

(7) Transactions in this Commonwealth involving a policy of insurance issued prior to the effective date of this act.

(8) Insurance on the property and operation of railroads or aircraft engaged in interstate or foreign commerce, insurance of vessels, crafts or hulls, cargoes, marine builder's risks, marine protection and indemnity, lessees and charterers' liability, or other risks including strikes and war risks commonly insured under ocean or wet marine forms of policies.

Section 209. Penalty for Acting Without Certificate of Authority.—Any insurance company, association, or exchange doing an insurance business within this Commonwealth without a certificate of authority as required by this act shall [forfeit and pay to the Commonwealth the sum of five hundred dollars for each month, or fraction thereof, in which such illegal business was transacted] be required to pay a penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000) for each offense, to be recovered on behalf of the Commonwealth.

Any person negotiating or soliciting any policy of insurance or suretyship in this Commonwealth, collecting or forwarding premiums or delivering policies for any company, association, or exchange to which a certificate of authority has not been granted, shall be deemed to be the agent of the company, association, or exchange, in any legal proceedings brought against it.

Section 2. This act shall take effect immediately.

APPROVED—The 31st day of July, A. D. 1968.

RAYMOND P. SHAFER.

No. 240

AN ACT

SB 320

Relating to Commonwealth documents; providing for the printing and distribution of administrative regulations; regulating the adoption, publication, codification and effectiveness of regulations, statements of policy, and certain other Commonwealth documents; creating the Joint Committee on Documents and prescribing its powers and duties; providing penalties, and making appropriations and repeals.

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¹ "Unified" in original.

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

ARTICLE I
Short Title and Definitions

Section 101. Short Title.—This act shall be known, and may be cited, as the “Commonwealth Documents Law.”

Section 102. Definitions.—The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) “Adjudication” means any order, decree, decision, determination or ruling by an agency affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of any or all of the parties to the proceeding in which the adjudication is made.

(2) “Administrative regulation” means any regulation except a proclamation, executive order, executive directive or other similar document promulgated by the Governor, and the term includes a regulation which may be promulgated by an agency only with the approval of the Governor.

(3) “Agency” means the Governor or any department, departmental administrative board or commission, officer, independent board or commission, authority or other agency of this Commonwealth now in existence or hereafter created, but shall not include the Senate or House of Representatives of this Commonwealth or any court, political subdivision, municipal or other local authority, or any officer or agency of any such court, political subdivision or local authority.

(4) “Agency text” means the text of a document as issued, prescribed or promulgated by the issuing, prescribing or promulgating agency.

(5) “Bulletin” means the Pennsylvania Bulletin established by this act.

(6) “Bureau” means the Legislative Reference Bureau. The powers conferred by this act upon the bureau shall be exercised by the Director of the Legislative Reference Bureau, or, in his absence, by the Assistant Director thereof.

(7) "Code" means the code established by this act.

(8) "Department" means the Department of Property and Supplies.

(9) "Document" means any proclamation, executive order, executive directive or similar instrument promulgated by the Governor, and any other order, regulation, rule, statement of policy, adjudication, certificate, license, permit, notice or similar instrument issued, prescribed or promulgated by or under the authority of this Commonwealth.

(10) "Joint committee" means the Joint Committee on Documents created by this act.

(11) "Official text" means the text of a document issued, prescribed or promulgated by an agency as published by authority of this act which has become in the manner provided by this act the only valid and enforceable text of such document.

(12) "Regulation" means any rule or regulation, or order in the nature of a rule or regulation, 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.

(13) "Statement of policy" means any document, except an adjudication or a regulation, promulgated by an agency which sets forth substantive or procedural personal or property rights, privileges, immunities, duties, liabilities or obligations of the public or any part thereof, and includes, without limiting the generality of the foregoing, any document interpreting or implementing any act of Assembly enforced or administered by such agency.

ARTICLE II

Promulgation of Regulations and Format of Documents

Section 201. Notice of Proposed Rule Making.—Except as provided in section 204 an agency shall give, in the manner provided in section 405 (relating to additional contents of temporary supplements) public notice of its intention to promulgate, amend or repeal any administrative regulation. Such notice shall include:

(1) The text of the proposed administrative regulation, except any portions thereof omitted pursuant to section 407 (relating to matter not required to be published), prepared in such a manner as to indicate the words to be added or deleted from the presently effective text thereof, if any.

(2) A statement of the statutory or other authority under which the administrative regulation or ¹change therein is proposed to be promulgated.

(3) A brief explanation of the proposed administrative regulation or change therein.

(4) A request for written comments by any interested person concerning the proposed administrative regulation or change therein.

(5) Any other statement required by law.

Section 202. Adoption of Regulations.—Before taking action upon

¹ "change" in original.

any administrative regulation or change therein the agency shall review and consider any written comments submitted pursuant to section 201 and may hold such public hearings as seem appropriate. If the act of Assembly or other authority under which a regulation is proposed to be promulgated, amended or repealed requires the holding of public hearings or establishes other procedures in addition to those prescribed by this Article II, the agency shall hold public hearings or comply with such other procedures as are not inconsistent with the provisions of this act. The agency text of any administrative regulation or change therein as finally adopted may contain such modifications to the proposed text as published pursuant to section 201 as do not enlarge its original purpose, but modifications which enlarge the original purpose of a proposal as published under section 201 shall be republished thereunder prior to final adoption by the agency.

Section 203. Effective Date of Regulations.—Except as otherwise provided by regulations promulgated by the joint committee, the effective date specified in any administrative regulation or change therein subject to the provisions of sections 201 and 202 shall be not less than thirty days after the notice of proposed rule making required thereby has been given unless:

(1) The administrative regulation—(i) grants or recognizes exemption or relieves restriction; or (ii) interprets a self-executing act of Assembly or administrative regulation; or

(2) The agency for good cause finds (and incorporates the finding and the reasons therefor in the order adopting the administrative regulation or change therein) that the deferral of the effective date of the administrative regulation or change therein beyond the date specified in the said order is impracticable or contrary to the public interest.

Section 204. Omission of Notice of Proposed Rule Making.—Except as otherwise provided by regulations promulgated by the joint committee, an agency may omit or modify the procedures specified in sections 201 and 202, if:

(1) The administrative regulation or change therein relates to: (i) military affairs; (ii) agency organization, management or personnel; (iii) agency procedure or practice; (iv) Commonwealth property, loans, grants, benefits or contracts; or (v) the interpretation of a self-executing act of Assembly or administrative regulation; or

(2) All persons subject to the administrative regulation or change therein are named therein and are either personally served with notice of the proposed promulgation, amendment or repeal or otherwise have actual notice thereof in accordance with law; or

(3) The agency for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the order adopting the administrative regulation or change therein) that the procedures specified in sections 201 and 202 are in the circumstances impracticable, unnecessary, or contrary to the public interest.

Section 205. Approval as to Legality.—All administrative regula-

tions and changes therein shall be approved as to legality by the Department of Justice before they are deposited with the Legislative Reference Bureau pursuant to section 207. In the event the Department of Justice shall rule illegal all or any part of any administrative regulations or changes therein, adopted by an agency which is by law independent of the policy supervision and control of the Governor, and such agency or party before such agency supporting such regulations or changes therein shall disagree with the ruling of the Department of Justice, such agency or such party may appeal from the determination of the department to the Superior Court, whereupon the court shall direct the department to approve those parts of the administrative regulations or changes therein ruled illegal which the court finds to be legal. Either the department or the agency or other party may appeal the decision of the Superior Court to the Supreme Court, in the manner provided by law. In all other cases the decision of the Department of Justice shall be final and shall not be subject to any form of judicial review at the instance of the agency, or any supporting party, but nothing in this section shall affect the right of any person adversely affected by a regulation or change therein to obtain a determination of the validity thereof in any appropriate proceeding.

Section 206. **Format of Regulations and Other Documents.**—The agency text of all regulations and other documents, required or authorized to be deposited with the Legislative Reference Bureau by this act shall be prepared in such form and format as may be prescribed by regulations promulgated by the joint committee. Such regulations shall require that every administrative regulation or change therein indicate expressly the statutory or other authority under which it is promulgated. Pending the promulgation of such regulations, all administrative regulations shall be prepared in the manner prescribed by Executive Directive No. 29, issued October 3, 1963.

Section 207. **Deposit of Agency Text of Regulations Required.**—The agency text of all administrative and other regulations, and changes therein, certified by the executive officer, chairman or secretary of the agency, shall be deposited with the Legislative Reference Bureau in the manner required by section 409.

Section 208. **Unfiled Regulations Invalid.**—An administrative regulation or change therein promulgated after the effective date of this act shall not be valid for any purpose until filed by the Legislative Reference Bureau, as provided in section 409.

ARTICLE III

Codification of Regulations and Other Documents

Section 301. **Official Codification Created.**—It shall be the duty of the Legislative Reference Bureau, subject to the policy supervision and direction of the joint committee, to compile, edit and supplement or to contract through the department for the compilation, editing and supplementation of an official legal codification, to be divided into titles of convenient size and scope, and to be known as the "Pennsyl-

vania Code" or such other ¹ name as may be specified by the joint committee. It is the intention of the General Assembly that this Article III shall be interpreted and applied so as to create a codification which is similar to the "Code of Federal Regulations" published pursuant to the Federal Register Act (49 Stat. 500).

Section 302. Contents of Official Codification.—Except as otherwise provided by regulations promulgated by the joint committee, the following documents shall be codified in the code:

(1) All proclamations and executive orders of the Governor which are general and permanent in nature.

(2) All administrative and other regulations.

(3) All statements of policy which are general and permanent in nature.

(4) All documents or classes of documents required to be codified in the code by act of Assembly.

(5) All rules of the Supreme and Superior Courts of Pennsylvania, including rules relating to practice and procedure in the lower courts of this Commonwealth.

(6) All local rules of the Court of Common Pleas of Dauphin County applicable in Commonwealth cases.

(7) Any other judicial document or class of documents which the Chief Justice of Pennsylvania finds to be general and permanent in nature.

(8) Any other document or class of documents which the Governor, the joint committee or the Director of the Legislative Reference Bureau finds to be general and permanent in nature.

ARTICLE IV

Publication of Documents

Section 401. Publication of Official Codification.—It shall be the duty of the Legislative Reference Bureau, subject to the policy supervision and direction of the joint committee, to arrange through the Department of Property and Supplies for the prompt printing and distribution of the code and the temporary and permanent supplements thereto, in the manner and at the times required in accordance with this Article IV and regulations promulgated hereunder.

Section 402. Initial Deposit of Documents Required.—On or before sixty days after the effective date of this act every agency and the prothonotaries of the Supreme and Superior Courts and of the Court of Common Pleas of Dauphin County shall deposit with the bureau, without regard to the requirements of Article II, a copy certified by the executive officer, chairman or secretary of the agency, or by such prothonotary, of:

(1) All administrative regulations adopted by the agency between February 27, 1962 and September 1, 1963 or, if a deposit of regulations has not heretofore been required of the agency by law or resolution, or effected in compliance therewith, of all unfiled administrative regulations in effect on the effective date of this act, as the case

¹ "names" in original.

may be, in default of which such administrative regulations shall become invalid, and

(2) The rules of court specified in section 302.

Section 403. Initial Agency Text.—(a) The code as published shall be the codification specified in section 302. Publication of the code may be commenced by the publication of individual titles or parts thereof of the manuscript code of administrative regulations heretofore prepared by the bureau pursuant to House Resolution No. 47 of the 1962 Session of the General Assembly as such manuscript code has been amended by regulations filed with the bureau prior to the effective date of this act pursuant to section 21 of the "Administrative Agency Law," as amended by the act of June 26, 1963 (P. L. 180), and as such manuscript code may be supplemented hereafter as provided in section 402. Except as otherwise provided in this section, such manuscript code of regulations, as so amended and supplemented, shall be deemed the initial agency text of such regulations for the purposes of this act.

(b) The bureau, or a qualified contractor selected by the bureau with the approval of the joint committee, may review any or all such manuscript code of administrative regulations as amended and supplemented, before it has been released for publication, and may prepare in active cooperation with each agency a revised text of the administrative regulations thereof which conforms fully to the format established for the code, which eliminates all ¹ obsolete, unnecessary or unauthorized material, which has been prepared in such a manner as to lend to the published code as a whole uniformity of style and clarity of expression, and which does not effect any change in the substance of the prior text of such regulations. Whenever any such revised text with respect to each agency is completed, two duplicate original copies thereof, with proof of service of a third copy thereof upon the executive officer, chairman or secretary of such agency, shall be filed by the bureau with the joint committee, and shall immediately be made available by the bureau for public inspection and copying.

(c) Such revised text shall become the initial agency text of such regulations for the purposes of this act sixty days after such filing unless, within such sixty day period, the agency shall file with the joint committee written objections to such revised text. In that event, the joint committee shall consult with the agency, shall make such alterations, if any, in such revised text as may be necessary in order to retain the substance of the prior text of such regulations in a manner consistent with the standards of the code, and shall by order prescribe the text of such regulations which shall become the initial agency text thereof for the purposes of this act. A decision of the joint committee under this section shall be final and shall not be subject to any form of judicial review.

Section 404. Temporary Supplements to Official Codification.—

¹ "absolote" in original.

Except as otherwise provided in this section, all documents required or authorized by section 302 to be codified in the code which are adopted subsequent to the effective date of this section, and all other documents required or authorized by section 405 to be published, shall be published in the first available issue of an official gazette, to be known as the "Pennsylvania Bulletin," printed after the filing of such documents by the Legislative Reference Bureau. The bulletin shall be published at least once each two weeks and shall contain all previously unpublished documents duly filed prior to the closing date and hour of the issue, which date and hour shall appear upon the first page of such issue. All issues of the bulletin shall contain a table of contents. A cumulative index shall be published at least once each three months. The joint committee may provide for such more frequent publication of the bulletin and indices as circumstances may require. There shall be printed with each document a notation of the date of filing thereof. The joint committee may provide for the publication of an official synopsis of a document in the bulletin in lieu of the full text thereof in any case where the full text of such document will be published pursuant to section 406 within ninety days of the publication of such official synopsis.

Section 405. Additional Contents of Temporary Supplements.— Except as otherwise provided by regulations promulgated by the joint committee the following documents, if not otherwise required to be published by this act, shall be published in the bulletin:

(1) All proclamations and executive orders of the Governor, except such as have no general applicability and legal effect or are effective only against Commonwealth agencies or persons in their capacity as officers, agents or employes thereof.

(2) All agency notices directed to the public with respect to proceedings conducted under any act of Assembly the expense of the administration of which is by law assessed directly against the class of persons regulated or supervised thereunder.

(3) All agency documents which are required by law to be published, or the expense of publication of which is specially assumed by the agency filing such document.

(4) Any legislative document filed with the Legislative Reference Bureau pursuant to a resolution adopted by either House of the General Assembly.

(5) Any judicial document filed with the Legislative Reference Bureau by the Chief Justice of Pennsylvania.

(6) Any other document or class of documents which the Governor, the joint committee or the Director of the Legislative Reference Bureau may require or authorize to be published in the bulletin.

Section 406. Permanent Supplements to Official Codification.—At least once each year all documents required or authorized by section 302 to be codified in the code which have been filed with the bureau pursuant to this act shall be permanently integrated into the code by the publication of looseleaf pages or pocket parts for or other ap-

propriate permanent supplements to or reissues of the code as published pursuant to section 403. The index to the code shall be similarly supplemented or reissued. The Legislative Reference Bureau may prepare, or may secure by contract, and incorporate into the permanent supplements to the code annotations of judicial decisions relating to any class of documents published in the code.

Section 407. ¹ Matter Not Required to be Published.—Except as otherwise provided by regulations promulgated by the joint committee, whenever a document incorporates by reference any portion of the text of any of the following publications the Legislative Reference Bureau, unless the agency specifies otherwise in its order adopting the document, shall omit the text of such incorporated material from the text of the document as published in the code, the permanent supplements thereto, and the bulletin:

- (1) Statutes at Large,
- (2) United States Code,
- (3) Pamphlet Laws,
- (4) Code of Federal Regulations,
- (5) Federal Register,
- (6) Any uniform system of accounts published by the National Association of Railroad and Utility Commissioners,
- (7) Any generally available standard published by any of the standardizing organizations listed in United States Department of Commerce Miscellaneous Publication 230, issued August 1, 1960, or supplements thereto or reissues thereof, or
- (8) Any other generally available publication approved by the bureau.

Section 408. Matter Not Permitted to be Published.—² Notwithstanding any other provision of this act no press release, speech, or other comments or news material shall be published in the code, the permanent supplements thereto, or in the bulletin. Any person depositing any document or thing for publication in violation of this section shall pay to the Commonwealth treble the cost of such publication together with costs and reasonable attorney's fees, which penalty may be enforced by an action in assumpsit brought by any resident of Pennsylvania within one year of such publication.

Section 409. Deposit of Subsequent Documents Required.—Two duplicate original copies, certified by the executive officer, chairman or secretary of the agency, or by the prothonotary in the case of a court, of any document required or authorized to be published under this article, shall be deposited with the Legislative Reference Bureau. If the bureau finds that such document has been approved as to legality, if such approval is required by section 205, and is in the form and format required by any applicable regulations promulgated under section 206, it shall file such document, assign thereto and indicate thereon a distinctive serial number, and indicate thereon the

¹ "Batter" in original.

² "Nothwitstanding" in original.

date and time of filing. Upon such filing one copy shall be immediately available for public inspection and copying under regulations promulgated by the joint committee, which copy shall be retained by the bureau for one year after the publication thereof, whereupon it shall be forwarded to the Pennsylvania Historical and Museum Commission for preservation in the Commonwealth archives. The other copy shall be transmitted immediately to the Department of Property and Supplies, or to a printer designated by it, for publication as provided in this Article IV. Every agency and the prothonotary of every court shall cause to be transmitted to the bureau for deposit as herein provided two certified duplicate original copies of all documents issued, prescribed or promulgated by the agency or court after the effective date of this act which are required by this article to be deposited or published, or both; in default of which any such document issued, prescribed or promulgated prior to the effective date of section 503, except a rule of court, shall not be valid for any purpose, and any document issued, prescribed or promulgated¹ thereafter shall be effective only to the extent provided in section 503. If an agency and the bureau disagree concerning the form or format of a document required or authorized to be deposited with the bureau, the agency may refer the matter to the joint committee, which shall resolve the conflict pursuant to the standards and procedures provided by² section 403.

Section 410. *Publication of Individual Regulations.*—The code and the permanent supplements thereto shall be published pursuant to typographical and contractual arrangements which shall ensure to every agency and court an opportunity to procure at reasonable cost individually printed pamphlet copies of the regulations, statements of policy and rules of court of such agency or court published by authority of this act. No administrative regulation or statement of policy published in the code or the permanent³ supplement thereto shall be reset or otherwise reprinted at public expense upon a format distinct from that of the code without a certification by the joint committee that such special format is necessary for the effective performance by the agency of its functions.

Section 411. *Pricing and Distribution of Published Documents.*—The prices to be charged for individual copies of and subscriptions to the code, the permanent supplements thereto and the bulletin, for reprints and bound volumes thereof and for pamphlet regulations, and statements of policy, which prices may be fixed without reference to the restrictions placed upon and fixed for the sale of other publications of the Commonwealth, and the number of copies which shall be distributed free for official use shall be set by regulations promulgated by the joint committee. Without limiting the generality of the foregoing, such regulations may provide for volume discounts available to established law book publishers who agree to incorporate fully the

¹ "hereafter" in original.

² "section" not in original.

³ "supplement" in original.

code, the permanent supplements thereto and the bulletin into their general scheme of promotion and distribution and may provide for the free reciprocal exchange of publications between this Commonwealth and other states and foreign jurisdictions and for the free distribution upon request of at least one copy of every publication printed under authority of this act to each:

- (1) County for the use of its law library,
- (2) Member of the General Assembly at the post office address specified by him, and
- (3) Law school library which pursuant to rules of court receives copies of printed briefs and records filed in the Supreme Court of Pennsylvania.

Section 412. Automatic Subscriptions.—Except as otherwise provided by regulations promulgated by the joint committee, whenever the Pennsylvania Public Utility Commission, the Department of Banking, the Insurance Department or any other agency assesses, pursuant to authority expressly conferred by law, the cost or any substantial part thereof of the regulation or supervision of any class of persons directly against such class of persons, such agency shall purchase from the Department of Property and Supplies in the name of each such person:

- (1) A subscription to the bulletin, and
- (2) A subscription to the title or part thereof of the code and the permanent supplements thereto relating to the regulation or supervision of such class of persons; and shall include in its assessment bills issued after the effective date of this act to each such class of persons the estimated cost (notwithstanding any other provision of law requiring such assessment to be retrospective) and the net unrecovered cost attributable to any preceding period, of complying with this section.

Section 413. Required Contractual Arrangements.—Except as otherwise provided hereafter by act of Assembly applicable to public printing and binding generally (1) the code; (2) the permanent supplements thereto published pursuant to section 406; (3) pamphlet copies of regulations, statements of policy and rules of court published pursuant to section 410; and (4) the bulletin (unless the application of this section to the bulletin is found to be impracticable by the joint committee after public notice and opportunity for public hearing) published pursuant to sections 404 and 405, shall be printed or reproduced under contract with a contractor unaffiliated with the Commonwealth. For the purposes of this section the terms “printed” or “reproduced” shall not include mimeographed, multilithed or reproduced by any similar in-house process or produced by computer. Every such contract shall be given, after reasonable public invitation for proposals, to the lowest responsible bidder below such maximum price and under such regulations as shall be prescribed by the joint committee. No officer or employe of the Commonwealth shall be in

¹ “purpose” in original.

any way interested in any purchase made by the Commonwealth under any such contract or otherwise.

ARTICLE V

Effect of Publication

Section 501. Official Text of Published Documents.—The official text, as published as provided in Article IV, of any document required or authorized to be published in the code, the permanent supplements thereto, or the bulletin, shall from the date of such publication be the only valid and enforceable text of such document regardless of any discrepancy between such official text and the agency text of such document. Thereafter any amendment to such document shall be drawn as an amendment to the official text thereof. If an agency discovers a discrepancy between the agency text and the official text of a document, the agency shall forthwith deposit, without regard to the requirements of sections 201 and 202 (relating to notice of proposed rule making) with the Legislative Reference Bureau an appropriate corrective amendment to the official text, and the agency may specify that such amendment shall be effective as of the effective date of the defective official text, but only persons who have had actual knowledge of the discrepancy shall be affected by such amendment prior to the publication of the official text thereof in the manner prescribed in Article IV. The purpose of this section is to permit the public to rely absolutely upon the correctness of the text of a regulation, statement of policy or other document as published in the code, the supplements thereto, or the bulletin by declaring such published text to be the only legal evidence of the valid and enforceable text of such regulation, statement of policy or other document.

Section 502. Certification of Official Text.—Each title or part of the manuscript code published pursuant to section 403 and each permanent supplement thereto shall contain a certificate by the Director of the Legislative Reference Bureau that such title or part or permanent supplement thereto contains all administrative regulations promulgated prior to the effective date of this act, or all documents required by section 302 to be codified therein issued, prescribed or promulgated prior to the closing date of such permanent supplement, as the case may be, by the agency to which such title or part relates, which certificate shall be conclusive evidence of such fact. If an agency discovers ¹ an omission in such title or part, such omission shall be governed by the provisions of section 501.

Section 503. Effective Date of Documents.—No document required under Article IV to be published which is issued, prescribed or promulgated after the effective date of this section, except a rule of court other than a civil or criminal procedural rule promulgated while the suspension provided for in section 607 is in effect, shall be valid as against any person who has not had actual knowledge thereof until such publication has been effected. Publication shall be deemed

¹ "on" in original.

to have¹ been effected upon the deposit of the bulletin or the permanent supplement to the code containing such document in the United States mail for distribution. The issue date of the bulletin and of the permanent supplement to the code shall be the day of such deposit, and, in the case of the bulletin, such date shall be printed prominently upon the first page of each issue thereof.

Section 504. Constructive Notice.—Unless otherwise specifically provided by act of Assembly the publication under Article IV of any document required or authorized by this act to be so published shall, except in cases where notice by publication is insufficient in law, be sufficient to give notice of the contents of such document to any person subject thereto or affected thereby.

Section 505. Presumptions Created.—The publication in the code, the permanent supplements thereto, or the bulletin of any document shall create a rebuttable presumption:

- (1) That it was duly issued, prescribed or promulgated,
- (2) That it was approved as to legality, if so required by section 205, by the Department of Justice, and
- (3) That all requirements of this act and the regulations promulgated hereunder applicable to such document have been complied with.

Section 506. Reasonable Notice of Hearing.—Whenever notice of hearing or of opportunity to be heard is required or authorized to be given by an agency by or under any act of Assembly, or may otherwise properly be given, the notice, except in cases where notice by publication is insufficient in law, shall be deemed to have been given to all persons residing within this Commonwealth, and to all persons owning or having any interest in any property situated within the limits thereof, if said notice shall be published in the bulletin at such time that the period between the date of publication as specified in section 503 and the date fixed in such notice for the hearing or for the termination of the opportunity to be heard shall be:

- (1) Not less than the time specifically prescribed for the publication of the notice by the appropriate act of Assembly, or
- (2) Not less than fifteen days when no time for publication is specifically prescribed by act of Assembly, without prejudice, however, to the effectiveness of any notice of less than fifteen days where such shorter period is reasonable.

Section 507. Additional Notice Unnecessary.—Except with respect to the time specifically prescribed for the publication of notice, the publication by an agency of any notice in the manner prescribed by this act shall constitute full compliance with law notwithstanding any inconsistent provision of any act of Assembly. Nothing in this act shall prohibit an agency from giving notice in such manner, or if notice has been given in the manner prescribed by this act, in such supplemental manner, as is not inconsistent with regulations promulgated by the joint committee.

¹ "been" not in original.

ARTICLE VI
General Provisions

Section 601. Payment for Documents.—Payments for documents published by authority of this act shall be made to the Department of Property and Supplies, which shall pay the same into the State Treasury through the Department of Revenue to the credit of the appropriations of the bureau and the department in such proportions as the joint committee shall specify.

Section 602. Appropriation; Distribution of Publication Expenses.—The sum of one hundred seventy-five thousand dollars (\$175,000) is hereby appropriated for the purposes of this act of which twenty-five thousand dollars (\$25,000) is appropriated to the Legislative Reference Bureau and one hundred fifty thousand dollars (\$150,000) is appropriated to the Department of Property and Supplies. In order to reimburse the Legislative Reference Bureau for the cost of administering this act and in order to reimburse the Department of Property and Supplies for the expenses of the joint committee and for the costs incurred in printing and distributing the publications provided for in Article IV which are neither recovered by the sale of such publications to an agency under sections 410 and 412 or to the public under section 601 nor paid by subsequent appropriations made directly to the bureau or the department for the costs and expenses of such administration, printing and distribution, every agency or court issuing, prescribing or promulgating documents published by authority of this act shall be billed at least quarterly by the bureau and the Department of Property and Supplies, upon a cost basis, at such amounts as the joint committee with the approval of the Executive Board shall determine for such costs and expenses, including costs incurred pursuant to section 403. Amounts payable hereunder for reimbursing the bureau and the department for the costs of administration and printing and distribution shall be credited to the appropriations of the bureau and the department respectively, and shall be paid out of the moneys in the General Fund, special operating funds, or other funds of the State Treasury currently appropriated to each such issuing, prescribing or promulgating agency or court. Nothing in this section shall limit the right of the General Assembly to make annual appropriations to the bureau or to the department or both for their total anticipated costs and expenses under this act.

Section 603. General Administration of Act.—Subject to the provisions of section 413, the manner in which the code, the permanent supplements thereto, and the bulletin, shall be printed, reprinted, compiled, indexed, bound and distributed, and all other matters with respect thereto not otherwise provided for in this act shall be prescribed by regulations promulgated or orders adopted by the joint committee. The joint committee shall administer this act with a view toward encouraging the widest possible dissemination of documents among the persons affected thereby which is consistent with the due administration of public affairs.

Section 604. Judicial Notice; Form of Citation.—The contents of the code, of the permanent supplements thereto, and of the bulletin, shall be judicially noticed. Without prejudice to any other mode of citation the code and permanent supplements thereto may be cited by title and section number, and the bulletin may be cited by volume and page number.

Section 605. Effect of Future Legislation.—No subsequent act of Assembly shall be held to supersede or modify the provisions of this act except to the extent that such act of Assembly shall do so expressly.

Section 606. References to Administrative Agency Law.—Whenever any act of Assembly makes reference to the Administrative Agency Law for procedures relating to the promulgation of administrative regulations, such reference shall hereafter be deemed to be a reference to the applicable provisions of the Commonwealth Documents Law.

Section 607. Civil and Criminal Procedural Rules.—Except as otherwise provided in this section nothing in this act shall modify or affect either the act of June 21, 1937 (P. L. 1982) relating to civil procedural rules or the act of July 11, 1957 (P. L. 819), relating to criminal procedural rules. At any time after the date of publication of the first issue of the bulletin the Supreme Court may, in its discretion, suspend the fourth sentence of section 1 of either or both of said acts. A civil or criminal rule promulgated during any such period of suspension shall not be valid for any purpose until deposited with the Legislative Reference Bureau, as provided in section 409.

Section 608. Joint Committee on Documents.—The Joint Committee on Documents is hereby created. The joint committee shall consist of five governmental members and two public members. The governmental members shall be the Attorney General, the Director of the Legislative Reference Bureau, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Secretary of Property and Supplies, or persons severally designated in writing by them. The public members shall be appointed by the Governor from among attorneys at law or other members of the public who represent the class who may be expected to refer to the documents to be published pursuant to this act. ¹The members of the joint committee shall serve without compensation other than reimbursement for travel and other actual expenses incurred in the performance of their duties. For the purposes of The Administrative Code of 1929 and its supplements the joint committee shall be a departmental administrative board in the Department of Property and Supplies. Four members of the joint committee shall constitute a quorum, and the committee shall select from among its members a chairman, and shall elect a secretary who need not be a member of the committee. The joint committee shall exercise the powers and perform the duties vested in and imposed upon it by this act and any

¹ "The" not in original.

powers and duties subsequently vested in and imposed upon the committee by law.

Section 609. Specific Repeals.—¹ (a) The following acts and parts of acts and all amendments thereto are repealed absolutely:

(1) Section 73, act of June 13, 1836 (P. L. 551), entitled "An act relating to roads, highways and bridges."

(2) Section 15, act of April 27, 1905 (P. L. 312), entitled "An act creating a Department of Health, and defining its powers and duties."

(3) As much of section 8 of the act of May 13, 1909 (P. L. 520), entitled "An act relating to food; defining food; providing for the protection of the public health, and the prevention of fraud and deception, by prohibiting the manufacture or sale, the offering for sale or exposing for sale, ² or the having in possession with intent to sell, of adulterated, misbranded, or deleterious foods; prescribing certain duties of the Dairy and Food Commissioner in reference thereto; and providing penalties for the violation thereof," as reads as follows: "and shall cause such rules and regulations to be published in the official bulletin in the issue immediately following the preparation of the same."

(4) As much of section 5 of the act of April 6, 1911 (P. L. 51), entitled "An act providing for the protection of the public health and the prevention of fraud and deception, by prohibiting the sale, the offering for sale or exposing for sale, or the having in possession with intent to sell, of adulterated or deleterious sausage; defining sausage; and prescribing the penalty for the violation thereof," as reads as follows: "and shall cause such rules and regulations to be published in the official bulletin in the issue immediately following the preparation of the same."

(5) The second sentence of section 15 of the act of June 2, 1913 (P. L. 396), entitled "An act creating a Department of Labor and Industry; defining its powers and duties; establishing an Industrial Board; providing for the appointment of a Commissioner of Labor, inspectors, statisticians, clerks, and others to enforce the provisions of this act, and providing salaries for the same; prescribing a standard of reasonable and adequate protection to be observed in the rooms, buildings, and places where labor is employed; empowering the said Industrial Board to make, alter, amend, and repeal rules and regulations relating thereto; transferring the powers and duties of the Department of Factory Inspection to the Department of Labor and Industry, and abolishing the Department of Factory Inspection; and providing a penalty for the violation of the provisions of this act, or the rules and regulations of the said board."

(6) The third sentence of section 4, act of March 30, 1917 (P. L. 21), entitled "An act defining optometry; and relating to the right to practice optometry in the Commonwealth of Pennsylvania, and making certain exceptions; and providing a Board of Optometrical

¹"(a)" not in original.

²"or" not in original.

Education, Examination, and Licensure, and means and methods whereby the right to practice optometry may be obtained; and providing for the means to carry out the provisions of this act; and providing for revocation or suspension of licenses given by said board, and providing penalties for violations thereof; and repealing all acts or parts of acts inconsistent therewith."

(7) The first paragraph of section 23, act of May 25, 1921 (P. L. 1144), entitled "An act creating a Department of Public Welfare; defining its powers and duties; abolishing the Board of Public Charities, the Committee on Lunacy, and the Prison Labor Commission, and all offices thereunder, and vesting all the powers of said board, committee, and commission in the Department of Public Welfare; requiring all reports, notices, statements, or matters, heretofore required to be made, given, or submitted to the Board of Public Charities or the Committee on Lunacy, to be made, given, or submitted to the Department of Public Welfare; and providing penalties."

(8) The last sentence of section 909 of the act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929," and as much of clause (g) of section 2102 of said act as reads as follows: "subject to the requirements of the act of June four, one thousand nine hundred forty-five (Pamphlet Laws 1388), known as the 'Administrative Agency Law' and its amendments;" and the last sentence of section 2205 of said act.

(9) Subsection (f) of section 11, act of May 28, 1931 (P. L. 202), known as the "Motor Boat Law."

(10) The last sentence of section 11, act of May 3, 1933 (P. L. 242) (No. 86), entitled, ¹ as amended, "An act to promote the public health and safety by providing for examination and registration of those who desire to engage in the occupation of beauty culture; defining beauty culture, and regulating beauty culture shops, schools, students, apprentices, teachers, managers and operators; conferring powers and duties upon the ² Commissioner of Professional and Occupational Affairs in the Department of ³ State; providing for appeals to certain courts by applicants and licensees; and providing penalties."

(11) As much of the third sentence of subsection (a) of section 201 of the act of December 5, 1936 (1937 P. L. 2897), known as the "Unemployment Compensation Law," as reads as follows: "and shall be effective in the manner the department shall prescribe."

(12) The last sentence of subsection (f) of section 4 of the act of June 1, 1937 (P. L. 1168), known as the "Pennsylvania Labor Relations Act."

(13) The last sentence of clause (1) of section 203, act of August 5, 1941 (P. L. 752), known as the "Civil Service Act."

(14) Sections 21, 22 and the last sentence of section 35, act of June 4, 1945 (P. L. 1388), known as the "Administrative Agency Law."

¹ "as amended" not in original.

² "Commissioner of Professional and Occupational Affairs in the" not in original.

³ "Public Instruction" in original.

(15) The second and third sentences of clause (11) of section 3, act of May 26, 1947 (P. L. 318), known as "The C.P.A. Law."

(16) As much of the first sentence of section 9 of the act of May 22, 1951 (P. L. 317), known as "The Professional Nursing Law," as reads as follows: "subject to the provisions of the Administrative Agency Law, approved the fourth day of June, one thousand nine hundred forty-five (Pamphlet Laws 1388), and its amendments."

(17) As much of the first sentence of section 8 of the act of March 2, 1956 (P. L. 1211), known as the "Practical Nurse Law," as reads as follows: "subject to the provisions of the Administrative Agency Law, approved June four, one thousand nine hundred forty-five (Pamphlet Laws 1388), and its amendments," and the second sentence of said section 8.

(18) The second sentence of section 85 of the act of December 15, 1959 (P. L. 1779), known as "The Fish Law of 1959."

(19) The second sentence of clause (2) of subsection ¹ (d) of section 5, act of January 8, 1960 (P. L. 2119), known as the "Air Pollution Control Act."

(20) As much of section 3 of the act of April 28, 1961 (P. L. 135), known as the "Public Weighmaster's Act," as reads as follows: "in the manner provided by the act of June 4, 1945 (P. L. 1388), known as the 'Administrative Agency Law.'"

(21) ² Subclause (ii) of ³ clause (4) of subsection (d) of section 3, act of September 10, 1965 (P. L. 517), known as the "Pennsylvania Grape Herbicides Act."

(b) The following acts and parts of acts and all amendments thereto are repealed to the extent specified:

(1) Section 10 of the act of June 19, 1931 (P. L. 589), entitled, as amended, "An act to promote the public health and safety, by providing for the examination and licensure of those who desire to engage in the occupation of barbering; regulating barber shops and barber schools, and apprentices and students therein; regulating compensation for service rendered; conferring certain powers and duties on the Department of Public Instruction; and providing penalties," in so far as it relates to the printing of rules and regulations.

(2) Section 909, act of May 28, 1937 (P. L. 1053), known as the "Public Utility Law," in so far as it relates to the official text of administrative regulations and other documents published pursuant to the Commonwealth Documents Law.

(3) The first and second sentences of subsection (e) of section 10, act of July 25, 1961 (P. L. 825), known as the "Oil and Gas Conservation Law" in so far as they relate to administrative regulations.

(4) Section 308, act of April 28, 1937 (P. L. 417), known as the "Milk Control Law" in so far ⁴ as it relates to administrative regulations.

¹ "(f)" in original.

² "Clause" in original.

³ "paragraph" in original.

⁴ "as" not in original.

(c) The following acts and parts of acts and all amendments thereto are repealed to the extent inconsistent with this act:

(1) Subsection (a) of section 703 and sections 2406, 2409 and 2410, act of April 9, 1929 (P. L. 177), known as "The Administrative Code of 1929."

(2) Section 6, act of July 5, 1957 (P. L. 485), entitled "An act for the protection of the public health and welfare, and the prevention of fraud and deception in the manufacture or sale of packaged non-alcoholic drinks; prohibiting the sale, offering or exposing for sale, exchange or giving away thereof unless registered; providing for licensing of places of manufacture; regulating the manufacture, compounding, labeling, sanitation and ingredients of non-alcoholic drinks, and the display of presses of fruit; prohibiting misbranding and adulteration of registered and non-registered non-alcoholic drinks; authorizing promulgation of rules, regulations and standards, and providing for penalties and for injunctions in certain cases, and the disposition of fees and fines."

(3) Section 10, act of July 25, 1961 (P. L. 825), known as the "Oil and Gas Conservation Law."

(4) Section 3, act of September 10, 1965 (P. L. 517), known as the "Pennsylvania Grape Herbicides Act."

(5) Section 8, act of December 1, 1965 (P. L. 988), known as the "Weights and Measures Act of 1965."

(6) Subsection (b) of section 306, act of January 28, 1966 (P. L. 1625), known as "The Atomic Energy Development and Radiation Control Act."

Section 610. General Repeal.—All other parts of those acts which are specified in section 609 and all other acts or parts of acts are repealed in so far as they are inconsistent with this act.

Section 611. Effective Date.—This act, except sections 201, 202, 404, 503, 608, 611 shall take effect July 1, 1969. Sections 608 and 611 shall take effect immediately. Sections 404 and 503 shall take effect one month after the date of publication of the first issue of the bulletin. Sections 201 and 202 shall take effect six months after the date of publication of the first issue of the bulletin.

APPROVED—The 31st day of July, A. D. 1968.

RAYMOND P. SHAFER.

No. 241

AN ACT

SB 514

Providing for the planning and regulation of solid waste storage, collection, transportation, processing and disposal systems; requiring municipalities to submit plans for solid waste management systems in their jurisdiction;