

Section 3. Section one of this act shall become effective on the first day of the registration year beginning in one thousand nine hundred fifty-two. Section two of this act shall become effective immediately upon final enactment.

Section 1, this act, to become effective first day of registration year beginning in 1952.

Section 2, this act, to become effectively immediately.

APPROVED—The 28th day of September, A. D. 1951.

JOHN S. FINE

No. 400

AN ACT

To amend the act, approved the fourth day of June, one thousand nine hundred forty-five (Pamphlet Laws 1388), entitled "An act relating to the practice, procedure, regulations and adjudications of departments, departmental administrative boards and commissions, independent administrative boards and commissions, officers and other administrative agencies of this Commonwealth, and judicial review thereof; and preserving equitable jurisdiction in certain cases," by redefining "regulation"; changing provisions governing promulgation of regulations; imposing duties on the Department of State; requiring all appeals to be taken to the Superior Court; and enumerating the agencies affected and the extent to which they are affected.

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

"Administrative Agency Law."

Section 1. Clause (e) of section 2 of the act, approved the fourth day of June, one thousand nine hundred forty-five (Pamphlet Laws 1388), entitled "An act relating to the practice, procedure, regulations and adjudications of departments, departmental administrative boards and commissions, independent administrative boards and commissions, officers and other administrative agencies of this Commonwealth, and judicial review thereof; and preserving equitable jurisdiction in certain cases," is hereby amended to read as follows:

Clause (e) of section 2, act of June 4, 1945, P. L. 1388, amended.

Section 2. Definitions.—The following words and terms shall have the following meanings unless the context clearly indicates otherwise.

* * * * *

(e) "Regulation" means any rule, regulation or order in the nature of a rule or regulation, [generally applicable to the public, promulgated by an agency authorized by statute so to do, but shall not be construed to include the name or facts of any adjudication giving rise to such regulation] *of general application and future effect, promulgated by an agency under statutory authority in the administration of any statute administered by or relating to the agency, or prescribing the practice or procedure before such agency.*

Section 21. said act, as amended by act of July 7, 1947, P. L. 1367, further amended.

Section 2. Section 21 of said act, as amended by the act, approved the seventh day of July, one thousand nine hundred forty-seven (Pamphlet Laws 1367), is hereby further amended to read as follows:

Section 21. Regulations.—[All regulations of any agency which are in effect on the effective date of this act, or which shall be adopted thereafter, shall have no effect, unless they are printed and made available, upon written request, within thirty days after the date of adoption.] *All regulations of any agency which are in effect on the first day of December, one thousand nine hundred fifty-one, shall expire on the first day of January, one thousand nine hundred fifty-two, unless a copy thereof, certified by the executive officer, chairman or secretary of the agency, is filed in the Department of State, in such form and size as shall be prescribed by the Department of State, prior to the first day of January, one thousand nine hundred fifty-two. Regulations adopted after the thirtieth day of November, one thousand nine hundred fifty-one, shall have no effect until a copy thereof, certified by the executive officer, chairman or secretary of the agency, is filed in the Department of State, in such form and size as shall be prescribed by the Department of State. Printing of copies of regulations filed with the Department of State shall not be required. All regulations shall be approved as to legality by the Department of Justice before they are filed in the Department of State, but failure of the agency to submit a regulation for such approval shall not invalidate the regulation. Copies of all regulations shall be made available by the adopting agency upon request.*

Said act amended by adding, after section 21 thereof, a new section 22.

Section 3. Said act is hereby amended by adding, after section 21 thereof, a new section to read as follows:

Section 22. *Permanent Record of Regulations.—The Department of State shall maintain a permanent record of all regulations filed with it. Such record may be in the form of microfilm or other reproductions, in which event the original certified and approved copies need not be retained. The Department of State shall furnish certified copies of any regulation filed with it, upon the payment of the charges made for certified copies of other records on file in the department. The Department of State shall prepare and publish, in such form and at such time or times as it shall determine, an index of all regulations on file with it and periodic supplements thereto. The Department of State shall have power to adopt and enforce rules governing the physical form and size of regulations to be filed with it and such other rules as it deems necessary in carrying out its functions under the provisions of this act, but shall not require regulations to be printed.*

Section 4. Said act is hereby amended by adding, after section 35 thereof, a new section to read as follows:

Section 36. Notice to Department of Justice.—Before notice of any hearing leading to an adjudication is given, the agency shall submit the matter to its representative in the Department of Justice who shall pass upon the legality of the proposed action or defense. Failure of the agency to submit the matter to the Department of Justice shall not invalidate any adjudication.

Said act amended by adding, after section 35 thereof, a new section 36.

Section 5. Section 45 of said act is hereby amended to read as follows:

Section 45, said act, amended.

Section 45. Appellate Review.—The agency, or any party affected by any decision of a court on an appeal from adjudication, may, within thirty days of the filing of such decision, appeal to the Superior [or Supreme] Court [as in other cases].

Section 6. Said act is hereby amended by adding, after section 45 thereof, a new section to read as follows:

Section 46. Final Adjudications; Appeals Under Existing Law.—The provisions of sections forty-one to forty-five shall not apply to any adjudication which under existing law (1) is final, or (2) may be appealed to a court other than the Court of Common Pleas of Dauphin County.

Said act amended by adding, after section 45 thereof, a new section 46.

Section 7. Section 51 of said act is hereby amended to read as follows:

Section 51, said act, amended.

[Exemptions.

Section 51. (a) None of the provisions of this act, except sections twenty-one to twenty-three inclusive, shall apply to proceedings before the Department of Revenue, Auditor General, Board of Finance and Revenue or Secretary of the Commonwealth, involving the original settlement, resettlement, review or refund of taxes, bonus, interest or payments made into the State Treasury, or judicial review of such proceedings. The provisions of sections thirty-one to forty-five inclusive shall not apply to an adjudication of an agency from which an appeal to a court is provided by another statute, or to an adjudication of an agency, whose adjudication is provided by another statute as final.

(b) Sections forty-one to forty-five inclusive of this act shall not apply to adjudications of the Banking Board or of the Building and Loan Board.

(c) This act shall not apply to actions of the Secretary of Banking in the taking possession and liquidation of banking institutions, and building and loan associations or to actions of the Insurance Commissioner in the taking possession and liquidation of insurance companies.]

Application of Act

Section 51. (a) Except as provided in section forty-six hereof, all of the provisions of this act shall apply to the following agencies: (1) Department of Agriculture; (2) Department of State (except election cases and except proceedings involving the original settlement, re-settlement, review or refund of bonus, interests or payments made into the State Treasury); (3) Insurance Department; (4) Department of Public Instruction, in so far as relates to its powers and duties in the issuance of licenses to barbers, and in so far as relates to the powers and duties of the Superintendent of Public Instruction under the "Pennsylvania Loyalty Act"; (5) Board of Property; (6) State Council of Education; (7) State Board of Censors; (8) State Board of Medical Education and Licensure; (9) State Board of Pharmacy; (10) State Dental Council and Examining Board; (11) State Board of Optometrical Examiners; (12) State Board of Osteopathic Examiners; (13) Osteopathic Surgeons' Examining Board; (14) State Board of Nurse Examiners; (15) State Board of Veterinary Medical Examiners; (16) State Board of Examiners of Architects; (17) State Registration Board of Professional Engineers; (18) State Real Estate Commission; (19) State Board of Examiners of Public Accountants; (20) State Board of Private Business Schools; (21) State Board of Private Academic Schools; (22) State Board of Private Correspondence Schools; (23) State Board of Private Trade Schools; (24) State Board of Cosmetology; (25) State Board of Chiropractic Examiners; (26) Pennsylvania Securities Commission; (27) State Soil Conservation Commission; (28) Water and Power Resources Board; (29) Flood Control Commission; (30) Anthracite Mine Inspectors' Examining Board; (31) Mine Inspectors' Examining Board for the Bituminous Coal Mines; (32) Pennsylvania Parkway Commission; (33) Sanitary Water Board; (34) State Board of Undertakers; (35) State Workmen's Insurance Board; (36) Industrial Board; (37) State Board of Vocational Rehabilitation; (38) State Welfare Commission; (39) State Athletic Commission; (40) State Board of Public Assistance; (41) Pennsylvania Aeronautics Commission; (42) State Planning Board; (43) State Civil Service Commission; (44) State Tax Equalization Board; (45) Unemployment Compensation Board of Review; (46) State Employes' Retirement Board; (47) Public School Employes Retirement Board; and to any other agency which has been made subject to the provisions of this act by any other act of Assembly.

(b) Only sections twenty-one and thirty-one to thirty-five inclusive of this act shall apply to the Banking

Board, the Building and Loan Board, and the Board of Arbitration of Claims.

(c) Only section twenty-one of this act shall apply to agencies of the Commonwealth not enumerated in subsections (a) or (b) of this section. Such agencies shall not be required to have their regulations approved by the Department of Justice.

APPROVED—The 28th day of September, A. D. 1951.

JOHN S. FINE

No. 401

AN ACT

To further amend the act, approved the twenty-first day of January, one thousand nine hundred forty-seven (Pamphlet Laws 3), entitled "An act relating to officers and employes of the General Assembly; fixing the number, qualifications, compensation, mileage and duties of the officers and employes of the Senate and of the House of Representatives; providing for their election or appointment, term of office, or of service, removal, and manner of filling vacancies; and making appropriations to the Senate, House of Representatives and Legislative Reference Bureau," by providing for compensation on a daily basis for certain employes of the General Assembly when a regular biennial session of the General Assembly remains in session beyond the fifteenth day of June; making appropriations.

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

Section 1. Clauses (4), (5), (6) and (22) of section 3 of the act, approved the twenty-first day of January, one thousand nine hundred forty-seven (Pamphlet Laws 3), entitled "An act relating to officers and employes of the General Assembly; fixing the number, qualifications, compensation, mileage and duties of the officers and employes of the Senate and of the House of Representatives; providing for their election or appointment, term of office, or of service, removal, and manner of filling vacancies; and making appropriations to the Senate, House of Representatives and Legislative Reference Bureau," as last amended by the act, approved the sixth day of March, one thousand nine hundred fifty-one (Pamphlet Laws 18), are hereby further amended to read as follows:

Section 3. The following officers and employes of the Senate shall be appointed by the President pro tempore of the Senate to serve at his pleasure and receive the compensation and perform the duties herein specified:

• • • • •

General
Assembly.

Clauses (4), (5), (6) and (22) of section 3, act of January 21, 1947, P. L. 3, as last amended by act of March 6, 1951, P. L. 18, further amended.

President pro
tempore: Officers
and employes.