

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1020 Session of 2019

INTRODUCED BY ECKER, SCHEMEL, DIAMOND, MURT, ZIMMERMAN, MILLARD, RYAN, B. MILLER, ROTHMAN, GROVE, KAUFFMAN, STEPHENS AND NEILSON, APRIL 2, 2019

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 2, 2019

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, establishing requirements for  
 32 notification of constitutional challenges.

1 The General Assembly of the Commonwealth of Pennsylvania  
2 hereby enacts as follows:

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

6 Section 204. Legal advice and civil matters.

7 \* \* \*

8 (g) Notification of constitutional challenges.--

9 (1) Within seven business days of receiving notice of a  
10 judicial proceeding in which all or part of an act of this  
11 Commonwealth is alleged to be unconstitutional, the Attorney  
12 General shall provide written notification of the lawsuit and  
13 a copy of the pleading, motion or other portion of the  
14 judicial record raising the issue to the following  
15 individuals or their designees:

16 (i) The Governor.

17 (ii) The President pro tempore of the Senate.

18 (iii) The Majority Leader of the Senate.

19 (iv) The Minority Leader of the Senate.

20 (v) The Speaker of the House of Representatives.

21 (vi) The Majority Leader of the House of  
22 Representatives.

23 (vii) The Minority Leader of the House of  
24 Representatives.

25 (2) Written notification required under paragraph (1)  
26 shall include the following:

27 (i) Names of the parties to the judicial proceeding.

28 (ii) The court in which the judicial proceeding has  
29 been filed.

30 (iii) The law of this Commonwealth being challenged.

1           (iv) A brief summary of the argument made by the  
2 party challenging the law.

3           (v) A statement indicating whether the Attorney  
4 General will defend the constitutionality of the law of  
5 this Commonwealth or authorize the General Counsel or the  
6 counsel for an independent agency to initiate, conduct or  
7 defend any particular litigation or category of  
8 litigation in the Attorney General's stead.

9           (vi) Any other information the Attorney General  
10 deems necessary.

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