THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 788 Session of 2003

INTRODUCED BY GANNON, BENNINGHOFF, CAPPELLI, DALLY, FAIRCHILD, FICHTER, GEIST, GODSHALL, KELLER, LEWIS, MAITLAND, McCALL, REICHLEY, SCHRODER, STERN, E. Z. TAYLOR AND YOUNGBLOOD, MARCH 10, 2003

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 10, 2003

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,"
31   imposing additional limitations on consent decrees.

32   The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2   Section 1. Sections 204(e) and 301(12) of the act of October

3 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys

4 Act, are amended to read:

5 Section 204. Legal advice and civil matters.

6   * * *

7   (e) Limitations in civil litigations.--The Attorney General

8 shall not agree to the entry of a consent decree in any action

9 against the Commonwealth or any agency which includes either the

10 enactment of specific legislation or the appropriation or

11 expenditure of Commonwealth funds in excess of $100,000 without

12 the approval of the Governor and without both notice to the

13 General Assembly through the offices of the Secretary of the

14 Senate and the Chief Clerk of the House of Representatives and

15 approval of the General Assembly by concurrent resolution.

16   * * *

17 Section 301. General Counsel.

18   There is hereby established the Office of General Counsel

19 which shall be headed by a General Counsel appointed by the

20 Governor to serve at his pleasure who shall be the legal advisor

21 to the Governor and who shall:

22   * * *

23   (12) Not agree to the entry of a consent decree in any

24   action against the Commonwealth or any executive agency which

25   includes either the enactment of specific legislation or the

26   appropriation or expenditure of Commonwealth funds in excess

27   of $100,000 without the approval of the Governor and the

28   Attorney General and without both notice to the General

29   Assembly through the offices of the Secretary of the Senate

30   and Chief Clerk of the House of Representatives and approval

1   <u>of the General Assembly by concurrent resolution</u>.

2   Section 2. This act shall apply to all civil litigation

3   commenced on or after the effective date of this act.

4   Section 3. This act shall take effect in 60 days.