAL UNTIL THE VACANCY IS FILLED.

27 SECTION 203. SALARY.

28 THE ATTORNEY GENERAL SHALL RECEIVE A SALARY WHICH SHALL BE  
29 ~~\$64,500.~~ \$55,000.

30 SECTION 204. LEGAL ADVICE AND CIVIL MATTERS.

1 (A) LEGAL ADVICE.--

2 (1) UPON THE REQUEST OF THE GOVERNOR OR THE HEAD OF ANY  
3 COMMONWEALTH AGENCY, THE ATTORNEY GENERAL SHALL FURNISH LEGAL  
4 ADVICE CONCERNING ANY MATTER OR ISSUE ARISING IN CONNECTION  
5 WITH THE EXERCISE OF THE OFFICIAL POWERS OR THE PERFORMANCE  
6 OF THE OFFICIAL DUTIES OF THE GOVERNOR OR AGENCY. THE  
7 GOVERNOR MAY REQUEST THE ADVICE OF THE ATTORNEY GENERAL  
8 CONCERNING THE CONSTITUTIONALITY OF LEGISLATION PRESENTED TO  
9 HIM FOR APPROVAL IN ORDER TO AID HIM IN THE EXERCISE OF HIS  
10 APPROVAL AND VETO POWERS AND THE ADVICE, IF GIVEN, SHALL NOT  
11 BE BINDING UPON THE GOVERNOR. IN ALL OTHER CASES THE ADVICE  
12 WHEN RECEIVED SHALL BE FOLLOWED AND, WHEN FOLLOWED, THE  
13 RECIPIENT SHALL NOT IN ANY WAY BE LIABLE FOR DOING SO, UPON  
14 HIS OFFICIAL BOND OR OTHERWISE.

15 (2) IF THE GOVERNOR OR THE HEAD OF ANY COMMONWEALTH  
16 AGENCY DISAGREES WITH THE LEGAL ADVICE RENDERED BY THE  
17 ATTORNEY GENERAL, THE GOVERNOR OR THE HEAD OF THE  
18 COMMONWEALTH AGENCY MAY SEEK A DECLARATORY JUDGMENT IN THE  
19 COMMONWEALTH COURT PURSUANT TO 42 PA.C.S. CH.75 SUBCH. C  
20 (RELATING TO DECLARATORY JUDGMENTS). THE LEGAL ADVICE OF THE  
21 ATTORNEY GENERAL SHALL BE BINDING UNTIL THE COMMONWEALTH  
22 COURT ISSUES A FINAL ORDER ON THE PETITION REQUESTING THE  
23 DECLARATORY JUDGMENT.

24 (3) IT SHALL BE THE DUTY OF THE ATTORNEY GENERAL TO  
25 UPHOLD AND DEFEND THE CONSTITUTIONALITY OF ALL STATUTES SO AS  
26 TO PREVENT THEIR SUSPENSION OR ABROGATION IN THE ABSENCE OF A  
27 CONTROLLING DECISION BY A COURT OF COMPETENT JURISDICTION.

28 (4) BEFORE THE ATTORNEY GENERAL SHALL RENDER ANY OPINION  
29 INTERPRETING ANY APPROPRIATION ACT, OR ANY ACT AUTHORIZING  
30 THE EXPENDITURE OF MONEY, HE SHALL NOTIFY THE DEPARTMENTS OF

1 THE AUDITOR GENERAL AND THE STATE TREASURY OF THE QUESTION  
2 UPON WHICH HIS OPINION HAS BEEN REQUESTED, AND AFFORD TO  
3 THESE DEPARTMENTS AN OPPORTUNITY TO PRESENT ANY VIEWS WHICH  
4 THEY MAY HAVE UPON SUCH QUESTION.

5 (B) COMMONWEALTH AGENCIES; RULES AND REGULATIONS.--THE  
6 ATTORNEY GENERAL SHALL REVIEW FOR FORM AND LEGALITY, ALL  
7 PROPOSED RULES AND REGULATIONS OF COMMONWEALTH AGENCIES BEFORE  
8 THEY ARE DEPOSITED WITH THE LEGISLATIVE REFERENCE BUREAU AS  
9 REQUIRED BY SECTION 207 OF THE ACT OF JULY 31, 1968 (P.L.769,  
10 NO.240), KNOWN AS THE "COMMONWEALTH DOCUMENTS LAW." IF THE  
11 ATTORNEY GENERAL DETERMINES THAT A RULE OR REGULATION IS IN  
12 IMPROPER FORM, NOT STATUTORILY AUTHORIZED OR UNCONSTITUTIONAL,  
13 HE SHALL NOTIFY IN WRITING WITHIN 30 DAYS THE AGENCY AFFECTED,  
14 THE OFFICE OF GENERAL COUNSEL, AND THE GENERAL ASSEMBLY THROUGH  
15 THE OFFICES OF THE SECRETARY OF THE SENATE AND THE CHIEF CLERK  
16 OF THE HOUSE OF REPRESENTATIVES OF THE REASONS FOR THE  
17 DETERMINATION. THE COMMONWEALTH AGENCY MAY REVISE A RULE OR  
18 REGULATION TO MEET THE OBJECTIONS OF THE ATTORNEY GENERAL AND  
19 SUBMIT THE REVISED VERSION FOR HIS REVIEW. SHOULD THE AGENCY  
20 DISAGREE WITH THE OBJECTION, IT MAY PROMULGATE THE RULE OR  
21 REGULATION WITH OR WITHOUT REVISIONS AND PUBLISH WITH IT A COPY  
22 OF THE ATTORNEY GENERAL'S OBJECTIONS. THE ATTORNEY GENERAL MAY  
23 APPEAL THE DECISION OF THE AGENCY BY FILING A PETITION FOR  
24 REVIEW WITH THE COMMONWEALTH COURT IN SUCH MANNER AS IS PROVIDED  
25 FOR APPEALS FROM FINAL ORDERS OF GOVERNMENT AGENCIES PURSUANT TO  
26 42 PA.C.S. § 763 (RELATING TO DIRECT APPEALS FROM GOVERNMENT  
27 AGENCIES) AND MAY INCLUDE IN THE PETITION A REQUEST FOR A STAY  
28 OR SUPERSEDEAS OF THE IMPLEMENTATION OF THE RULE OR REGULATION  
29 WHICH UPON A PROPER SHOWING SHALL BE GRANTED. IF A RULE OR  
30 REGULATION HAS BEEN SUBMITTED TO THE ATTORNEY GENERAL AND HE HAS

1 NOT APPROVED IT OR OBJECTED TO IT WITHIN 30 DAYS AFTER  
2 SUBMISSION, THE RULE OR REGULATION SHALL BE DEEMED TO HAVE BEEN  
3 APPROVED.

4 (C) CIVIL LITIGATION; COLLECTION OF DEBTS.--THE ATTORNEY  
5 GENERAL SHALL REPRESENT THE COMMONWEALTH AND ALL COMMONWEALTH  
6 AGENCIES AND UPON REQUEST, THE DEPARTMENTS OF AUDITOR GENERAL  
7 AND STATE TREASURY IN ANY ACTION BROUGHT BY OR AGAINST THE  
8 COMMONWEALTH OR ITS AGENCIES, AND MAY INTERVENE IN ANY OTHER  
9 ACTION, INCLUDING THOSE INVOLVING CHARITABLE BEQUESTS AND TRUSTS  
10 OR THE CONSTITUTIONALITY OF ANY STATUTE. THE ATTORNEY GENERAL  
11 SHALL REPRESENT THE COMMONWEALTH AND ITS CITIZENS IN ANY ACTION  
12 BROUGHT FOR VIOLATION OF THE ANTITRUST LAWS OF THE UNITED STATES  
13 AND THE COMMONWEALTH. THE ATTORNEY GENERAL SHALL COLLECT, BY  
14 SUIT OR OTHERWISE, ALL DEBTS, TAXES AND ACCOUNTS DUE THE  
15 COMMONWEALTH WHICH SHALL BE REFERRED TO AND PLACED WITH THE  
16 ATTORNEY GENERAL FOR COLLECTION BY ANY COMMONWEALTH AGENCY; THE  
17 ATTORNEY GENERAL SHALL KEEP A PROPER DOCKET OR DOCKETS, DULY  
18 INDEXED, OF ALL SUCH CLAIMS, SHOWING WHETHER THEY ARE IN  
19 LITIGATION AND THEIR NATURE AND CONDITION. THE ATTORNEY GENERAL  
20 MAY, UPON DETERMINING THAT IT IS MORE EFFICIENT OR OTHERWISE IS  
21 IN THE BEST INTEREST OF THE COMMONWEALTH, AUTHORIZE THE GENERAL  
22 COUNSEL OR THE COUNSEL FOR AN INDEPENDENT AGENCY TO INITIATE,  
23 CONDUCT OR DEFEND ANY PARTICULAR LITIGATION OR CATEGORY OF  
24 LITIGATION IN HIS STEAD. THE ATTORNEY GENERAL SHALL APPROVE ALL  
25 SETTLEMENTS OVER SUCH MAXIMUM AMOUNTS AS HE SHALL DETERMINE  
26 ARISING OUT OF CLAIMS BROUGHT AGAINST THE COMMONWEALTH PURSUANT  
27 TO 42 PA.C.S. § 5110.

28 (D) ADMINISTRATION OF CONSUMER AFFAIRS PROGRAMS.--THE  
29 ATTORNEY GENERAL SHALL ADMINISTER THE PROVISIONS RELATING TO  
30 CONSUMER PROTECTION SET FORTH IN SECTIONS 917 THROUGH 922 OF THE



1 ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE  
2 ADMINISTRATIVE CODE OF 1929," AND APPOINT THE ADVISORY COMMITTEE  
3 ESTABLISHED UNDER SECTION 922.

4 (E) LIMITATIONS IN CIVIL LITIGATIONS.--THE ATTORNEY GENERAL  
5 SHALL NOT AGREE TO THE ENTRY OF A CONSENT DECREE IN ANY ACTION  
6 AGAINST THE COMMONWEALTH OR ANY AGENCY WITHOUT THE APPROVAL OF  
7 THE GOVERNOR AND NOTICE TO THE GENERAL ASSEMBLY THROUGH THE  
8 OFFICES OF THE SECRETARY OF THE SENATE AND THE CHIEF CLERK OF  
9 THE HOUSE OF REPRESENTATIVES.

10 (F) DEEDS, LEASES, CONTRACTS AND FIDELITY BONDS.--THE  
11 ATTORNEY GENERAL SHALL REVIEW FOR FORM AND LEGALITY, ALL  
12 COMMONWEALTH DEEDS, LEASES AND CONTRACTS TO BE EXECUTED BY  
13 COMMONWEALTH AGENCIES; IF THE ATTORNEY GENERAL DETERMINES THAT A  
14 DEED, LEASE, OR CONTRACT IS IN IMPROPER FORM, NOT STATUTORILY  
15 AUTHORIZED OR UNCONSTITUTIONAL, HE SHALL NOTIFY THE AGENCY  
16 AFFECTED, THE OFFICES OF GENERAL COUNSEL AND THE GENERAL  
17 ASSEMBLY AND THE PROCEDURES SET FORTH IN SUBSECTION (B) SHALL  
18 APPLY. IF AN INSTRUMENT HAS BEEN SUBMITTED TO THE ATTORNEY  
19 GENERAL AND HE HAS NOT APPROVED IT OR SUBMITTED HIS OBJECTION  
20 WITHIN 30 DAYS AFTER SUBMISSION, THE INSTRUMENT SHALL BE DEEMED  
21 TO HAVE BEEN APPROVED; THE ATTORNEY GENERAL MAY PREPARE UNIFORM  
22 INSTRUMENT FORMS AND PREAPPROVE ALL SUCH DOCUMENTS WHICH ARE  
23 PREPARED IN ACCORDANCE WITH SUCH FORMS AND APPLICABLE  
24 INSTRUCTIONS. THE ATTORNEY GENERAL SHALL LIKEWISE CONTINUE TO  
25 APPROVE ALL FIDELITY, SURETY, PERFORMANCE AND SIMILAR BONDS AS  
26 REQUIRED BY LAW TO BE SUBMITTED TO THE ATTORNEY GENERAL OR THE  
27 FORMER DEPARTMENT OF JUSTICE.

28 SECTION 205. CRIMINAL PROSECUTIONS.

29 (A) PROSECUTIONS.--THE ATTORNEY GENERAL SHALL HAVE THE POWER  
30 TO PROSECUTE IN ANY COUNTY CRIMINAL COURT THE FOLLOWING CASES:

1           (1) CRIMINAL CHARGES AGAINST STATE OFFICIALS OR  
2 EMPLOYEES AFFECTING THE PERFORMANCE OF THEIR PUBLIC DUTIES OR  
3 THE MAINTENANCE OF THE PUBLIC TRUST AND CRIMINAL CHARGES  
4 AGAINST PERSONS ATTEMPTING TO INFLUENCE SUCH STATE OFFICIALS  
5 OR EMPLOYEES OR BENEFIT FROM SUCH INFLUENCE OR ATTEMPT TO  
6 INFLUENCE.

7           (2) CRIMINAL CHARGES INVOLVING CORRUPT ORGANIZATIONS AS  
8 PROVIDED FOR IN 18 PA.C.S. § 911 (RELATING TO CORRUPT  
9 ORGANIZATIONS).

10          (3) UPON THE REQUEST OF A DISTRICT ATTORNEY WHO LACKS  
11 THE RESOURCES TO CONDUCT AN ADEQUATE INVESTIGATION OR THE  
12 PROSECUTION OF THE CRIMINAL CASE OR MATTER OR WHO REPRESENTS  
13 THAT THERE IS THE POTENTIAL FOR AN ACTUAL OR APPARENT  
14 CONFLICT OF INTEREST ON THE PART OF THE DISTRICT ATTORNEY OR  
15 HIS OFFICE.

16          (4) THE ATTORNEY GENERAL MAY PETITION THE COURT HAVING  
17 JURISDICTION OVER ANY CRIMINAL PROCEEDING TO PERMIT THE  
18 ATTORNEY GENERAL TO SUPERSEDE THE DISTRICT ATTORNEY IN ORDER  
19 TO PROSECUTE A CRIMINAL ACTION OR TO INSTITUTE CRIMINAL  
20 PROCEEDINGS. UPON THE FILING OF THE PETITION, THE PRESIDENT  
21 JUDGE SHALL REQUEST THE SUPREME COURT TO ASSIGN A JUDGE TO  
22 HEAR THE MATTER. THE JUDGE ASSIGNED SHALL HEAR THE MATTER  
23 WITHIN 30 DAYS AFTER APPOINTMENT AND MAKE A DETERMINATION AS  
24 TO WHETHER TO ALLOW SUPERSESSION WITHIN 60 DAYS AFTER THE  
25 HEARING. THE DISTRICT ATTORNEY SHALL BE GIVEN NOTICE OF THE  
26 HEARING AND MAY APPEAR AND OPPOSE THE GRANTING OF THE  
27 PETITION. SUPERSESSION SHALL BE ORDERED IF THE ATTORNEY  
28 GENERAL ESTABLISHES BY A PREPONDERANCE OF THE EVIDENCE THAT  
29 THE DISTRICT ATTORNEY HAS FAILED OR REFUSED TO PROSECUTE AND  
30 SUCH FAILURE OR REFUSAL CONSTITUTES ABUSE OF DISCRETION.

1 EITHER PARTY MAY APPEAL TO THE SUPREME COURT WHICH APPEAL  
2 SHALL BE HEARD AND DETERMINED WITHIN 45 DAYS AFTER FILING.

3 (5) WHEN THE PRESIDENT JUDGE IN THE DISTRICT HAVING  
4 JURISDICTION OF ANY CRIMINAL PROCEEDING HAS REASON TO BELIEVE  
5 THAT THE CASE IS A PROPER ONE FOR THE INTERVENTION OF THE  
6 COMMONWEALTH, HE SHALL REQUEST THE ATTORNEY GENERAL TO  
7 REPRESENT THE COMMONWEALTH IN THE PROCEEDING AND TO  
8 INVESTIGATE CHARGES AND PROSECUTE THE DEFENDANT. IF THE  
9 ATTORNEY GENERAL AGREES THAT THE CASE IS A PROPER ONE FOR  
10 INTERVENTION, HE SHALL FILE A PETITION WITH THE COURT AND  
11 PROCEED AS PROVIDED IN PARAGRAPH (4). IF THE ATTORNEY GENERAL  
12 DETERMINES THAT THE CASE IS NOT A PROPER CASE FOR  
13 INTERVENTION, HE SHALL NOTIFY THE PRESIDENT JUDGE  
14 ACCORDINGLY.

15 (6) CRIMINAL CHARGES INVESTIGATED BY AND REFERRED TO HIM  
16 BY A COMMONWEALTH AGENCY ARISING OUT OF ENFORCEMENT  
17 PROVISIONS OF THE STATUTE CHARGING THE AGENCY WITH A DUTY TO  
18 ENFORCE ITS PROVISION.

19 (7) INDICTMENTS RETURNED BY AN INVESTIGATING GRAND JURY  
20 OBTAINED BY THE ATTORNEY GENERAL.

21 (8) CRIMINAL CHARGES ARISING OUT OF ACTIVITIES OF THE  
22 STATE MEDICAID FRAUD CONTROL UNIT AS AUTHORIZED BY ARTICLE  
23 XIV (RELATING TO FRAUD AND ABUSE CONTROL), ACT OF JUNE 13,  
24 1967 (P.L.31, NO.21), KNOWN AS THE "PUBLIC WELFARE CODE," AND  
25 THE FEDERAL LAW KNOWN AS THE "MEDICARE-MEDICAID ANTIFRAUD AND  
26 ABUSE AMENDMENTS."

27 (B) CONCURRENT JURISDICTION TO PROSECUTE.--THE ATTORNEY  
28 GENERAL SHALL HAVE THE CONCURRENT PROSECUTORIAL JURISDICTION  
29 WITH THE DISTRICT ATTORNEY FOR CASES ARISING UNDER SUBSECTION  
30 (A)(1), (2) AND (6) AND MAY REFER TO THE DISTRICT ATTORNEY WITH

1 HIS CONSENT ANY VIOLATION OR ALLEGED VIOLATION OF THE CRIMINAL  
2 LAWS OF THE COMMONWEALTH WHICH MAY COME TO HIS NOTICE.

3 (C) CRIMINAL APPEALS.--IN ANY CRIMINAL ACTION IN WHICH THERE  
4 IS AN APPEAL, THE ATTORNEY GENERAL MAY IN HIS DISCRETION, UPON  
5 THE REQUEST OF THE DISTRICT ATTORNEY, PROSECUTE THE APPEAL; HE  
6 MAY INTERVENE IN SUCH OTHER APPEALS AS PROVIDED BY LAW OR RULES  
7 OF COURT.

8 (D) POWERS WHEN PROSECUTING.--WHENEVER THE ATTORNEY GENERAL  
9 PROSECUTES A CRIMINAL ACTION, OR APPEAL, HE MAY EMPLOY SUCH  
10 SPECIAL DEPUTIES AS ARE NECESSARY FOR THAT PURPOSE; SUCH  
11 DEPUTIES SHALL TAKE THE OATH OF OFFICE AND BE CLOTHED WITH ALL  
12 THE POWERS, AND SUBJECT TO ALL THE LIABILITIES IMPOSED BY LAW  
13 UPON DISTRICT ATTORNEYS, INCLUDING THE POWER TO SIGN  
14 INFORMATIONS OR INDICTMENTS. WHENEVER THE ATTORNEY GENERAL  
15 INTERVENES IN A CRIMINAL ACTION, THE COSTS INCURRED AS A RESULT  
16 OF THE INTERVENTION SHALL BE PAID BY THE COMMONWEALTH.

17 SECTION 206. LAW ENFORCEMENT AND CRIMINAL INVESTIGATIONS;  
18 INVESTIGATING GRAND JURIES.

19 (A) LAW ENFORCEMENT; CRIMINAL INVESTIGATIONS.--THE ATTORNEY  
20 GENERAL SHALL BE THE CHIEF LAW ENFORCEMENT OFFICER OF THE  
21 COMMONWEALTH; THE DISTRICT ATTORNEY SHALL BE THE CHIEF LAW  
22 ENFORCEMENT OFFICER FOR THE COUNTY IN WHICH HE IS ELECTED. THE  
23 ATTORNEY GENERAL SHALL HAVE THE POWER TO INVESTIGATE ANY  
24 CRIMINAL OFFENSE WHICH HE HAS THE POWER TO PROSECUTE UNDER  
25 SECTION 205; HE SHALL CONTINUE THE EXISTING PROGRAMS RELATING TO  
26 DRUG LAW ENFORCEMENT. THE PENNSYLVANIA STATE POLICE SHALL  
27 COOPERATE WITH THE ATTORNEY GENERAL AND FURNISH SUCH SERVICES AS  
28 THE ATTORNEY GENERAL SHALL REQUEST.

29 (B) INVESTIGATING GRAND JURIES.--THE ATTORNEY GENERAL SHALL  
30 CONVENE AND CONDUCT INVESTIGATING GRAND JURIES AS PROVIDED IN

1 THE ACT OF NOVEMBER 22, 1978 (P.L.1148, NO.271), KNOWN AS THE  
2 "INVESTIGATING GRAND JURY ACT."

3 SECTION 207. MEMBERSHIP ON AGENCIES.

4 THE ATTORNEY GENERAL SHALL SERVE AS A MEMBER OF THE BOARD OF  
5 PARDONS AND HE, OR HIS DESIGNATED DEPUTY, SHALL SERVE AS A  
6 MEMBER OF THE JOINT COMMITTEE ON DOCUMENTS, THE HAZARDOUS  
7 SUBSTANCES TRANSPORTATION BOARD, THE BOARD OF FINANCE AND  
8 REVENUE, THE PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY,  
9 THE PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY, THE CIVIL DISORDER  
10 COMMISSION AND THE MUNICIPAL POLICE, AFFAIRS, EDUCATION AND  
11 TRAINING COMMISSION.

12 SECTION 208. ACCESS TO BOOKS AND PAPERS.

13 THE OFFICE OF ATTORNEY GENERAL SHALL HAVE THE RIGHT TO ACCESS  
14 AT ALL TIMES TO THE BOOKS AND PAPERS OF ANY COMMONWEALTH AGENCY  
15 NECESSARY TO CARRY OUT HIS DUTIES UNDER THIS ACT.

16 CHAPTER 3

17 OFFICE OF GENERAL COUNSEL

18 SECTION 301. GENERAL COUNSEL.

19 THERE IS HEREBY ESTABLISHED THE OFFICE OF GENERAL COUNSEL  
20 WHICH SHALL BE HEADED BY A GENERAL COUNSEL WHO SHALL BE THE  
21 LEGAL ADVISOR TO THE GOVERNOR AND SHALL:

22 (1) APPOINT DEPUTY GENERAL COUNSEL, AND APPOINT FOR THE  
23 OPERATION OF EACH EXECUTIVE AGENCY SUCH CHIEF COUNSEL AND  
24 ASSISTANT COUNSEL AS ARE NECESSARY FOR THE OPERATION OF EACH  
25 EXECUTIVE AGENCY.

26 (2) SUPERVISE, COORDINATE AND ADMINISTER THE LEGAL  
27 SERVICES PROVIDED BY THE DEPUTY GENERAL COUNSEL, AND THE  
28 CHIEF COUNSEL AND ASSISTANT COUNSEL FOR EACH EXECUTIVE  
29 AGENCY.

30 (3) RENDER SUCH LEGAL ADVICE, AND SUCH REPRESENTATION

1 PRIOR TO INITIATION OF ANY ACTION, AS ARE REQUIRED CONCERNING  
2 EVERY MATTER AND ISSUE ARISING IN CONNECTION WITH THE  
3 EXERCISE OF THE OFFICIAL POWERS AND DUTIES, AND PERFORMANCE  
4 THEREOF, IN THE OPERATION OF SUCH EXECUTIVE AGENCY AND, UPON  
5 REQUEST, EACH INDEPENDENT AGENCY.

6 (4) UPON REQUEST, ASSIST AND COOPERATE FULLY WITH THE  
7 ATTORNEY GENERAL AND THE COUNSEL OF EACH INDEPENDENT AGENCY  
8 IN THE FURTHERANCE OF THE PERFORMANCE OF THEIR DUTIES.

9 (5) UNTIL OTHERWISE PROVIDED BY LAW, SERVE AS CHIEF  
10 ADMINISTRATIVE OFFICER OF THE FOLLOWING AGENCIES WHICH ARE  
11 HEREBY PLACED AND MADE ADMINISTRATIVE AGENCIES OF THE OFFICE  
12 OF GENERAL COUNSEL:

13 (I) THE BUREAU OF CORRECTIONS ESTABLISHED UNDER  
14 SECTIONS 911, 912, 913, 914, 914.1, 915 AND 916 OF THE  
15 ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE  
16 ADMINISTRATIVE CODE OF 1929."

17 (II) THE JUVENILE COURT JUDGES' COMMISSION  
18 ESTABLISHED UNDER SECTIONS 905.1 AND 905.2 OF "THE  
19 ADMINISTRATIVE CODE OF 1929," AND THE ACT OF DECEMBER 21,  
20 1959 (P.L.1962, NO.717), ENTITLED "AN ACT PROVIDING FOR  
21 THE CREATION AND OPERATION OF THE JUVENILE COURT JUDGES'  
22 COMMISSION IN THE DEPARTMENT OF JUSTICE; PRESCRIBING ITS  
23 POWERS AND DUTIES; AND MAKING AN APPROPRIATION."

24 (III) THE ADMINISTRATOR AND THE OFFICE OF  
25 ADMINISTRATOR FOR ARBITRATION PANELS FOR HEALTH CARE  
26 ESTABLISHED UNDER SECTION 301 OF THE ACT OF OCTOBER 15,  
27 1975 (P.L.390, NO.111), KNOWN AS THE "HEALTH CARE  
28 SERVICES MALPRACTICE ACT."

29 (IV) THE CRIME VICTIM'S COMPENSATION BOARD  
30 ESTABLISHED UNDER SECTIONS 477.6, 477.7 AND 477.12 OF

1 "THE ADMINISTRATIVE CODE OF 1929."

2 (V) THE BOARD OF COMMISSIONERS ON UNIFORM STATE LAWS  
3 ESTABLISHED UNDER SECTION 404 OF "THE ADMINISTRATIVE CODE  
4 OF 1929."

5 (VI) THE STATE HEALTH FACILITY HEARING BOARD  
6 ESTABLISHED UNDER SECTIONS 501, 502, 503, 504, 505, 506  
7 AND 507 OF THE ACT OF JULY 19, 1979 (P.L.130, NO.48),  
8 KNOWN AS THE "HEALTH CARE FACILITIES ACT."

9 (6) INITIATE APPROPRIATE PROCEEDINGS OR DEFEND THE  
10 COMMONWEALTH OR ANY EXECUTIVE AGENCY WHEN AN ACTION OR MATTER  
11 HAS BEEN REFERRED TO THE ATTORNEY GENERAL AND THE ATTORNEY  
12 GENERAL REFUSES OR FAILS TO INITIATE APPROPRIATE PROCEEDINGS  
13 OR DEFEND THE COMMONWEALTH OR EXECUTIVE AGENCY; AND

14 (7) REPRESENT THE GOVERNOR OR THE EXECUTIVE AGENCY IF  
15 THE ATTORNEY GENERAL HAS INITIATED LITIGATION AGAINST HIM OR  
16 IT.

17 (8) UPON THE REQUEST OF THE GOVERNOR, APPEAL ANY  
18 DECISIONS ADVERSE TO AN EXECUTIVE AGENCY RENDERED BY THE  
19 ATTORNEY GENERAL UNDER SECTION 204(F).

20 (9) ISSUE SUCH RULES, GUIDELINES, STANDARDS AND  
21 REGULATIONS AS ARE NECESSARY TO CARRY OUT THE DUTIES OF THE  
22 GENERAL COUNSEL PROVIDED FOR IN THIS ACT.

23 (10) REVIEW AND APPROVE FOR FORM AND LEGALITY ALL  
24 PROPOSED RULES AND REGULATIONS OF EXECUTIVE AGENCIES BEFORE  
25 THEY ARE DEPOSITED WITH THE LEGISLATIVE REFERENCE BUREAU AS  
26 REQUIRED BY SECTION 207 OF THE ACT OF JULY 31, 1968 (P.L.769,  
27 NO.240), KNOWN AS THE "COMMONWEALTH DOCUMENTS LAW."

28 (11) REVIEW FOR FORM AND LEGALITY, ALL COMMONWEALTH  
29 DEEDS, LEASES AND CONTRACTS TO BE EXECUTED BY EXECUTIVE  
30 AGENCIES, AND HE MAY PREPARE UNIFORM INSTRUMENT FORMS AND

1 PREAPPROVE ALL SUCH DOCUMENTS WHICH ARE PREPARED IN  
2 ACCORDANCE WITH SUCH FORMS AND APPLICABLE INSTRUCTIONS.

3 (12) NOT AGREE TO THE ENTRY OF A CONSENT DECREE IN ANY  
4 ACTION AGAINST THE COMMONWEALTH OR ANY EXECUTIVE AGENCY  
5 WITHOUT THE APPROVAL OF THE GOVERNOR AND THE ATTORNEY GENERAL  
6 AND NOTICE TO THE GENERAL ASSEMBLY THROUGH THE OFFICES OF THE  
7 SECRETARY OF THE SENATE AND CHIEF CLERK OF THE HOUSE OF  
8 REPRESENTATIVES.

9 SECTION 302. MEMBERSHIP ON AGENCIES.

10 THE GENERAL COUNSEL SHALL SERVE AS A MEMBER OF THE BOARD OF  
11 COMMISSIONERS ON UNIFORM STATE LAWS, THE PENNSYLVANIA EMERGENCY  
12 MANAGEMENT AGENCY, THE JOINT COMMITTEE ON DOCUMENTS, THE BOARD  
13 OF PROPERTY, THE COMMISSION ON CHARITABLE ORGANIZATIONS, THE  
14 LOCAL GOVERNMENT RECORDS COMMITTEE, THE MEDICAL ADVISORY BOARD,  
15 THE BOARD OF FINANCE AND REVENUE AND THE CIVIL DISORDER  
16 COMMISSION.

17 SECTION 303. INTERVENTION AT THE APPELLATE LEVEL.

18 (A) REPRESENTATION OF AGENCY BY GENERAL COUNSEL.--WHENEVER  
19 ANY ACTION IS BROUGHT BY OR AGAINST ANY EXECUTIVE BRANCH AGENCY,  
20 THE GOVERNOR OR OTHER EXECUTIVE BRANCH OFFICIAL, THE GOVERNOR  
21 MAY REQUEST IN WRITING, SETTING FORTH HIS REASONS, THE ATTORNEY  
22 GENERAL TO AUTHORIZE THE GENERAL COUNSEL TO SUPERSEDE THE  
23 ATTORNEY GENERAL AND REPRESENT THE AGENCY, THE GOVERNOR OR OTHER  
24 EXECUTIVE BRANCH OFFICIAL.

25 (B) INTERVENTION BY GENERAL COUNSEL.--IF THE ATTORNEY  
26 GENERAL DOES NOT GRANT THE REQUEST, THE GOVERNOR MAY AUTHORIZE  
27 THE GENERAL COUNSEL TO INTERVENE IN THE LITIGATION. SUCH  
28 INTERVENTION SHALL BE A MATTER OF RIGHT AND WHEN EXERCISED,  
29 CONFER UPON THE GENERAL COUNSEL THE OBLIGATION TO REPRESENT THE  
30 EXECUTIVE AGENCY OR OFFICIAL INVOLVED. THE ATTORNEY GENERAL



1 SHALL AT ALL TIMES CONTINUE TO REPRESENT THE COMMONWEALTH.  
2 APPLICATION OF THIS SUBSECTION SHALL BE LIMITED TO ACTIONS  
3 BROUGHT AT THE APPELLATE LEVEL IN THE SUPREME AND SUPERIOR  
4 COURTS OF THE COMMONWEALTH AND THE APPELLATE LEVELS OF THE  
5 COURTS OF THE UNITED STATES. FURTHERMORE, THIS SUBSECTION SHALL  
6 BE APPLICABLE TO ALL ACTIONS BROUGHT IN THE COMMONWEALTH COURT  
7 OTHER THAN THOSE ACTIONS OVER WHICH THE COMMONWEALTH COURT HAS  
8 ORIGINAL JURISDICTION.

9 CHAPTER 4

10 COUNSEL FOR INDEPENDENT AGENCIES

11 SECTION 401. COUNSEL; APPOINTMENT.

12 EACH INDEPENDENT AGENCY MAY APPOINT AND FIX THE COMPENSATION  
13 OF A CHIEF COUNSEL AND SUCH ASSISTANT COUNSEL AS IT DEEMS  
14 NECESSARY TO PROVIDE IT WITH LEGAL ASSISTANCE OR REQUEST SUCH  
15 LEGAL SERVICES FROM THE OFFICE OF GENERAL COUNSEL.

16 SECTION 402. POWERS AND DUTIES OF COUNSEL.

17 THE CHIEF COUNSEL:

18 (1) SHALL FURNISH LEGAL ADVICE TO THE INDEPENDENT AGENCY  
19 CONCERNING ANY LEGAL MATTER OR ISSUE ARISING IN CONNECTION  
20 WITH THE EXERCISE OF THE OFFICIAL POWERS OR PERFORMANCE OF  
21 THE OFFICIAL DUTIES OF THE AGENCY.

22 (2) MAY REQUEST THE ASSISTANCE OF THE GENERAL COUNSEL OR  
23 THE ATTORNEY GENERAL, OR BOTH OF THEM, IN ANY MATTER OR  
24 ACTION INVOLVING THE AGENCY. IF ADVICE IS REQUESTED FROM THE  
25 ATTORNEY GENERAL, SUCH ADVICE WHEN RECEIVED SHALL BE FOLLOWED  
26 BY THE AGENCY, AND, WHEN FOLLOWED, THE AGENCY SHALL NOT IN  
27 ANY WAY BE LIABLE FOR DOING SO, UPON AN OFFICIAL BOND OR  
28 OTHERWISE.

29 (3) UPON THE INSTRUCTIONS OF THE INDEPENDENT AGENCY:

30 (I) INITIATE APPROPRIATE PROCEEDINGS OR DEFEND THE

1 AGENCY WHEN AN ACTION OR MATTER HAS BEEN REFERRED TO THE  
2 ATTORNEY GENERAL AND THE ATTORNEY GENERAL REFUSES OR  
3 FAILS TO INITIATE APPROPRIATE PROCEEDINGS OR DEFEND THE  
4 AGENCY: PROVIDED, HOWEVER, THAT THE CHIEF COUNSEL SHALL  
5 NOT AGREE TO THE ENTRY OF A CONSENT DECREE IN ANY ACTION  
6 WITHOUT THE APPROVAL OF THE GOVERNOR AND THE ATTORNEY  
7 GENERAL AND NOTICE TO THE GENERAL ASSEMBLY THROUGH THE  
8 SECRETARY OF THE SENATE AND THE CHIEF CLERK OF THE HOUSE  
9 OF REPRESENTATIVES; AND

10 (II) REPRESENT THE AGENCY IF THE ATTORNEY GENERAL  
11 HAS INITIATED LITIGATION AGAINST IT.

12 (4) UPON THE INSTRUCTIONS OF THE INDEPENDENT AGENCY,  
13 APPEAL ANY DECISIONS ADVERSE TO IT RENDERED BY THE ATTORNEY  
14 GENERAL UNDER SUBSECTION (F) OF SECTION 204.

15 (5) REVIEW AND APPROVE FOR FORM AND LEGALITY ALL  
16 PROPOSED RULES AND REGULATIONS OF THE AGENCY BEFORE THEY ARE  
17 DEPOSITED WITH THE LEGISLATIVE REFERENCE BUREAU AS REQUIRED  
18 BY SECTION 207 OF THE ACT OF JULY 31, 1968 (P.L.769, NO.240),  
19 KNOWN AS THE "COMMONWEALTH DOCUMENTS LAW."

20 (6) REVIEW FOR FORM AND LEGALITY ALL COMMONWEALTH DEEDS,  
21 LEASES AND CONTRACTS TO BE EXECUTED BY THE AGENCY. THE CHIEF  
22 COUNSEL MAY PREPARE UNIFORM INSTRUMENT FORMS AND PREAPPROVE  
23 ALL SUCH DOCUMENTS WHICH ARE PREPARED IN ACCORDANCE WITH SUCH  
24 FORMS AND APPLICABLE INSTRUCTIONS.

25 SECTION 403. INTERVENTION AT THE APPELLATE LEVEL.

26 (A) REPRESENTATION OF AGENCY BY GENERAL COUNSEL.--WHENEVER  
27 ANY ACTION IS BROUGHT BY OR AGAINST ANY INDEPENDENT AGENCY OR  
28 INDEPENDENT AGENCY OFFICIAL, THE AGENCY HEAD MAY REQUEST IN  
29 WRITING, SETTING FORTH HIS REASONS, THE ATTORNEY GENERAL TO  
30 AUTHORIZE THE AGENCY COUNSEL TO SUPERSEDE THE ATTORNEY GENERAL

1 AND REPRESENT THE AGENCY OR ITS OFFICIAL.

2 (B) INTERVENTION BY GENERAL COUNSEL.--IF THE ATTORNEY  
3 GENERAL DOES NOT GRANT THE REQUEST, THE AGENCY HEAD MAY  
4 AUTHORIZE THE AGENCY COUNSEL TO INTERVENE IN THE LITIGATION.  
5 SUCH INTERVENTION SHALL BE A MATTER OF RIGHT AND WHEN EXERCISED,  
6 CONFER UPON THE AGENCY COUNSEL THE OBLIGATION TO REPRESENT THE  
7 AGENCY OR OFFICIAL INVOLVED. THE ATTORNEY GENERAL SHALL AT ALL  
8 TIMES CONTINUE TO REPRESENT THE COMMONWEALTH. APPLICATION OF  
9 THIS SUBSECTION SHALL BE LIMITED TO ACTIONS BROUGHT AT THE  
10 APPELLATE LEVEL IN THE SUPREME AND SUPERIOR COURTS OF THE  
11 COMMONWEALTH AND THE APPELLATE LEVELS OF THE COURTS OF THE  
12 UNITED STATES. FURTHERMORE, THIS SUBSECTION SHALL BE APPLICABLE  
13 TO ALL ACTIONS BROUGHT IN THE COMMONWEALTH COURT OTHER THAN  
14 THOSE ACTIONS OVER WHICH THE COMMONWEALTH COURT HAS ORIGINAL  
15 JURISDICTION.

16 CHAPTER 5

17 MISCELLANEOUS PROVISIONS

18 SECTION 501. GENERAL TRANSFER OF PERSONNEL, APPROPRIATIONS,  
19 RECORDS, EQUIPMENT, ETC.

20 (A) TRANSFERS TO THE ATTORNEY GENERAL.--ALL PERSONNEL,  
21 ALLOCATIONS, EQUIPMENT, FILES, RECORDS, CONTRACTS, AGREEMENTS,  
22 OBLIGATIONS AND OTHER MATERIALS WHICH ARE USED, EMPLOYED OR  
23 EXPENDED IN CONNECTION WITH THE POWERS, DUTIES OR FUNCTIONS  
24 TRANSFERRED BY THIS ACT TO THE OFFICE OF ATTORNEY GENERAL ARE  
25 HEREBY TRANSFERRED TO THE OFFICE OF ATTORNEY GENERAL WITH THE  
26 SAME FORCE AND EFFECT AS IF THE APPROPRIATIONS HAD BEEN MADE TO  
27 AND SAID ITEMS HAD BEEN THE PROPERTY OF THE OFFICE OF ATTORNEY  
28 GENERAL IN THE FIRST INSTANCE AND AS IF SAID CONTRACTS,  
29 AGREEMENTS AND OBLIGATIONS HAD BEEN INCURRED OR ENTERED INTO BY  
30 SAID OFFICE OF ATTORNEY GENERAL.

1 (B) TRANSFERS TO THE OFFICE OF GENERAL COUNSEL.--ALL  
2 PERSONNEL, ALLOCATIONS, APPROPRIATIONS, EQUIPMENT, FILES,  
3 RECORDS, CONTRACTS, AGREEMENTS, OBLIGATIONS AND OTHER MATERIALS  
4 WHICH ARE USED, EMPLOYED OR EXPENDED IN CONNECTION WITH THE  
5 POWERS, DUTIES OR FUNCTIONS TRANSFERRED BY THIS ACT TO THE  
6 OFFICE OF GENERAL COUNSEL ARE HEREBY TRANSFERRED TO THE OFFICE  
7 OF GENERAL COUNSEL WITH THE SAME FORCE AND EFFECT AS IF THE  
8 APPROPRIATIONS HAD BEEN MADE TO AND SAID ITEMS HAD BEEN THE  
9 PROPERTY OF THE OFFICE OF GENERAL COUNSEL IN THE FIRST INSTANCE  
10 AND AS IF SAID CONTRACTS, AGREEMENTS AND OBLIGATIONS HAD BEEN  
11 INCURRED OR ENTERED INTO BY SAID OFFICE OF GENERAL COUNSEL.

12 (C) TRANSFERS OF ADMINISTRATIVE FUNCTIONS OF THE BOARD OF  
13 PARDONS TO THE LIEUTENANT GOVERNOR.--THE ADMINISTRATIVE  
14 FUNCTIONS OF THE BOARD OF PARDONS ARE HEREBY TRANSFERRED TO THE  
15 LIEUTENANT GOVERNOR. ALL PERSONNEL, ALLOCATIONS, APPROPRIATIONS,  
16 EQUIPMENT, FILES, RECORDS, CONTRACTS, AGREEMENTS, OBLIGATIONS  
17 AND OTHER MATERIALS WHICH ARE USED, EMPLOYED OR EXPENDED IN  
18 CONNECTION WITH THE POWERS, DUTIES OR FUNCTIONS TRANSFERRED BY  
19 THIS ACT TO THE LIEUTENANT GOVERNOR ARE HEREBY TRANSFERRED TO  
20 THE LIEUTENANT GOVERNOR WITH THE SAME FORCE AND EFFECT AS IF THE  
21 APPROPRIATIONS HAD BEEN MADE TO AND SAID ITEMS HAD BEEN THE  
22 PROPERTY OF THE LIEUTENANT GOVERNOR IN THE FIRST INSTANCE AND AS  
23 IF SAID CONTRACTS, AGREEMENTS AND OBLIGATIONS HAD BEEN INCURRED  
24 OR ENTERED INTO BY SAID LIEUTENANT GOVERNOR.

25 (D) DIVISION OF GENERAL ADMINISTRATIVE PERSONNEL AND  
26 MATERIALS.--THE PERSONNEL, APPROPRIATIONS, EQUIPMENT AND OTHER  
27 ITEMS AND MATERIALS TRANSFERRED BY THIS SECTION SHALL INCLUDE AN  
28 APPROPRIATE PORTION OF THE GENERAL ADMINISTRATIVE, OVERHEAD AND  
29 SUPPORTING PERSONNEL, APPROPRIATIONS, EQUIPMENT AND OTHER  
30 MATERIALS OF THE AGENCY AND SHALL ALSO INCLUDE, WHERE

1 APPLICABLE, FEDERAL GRANTS AND FUNDS AND OTHER BENEFITS FROM ANY  
2 FEDERAL PROGRAM.

3 (E) RETENTION OF CIVIL SERVICE STATUS.--ALL PERSONNEL  
4 TRANSFERRED PURSUANT TO THIS ACT SHALL RETAIN ANY CIVIL SERVICE  
5 EMPLOYMENT STATUS ASSIGNED TO SAID PERSONNEL.

6 SECTION 502. SPECIFIC TRANSFERS OF CERTAIN POWERS AND DUTIES TO  
7 THE OFFICE OF GENERAL COUNSEL.

8 THE POWERS AND DUTIES OF THE ATTORNEY GENERAL AND/OR THE  
9 DEPARTMENT OF JUSTICE CONTAINED IN THE FOLLOWING ACTS OR PARTS  
10 OF ACTS ARE TRANSFERRED TO THE OFFICE OF GENERAL COUNSEL:

11 SECTION 3 OF THE ACT OF JUNE 8, 1907 (P.L.496, NO.322),  
12 ENTITLED "AN ACT TO ESTABLISH A BOARD OF COMMISSIONERS OF  
13 NAVIGATION FOR THE RIVER DELAWARE AND ITS NAVIGABLE TRIBUTARIES;  
14 REGULATING THEIR JURISDICTION OVER SHIPS, VESSELS, AND BOATS,  
15 AND WHARVES, PIERS, BULKHEADS, DOCKS, SLIPS, AND BASINS; AND  
16 EXEMPTING CITIES OF THE FIRST CLASS FROM CERTAIN OF ITS  
17 PROVISIONS; AND MAKING AN APPROPRIATION THEREFOR."

18 SECTION 9 OF THE ACT OF JULY 9, 1919 (P.L.814, NO.338),  
19 ENTITLED "AN ACT PROVIDING FOR THE ERECTION AND CONSTRUCTION BY  
20 THE COMMONWEALTH OF PENNSYLVANIA AND THE STATE OF NEW JERSEY OF  
21 A BRIDGE OVER THE DELAWARE RIVER, CONNECTING THE CITY OF  
22 PHILADELPHIA AND THE CITY OF CAMDEN, AND THE APPROACHES THERETO;  
23 PROVIDING FOR A JOINT COMMISSION FOR THAT PURPOSE, AND DEFINING  
24 ITS POWERS AND DUTIES; PROVIDING FOR AN INDEPENDENT COMMISSION  
25 IN THIS COMMONWEALTH IN RELATION THERETO, AND DEFINING ITS  
26 POWERS AND DUTIES; PROVIDING FOR THE PAYMENT OF A PART OF THE  
27 COST THEREOF BY THE CITY OF PHILADELPHIA; AND PROVIDING FOR THE  
28 ACQUIRING, TAKING, AND CONDEMNATION OF THE REAL ESTATE FOR THE  
29 SITE AND APPROACHES THEREOF; PROVIDING FOR THE TURNING OVER OF  
30 SAID BRIDGE UPON ITS COMPLETION; AND MAKING AN APPROPRIATION FOR

1 THE PURPOSES OF THIS ACT."

2 SECTION 1 OF THE ACT OF MARCH 24, 1921 (P.L.48, NO.23),  
3 ENTITLED, AS AMENDED, "AN ACT PROVIDING FOR THE TRANSFER OF  
4 CONVICTS FROM THE STATE PENITENTIARIES AND THEIR IMPRISONMENT IN  
5 THE PENITENTIARY TO WHICH TRANSFERRED; IMPOSING COSTS FOR SUCH  
6 TRANSFERS UPON THE COMMONWEALTH; IMPOSING THE COST OF THE  
7 MAINTENANCE OF CONVICTS SO TRANSFERRED UPON THE COUNTIES IN  
8 WHICH THEY WERE CONVICTED; DIRECTING THAT CERTAIN NOTICE OF SUCH  
9 TRANSFER OF A CONVICT BE GIVEN; AND MAKING APPROPRIATIONS."

10 SECTION 2 OF THE ACT OF MAY 27, 1921 (P.L.1191, NO.443),  
11 ENTITLED "AN ACT CREATING A STATE FAIR COMMISSION FOR THE  
12 COMMONWEALTH OF PENNSYLVANIA; DEFINING ITS DUTIES; AND MAKING AN  
13 APPROPRIATION THEREFOR."

14 SECTIONS 1 AND 6 OF THE ACT OF JULY 11, 1923 (P.L.1044,  
15 NO.425), ENTITLED, AS AMENDED, "AN ACT TO AUTHORIZE AND PROVIDE  
16 FOR THE TRANSFER AND RETRANSFER OF PERSON OR PERSONS CONFINED IN  
17 ANY PENITENTIARY, PRISON, WORKHOUSE, HOUSE OF CORRECTION, OR ANY  
18 OTHER INSTITUTION FOR ADULT PRISONERS, UNDER SENTENCE OF LAW,  
19 CONVICTED BUT AWAITING SENTENCE, AWAITING TRIAL, OR CONFINED FOR  
20 ANY OTHER PURPOSE TO SOME OTHER PRISON, PENITENTIARY, WORKHOUSE,  
21 HOUSE OF CORRECTION, OR OTHER INSTITUTION FOR ADULT PRISONERS."

22 SECTIONS 404, 477 THROUGH 477.16, 905.1, 905.2, 911, 912,  
23 913, 914, 914.1, 915 AND 916 OF THE ACT OF APRIL 9, 1929  
24 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

25 SECTIONS 1 AND 2 OF THE ACT OF JUNE 21, 1939 (P.L.660,  
26 NO.307), ENTITLED, AS AMENDED, "AN ACT PROVIDING FOR THE RETURN  
27 OF ESCAPED PRISONERS AND CONVICTS AFTER APPREHENSION, TO THE  
28 PENITENTIARY OR STATE INSTITUTION FROM WHICH THEY ESCAPE, BY THE  
29 AGENTS OF THE DEPARTMENT OF JUSTICE OR THE PENNSYLVANIA STATE  
30 POLICE, AND REQUIRING THE PENITENTIARY OR STATE INSTITUTION TO

1 DEFRAID THE EXPENSES THEREOF."

2 SECTION 21.1 OF THE ACT OF AUGUST 6, 1941 (P.L.861, NO.323),  
3 REFERRED TO AS PENNSYLVANIA BOARD OF PROBATION AND PAROLE LAW.

4 SECTION 4 OF THE ACT OF MAY 15, 1945 (P.L.547, NO.217), KNOWN  
5 AS THE "SOIL CONSERVATION LAW."

6 SECTION 774 OF THE ACT OF JUNE 1, 1945 (P.L.1242, NO.428),  
7 KNOWN AS THE "STATE HIGHWAY LAW."

8 SECTIONS 1, 2 AND 3 OF THE ACT OF JULY 29, 1953 (P.L.1433,  
9 NO.410), ENTITLED "AN ACT CREATING CERTAIN PENAL AND  
10 CORRECTIONAL INSTITUTIONS AND BOARDS OF TRUSTEES; ABOLISHING  
11 CERTAIN PENAL INSTITUTIONS; IMPOSING DUTIES UPON THE  
12 COMMISSIONER OF CORRECTION OF THE DEPARTMENT OF JUSTICE; AND  
13 PROVIDING FOR THE COSTS OF TRANSPORTATION AND MAINTENANCE OF  
14 INMATES."

15 SECTIONS 2, 4, 5, 6 AND 8 OF THE ACT OF JULY 29, 1953  
16 (P.L.1435, NO.411), ENTITLED "AN ACT RELATING TO THE MORE  
17 EFFECTIVE TREATMENT OF PERSONS CONVICTED OF CRIME OR COMMITTED  
18 AS DEFECTIVE DELINQUENTS; CREATING IN THE DEPARTMENT OF JUSTICE  
19 CORRECTIONAL DIAGNOSTIC AND CLASSIFICATION CENTERS; PROVIDING  
20 FOR THE DIAGNOSIS AND CLASSIFICATION OF PERSONS SENTENCED OR  
21 COMMITTED BY THE COURTS OF A STATE INSTITUTION; FIXING THE  
22 RESPONSIBILITY FOR COSTS OF TRANSPORTATION AND MAINTENANCE OF  
23 SUCH PERSONS; PRESCRIBING DUTIES OF THE COURTS AND THE POWERS  
24 AND DUTIES OF THE DEPARTMENT OF JUSTICE RELATIVE THERETO; MAKING  
25 CIVIL AND CRIMINAL LAWS APPLICABLE TO PENITENTIARIES AND PERSONS  
26 THEREIN OR RESPONSIBLE THEREFOR APPLICABLE IN THE CASE OF THE  
27 SAID INSTITUTIONS."

28 SECTIONS 1, 2, 3, 4, 5 AND 6 OF THE ACT OF JULY 19, 1953  
29 (P.L.1440, NO.414), ENTITLED "AN ACT PROVIDING FOR THE  
30 CONSTRUCTION AND EQUIPPING OF THE PENNSYLVANIA INSTITUTION FOR

1 DEFECTIVE DELINQUENTS; PROVIDING FOR THE ACQUISITION OF LAND;  
2 PROVIDING FOR THE RECEPTION, CONFINEMENT, TREATMENT, CARE,  
3 MAINTENANCE AND CONTROL OF INMATES; IMPOSING DUTIES AND  
4 CONFERRING POWERS ON THE DEPARTMENT OF JUSTICE, DEPARTMENT OF  
5 PROPERTY AND SUPPLIES AND THE GENERAL STATE AUTHORITY."

6 SECTION 1 OF THE ACT OF DECEMBER 8, 1959 (P.L.1718, NO.632),  
7 ENTITLED, AS AMENDED, "AN ACT PROVIDING FOR THE PAYMENT OF THE  
8 SALARY, MEDICAL AND HOSPITAL EXPENSES OF EMPLOYES OF STATE PENAL  
9 AND CORRECTIONAL INSTITUTIONS, STATE MENTAL HOSPITALS, YOUTH  
10 DEVELOPMENT CENTERS, COUNTY BOARDS OF ASSISTANCE, AND UNDER  
11 CERTAIN CONDITIONS OTHER EMPLOYES OF THE DEPARTMENT OF PUBLIC  
12 WELFARE, WHO ARE INJURED IN THE PERFORMANCE OF THEIR DUTIES; AND  
13 PROVIDING BENEFIT TO THEIR WIDOWS AND DEPENDENTS IN CERTAIN  
14 CASES."

15 SECTIONS 1 AND 6 OF THE ACT OF DECEMBER 21, 1959 (P.L.1962,  
16 NO.717), ENTITLED "AN ACT PROVIDING FOR THE CREATION AND  
17 OPERATION OF THE JUVENILE COURT JUDGES' COMMISSION IN THE  
18 DEPARTMENT OF JUSTICE; PRESCRIBING ITS POWERS AND DUTIES; AND  
19 MAKING AN APPROPRIATION."

20 SECTION 23 OF THE ACT OF AUGUST 23, 1961 (P.L.1068, NO.484),  
21 ENTITLED, AS AMENDED, "AN ACT TO PROVIDE FOR THE CREATION AND  
22 ADMINISTRATION OF A A COAL MINE SUBSIDENCE INSURANCE FUND WITHIN  
23 THE DEPARTMENT OF ENVIRONMENTAL RESOURCES FOR THE INSURANCE OF  
24 COMPENSATION FOR DAMAGES TO SUBSCRIBERS THERETO; DECLARING FALSE  
25 OATHS BY THE SUBSCRIBERS TO BE MISDEMEANORS; PROVIDING PENALTIES  
26 FOR THE VIOLATION THEREOF; AND MAKING AN APPROPRIATION."

27 SECTION 604-A OF THE ACT OF JUNE 22, 1964 (SP.SESS., P.L.84,  
28 NO.6), KNOWN AS THE "EMINENT DOMAIN CODE."

29 SECTIONS 2, 3 AND 5 OF THE ACT OF DECEMBER 22, 1965  
30 (P.L.1189, NO.472), ENTITLED "AN ACT ESTABLISHING A CORRECTIONAL



1 FACILITY FOR CRIMINOLOGICAL DIAGNOSIS, CLASSIFICATION, SOCIAL  
2 AND PSYCHOLOGICAL TREATMENT AND RESEARCH, MEDICAL TREATMENT AND  
3 STAFF TRAINING."

4 SECTIONS 2 AND 3 OF THE ACT OF DECEMBER 27, 1965 (P.L.1237,  
5 NO.502), ENTITLED "AN ACT ESTABLISHING REGIONAL CORRECTIONAL  
6 FACILITIES ADMINISTERED BY THE BUREAU OF CORRECTION AS PART OF  
7 THE STATE CORRECTIONAL SYSTEM; ESTABLISHING STANDARDS FOR COUNTY  
8 JAILS, AND PROVIDING FOR INSPECTION AND CLASSIFICATION OF COUNTY  
9 JAILS AND FOR COMMITMENT TO STATE CORRECTIONAL FACILITIES AND  
10 COUNTY JAILS."

11 SECTIONS 412 AND 415 OF THE ACT OF OCTOBER 20, 1966 (3RD  
12 SP.SESS., P.L.96, NO.6), KNOWN AS THE "MENTAL HEALTH AND MENTAL  
13 RETARDATION ACT OF 1966."

14 SECTION 208 OF THE ACT OF JUNE 13, 1967 (P.L.31, NO.21),  
15 KNOWN AS THE "PUBLIC WELFARE CODE."

16 SECTIONS 1 AND 2 OF THE ACT OF JULY 16, 1968 (P.L.351,  
17 NO.173), ENTITLED, AS AMENDED, "AN ACT AUTHORIZING THE  
18 ESTABLISHMENT OF PRISONER PRE-RELEASE CENTERS AND RELEASE PLANS  
19 UNDER THE JURISDICTION OF THE DEPARTMENT OF JUSTICE AND DEFINING  
20 ITS POWERS AND DUTIES."

21 SECTIONS 2, 3 AND 7 OF THE ACT OF OCTOBER 16, 1972 (P.L.913,  
22 NO.218), ENTITLED "AN ACT ESTABLISHING REGIONAL COMMUNITY  
23 TREATMENT CENTERS FOR WOMEN ADMINISTERED BY THE BUREAU OF  
24 CORRECTION OF THE DEPARTMENT OF JUSTICE AS PART OF THE STATE  
25 CORRECTIONAL SYSTEM, PROVIDING FOR THE COMMITMENT OF FEMALES TO  
26 SUCH CENTERS AND THEIR TEMPORARY RELEASE THEREFROM FOR CERTAIN  
27 PURPOSES, RESTRICTING CONFINEMENT OF FEMALES IN COUNTY JAILS AND  
28 CONFERRING POWERS AND DUTIES UPON THE DEPARTMENT OF JUSTICE AND  
29 THE BUREAU OF CORRECTION."

30 SECTION 104(10) OF THE ACT OF FEBRUARY 1, 1974 (P.L.34,

1 NO.15), KNOWN AS THE "PENNSYLVANIA MUNICIPAL RETIREMENT LAW."

2 18 PA.C.S. §§ 1355 AND 1356

3 24 PA.C.S. §§ 8501(E), 8502(H) AND 8503

4 42 PA.C.S. §§ 5974, 5977 AND 6352

5 71 PA.C.S. §§ 5102, 5901(E) AND 5902(H)

6 SECTION 503. ABSOLUTE REPEALS.

7 THE FOLLOWING ACTS OR PARTS OF ACTS ARE REPEALED ABSOLUTELY:

8 SECTION 6 OF THE ACT OF MARCH 22, 1817 (P.L.122, NO.98),

9 ENTITLED "AN ACT PERTAINING TO HORSE RACING ON PUBLIC ROADS IN  
10 PHILADELPHIA."

11 THE ACT OF APRIL 21, 1857 (P.L.266, NO.308), ENTITLED "AN ACT  
12 RELATING TO THE OFFICE AND DUTIES OF ATTORNEY GENERAL."

13 SECTION 1 OF THE ACT OF APRIL 8, 1861 (P.L.258, NO.260),  
14 ENTITLED "AN ACT RELATIVE TO THE BOARD OF PROPERTY."

15 SECTION 1 OF THE ACT OF APRIL 8, 1869 (P.L.19, NO.19),  
16 ENTITLED "AN ACT RELATING TO THE SETTLEMENT OF PUBLIC ACCOUNTS."

17 THE ACT OF APRIL 12, 1875 (P.L.43, NO.48), ENTITLED "AN ACT  
18 TO PROVIDE FOR THE ELECTION AND APPOINTMENT OF TRUSTEES FOR THE  
19 STATE NORMAL SCHOOLS, AND TO FURTHER REGULATE THEIR MANAGEMENT."

20 THE ACT OF JUNE 3, 1885 (P.L.71, NO.44), ENTITLED "AN ACT TO  
21 PROVIDE THAT ALL MONEYS RECEIVED FROM POLICIES OF INSURANCE UPON  
22 BUILDINGS OF THE STATE NORMAL SCHOOLS SHALL BE HELD IN TRUST FOR  
23 THE REPAIRING AND REBUILDING OF SAID BUILDINGS, AND FOR THE  
24 PAYMENT OF THE PROCEEDS OF SAID INSURANCE POLICIES FOR THAT  
25 PURPOSE."

26 THE ACT OF MAY 2, 1905 (P.L.351, NO.225), ENTITLED "AN ACT  
27 AUTHORIZING THE ATTORNEY GENERAL TO RETAIN AND EMPLOY ATTORNEYS  
28 TO REPRESENT THE COMMONWEALTH, IN CRIMINAL PROCEEDINGS, IN THE  
29 VARIOUS COURTS OF OYER AND TERMINER, GENERAL JAIL DELIVERY, AND  
30 QUARTER SESSIONS, IF REQUESTED TO DO SO BY THE PRESIDENT JUDGE

1 OF THE DISTRICT HAVING JURISDICTION THEREOF; PROVIDING FOR THE  
2 COMPENSATION OF SUCH ATTORNEYS, AND DEFINING THEIR DUTIES AND  
3 POWERS."

4 SECTIONS 512, 704, 901 AND 902, THE FIRST SENTENCE OF  
5 SUBSECTION (B) OF SECTION 902-A, SECTIONS 903, 904, 905, 906,  
6 907 AND 908 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN  
7 AS "THE ADMINISTRATIVE CODE OF 1929."

8 THE LAST PARAGRAPH OF SECTION 976 OF THE ACT OF JUNE 3, 1937  
9 (P.L.1333, NO.320), KNOWN AS THE "PENNSYLVANIA ELECTION CODE."

10 SECTION 204 OF THE ACT OF AUGUST 5, 1941 (P.L.752, NO.286),  
11 KNOWN AS THE "CIVIL SERVICE ACT."

12 THE ACT OF NOVEMBER 25, 1970 (P.L.744, NO.241), ENTITLED "AN  
13 ACT REGULATING THE SOLICITATION OF MAGAZINE SUBSCRIPTIONS IN  
14 CERTAIN CASES AND PROVIDING PENALTIES."

15 THE ACT OF APRIL 18, 1978 (P.L.54, NO.25), ENTITLED "AN ACT  
16 IMPLEMENTING THE PROVISION OF SECTION 4.1 AND RELATED SECTIONS  
17 OF ARTICLE IV OF THE CONSTITUTION OF PENNSYLVANIA AS ADDED OR  
18 AMENDED TO PROVIDE FOR THE ELECTION OF THE ATTORNEY GENERAL;  
19 PROVIDING FOR THE CONTINUATION OF THE POWERS AND DUTIES OF THE  
20 ATTORNEY GENERAL THROUGH INTERIM GUBERNATORIAL APPOINTMENTS TO  
21 ENSURE AN ORDERLY AND EFFICIENT TRANSITION IN THE OFFICE OF  
22 ATTORNEY GENERAL AND THE DEPARTMENT OF JUSTICE."

23 AS MUCH AS READS AS FOLLOWS, "AND SHALL REPRESENT THE  
24 COMMISSION UPON APPEALS AND OTHER HEARINGS IN THE COURTS OF  
25 COMMON PLEAS AND IN THE COMMONWEALTH AND SUPREME COURTS, OR  
26 OTHER COURTS OF THIS COMMONWEALTH, OR IN ANY FEDERAL COURT OR  
27 AGENCY AND IN ACTIONS INSTITUTED TO RECOVER PENALTIES AND TO  
28 ENFORCE REGULATIONS AND ORDERS OF THE COMMISSION" OF SECTION 306  
29 AND THE THIRD SENTENCE OF SECTION 308 OF TITLE 66 (PUBLIC  
30 UTILITIES) OF THE PENNSYLVANIA CONSOLIDATED STATUTES.

1 SECTION 504. INCONSISTENT REPEALS.

2 THE FOLLOWING ACTS OR PARTS OF ACTS ARE REPEALED INSOFAR AS  
3 THEY ARE INCONSISTENT WITH THE PROVISIONS OF THIS ACT:

4 SECTION 2 OF THE ACT OF MARCH 30, 1897 (P.L.11, NO.10),  
5 ENTITLED "AN ACT AUTHORIZING THE PURCHASE BY THE COMMONWEALTH OF  
6 UNSEATED LANDS FOR THE NON-PAYMENT OF TAXES FOR THE PURPOSE OF  
7 CREATING A STATE FOREST RESERVATION."

8 SECTIONS 208, 502, 503 AND 660 OF THE ACT OF MAY 17, 1921  
9 (P.L.789, NO.285), KNOWN AS "THE INSURANCE DEPARTMENT ACT OF ONE  
10 THOUSAND NINE HUNDRED AND TWENTY-ONE."

11 SECTION 29 OF THE ACT OF MAY 25, 1921 (P.L.1144, NO.425),  
12 ENTITLED "AN ACT CREATING A DEPARTMENT OF PUBLIC WELFARE;  
13 DEFINING ITS POWERS AND DUTIES; ABOLISHING THE BOARD OF PUBLIC  
14 CHARITIES, THE COMMITTEE ON LUNACY, AND THE PRISON LABOR  
15 COMMISSION, AND ALL OFFICES THEREUNDER, AND VESTING ALL THE  
16 POWERS OF SAID BOARD, COMMITTEE, AND COMMISSION IN THE  
17 DEPARTMENT OF PUBLIC WELFARE; REQUIRING ALL REPORTS, NOTICES,  
18 STATEMENTS, OR MATTERS, HERETOFORE REQUIRED TO BE MADE, GIVEN,  
19 OR SUBMITTED TO THE BOARD OF PUBLIC CHARITIES OR THE COMMITTEE  
20 ON LUNACY, TO BE MADE, GIVEN, OR SUBMITTED TO THE DEPARTMENT OF  
21 PUBLIC WELFARE; AND PROVIDING PENALTIES."

22 SECTION 201, TO THE EXTENT THAT IT CREATES A DEPARTMENT OF  
23 JUSTICE, SECTIONS 404 AND 405, TO THE EXTENT THAT THEY DESIGNATE  
24 THE ATTORNEY GENERAL AS A MEMBER OF THE BOARD OF COMMISSIONERS  
25 ON UNIFORM STATE LAWS AND THE BOARD OF PROPERTY, AND SECTION  
26 922, TO THE EXTENT THAT IT PROVIDES FOR THE APPOINTMENT OF AN  
27 ADVISORY COMMITTEE BY THE GOVERNOR, OF THE ACT OF APRIL 9, 1929  
28 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929."

29 SECTIONS 203, 204(A), 702 AND 1006 OF THE ACT OF MAY 15, 1933  
30 (P.L.565, NO.111), KNOWN AS THE "DEPARTMENT OF BANKING CODE."

1 SECTION 510.1 OF THE ACT OF DECEMBER 5, 1936 (1937 2ND  
2 SP.SESS., P.L.2897, NO.1), KNOWN AS THE "UNEMPLOYMENT  
3 COMPENSATION LAW."

4 SECTION 1102 OF THE ACT OF APRIL 28, 1937 (P.L.417, NO.105),  
5 KNOWN AS THE "MILK MARKETING LAW."

6 SECTION 1401 OF THE ACT OF JUNE 3, 1937 (P.L.1225, NO.316),  
7 KNOWN AS "THE GAME LAW."

8 SECTION 3(C)(5) OF THE ACT OF AUGUST 5, 1941 (P.L.752,  
9 NO.286), KNOWN AS THE "CIVIL SERVICE ACT."

10 SECTION 1(B) OF THE ACT OF JUNE 30, 1947 (P.L.1183, NO.492),  
11 ENTITLED "AN ACT RELATING TO STRIKES BY PUBLIC EMPLOYES;  
12 PROHIBITING SUCH STRIKES; PROVIDING THAT SUCH EMPLOYES BY  
13 STRIKING TERMINATE THEIR EMPLOYMENT; PROVIDING FOR REINSTATEMENT  
14 UNDER CERTAIN CONDITIONS; PROVIDING FOR A GRIEVANCE PROCEDURE;  
15 AND PROVIDING FOR HEARINGS BEFORE CIVIL SERVICE AND TENURE  
16 AUTHORITIES, AND IN CERTAIN CASES BEFORE THE PENNSYLVANIA LABOR  
17 RELATIONS BOARD."

18 SECTION 1 OF THE ACT OF APRIL 18, 1949 (P.L.492, NO.106),  
19 ENTITLED, "AN ACT ENABLING AND AUTHORIZING THE DEPARTMENT OF  
20 PUBLIC INSTRUCTION OR ANY OF ITS DEPARTMENTAL ADMINISTRATIVE  
21 BOARDS, COMMISSIONS, OR OFFICERS TO PROCEED BY INJUNCTION OR ANY  
22 OTHER PROCESS IN THE COURT OF COMMON PLEAS IN ANY COUNTY WHERE  
23 THE ALLEGED UNAUTHORIZED PRACTICE WAS COMMITTED, TO PROHIBIT AND  
24 RESTRAIN ANY UNLICENSED PERSON, ASSOCIATION, COPARTNERSHIP, OR  
25 CORPORATION FROM ENGAGING IN AN ACTIVITY FOR WHICH A LICENSE IS  
26 REQUIRED TO BE ISSUED BY THE DEPARTMENT OF PUBLIC INSTRUCTION,  
27 AND TO SET OUT THE METHOD AND PROCEDURE THEREFOR."

28 SECTION 12(C) OF THE ACT OF JANUARY 14, 1952 (1951 P.L.1898,  
29 NO.522), KNOWN AS THE "FUNERAL DIRECTOR LAW."

30 SECTION 7 OF THE ACT OF OCTOBER 27, 1955 (P.L.744, NO.222),

1 KNOWN AS THE "PENNSYLVANIA HUMAN RELATIONS ACT."

2 SECTION 13 OF THE ACT OF JUNE 1, 1956 (1955 P.L.1959,  
3 NO.657), ENTITLED, AS AMENDED, "AN ACT FIXING THE SALARIES AND  
4 COMPENSATION OF THE CHIEF JUSTICE AND JUDGES OF THE SUPREME  
5 COURT, THE PRESIDENT JUDGE AND JUDGES OF THE SUPERIOR COURT, THE  
6 JUDGES OF THE COURTS OF COMMON PLEAS, THE JUDGES OF THE ORPHANS'  
7 COURTS, THE JUDGES OF THE COUNTY COURT OF PHILADELPHIA AND THE  
8 JUDGES OF THE COUNTY COURT AND JUVENILE COURT OF ALLEGHENY  
9 COUNTY, CERTAIN ASSOCIATE JUDGES NOT LEARNED IN THE LAW, CERTAIN  
10 STATE OFFICERS, AND THE SALARY AND EXPENSES OF THE MEMBERS OF  
11 THE GENERAL ASSEMBLY, AND REPEALING CERTAIN INCONSISTENT ACTS."

12 SECTION 290 OF THE ACT OF DECEMBER 15, 1959 (P.L.1779,  
13 NO.673), KNOWN AS "THE FISH LAW OF 1959."

14 SECTION 1 OF THE ACT OF SEPTEMBER 26, 1961 (P.L.1661,  
15 NO.692), ENTITLED "AN ACT PROVIDING FOR GROUP LIFE INSURANCE FOR  
16 STATE EMPLOYES; ESTABLISHING A SCHEDULE; PROVIDING FOR PAYMENT;  
17 PROVIDING FOR REDUCTION OF INSURANCE UPON RETIREMENT;  
18 AUTHORIZING THE SECRETARY OF PROPERTY AND SUPPLIES TO ACT AS  
19 EXCLUSIVE AGENT FOR THE PURPOSE OF CONTRACTING FOR INSURANCE;  
20 AND PROVIDING FOR ADMINISTRATION AND ADVISORY SERVICES BY THE  
21 DEPARTMENT OF PROPERTY AND SUPPLIES."

22 SECTION 6(G)(7) OF THE ACT OF SEPTEMBER 27, 1961 (P.L.1700,  
23 NO.699), KNOWN AS THE "PHARMACY ACT."

24 SECTIONS 2 AND 3 OF THE ACT OF AUGUST 8, 1963 (P.L.595,  
25 NO.314), ENTITLED "AN ACT RELATING TO PRIVATE INSTITUTIONS  
26 LICENSED BY THE DEPARTMENT OF PUBLIC WELFARE OR DEPARTMENT OF  
27 HEALTH; PROVIDING REMEDIES AGAINST PERSONS OPERATING WITHOUT A  
28 LICENSE OR VIOLATING THE LAWS OR RULES OR REGULATIONS MADE  
29 THEREUNDER; AND PRESCRIBING PROCEDURES TO BE FOLLOWED."

30 SECTION 1 OF THE ACT OF AUGUST 8, 1963 (P.L.622, NO.330),

1 ENTITLED "AN ACT ENABLING AND AUTHORIZING THE COMMISSIONER OF  
2 PROFESSIONAL AND OCCUPATIONAL AFFAIRS OR ANY OF THE  
3 ADMINISTRATIVE BOARDS, COMMISSIONS OR OFFICERS WITHIN THE  
4 DEPARTMENT OF STATE OR OTHERWISE UNDER HIS SUPERVISION TO  
5 PROCEED BY INJUNCTION OR ANY OTHER PROCESS IN THE COURT OF  
6 COMMON PLEAS IN ANY COUNTY WHERE THE ALLEGED UNAUTHORIZED  
7 PRACTICE WAS COMMITTED TO PROHIBIT AND RESTRAIN ANY UNLICENSED  
8 PERSON, ASSOCIATION, COPARTNERSHIP OR CORPORATION FROM ENGAGING  
9 IN AN ACTIVITY FOR WHICH A LICENSE IS REQUIRED TO BE ISSUED BY  
10 THE COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS, AND  
11 TO SET OUT THE METHOD AND PROCEDURE THEREFOR."

12 SECTION 5(A) OF THE ACT OF AUGUST 9, 1963 (P.L.628, NO.337),  
13 KNOWN AS THE "SOLICITATION OF CHARITABLE FUNDS ACT," TO THE  
14 EXTENT THAT THE ATTORNEY GENERAL IS MADE A MEMBER OF THE  
15 COMMISSION ON CHARITABLE ORGANIZATIONS.

16 SECTIONS 208, 1052 AND 1053 OF THE ACT OF JUNE 13, 1967  
17 (P.L.31, NO.21), KNOWN AS THE "PUBLIC WELFARE CODE."

18 SECTION 5 OF THE ACT OF JANUARY 18, 1968 (1967 P.L.961,  
19 NO.428), KNOWN AS THE "MUNICIPAL RECORDS ACT," TO THE EXTENT  
20 THAT THE ATTORNEY GENERAL IS MADE A MEMBER OF THE LOCAL  
21 GOVERNMENT RECORDS COMMITTEE.

22 SECTION 205 OF THE ACT OF JULY 31, 1968 (P.L.769, NO.240),  
23 KNOWN AS THE "COMMONWEALTH DOCUMENTS LAW."

24 SECTIONS 1001 AND 1003 OF THE ACT OF JULY 23, 1970 (P.L.563,  
25 NO.195), KNOWN AS THE "PUBLIC EMPLOYE RELATIONS ACT."

26 SECTION 28 OF THE ACT OF DECEMBER 3, 1970 (P.L.834, NO.275),  
27 ENTITLED "AN ACT AMENDING THE ACT OF APRIL 9, 1929 (P.L.177,  
28 NO.175), ENTITLED 'AN ACT PROVIDING FOR AND REORGANIZING THE  
29 CONDUCT OF THE EXECUTIVE AND ADMINISTRATIVE WORK OF THE  
30 COMMONWEALTH BY THE EXECUTIVE DEPARTMENT THEREOF AND THE

1 ADMINISTRATIVE DEPARTMENTS, BOARDS, COMMISSIONS, AND OFFICERS  
2 THEREOF, INCLUDING THE BOARDS OF TRUSTEES OF STATE NORMAL  
3 SCHOOLS, OR TEACHERS COLLEGES; ABOLISHING, CREATING,  
4 REORGANIZING OR AUTHORIZING THE REORGANIZATION OF CERTAIN  
5 ADMINISTRATIVE DEPARTMENTS, BOARDS, AND COMMISSIONS; DEFINING  
6 THE POWERS AND DUTIES OF THE GOVERNOR AND OTHER EXECUTIVE AND  
7 ADMINISTRATIVE OFFICERS, AND OF THE SEVERAL ADMINISTRATIVE  
8 DEPARTMENTS, BOARDS, COMMISSIONS, AND OFFICERS; FIXING THE  
9 SALARIES OF THE GOVERNOR, LIEUTENANT GOVERNOR, AND CERTAIN OTHER  
10 EXECUTIVE AND ADMINISTRATIVE OFFICERS; PROVIDING FOR THE  
11 APPOINTMENT OF CERTAIN ADMINISTRATIVE OFFICERS, AND OF ALL  
12 DEPUTIES AND OTHER ASSISTANTS AND EMPLOYES IN CERTAIN  
13 DEPARTMENTS, BOARDS, AND COMMISSIONS; AND PRESCRIBING THE MANNER  
14 IN WHICH THE NUMBER AND COMPENSATION OF THE DEPUTIES AND ALL  
15 OTHER ASSISTANTS AND EMPLOYES OF CERTAIN DEPARTMENTS, BOARDS AND  
16 COMMISSIONS SHALL BE DETERMINED, ' CREATING THE DEPARTMENT OF  
17 ENVIRONMENTAL RESOURCES AND DEFINING ITS FUNCTIONS, POWERS AND  
18 DUTIES, TRANSFERRING CERTAIN BOARDS AND COMMISSIONS TO SUCH  
19 DEPARTMENT, ABOLISHING THE SANITARY WATER BOARD, THE AIR  
20 POLLUTION COMMISSION AND CERTAIN OTHER BOARDS AND COMMISSIONS;  
21 PLACING THE NAVIGATION COMMISSION FOR THE DELAWARE RIVER AND ITS  
22 NAVIGABLE TRIBUTARIES IN THE DEPARTMENT OF TRANSPORTATION;  
23 TRANSFERRING THE FUNCTIONS OF THE GEOGRAPHIC BOARD TO THE  
24 PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION PLACING THE VALLEY  
25 FORGE PARK COMMISSION AND THE WASHINGTON CROSSING PARK  
26 COMMISSION IN THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION  
27 AND REPEALING INCONSISTENT ACTS. "

28 SECTION 509 OF THE ACT OF DECEMBER 5, 1972 (P.L.1280,  
29 NO.284), KNOWN AS THE "PENNSYLVANIA SECURITIES ACT OF 1972."

30 SECTION 3 OF THE ACT OF DECEMBER 30, 1974 (P.L.1075, NO.348),



1 KNOWN AS THE "INTERSTATE CORRECTIONS COMPACT."

2 SECTION 5, ACT OF MARCH 3, 1978 (P.L.6, NO.3), KNOWN AS THE  
3 "STEEL PRODUCTS PROCUREMENT ACT."

4 SECTIONS 402 AND 502, ACT OF OCTOBER 4, 1978 (P.L.851,  
5 NO.166), KNOWN AS THE "FLOOD PLAIN MANAGEMENT ACT."

6 SECTIONS 10 AND 15, ACT OF OCTOBER 4, 1978 (P.L.864, NO.167),  
7 KNOWN AS THE "STORM WATER MANAGEMENT ACT."

8 SECTION 14, ACT OF NOVEMBER 22, 1978 (P.L.1160, NO.273),  
9 KNOWN AS THE "HISTORIC PRESERVATION ACT."

10 SECTION 903, ACT OF NOVEMBER 26, 1978 (P.L.1274, NO.305),  
11 KNOWN AS THE "CRIMINAL HISTORY RECORD INFORMATION ACT," TO THE  
12 EXTENT IT AUTHORIZES THE INSTITUTION OF AN ACTION BY A  
13 COMMONWEALTH AGENCY BUT THE DUTIES IMPOSED UPON THE ATTORNEY  
14 GENERAL BY THE ACT SHALL NOT BE EFFECTED.

15 SECTION 14, ACT OF APRIL 6, 1979 (P.L.17, NO.5), ENTITLED "AN  
16 ACT ESTABLISHING THE PENNSYLVANIA SAVINGS ASSOCIATION INSURANCE  
17 CORPORATION AND PROVIDING FOR ITS POWERS AND DUTIES."

18 SECTIONS 603(B) AND (F), 814, 815, 816 AND 817, ACT OF JULY  
19 19, 1979 (P.L.130, NO.48), KNOWN AS THE "HEALTH CARE FACILITIES  
20 ACT."

21 SECTION 14, ACT OF MAY 13, 1980 (NO.48), KNOWN AS THE "BLUFF  
22 RECESSION AND SETBACK ACT."

23 SECTIONS 603 AND 604, ACT OF JULY 7, 1980 (NO.97), KNOWN AS  
24 THE "SOLID WASTE MANAGEMENT ACT."

25 SECTION 505. LIMITED REPEALS.

26 SO MUCH OF SECTIONS 202 AND 206 AS RELATES TO THE DEPARTMENT  
27 OF JUSTICE AND SO MUCH OF SECTIONS 206, 207.1(D)(1) AND 208(A)  
28 AS RELATES TO THE ATTORNEY GENERAL OF THE ACT OF APRIL 9, 1929  
29 (P.L.177, NO.175), KNOWN AS "THE ADMINISTRATIVE CODE OF 1929,"  
30 ARE REPEALED.

1 SECTION 1517(A) OF TITLE 75 (VEHICLES), ACT OF NOVEMBER 25,  
2 1970 (P.L.707, NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED  
3 STATUTES, IS REPEALED TO THE EXTENT THAT THE ATTORNEY GENERAL IS  
4 MADE A MEMBER OF THE MEDICAL ADVISORY BOARD.

5 SECTION 506. APPLICATION OF ADMINISTRATIVE CODE. <—

6 THE PROVISIONS OF THE ACT OF APRIL 9, 1929 (P.L.177, NO,175),  
7 KNOWN AS "THE ADMINISTRATIVE CODE OF 1929," WHICH GENERALLY  
8 APPLY TO ALL DEPARTMENTS, BOARDS, AGENCIES AND COMMISSIONS SHALL  
9 ALSO APPLY TO THE OFFICE OF ATTORNEY GENERAL AND TO THE OFFICE  
10 OF GENERAL COUNSEL EXCEPT WHEN SUCH PROVISIONS OF THE  
11 ADMINISTRATIVE CODE ARE EXPRESSLY INCONSISTENT WITH THE  
12 PROVISIONS OF THIS ACT.

13 SECTION ~~506~~- 507. TRANSITION. <—

14 IN ORDER THAT THERE MAY BE AN ORDERLY, EFFICIENT AND  
15 ECONOMICAL TRANSITION OF GOVERNMENT FOLLOWING THE ELECTION OF A  
16 NEW ATTORNEY GENERAL, THE AUDITOR GENERAL, IN THE FISCAL YEAR  
17 DURING WHICH A NEW ATTORNEY GENERAL IS ELECTED SHALL EMPLOY SUCH  
18 CONSULTANTS, ACCOUNTANTS AND EXPERTS AS SHALL HAVE BEEN SELECTED  
19 IN WRITING BY THE NEW ATTORNEY GENERAL WHO IS HEREBY AUTHORIZED  
20 TO FIX THE COMPENSATION TO BE PAID SUCH PERSONNEL. SUCH NOTICE  
21 TO THE AUDITOR GENERAL SHALL BE GIVEN AT ANY TIME AFTER THE  
22 SECRETARY OF THE COMMONWEALTH AND THE AUDITOR GENERAL HAVE  
23 DETERMINED THE PERSON RECEIVING THE HIGHEST NUMBER OF VOTES FOR  
24 THE OFFICE OF ATTORNEY GENERAL AND HAVE INFORMED THE NEW  
25 ATTORNEY GENERAL-ELECT OF SUCH DETERMINATION. SINCE THIS  
26 PERSONNEL IS TO BE ENGAGED FOR A LIMITED PERIOD OF TIME, THEY  
27 SHALL NOT BE ELIGIBLE FOR MEMBERSHIP IN ANY OF THE RETIREMENT  
28 SYSTEMS OF THE COMMONWEALTH, NOR SHALL THEY BE BOUND BY OR  
29 SUBJECT TO THE PROVISIONS OF "THE ADMINISTRATIVE CODE OF 1929,"  
30 PERTAINING TO STATE EMPLOYEES. SUCH PERSONNEL SHALL BE PAID FROM

1 AN APPROPRIATION NOT TO EXCEED \$75,000 MADE TO THE AUDITOR  
2 GENERAL DURING THE FISCAL YEAR WHEN THE NEW ATTORNEY GENERAL IS  
3 ELECTED. WITHIN 30 DAYS AFTER HIS INAUGURATION THE NEW ATTORNEY  
4 GENERAL SHALL DISPENSE WITH THE SERVICES OF THE TEMPORARY  
5 PERSONNEL OR PLACE SUCH MEMBERS THEREOF AS HE SEES FIT ON THE  
6 PAYROLL OF THE COMMONWEALTH IN THE MANNER PROVIDED BY "THE  
7 ADMINISTRATIVE CODE OF 1929."

8 SECTION ~~507~~. 508. APPROPRIATIONS. <—

9 (1) THE SUM OF \$75,000 OR AS MUCH THEREOF AS MAY BE  
10 NECESSARY IS SPECIFICALLY APPROPRIATED TO THE AUDITOR GENERAL  
11 FOR THE FISCAL YEAR JULY 1, 1980 TO JUNE 30, 1981 FOR  
12 PURPOSES OF FUNDING THE TRANSITION TO AN ELECTED ATTORNEY  
13 GENERAL.

14 (2) THE SUM OF \$25,000 OR AS MUCH THEREOF AS MAY BE  
15 NECESSARY IS SPECIFICALLY APPROPRIATED TO THE GOVERNOR FOR  
16 THE FISCAL YEAR JULY 1, 1980 TO JUNE 30, 1981 TO FUND THE  
17 ESTABLISHMENT OF THE OFFICE OF GENERAL COUNSEL.

18 SECTION ~~508~~. 509. EFFECTIVE DATE. <—

19 SECTIONS 203, 506 AND 507 OF THIS ACT SHALL TAKE EFFECT <—  
20 IMMEDIATELY AND SHALL BE APPLICABLE AS SOON AS PERMITTED UNDER  
21 THE CONSTITUTION OF PENNSYLVANIA; ALL OTHER PROVISIONS SHALL  
22 TAKE EFFECT JANUARY 20, 1981.