

No. 162

AN ACT

SB 1148

Amending the act of July 31, 1968 (Act No. 240), entitled "An act 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," providing for the publication of home rule charters and amendments and repeals thereof, further providing for appeals from certain actions of the Department of Justice, conferring additional powers and duties on the Joint Committee on Documents and eliminating obsolete provisions.

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

Section 1. Clause (9) of section 102 and sections 205, 206, 302 and 405, act of July 31, 1968 (Act No. 240), known as the "Commonwealth Documents Law," are amended to read:

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

* * *

(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. *The term shall also include any home rule charter heretofore or hereafter adopted by the electors of any part of this Commonwealth.*

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Section 205. Approval as to Legality.—All administrative regulations 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**] **Commonwealth** 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 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) *All home rule charters adopted by the electors of any part of this Commonwealth.*

(9) 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.

Section 405. **Additional Contents of Temporary Supplements.**—(a) 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 employees 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.

(b) Whenever the joint committee finds, after notice to the agency affected and opportunity for hearing, that public notice of any agency action or proceeding or class of actions or proceedings is required by due process of law, or in the discretion of the joint committee should otherwise be given for the information of the public, the joint committee may by regulation require the agency to prepare and deposit under this act notice of each such action or proceeding at such time and containing in each case such information as the regulations of the joint committee may require. If an agency fails to deposit a notice required pursuant to this subsection the action of the agency or the results of the proceeding shall not be valid for any purpose.

Section 2. The act is amended by adding a new section to read:

Section 414. Home Rule Charter Documents.—At least ten days prior to the election at which the electors of any part of this Commonwealth vote upon the question of adopting, amending or repealing any home rule charter, the election officials responsible for the question shall deposit a certified copy of the full text of such home rule charter or amendment or repeal in the Department of Community Affairs. Immediately following the final certification of the return of the votes cast on the question of the adoption, amendment or repeal of a home rule charter the election officials shall transmit a certified copy of such return to the Department of Community Affairs. If the home rule charter, amendment or repeal is approved by the electors, the Department of Community Affairs shall, within ten days after receipt of the final certification of the election officials to that effect, certify two duplicate original copies of the full text of the approved home rule charter, amendment or repeal and deposit such certified copies with the Legislative Reference Bureau. Notwithstanding section 501, the text of any home rule charter, amendment or repeal, as published as provided in this Article IV, shall from the date of such publication be prima facie evidence of the text approved by the electors.

Section 3. This act shall take effect immediately.

APPROVED—The 9th day of July, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly
No. 162.

A handwritten signature in cursive script, appearing to read "Robert L. Kelley".

Secretary of the Commonwealth.