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Authority

The provisions of this Chapter 13 issued under sections 205 and 206 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1205 and 1206); sections 501, 502 and 519 of The Administrative Code of 1929 (71 P. S. §§ 181, 182 and 199); and 45 Pa.C.S. §§ 502, 503 and 903, unless otherwise noted.

Source

The provisions of this Chapter 13 adopted by JCD Order No. 4, dated July 8, 1969, unless otherwise noted.

Cross References

This chapter cited in 1 Pa. Code § 7.6 (relating to format of regulations); 1 Pa. Code § 9.1 (relating to general provisions); and 1 Pa. Code § 11.1 (relating to general requirements).

DEPOSIT OF DOCUMENTS REQUIRED**§ 13.1. Undeposited documents.**

(a) Administrative regulations—whether or not required to be published—which are not deposited in and filed by the Bureau are not valid.

(b) Statements of policy which are not filed with the Bureau and published under this part are effective only against persons who have actual knowledge thereof until published under this part, but shall be otherwise valid and may be utilized by Commonwealth agencies.

(c) Other documents required to be published under this part which are issued prior to 1 month after the date of publication of the first issue of the *Bulletin* are not valid unless deposited in the Bureau under this part and the documents, including administrative regulations, are effective only against persons who have actual knowledge thereof unless published under this part.

Authority

The provisions of this § 13.1 amended under section 506 of The Administrative Code of 1929 (71 P. S. § 186), section 206 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1206) and 45 Pa.C.S. §§ 503, 506, 507 and 701.

Source

The provisions of this § 13.1 amended November 28, 1986, effective November 29, 1986, 16 Pa.B. 4648. Immediately preceding text appears at serial pages (50578) and (3592).

§ 13.2. [Reserved].**§ 13.3. Agency action or proceedings invalid in absence of notice required by Joint Committee.**

(a) Section 725(b) of 45 Pa.C.S. (relating to additional contents of *Pennsylvania Bulletin*) provides that whenever the Joint Committee finds, after notice to

the agency affected and opportunity for hearing, that public notice of an 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 part notice of an action or proceeding at a time and containing information as this part may require, and that if an agency fails to deposit a notice required by this part the action of the agency or the results of the proceeding is not valid.

(b) The following requirements are imposed under subsection (a):

(1) Notices of agency actions or proceedings which are conducted under the requirements or authority of the statutory provisions specified in the table immediately following this section shall be published in the *Bulletin*.

(2) Except as provided in paragraph (3), an agency shall prepare and deposit under this part notice of an action or proceeding specified in paragraph (1) within such time as to result under the appropriate schedule provided in this Chapter in publication of the notice in the *Bulletin* at such time that the period between the date of publication of the issue of the *Bulletin* containing the notice and the date fixed in such notice for the taking of the agency action or for the hearing or the termination of the opportunity to be heard in the agency proceeding shall be the period specified in § 5.6 (relating to reasonable notice of hearing).

(3) A document relating to the imposition of a quarantine or embargo, or other document relating to emergency action, may, with the approval of the Bureau, be deposited in one of the following manners:

(i) Immediately upon the opening of the Bureau for business under § 17.3 (relating to location and office hours of the Legislative Reference Bureau) in the case of an emergency action made effective when the Bureau is closed.

(ii) Prior to its effective date in the case of another emergency action.

(4) The documents required by this subsection to be published are in addition to the documents required to be published by Chapter 7 (relating to procedure for adoption or change of regulations).

**NOTICES REQUIRED BY ACTION
OF THE JOINT COMMITTEE ON
DOCUMENTS TO BE PUBLISHED
IN THE *BULLETIN***
(Arranged by Title and Agency)

**TITLE 1
JOINT COMMITTEE
ON DOCUMENTS**
[Docket No. R-2]:

Notice of initial hearing or of opportunity to be heard in connection with proceedings under the following provisions of the act:

45 Pa.C.S. § 725(b) (relating to additional contents of *Pennsylvania Bulletin*).

45 Pa.C.S. § 732 (relating to required contractual arrangements).

**TITLE 7
DEPARTMENT OF AGRICULTURE**
(Docket No. N-6)

Notice with respect to the specified action or proceedings under the following statutory provisions:

(1) Pennsylvania Meat and Poultry Hygiene Law of 1968:

Section 5 (31 P. S. § 483.5).

(2) Act of July 22, 1913 (P. L. 928, No. 441), known as the Domestic Animal Disease Suppression Law:

Section 6 (71 P. S. § 1221).

(3) Act of April 17, 1929 (P. L. 533, No. 236), known as the Diseased Animal Quarantine Law:

Sections 3—8 (3 P. S. §§ 343—348).

Source

The provisions of this § 13.3 amended by JCD Order No. 12, dated January 3, 1972, 2 Pa.B. 56. Immediately preceding text appears at serial page (0257).

§ 13.4. Deposit of home rule charter documents.

(a) Under 45 Pa.C.S. § 722(d) (relating to deposit of documents required) the election officials responsible for the question of adopting, amending or repealing a home rule charter or optional plan of government shall deposit a certified copy of the full text of the documents relating thereto in the Department of Community Affairs.

(b) The Department of Community Affairs shall, within 10 days after receipt of a home rule charter or amendment or repeal or an optional plan of government as approved by the electors, certify two duplicate original copies of the full text thereof and deposit the certified copies in the Bureau.

Source

The provisions of this § 13.4 added by JCD Order No. 8, dated November 10, 1970, 1 Pa.B. 480.

§ 13.5. Deposit of management directives.

Documents relating to internal government management and operations issued through the Directives Management System as provided by 4 Pa. Code Chapter 1, Subchapter A (relating to directives management system), shall be deposited with the Bureau and filed for public inspection, but may not be published in the *Code* or *Bulletin*. The Bureau shall publish monthly, together with the notice of other documents deposited and filed but not published as provided by § 3.13(b) (relating to contents of *Bulletin*), a notice of documents deposited and filed under the Directives Management System. The Bureau shall also publish, together with each periodic supplementation of the *Code* under § 3.3 (relating to periodic supplementation of *Code*; index), a listing of documents currently in effect under the Directives Management System as an appendix to 4 Pa. Code Chapter 1, Subchapter A.

Authority

The provisions of this § 13.5 issued under section 506 of The Administrative Code of 1929 (71 P. S. § 186), section 206 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1206) and 45 Pa.C.S. §§ 503, 506, 507 and 701.

Source

The provisions of this § 13.5 adopted November 28, 1986, effective November 29, 1986, 16 Pa.B. 4648.

ORIGINAL AND DUPLICATE ORIGINAL

§ 13.11. Deposit required.

(a) Under 45 Pa.C.S. § 722(a) (relating to deposit of documents required), two duplicate original copies, certified by the executive officer, chairperson or secretary of the agency, or by the Administrative Office of Pennsylvania Courts or the clerk or prothonotary of the Supreme Court in the case of certain judicial documents, of any document authorized or required to be published shall be deposited with the Bureau. Under 231 Pa. Code Rule 239(c)(3) (relating to local rules of civil procedure) and under 234 Pa. Code Rule 6(c)(3) (relating to local rules of criminal procedure), two certified copies of local rules shall be distributed by the court promulgating the rule to the Bureau for publication in the *Bulletin*.

(b) In addition to the two duplicate original and certified copies required by subsection (a), a diskette, formatted in MS DOS (Microsoft Disk Operating System), with ASCII (American Standard Code of Information Interchange) text reflecting the text in the hard copy version shall be submitted at the same time. The depositing entity shall label the diskette submitted with their file name and address.

(c) The Bureau will return diskettes to the depositing entity if so requested.

(d) The Bureau by notice in the *Bulletin* may accept an alternate format if it becomes generally available due to developing technology.

(e) The Bureau may accept an alternate format if it is requested by a depositing entity and agreed upon by the Bureau.

(f) A depositing entity unable to comply with subsection (b) for lack of access to computer equipment shall, in lieu of the diskette, submit a letter of explanation with the two duplicate original copies required in subsection (a). The letter shall include information as to the anticipated date the depositing entity expects to be equipped to comply with subsection (b).

(g) When used in this section, "depositing entity" means a Commonwealth agency or other entity of Commonwealth government as defined at 45 Pa.C.S. § 101(b) (relating to definitions).

Authority

The provisions of this § 13.11 amended under section 206 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1206); sections 501 and 502 of The Administrative Code of 1929 (71 P. S. §§ 181 and 182); and 45 Pa.C.S. §§ 502, 503 and 722.

Source

The provisions of this § 13.11 amended December 23, 1994, effective March 6, 1995, 24 Pa.B. 6402. Immediately preceding text appears at serial page (113458).

§ 13.12. Requirements as to form and size.

Documents deposited with the Bureau by an agency under this part shall conform to this part and to the following requirements as to form and size:

(1) The first page or face sheet of each document shall be white paper 8 1/2 inches wide by 11 inches in length. A 2 1/2 inch margin shall be left across the top of the sheet immediately below which there shall be three boxes each 2 1/2 inches high. The center box shall be 3 1/2 inches wide and the boxes on either side shall be 2 1/2 inches wide. In the center box there shall appear the following language:

"Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:"

which shall be followed by the name of the agency issuing the document, the fiscal note number, the date of adoption and the signature and title of the person signing the certification. In the left box shall appear the following language:

“Copy below is hereby approved to form and legality.”
which shall be followed by the name of the Office of the Attorney General, the signature of a Deputy Attorney General and the date of such approval. A space will be provided for indication of no approval and attachment of objections. It is the responsibility of the agency to secure the approval of the Office of the Attorney General required by section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732-204(b)).

In the right box shall appear the following language:

“Copy below is hereby approved as to form and legality.”
which shall be followed by either the name of the Office of the General Counsel the signature of the Deputy General Counsel and the date of such approval or the name of the independent agency, the signature of the Chief Counsel or Assistant Counsel of the independent agency and the date of such approval. A space will be provided for indication of no Attorney General approval within 30 days. It is the responsibility of the agency to secure the approval of either the Office of General Counsel under section 301(10) of the Commonwealth Attorneys Act (71 P. S. § 732-301(10)) or the counsel for independent agencies under section 402(5) of the Commonwealth Attorneys Act (71 P. S. § 732-402(5)).

From the left hand box to the bottom of the page a margin of at least three-fourths of an inch wide shall be left along the left hand side of the page.

Attached hereto as Exhibit A and made a part of this regulation is a copy of a face sheet in the style, form and size prescribed. The prepared face sheets (Form CDL-1) may be obtained from the Office of the *Pennsylvania Code and Bulletin*, Legislative Reference Bureau. See § 17.3 (relating to location and office hours of the Bureau).

(2) A sheet or page following the face sheet shall also be white paper 8 1/2 inches wide by 11 inches in length. A margin 1 inch wide shall be left along the top of a continuation sheet and along the full length of the left side of the sheet a margin not less than 3/4 of an inch shall be allowed.

(3) Documents shall be written or printed on only one side of a sheet and there may be no interlineation. After filing by the Bureau a document may not be altered. If a document is written, printed or otherwise reproduced on paper other than the sheets obtained from the Bureau, and the paper does not exceed in size the measurements of the sheets prescribed in paragraphs (1) and (2) exclusive of margins and boxes, then the other paper may be pasted or glued on the prescribed size sheets if the required margins and boxes are retained and the overall measurements of the sheets do not exceed those specified. Documents may not be attached to the sheets by pin, staple or adhesive tape.

(b) In the case of documents deposited with the Bureau by a court under this part, compliance as nearly as may be to the requirements of subsection (a) is preferred, but is not mandatory.

Source

The provisions of this § 13.12 amended by JCD Order No. 6, dated May 21, 1970, 1 Pa.B. 10, and by JCD Order No. 12, dated January 3, 1972, 2 Pa.B. 57. Immediately preceding text appears at serial page (0259).

Cross References

This section cited in 1 Pa. Code § 13.13 (relating to waiver of form requirements); and 1 Pa. Code § 301.1 (relating to definitions).

EXHIBIT A

CDL-1

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU
(Pursuant to Commonwealth Documents Law)

DO NOT WRITE IN THIS SPACE

<p>Copy below is hereby approved as to form and legality. Attorney General</p> <p>BY: _____ (DEPUTY ATTORNEY GENERAL)</p> <p>_____ DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p>_____ (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. _____</p> <p>DATE OF ADOPTION: _____</p> <p>BY: _____</p> <p>TITLE: _____ (EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)</p>	<p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: _____</p> <p>_____ DATE OF APPROVAL</p> <p>(Deputy General Counsel) (Chief Counsel, Independent Agency) (Strike inapplicable title)</p> <p><input type="checkbox"/> Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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§ 13.13. Waiver of form requirements.

The Bureau may waive the requirements of § 13.12 (relating to requirements as to form and size) which are not required by the act at the request of an issuing agency or court if the Bureau determines that the copy submitted by the agency or court is suitable as an archival original and, in the case of a document which is to be published, as printer's copy. The Bureau shall make a written report to the Joint Committee of waivers granted under this section.

§ 13.14. Signature.

(a) Original and duplicate original documents deposited by an agency shall be signed in ink by the chairman, secretary or executive officer of the issuing agency. Initials and impressed signatures will not be acceptable. Certification by an acting officer, vice-chairman, assistant secretary or other like officer will be accepted only if the document has been approved as to form and legality under section 204(b) and either section 301(10) or 402(5) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b), 732-301(10) and 732-402(5)).

(b) The signature of the Secretary of the Commonwealth or a deputy is sufficient certification of a document issued by the Governor.

(c) Original and duplicate original documents deposited by a court shall be signed in ink by the prothonotary or a deputy prothonotary of the court.

Source

The provisions of this § 13.14 amended January 14, 1972, 2 Pa.B. 59. Immediately preceding text appears at serial page (3598).

§ 13.15. Seal.

Affixation of a seal to original and duplicate original documents deposited with the Bureau is preferred, but is not mandatory.

§ 13.16. Approval as to form and legality.

(a) *Attorney General.* Section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732-204(b)) provides that the Attorney General shall review for form and legality proposed rules and regulations of Commonwealth agencies as defined in section 102 of the Commonwealth Attorneys Act (71 P. S. § 732-102) before they are deposited with the Bureau as required by section 207 of the act (45 P. S. § 1207). Section 204(b) of the Commonwealth Attorneys Act provides that if the Attorney General determines that a rule or regulation is in improper form, not statutorily authorized or unconstitutional, he shall notify, in writing, within 30 days after submission the agency affected. The Office of General Counsel and the General Assembly through the Offices of the Secretary of the Senate and the Chief Clerk of the House of Representatives of the reasons for the determination. The Commonwealth agency may revise a rule or regulation to meet the objections of the Attorney General and submit the revised version for

his review. If the agency disagrees with the objection, it may promulgate the rule or regulation with or without revisions and shall publish with it a copy of the Attorney General's objections, the Attorney General may appeal the decision of the agency by filing a petition for review with the Commonwealth Court in the manner provided for appeals from final orders of government agencies under 42 Pa.C.S. § 763 (relating to direct appeals from government agencies) and may include in the petition a request for a stay or supersedeas of the implementation of the rule or regulation which upon a proper showing shall be granted. If a rule or regulation has been submitted to the Attorney General and he has not approved it or objected to it within 30 days after submission, the rule or regulation shall be deemed to have been approved.

(b) *General Counsel.* Section 301(10) of the Commonwealth Attorneys Act (71 P. S. § 732-301(10)) provides that the General Counsel shall review and approve for form and legality proposed rules and regulations of executive agencies as defined in § 102 of the Commonwealth Attorneys Act (71 P. S. § 732-102) before they are deposited with the Bureau as required by section 207 of the act (45 P. S. § 1207).

(c) *Counsel for independent agencies.* Section 402(5) of the Commonwealth Attorneys Act (71 P. S. § 732-402(5)) provides that each counsel for an independent agency as defined in § 102 of the Commonwealth Attorneys Act shall review and approve for form and legality proposed rules and regulations of the independent agency before they are deposited with the Bureau as required by section 207 of the act.

(d) *Forms.* Two endorsements are required for documents under this section. In the case of executive agency documents, they shall be made by the Office of Attorney General and the Office of General Counsel. In the case of independent agency documents, they shall be made by the Office of Attorney General and the counsel for independent agency. Endorsements shall be in the following form:

“Copy approved as to form and legality.”

which shall be followed by the name of the Office of Attorney General and the name of the Office of General Counsel or the counsel for the independent agency and the signatures of the persons endorsing in ink.

(e) *Designation.* The Office of Attorney General, the Office of General Counsel and the counsel for independent agencies shall designate, in writing, to the Bureau of names of persons authorized by them to certify documents as to form and legality.

(f) *Lack of approval by Attorney General.* If the Attorney General declines to certify a document under section 204(b) of the Commonwealth Attorneys Act and the Commonwealth agency chooses to promulgate the document, the Commonwealth agency shall deposit for publication a copy of the objections of the Attorney General with the document. If a document has been submitted to the Attor-

ney General and he has not approved or objected to it within 30 days after submission, the Commonwealth agency shall deposit a statement to that effect, including appropriate dates.

Source

The provisions of this § 13.16 adopted January 14, 1972, 2 Pa.B. 59.

OFFICIAL SYNOPSIS

§ 13.21. Official synopsis.

(a) An agency shall advise the Bureau in advance of the planned submission of a voluminous document the full text of which will be published under § 3.3 (relating to periodic supplementation of *Code*; index). The Bureau will consult with the agency to determine whether an official synopsis of the document will be published in the Bulletin in lieu of the full text of the document. Documents of three typewritten pages or less ordinarily will not be made the subject of official synopsis treatment.

(b) The official synopsis of a document shall be prepared by the issuing agency and shall be incorporated in and deposited with the full text of the document. Ordinarily the official synopsis may not exceed three typewritten pages in length. A synopsis shall include a statement of the location of the public office at which the full text of the document may be inspected and copied.

Source

The provisions of this § 13.21 added by JCD Order No. 6, dated May 21, 1970, 1 Pa.B. 10.

STYLE

§ 13.31. Punctuation, capitalization, orthography.

The names of the subdivisions specified in § 1.3(a) (relating to arrangement of *Code*), except sections, shall be capitalized. Punctuation, capitalization, orthography and other matters of style shall conform in general to the most recent edition of the United States Government Printing Office Style Manual.

Cross References

This section cited in 1 Pa. Code § 13.39 (relating to units of weights and measures).

§ 13.32. Geographic names.

(a) Section 519 of The Administrative Code (71 P. S. § 199) provides that a department, board or commission shall, in preparing or publishing maps, reports or other documents showing or referring to a mountain, river, creek or other

topographic feature within this Commonwealth, designate the feature by the name as has been adopted therefor by the Pennsylvania Historical and Museum Commission.

(b) The spelling and usage of topographic features without this Commonwealth shall conform to the most recent official decisions of the United States Board on Geographic Names established under section 2 of the Cordon Geographic Names Standardization Act (43 U.S.C. 364a).

Source

The provisions of this § 13.32 amended by JCD Order No. 10, dated April 20, 1971, 1 Pa.B. 1181. Immediately preceding text appears at serial pages (0263) and (0264).

§ 13.33. Descriptions of tracts of land.

Descriptions of tracts of land shall conform, so far as practicable, with the most recent edition of the “Specifications for Descriptions of Tracts of Land for Use in Executive Orders and Proclamations,” prepared by the Bureau of Land Management, United States Department of the Interior.

§ 13.34. Use of words or figures to express numbers.

(a) *General.* The numbers ten and under, when not used in a citation, date, monetary amount, percentage, time, distance, age or similar quantity, are expressed in words only in running text. The number 11 and larger and numbers used in citations, dates, monetary amounts, percentages and similar quantities are expressed in figures only.

(b) *Exceptions.* The numbers 11 and larger are expressed in words when used at the beginning of a sentence and the numbers ten and under are expressed in figures when set forth in tabular form or when used in combination with other numbers one of which is 11 or larger.

§ 13.35. References to the Commonwealth.

(a) The government of the Commonwealth of Pennsylvania at the Statewide level shall be referred to as the Commonwealth except when used in connection with a reference to the government of the United States of America, when the term State is used. The following are examples:

(1) The agency shall consider mutual problems concerning Federal and State programs, activities and services which affect local government.

(2) The agency shall promote cooperation among Commonwealth and local agencies in order to maximize the interchange of available information.

(b) The territory under the jurisdiction of the government of the Commonwealth of Pennsylvania shall be referred to as “this Commonwealth” except that a reference to “this State” or “Pennsylvania” shall be used when required to avoid ambiguity. The following are examples:

- (1) The notice shall be deemed to have been given to all persons residing within this Commonwealth.
- (2) The heads of departments and agencies of the Commonwealth shall minimize health hazards caused by the facilities and activities of the Commonwealth in this State.

Source

The provisions of this § 13.35 added by JCD Order No. 6, dated May 21, 1970, 1 Pa.B. 10.

§ 13.36. Enumeration in running text.

The style and punctuation of enumerations in running text shall conform to the following rules:

- (1) The items in the tabulated enumeration shall belong to the same class, for example, the enumeration shall have a common theme or thread.
- (2) An item in the tabulated enumeration shall be responsive, in substance and in form, to the introductory language of the enumeration—the material immediately preceding the colon.
- (3) If the sentence of which tabulated enumeration is a part continues beyond the end of the enumeration, the part of the sentence that follows the enumeration shall be appropriate to each item.
- (4) Material immediately preceding or following the enumeration may not be indented unless it marks the beginning of a paragraph.
- (5) If the tabulated material takes the form of a sentence in which the enumeration is an integral part, each item shall begin with a capital letter and end with a period.
- (6) If the tabulated material takes the form of a simple list following a sentence that is otherwise complete, each item shall begin with a capital letter and end with a period. No “and” or “or” follows the penultimate item.
- (7) Selection of an appropriate introductory phrase to the tabulated material will normally be sufficient to make the meaning clear.

Source

The provisions of this § 13.36 added by JCD Order No. 6, dated May 21, 1970, 1 Pa.B. 10.

§ 13.37. Conferring powers and imposing duties.

- (a) Except as otherwise provided in subsection (c), powers and duties shall be expressly conferred and imposed by regulation upon departments, boards, commissions and other offices in their institutional capacities, rather than upon the secretary or chief executive officer of the agency or upon an individual administering or serving within the agency or unit thereof, regardless of the title of the officer or individual or the language of the statutory or other authority which authorized the regulation.

(b) If the statutory or other authority which authorizes the regulation purports to confer the relevant power or to impose the relevant duty upon an officer or individual rather than upon the agency or unit thereof, a definition of the agency or unit should be utilized indicating that the officer or individual acts through the appropriate agency or unit. For example:

“*Department*—The Department of Education of the Commonwealth.

If this part confers powers or imposes duties upon the Department which under a statute may be exercised by or imposed on only the Secretary of Education the reference to the Department shall be construed to mean the Department acting by and through the Secretary of Education, or the person for the time being acting as the Secretary of Education, personally.”

(c) The power of appointment may be conferred upon an officer, as such, where it is intended that only the officer, or the person for the time being acting as the officer, may exercise the power.

Source

The provisions of this § 13.37 added by JCD Order No. 8, dated November 10, 1970, 1 Pa.B. 480.

§ 13.38. Special rules of administrative practice and procedure.

(a) If it is intended that a regulation supersede the applicable provisions of Part II (relating to general rules of administrative practice and procedure), the section or other provision of the General Rules of Administrative Practice and Procedure which is superseded shall be expressly cited in the manner provided in § 9.83 (relating to references between or within titles of the *Code*) accompanied by a statement that the cited provisions of the General Rules are not applicable to the agency or to specified classes of proceedings before the agency. Adherence to this requirement will result in the automatic appearance of the citation of the superseding special rule of administrative practice and procedure in the cross reference note immediately following the superseded provision of the general rules.

(b) Special rules of administrative practice and procedure shall be arranged by the agency in a sequence corresponding to the subject matter sequence of the general rules and a superseding special rule shall be limited in scope of subject matter to the scope of the general rule which it is intended to supersede. The reference required by subsection (a) shall appear as the last subsection of the superseding section. For example,

§ 1.24. Copies of briefs.

(a) Except where filing of a different number is permitted or directed by the commission, 14 copies of each brief shall be furnished for the use of the commission.

(b) Subsection (a) supersedes the last sentence of 1 Pa. Code § 35.193 (relating to filing and service of briefs).

Source

The provisions of this § 13.38 added by JCD Order No. 11, dated July 13, 1971, 1 Pa.B. 1555.

§ 13.39. Units of weights and measures.

(a) General references to quantitative concepts shall be made as follows:

(1) General references to quantitative concepts shall be consistent with ultimate primary or predominant use of the metric system of measurement. Examples are as follows:

(i) “State the *distance* traveled,” not “State the *mileage* traveled.”

(ii) “The application shall set forth the *area* of the farm,” not “The application shall state the *acreage* of the farm.”

(2) If a document containing a reference of the type proscribed by paragraph (1) is reprinted, the Bureau—without action by the promulgating agency—will, under the authority of this paragraph, substitute a reference which complies with paragraph (1) if, after 10 days written notice of the proposed editorial revision, the promulgating agency does not file written objections thereto with the Bureau.

(3) Paragraphs (1) and (2) do not apply to quantity declarations. Examples are as follows:

(i) “Each farm shall have an area of not less than 40 acres.”

(ii) “The speed limit shall be 35 miles per hour.”

(4) Paragraph (2) does not apply to documents codified in 70 Pa. Code (relating to weights, measures and standards).

(b) Specific quantity references shall be made as follows:

(1) If consistent with the other programmatic objectives of an agency, a quantity should be expressed exclusively in metric terms. An example is: “Each specimen shall have a weight of at least 2.5 kg.”

(2) If the programmatic objectives of an agency require that a quantity be expressed in customary terms, the quantity should also be expressed in metric terms. The regulation should clearly indicate which dimension expresses the desired degree of tolerance. Examples are as follows:

(i) “Each specimen shall have a length of at least 10 inches—approximately 25 cm.”

(ii) “Each specimen shall have a length of at least 25 cm—approximately 10 inches.”

(3) If a document which does not comply with paragraphs (1) and (2) is deposited in the Bureau, the Bureau will promptly inquire of the promulgating agency whether the rules of style suggested thereby have been considered by the agency. If the agency indicates that in its judgment adherence to the style would be inappropriate, the Bureau will process the document as filed. A written summary of Bureau action under the preceding sentence shall be submitted by the Bureau to the next meeting of the Joint Committee.

(c) Metric measurement usage and practice shall conform to the following in descending order of priority:

- (1) A requirement or preference adopted by the United States Metric Board.
- (2) The most recent edition of the *U. S. Government Printing Office Style Manual*, as provided by § 13.31 (relating to punctuation, capitalization, orthography).
- (3) American National Standard z210.1—1976.
- (4) The most recent edition of any applicable style guide published by the American National Metric Council; 1625 Massachusetts Avenue, NW; Washington, DC 20036.
- (d) The words “meter” and “liter” shall be spelled according to the American usage in documents published under this part except where an agency, under its authorizing legislation, promulgates a regulation for the purpose of regulating the spelling usage of persons subject to its jurisdiction. An example is as follows:
“The container shall contain the following legend:
“Do not overfill. Always leave at least 100 milliliters (or ‘millilitres’) of air space.’ ”
- (e) As used in this section, the term “metric system of measurement” means the International System of Units (SI) as established by the General Conference of Weights and Measures in 1960 and interpreted or modified for the United States by the Secretary of Commerce under the Metric Conversion Act of 1975 (15 U.S.C.A. §§ 205a—205k).

Source

The provisions of this § 13.39 adopted June 6, 1980, effective June 7, 1980, 10 Pa.B. 2327.

ILLUSTRATIONS, TABULAR MATERIAL AND FORMS

§ 13.41. Illustrations and tabular material.

If possible, documents should be drafted so that the inclusion of illustrations and tabular material is unnecessary. If their inclusion cannot be avoided, the documents will be held for delayed filing and publication. Schedule 3 (§ 13.91) (relating to special schedule), and the following provisions apply:

- (1) *Illustrations.* The original drawings, or clear reproductions on paper of high quality, of all maps, charts, graphs or other illustrations shall be submitted to the Bureau 4 weeks before the date on which publication is desired. A legible reproduction of the original illustration reduced to a size approximating 8 by 10 1/2 inches, shall appear as part of the original and duplicate original document.
- (2) *Tabular material.* Tabular material comprising more than two typewritten pages shall be forwarded to the Bureau 2 weeks before the date on which publication is desired.

§ 13.42. Forms.

Tabulated blank forms for application, registration, reports, contracts, and the like, and the instructions for preparing the forms will not be published in full if the agency ordinarily will not accept for filing material prepared on other than Commonwealth-furnished forms. In lieu thereof there shall be submitted for publication a simple statement describing the function of the form and indicating the place, or places, where copies may be obtained.

AGENCY REPRESENTATIVES**§ 13.45. Designation.**

An agency shall designate a representative to serve as liaison officer in relation to the Bureau.

Cross References

This section cited in 1 Pa. Code § 13.46 (relating to notification of designation).

§ 13.46. Notification of designation.

An agency shall notify the Bureau, in writing, of the name, title, address and telephone extension of each agency representative designated in compliance with § 13.45 (relating to designation). If a change in representation is made by an agency, prompt notification thereof shall be given in writing to the Bureau.

§ 13.47. Liaison duties.

The liaison officer shall represent an agency in matters relating to the submission of documents to the Bureau and respecting general compliance with this part. The liaison officer is responsible for the effective distribution and use within his agency of *Code* information or assistance authorized by § 17.56 (relating to information on document drafting and publications assistance), and for promoting participation of his agency in programs authorized by § 17.57 (relating to programs of technical instruction).

TRANSMITTAL AND PROCESSING**§ 13.51. Letters of transmittal.**

A letter of transmittal is not required, but should be used if special handling or treatment is desired. The *Code* may not be amended by an instrument in the form of a letter. A letter is not an appropriate form for a document prepared for publication in the *Bulletin*. The letter of transmittal shall identify specifically administrative regulations which are deposited for filing only and not for publication.

§ 13.52. Filing by Bureau.

(a) Section 722(a) of 45 Pa.C.S. (relating to deposit of documents required) provides that if the Bureau finds that a document deposited with it under the act has been approved as to legality, if approval is required, and is in the form and format required by this part, it shall file the document, assign thereto and indicate thereon a distinctive serial number, and indicate thereon the date and time of filing. Upon filing, one copy shall be immediately available for public inspection and copying under § 13.55 (relating to filing for public inspection). The copy shall be retained by the Bureau for 1 year after the publication thereof, whereupon it shall be forwarded to the Pennsylvania Historical and Museum Commission for preservation in the Commonwealth archives. If the Bureau determines that the document will be published the Bureau shall transmit the other copy immediately after filing to the Department of General Services, or to a printer designated by it, for publication as provided in the act.

(b) Documents deposited with the Bureau will be held without filing during preliminary examination and processing and will be filed in accordance with §§ 13.53—13.56, 13.74, 13.81, 13.82, and 13.91—13.93 (relating to publication schedules, receipt and processing, filing for public inspection, correction of errors, effectiveness prior to publication, regular schedule, and special schedule).

§ 13.53. Publication schedules.

Documents properly submitted for publication in the *Bulletin* will be immediately assigned by the Bureau to one of the following publication schedules:

Schedule 1—Regular.

Schedule 2—Special.

Authority

The provisions of this § 13.53 issued under 45 Pa.C.S. §§ 501—907.

Source

The provisions of this § 13.53 amended October 8, 1982, effective October 9, 1982, 12 Pa.B. 3639. Immediately preceding text appears at serial pages (0268) and (0269).

Cross References

This section cited in 1 Pa. Code § 13.52 (relating to filing by Bureau).

§ 13.54. Receipt and processing.

Documents shall be received during official office hours as fixed by § 17.3 (relating to location and office hours of the Bureau). Upon receipt, documents shall be held for confidential processing until filed for public inspection.

Cross References

This section cited in 1 Pa. Code § 13.52 (relating to filing by Bureau).

§ 13.55. Filing for public inspection.

Documents to be published in the *Code* only, filed documents which will not be published and documents deposited under § 13.74 (relating to effectiveness prior to publication) shall be filed for public inspection upon completion of preliminary examination and processing. Other documents shall be filed for public inspection on the working day preceding the publication day of the issue of the *Bulletin* containing the documents or an official synopsis thereof. (See § 17.33 (relating to public inspection of documents)).

Authority

The provisions of this § 13.55 issued under 45 Pa.C.S. §§ 502, 503, 722 and 903.

Source

The provisions of this § 13.55 amended October 19, 1984, effective October 20, 1984, 14 Pa.B. 3864. Immediately preceding text appears at serial page (76680).

Cross References

This section cited in 1 Pa. Code § 13.52 (relating to filing by Bureau); 1 Pa. Code § 13.82 (relating to timing for regular schedule); and 101 Pa. Code § 31.15 (relating to processing).

§ 13.56. Correction of errors.

Sections 901 of 45 Pa.C.S. (relating to official text of published documents) provides that if an agency discovers an error or omission in the *Code* or in the official text of a document published under this part, the agency shall forthwith deposit, without regard to the requirements of § 7.1 (relating to notice of proposed rulemaking required) and § 7.2 (relating to adoption of regulations) with the Bureau an appropriate corrective amendment to the official text. The agency may specify that the amendment shall be effective as of the effective date of the defective official text with respect to persons who have had actual knowledge of the discrepancy.

Cross References

This section cited in 1 Pa. Code § 13.52 (relating to filing by Bureau).

EMERGENCY SCHEDULE**§ 13.71. [Reserved].****Source**

The provisions of this § 13.71 reserved October 8, 1982, effective October 9, 1982, 12 Pa.B. 3639. Immediately preceding text appears at serial page (0270).

§ 13.72. [Reserved].**Source**

The provisions of this § 13.72 reserved October 8, 1982, effective October 9, 1982, 12 Pa.B. 3639. Immediately preceding text appears at serial page (0270).

§ 13.73. [Reserved].**Source**

The provisions of this § 13.73 reserved October 8, 1982, effective October 9, 1982, 12 Pa.B. 3639. Immediately preceding text appears at serial page (0271).

§ 13.74. Effectiveness prior to publication.

If an agency finds that the deferral of the effective date of a document until deposit of the issue of the *Bulletin* containing the document in the United States mail for distribution under § 5.3 (relating to effective date of documents required to be published) is impractical or contrary to the public interest, the agency may, under 45 Pa.C.S. § 903 (relating to effective date of documents), secure an immediate effective date with respect to the persons to whom the document is primarily directed by giving them actual knowledge of the document. Distribution, which may be by press or radio announcement, public advertising or in person or by mail, telephone or telegraph, or by other method selected by the agency, shall be effected by and at the cost of the agency. The actual notice will not eliminate the requirement of section 208 of the act (45 P. S. § 1208) and 45 Pa.C.S. § 722 (relating to deposit of documents required) for deposit of documents in and filing by the Bureau as a prerequisite to their validity.

Cross References

This section cited in 1 Pa. Code § 13.52 (relating to filing by Bureau); and 1 Pa. Code § 13.55 (relating to filing for public inspection).

REGULAR SCHEDULE**Authority**

The provisions of these §§ 13.81—13.82 issued under 45 Pa.C.S. §§ 501—907, unless otherwise noted.

Source

The provisions of these §§ 13.81—13.82 amended through October 8, 1982, effective October 9, 1982, 12 Pa.B. 3639, unless otherwise noted. Immediately preceding text appears at serial pages (0271) to (0272).

§ 13.81. Procedure for Regular Schedule.

In the absence of special arrangement with the issuing agency, a document shall be assigned to Regular Schedule for regular publication. Receipt in the ordinary course of business is considered as a request for regular publication.

Cross References

This section cited in 1 Pa. Code § 13.52 (relating to filing by Bureau).

§ 13.82. Timing for Regular Schedule.

(a) Documents assigned to Regular Schedule shall be held for confidential processing, including typesetting, until the Friday preceding publication, when they shall be filed for public inspection. The regular schedule of publication is as follows:

<i>Received</i>	<i>Filed</i>	<i>Published</i>
Thursday Day 1 through Wednesday Day 7	Friday Day 16	Saturday Day 17

(b) When an official holiday occurs during Schedule 1, the deadline for receipt will be Tuesday, Day 6.

(c) Other documents listed in § 13.55 (relating to filing for public inspection) shall be filed for public inspection upon completion of preliminary examination and processing.

Authority

The provisions of this § 13.82 issued under 45 Pa.C.S. §§ 502, 503, 722 and 903.

Source

The provisions of this § 13.82 amended October 19, 1984, effective October 20, 1984, 14 Pa.B. 3864. Immediately preceding text appears at serial pages (76683) to (76684).

Cross References

This section cited in 1 Pa. Code § 13.52 (relating to filing by Bureau).

SPECIAL SCHEDULE**Authority**

The provisions of these §§ 13.91—13.93 issued under 45 Pa.C.S. §§ 501—907, unless otherwise noted.

Source

The provisions of these §§ 13.91—13.93 amended October 8, 1982, effective October 9, 1982, 12 Pa.B. 3639, unless otherwise noted. Immediately preceding text appears at serial pages (0272) to (0273).

§ 13.91. Procedure for Special Schedule.

(a) A document received in the ordinary course of business may be assigned to Special Schedule by the Bureau. The agency concerned will be immediately notified of the assignment and the reasons therefor.

(b) A document that is the subject of agreement involving special editorial or publication services may be placed in Special Schedule by prearrangement.

Cross References

This section cited in 1 Pa. Code § 13.41 (relating to illustrations and tabular material); and 1 Pa. Code § 13.52 (relating to filing by Bureau).

§ 13.92. Criteria for Special Schedule.

Except by prearrangement, documents may be assigned to Special Schedule only because of technical problems requiring additional time to prepare material for the press. A requirement for additional time generally may be obviated through advance consultation with the Bureau respecting unusual tabulations, illustrations, or exceptionally voluminous submissions.

Cross References

This section cited in 1 Pa. Code § 13.52 (relating to filing by Bureau).

§ 13.93. Timing.

(a) Except as provided in subsection (b), a document assigned to Special Schedule because of technical problems shall be published as nearly on Regular Schedule as practicable.

(b) A document assigned to Special Schedule by prearrangement shall be published on the date agreed upon, without regard to the Regular Schedule.

Cross References

This section cited in 1 Pa. Code § 13.52 (relating to filing by Bureau).

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