

## No. 292

## AN ACT

HB 2194

Amending the act of April 9, 1929 (P.L.177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," providing counsel for the Auditor General and providing for his powers and duties.

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

Section 1. Sections 512 and 902 and subsection (b) of section 903, act of April 9, 1929 (P.L.177), known as "The Administrative Code of 1929," are amended to read:

Section 512. Legal Advice and Services.—Whenever any department, *other than the Department of the Auditor General*, board, commission, or officer of the State Government, shall require legal advice concerning its conduct or operation, or when any legal difficulty or dispute arises, or litigation is commenced or to be commenced in which any department, *other than the Department of the Auditor General*, board, commission, or officer, is concerned, or whenever any taxes or other accounts of any kind whatever due the Commonwealth remain overdue and unpaid for a period of ninety days, it shall be the duty of such department, board, commission, or officer, to refer the same to the Department of Justice.

It shall be the duty of any department, *other than the Department of the Auditor General*, board, commission, or officer, having requested and received legal advice from the Department of Justice regarding the official duty of such department, board, commission, or officer, to follow the same, and, when any officer shall follow the advice given him by the Department of Justice, he shall not be in any way liable for so doing, upon his official bond or otherwise.

Before the Department of Justice shall render any opinion, interpreting any appropriation act, or act authorizing the expenditure of money, it shall notify the Department of the Auditor General and the Treasury Department, of the question upon which its opinion has been requested,

and afford to these departments an opportunity to present any views which they may have upon such question.

It shall be unlawful for any department, *other than the Department of the Auditor General*, board, commission, or officer, of the Commonwealth, to engage any attorney to represent such department, board, commission, or officer, in any matter or thing relating to the public business of such department, board, commission, or officer, without the approval in writing of the Attorney General.

Section 902. Legal Advice.—The Department of Justice shall have the power, and its duty shall be:

(a) To furnish legal advice to the Governor, and to all administrative departments, *other than the Department of the Auditor General*, boards, commissions, and officers of the State Government, concerning any matter or thing arising in connection with the exercise of the official powers or the performance of the official duties of the Governor, or such administrative departments, boards, commissions, or officers;

(b) To supervise, direct and control all of the legal business of every administrative department, *other than the Department of the Auditor General*, board, and commission of the State Government.

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

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

Section 2. Section 906 of the act, amended June 21, 1937 (P.L.1865), is amended to read:

Section 906. Deputy Attorneys General.—In addition to such deputy attorneys general as may be appointed to assist in the conduct of the regular work of the department, the Attorney General, with the approval of the Governor, shall have power:

(a) To appoint and fix the compensation of such special deputy attorneys general, as may be required, to represent and advise the Workmen's Compensation Board, and any other departments, *other than the Department of the Auditor General*, boards, and commissions, which may require the services of counsel to such an extent as to render it reasonably necessary to assign deputy attorneys general exclusively to their work: Provided, That the office of counsel to the Pennsylvania Public Utility Commission shall be retained, such counsel to be appointed by the Attorney General as now provided by law. The Attorney General, as now provided by law, may also, from time to time, with the approval of the Governor, appoint such assistant counsel to the Pennsylvania Public

Utility Commission as may be required for the proper conduct of its work. The compensation of the counsel and assistant counsel of the Pennsylvania Public Utility Commission shall be fixed by the commission with the approval of the Governor as now provided by law.

(b) From time to time appoint and fix the compensation of special deputy attorneys general, and special attorneys, to represent the Commonwealth, or any department, *other than the Department of the Auditor General*, board, or commission thereof, in special work or in particular cases.

(c) To appoint and fix the compensation of deputy attorneys general, to represent the Commonwealth, and the several departments, *other than the Department of the Auditor General*, boards, and commissions thereof, in all legal matters arising in any city or county, other than the State capital, except as otherwise provided in this act: Provided, That the same deputy attorney general may be assigned to two or more cities or counties in the discretion of the Attorney General.

Section 3. The act is amended by adding two new sections to read:

**Section 1002. Chief Counsel; Deputies.**—*The Auditor General shall have the power to appoint and fix the compensation of a chief counsel and such other deputy counsels as the Auditor General deems necessary to provide legal assistance to the Auditor General.*

**Section 1003. Powers and Duties of Chief Counsel.**—*The office of the chief counsel to the Auditor General shall have the power and its duty shall be:*

(a) *To furnish legal advice to the Auditor General concerning any legal matter or thing arising in connection with the exercise of the official powers or performance of the official duties of the Auditor General.*

(b) *To supervise, direct and control all of the legal affairs of the Department of the Auditor General.*

(c) *To represent the Auditor General in any litigation to which the Department of the Auditor General may be a party or in which the Department of the Auditor General is permitted or required by law to intervene or interplead.*

APPROVED—The 17th day of December, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly  
No. 292.



*Joseph P. Kelley II*  
Secretary of the Commonwealth.