

No. 1978-25

AN ACT

SB 1323

Implementing the provision of section 4.1 and related sections of Article IV of the Constitution of Pennsylvania as added or amended to provide for the election of the Attorney General; providing for the continuation of the powers and duties of the Attorney General through interim gubernatorial appointments to ensure an orderly and efficient transition in the office of Attorney General and the Department of Justice.

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

Section 1. (a) Upon the adoption of the constitutional amendment adding section 4.1 and amending related sections of Article IV of the Constitution of Pennsylvania which shall be deemed to be the date of the proclamation by the Governor of the approval by the electorate of the amendment as provided for in 1 Pa.C.S. § 903 (relating to Governor to proclaim result of election), there shall be a vacancy in the office of Attorney General. The Governor shall nominate, in accordance with the provisions of the Constitution of Pennsylvania, and, by and with the advice and consent of a majority of the members elected to the Senate, appoint a person to the office of Attorney General. The Attorney General shall serve during the pleasure of the Governor for a term ending on the third Tuesday of January 1979 and shall continue to exercise all the powers and perform all the duties as provided by law for the office of the Attorney General. In the event of a vacancy prior to the proclamation by the Governor of the adoption of the constitutional amendment or during the interim between the proclamation and the confirmation by the Senate of the Attorney General, the Governor shall designate in writing an interim acting Attorney General.

(b) The vacancy occurring in the office of Attorney General upon the expiration of his term on the third Tuesday of January 1979 shall be filled by the Governor who shall nominate, in accordance with the provisions of the Constitution of Pennsylvania, and, by and with the advice and consent of a majority of the members elected to the Senate, appoint an Attorney General. The Attorney General shall serve during the pleasure of the Governor for a term ending on the third Tuesday of January 1981 and shall, until otherwise provided by law, continue to exercise all the powers and perform all the duties as provided by law for the office of the Attorney General. He shall in addition, from time to time, report to the General Assembly recommendations for an orderly and efficient transition of the powers and duties to the Attorney General to be elected.

Section 2. This act shall expire if the constitutional amendment providing for the election of the Attorney General is defeated by the electorate.

Section 3. This act shall take effect immediately.

APPROVED—The 18th day of April, A. D. 1978.

MILTON J. SHAPP