

CHAPTER 17. ADMINISTRATION OF THE ACT

Subchap.	Sec.
A. GENERAL PROVISIONS	17.1
B. SERVICES TO THE PUBLIC	17.31
C. SERVICES TO AGENCIES	17.51
D. CONTRACTING PROCEDURES	17.71
E. JOINT COMMITTEE PROCEDURES	17.91

Authority

The provisions of this Chapter 17 issued under sections 501, 502, 505 and 506 of The Administrative Code of 1929 (71 P. S. §§ 181, 182, 185 and 186); and 45 Pa.C.S. §§ 502, 503, 505, 701, 721—723, 729 and 732, unless otherwise noted.

Source

The provisions of this Chapter 17 adopted by JCD Order No. 4, dated July 8, 1969, unless otherwise noted.

Subchapter A. GENERAL PROVISIONS

- Sec.
- 17.1. General administration of act.
- 17.2. Functions of the Bureau.
- 17.3. Location and office hours of the Bureau.
- 17.4. Functions of the Department.

§ 17.1. General administration of act.

Section 503 of 45 Pa.C.S. (relating to general administration of part) provides that subject to section 732 of 45 Pa.C.S. (relating to required contractual arrangements)—see § 17.71 (relating to Commonwealth printing limited)—the manner in which the *Code*, the *Pennsylvania Code Reporter* and the *Bulletin* is printed, reprinted, compiled, indexed, bound and distributed, and other matters with respect thereto not otherwise provided for in the act shall be prescribed by regulations promulgated or orders adopted by the Joint Committee and that the Joint Committee will administer the act with a view toward encouraging the widest possible dissemination of documents among the persons affected thereby which is consistent with the administration of public affairs.

§ 17.2. Functions of the Legislative Reference Bureau.

Section 701 of the act (relating to official codification created) provides that it is the duty of the 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 the *Code*. The Bureau is also responsible for the editing and publication of the *Bulletin* under the policy supervision and direction of the Joint Committee.

Cross References

This section cited in 1 Pa. Code § 17.4 (relating to functions of the Department).

§ 17.3. Location and office hours of the Bureau.

The Bureau is located at 647 Main Capitol, Harrisburg, Pennsylvania 17120, (717) 783-1530. Office Hours are from 9 a.m. to 4 p.m., Monday through Friday, except on official Federal and Commonwealth holidays.

Cross References

This section cited in 1 Pa. Code § 13.3 (relating to agency action or proceedings invalid in absence of notice required by Joint Committee); 1 Pa. Code § 13.12 (relating to requirements as to form and size of documents); 1 Pa. Code § 13.54 (relating to receipt and processing); 1 Pa. Code § 17.31 (relating to inquiries and correspondence); 1 Pa. Code § 17.33 (relating to public inspection of documents); and 1 Pa. Code § 17.52 (relating to information service).

§ 17.4. Functions of the Department.

In addition to acting as codification contracting agent for the Bureau as specified in § 17.2 (relating to functions of the Bureau), the Department acts as agent for the Bureau for printing and distribution of documents to be published under this part.

Subchapter B. SERVICES TO THE PUBLIC

- Sec.
- 17.31. Inquiries and correspondence.
 - 17.32. Information service.
 - 17.33. Public inspection of documents.
 - 17.34. Reproductions and certified copies of documents.

§ 17.31. Inquiries and correspondence.

Inquiries and other correspondence should be addressed to Director, *Pennsylvania Code* and *Pennsylvania Bulletin*, Bureau, at the address specified in § 17.3 (relating to location and office hours of the Bureau).

§ 17.32. Information service.

Information concerning the publications published under the act and documents filed with the Bureau under the act will be given freely by the Bureau upon request, unless the time required to provide that information would be excessive. Staff members of the Bureau may not undertake to summarize or interpret substantive text of statute or document.

§ 17.33. Public inspection of documents.

Current documents filed with the Bureau under the act are open to public inspection at the location and during official office hours specified in § 17.3 (relating to location and office hours of the Bureau). There are no formal inspection requirements or procedures. Manual, typewritten or other copies or excerpts may be made freely at the inspection desk.

Cross References

This section cited in 1 Pa. Code § 13.55 (relating to filing for public inspection).

§ 17.34. Reproductions and certified copies of documents.

(a) Uncertified copies of unpublished documents filed with the Bureau under the act will be furnished at a cost of 75¢ per page. Uncertified copies of published documents will be furnished at the per copy price fixed by § 15.21 (relating to subscription and copy prices). Certified copies of documents filed with the Bureau under the act will be furnished at a cost of \$1.50 per page. The copies will be certified by the Director or Assistant Director of the Bureau, under the seal of the Joint Committee.

(b) Payment for copies shall accompany the request. The Bureau will not bill requesting parties. Checks shall be made payable to the Commonwealth of Pennsylvania.

Source

The provisions of this § 17.34 amended December 6, 1991, effective December 7, 1991, 21 Pa.B. 5642. Immediately preceding text appears at serial page (113487).

Subchapter C. SERVICES TO AGENCIES

Sec.	
17.51.	General cooperation.
17.52.	Information service.
17.53.	Submission of documents.
17.54.	Informal staff assistance.
17.55.	Reproductions and certified copies of documents.
17.56.	Information on document drafting and publication assistance.
17.57.	Programs of technical instruction.
17.58.	Resolution of disagreements.
17.59.	Approval of publication of certain documents on special format.

§ 17.51. General cooperation.

The Bureau stands ready to cooperate fully with agencies having business with the Bureau in order to assist the agencies in complying with pertinent publication laws and to assure efficient public service in the promulgation of documents having the effect of law or of legal notice.

§ 17.52. Information service.

The Bureau stands ready to answer appropriate inquiries presented in person, by telephone or in writing. Written communications and matters involving the Joint Committee should be presented to the Director, *Pennsylvania Code* and *Pennsylvania Bulletin*, at the address specified in § 17.3 (relating to location and office hours of the Bureau).

§ 17.53. Submission of documents.

Documents authorized or required by statute to be deposited with the Bureau or published under this part or deposited with the Joint Committee shall be presented to the Bureau.

§ 17.54. Informal staff assistance.

The Bureau is prepared to give informal assistance and advice to officials of the various agencies with respect to general or specific problems of rule drafting, rulemaking procedures and promulgation practices.

§ 17.55. Reproductions and certified copies of documents.

Reproductions or certified copies of original documents filed with the Bureau which are required for official use ordinarily will be furnished by the Bureau on request without charge. In cases involving voluminous material or numerous copies, the requesting agency may be required to reimburse the cost of reproduction.

§ 17.56. Information on document drafting and publication assistance.

The Bureau is authorized to prepare and distribute to agencies information and instructions designed to promote effective compliance with the purposes of the act related statutes and the rules prescribed in this part.

Cross References

This section cited in 1 Pa. Code § 13.47 (relating to liaison duties); and 1 Pa. Code § 17.57 (relating to programs of technical instruction).

§ 17.57. Programs of technical instruction.

The Bureau is authorized to develop and conduct programs of technical instruction for the benefit of agencies. Programs shall be designed to explain and supplement the written materials distributed under § 17.56 (relating to information on document drafting and publication assistance).

Cross References

This section cited in 1 Pa. Code § 13.47 (relating to liaison duties).

§ 17.58. Resolution of disagreements concerning the form or format of documents.

(a) Section 722(c) of 45 Pa.C.S. (relating to deposit of documents required) provides that if the Bureau and an agency 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 will consult with the agency, make alterations in the document as may be necessary in order to retain the substance of the document in a manner consistent with the requirements of this part and will by order prescribe the text of the document which shall become the agency text thereof for the purposes of this part. Matters arising under this section shall be brought to the attention of the members of the Joint Committee in writing by the Bureau or the agency as promptly as practicable, and shall be brought immediately to the attention of the Secretary of the Joint Committee.

(b) If the head of an agency which has an interest in a document, including the Chairman of the Independent Regulatory Review Commission, disagrees with another agency regarding the form or format of documents promulgated or adopted by the agency which are required or authorized to be deposited with the Bureau, the matters in dispute shall be brought to the attention of the Bureau in writing, and will be considered in the manner set forth in subsection (a). Nothing in this subsection limits or restricts the powers, duties and responsibilities of the Independent Regulatory Review Commission, the Attorney General, the General Counsel or any other Commonwealth Agency, or authorizes the Joint Committee to review determinations made under sections 204(a) and (b), 301(10) and 402(5) of the Commonwealth Attorneys Act (71 P.S. §§ 732-204(a) and (b), 732-301(10) and 732-402(5)).

(c) In considering matters brought before it under this section, the Joint Committee will offer deference to the technical expertise, special competence and administrative judgment of the agency which promulgated or adopted the documents under consideration.

Authority

The provisions of this § 17.58 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 § 17.58 amended November 28, 1986, effective November 29, 1986, 16 Pa.B. 4648. Immediately preceding text appears at serial pages (0286) to (0287).

Cross References

This section cited in 1 Pa. Code § 15.9 (relating to individual regulations).

§ 17.59. Approval of publication of certain documents on special format.

Under 45 Pa.C.S. § 729(b) (relating to publication of individual documents) no administrative regulation or statement of policy published in the *Code* or the permanent supplement thereto may 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 the special format is necessary for the effective performance by the agency of its functions. Applications for approval are not required to be in a special form, but shall be in writing and shall contain a complete statement of the facts and circumstances, including comparative costs, relied upon.

Subchapter D. CONTRACTING PROCEDURES

Sec.

- 17.71. Commonwealth printing limited.
17.72. Competitive bidding.

§ 17.71. Commonwealth printing limited.

Section 732 of 45 Pa.C.S. (relating to required contractual arrangements), provides that except as otherwise provided by statute enacted after July 31, 1968, applicable to public printing and binding generally, the following documents listed in paragraphs (1)—(4) published under the act shall be printed or reproduced under contract with a contractor unaffiliated with the Commonwealth. The terms “printed” or “reproduced” when used in this section do not include mimeographed, multilithed or reproduced by a similar in-house process or produced by computer.

- (1) The *Code*.
- (2) The *Pennsylvania Code Reporter*.
- (3) Pamphlet copies of regulations, statements of policy and rules of court.

(4) The *Bulletin*, unless the application of the section to the *Bulletin* is found to be impracticable by the Joint Committee after public notice and opportunity for public hearing.

Cross References

This section cited in 1 Pa. Code § 17.1 (relating to general administration of act).

§ 17.72. Competitive bidding.

Section 732(b) and (c) of 45 Pa.C.S. (relating to required contractual arrangements), provides that contracts for printing or reproduction of documents published under this part shall be given after reasonable public invitation for proposals, to the lowest responsible bidder below the maximum price and under the regulations as shall be prescribed by the Joint Committee, and that no officer or employe of the Commonwealth may be in any way interested in a purchase made by the Commonwealth under the contract or otherwise.

Subchapter E. JOINT COMMITTEE PROCEDURES

Sec.	
17.91.	Composition of Joint Committee.
17.92.	Alternates of governmental members.
17.93.	Quorum.
17.94.	Duties.
17.95.	Officers.
17.96.	Official seal.
17.97.	Meetings.
17.98.	Conference telephone meetings.
17.99.	Agenda.
17.100.	Administering oaths.
17.101.	Subpoenas.
17.102.	Dockets.

§ 17.91. Composition of Joint Committee on Documents.

(a) Section 502 of 45 Pa.C.S. (relating to Joint Committee on Documents), and sections 207 and 302 of the Commonwealth Attorneys Act (71 P.S. §§ 732-207 and 732-302) provides that the Joint Committee shall consist of six governmental members and two public members; that the governmental members shall be the Attorney General, the General Counsel, the Director of the Legislative Reference Bureau, the President Pro Tempore of the Senate, the Speaker of the House of Representatives and the Secretary, or persons severally designated in writing by them; that the public members shall be appointed by the Governor from among attorneys or other members of the public who represent the class who

may be expected to refer to the documents to be published under the act; that the 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; and that for the purposes of The Administrative Code and its supplements the Joint Committee shall be a departmental administrative board in the Department.

(b) Sections 207(b) and 208(c) of The Administrative Code (71 P. S. § 67(b) and 68(c)) provide that the public members of the Joint Committee shall be appointed by and with the advice and consent of two-thirds of the members of the Senate and shall hold office for terms of 4 years, from the third Tuesday of January next following the election of a Governor, and until their successors shall have been appointed and qualified.

Cross References

This section cited in 1 Pa. Code § 17.97 (relating to meetings).

§ 17.92. Alternates of governmental members.

A government member of the Joint Committee shall file in writing (Form CDL-6) with the Secretary of the Joint Committee the name of the person designated as his alternate. The designation may be changed by the governmental member or his successor in office by the filing in writing with the Secretary of the Joint Committee of the name of a different person as alternate or of a statement that the existing designation is revoked. The substitution or revocation shall take effect upon or after filing in accordance with its terms. An alternate shall take and file the oath of office prescribed by law for a public member, and shall be a member of the Joint Committee for the purposes of this part. When both a governmental member and the person designated as his alternate attend a meeting of the Joint Committee only the governmental member shall be deemed to be present for the purposes of voting and the determination of a quorum.

Source

The provisions of this § 17.92 amended by JCD Order No. 6, dated May 21, 1970, 1 Pa.B. 10. Immediately preceding text appears at serial page (0124).

§ 17.93. Quorum.

Section 502(c) of 45 Pa.C.S. (relating to Joint Committee on Documents) provides that four members of the Joint Committee shall constitute a quorum.

§ 17.94. Duties.

Section 502(d) of 45 Pa.C.S. (relating to Joint Committee on Documents) provides that the Joint Committee shall exercise the powers and perform the duties vested in and imposed upon it by the act and any powers and duties subsequently vested in and imposed upon the Joint Committee by statute.

§ 17.95. Officers.

(a) Section 502(c) of 45 Pa.C.S. (relating to Joint Committee on Documents), provides that the Joint Committee shall select from among its members a Chairman, and shall elect a Secretary who need not be a member of the Joint Committee. The Joint Committee shall also select from among its members a Vice Chairman.

(b) The Chairman, Vice Chairman and Secretary shall hold office until the third Tuesday of January next following the election of a Governor, and until their successors have been appointed and qualified, except in the case of their death, resignation, removal or in the case of the Chairman or Vice Chairman, termination of membership on the Joint Committee. An officer may be removed as an officer of the Joint Committee by vote of four members of the Joint Committee.

§ 17.96. Official seal.

The official seal of the Joint Committee shall be in the form and style as follows:

**§ 17.97. Meetings.**

(a) Section 518 of The Administrative Code (71 P. S. § 198) provides that the Joint Committee shall meet upon the call of the Chairman, at a time and place as the Chairman shall designate, and at other times and places as the Joint Committee may designate by rule.

(b) The Joint Committee shall meet upon the call in writing of any two members of the Joint Committee at a place in Harrisburg and at the time designated in the call, provided that notice of the call shall have been

given in person or by telephone or telegraph to a member of the Joint Committee at his address furnished to the Secretary of the Joint Committee for that purpose at least 24 hours prior to the time fixed for the meeting.

(c) The Chairman of the Joint Committee shall preside at meetings of the committee. In his absence one of the following persons in the order stated shall preside:

- (1) The Vice Chairman.
- (2) The governmental members in the order specified in § 17.91 (relating to composition of the Joint Committee).
- (3) The public members in their order of seniority.
- (4) Alternates of the governmental members in the order of precedence of their respective designators.

Source

The provisions of § 17.97(c) amended by JCD Order No. 6, dated May 21, 1970, 1 Pa.B. 10. Immediately preceding text appears at serial page (0126).

§ 17.98. Conference telephone meetings.

One or more members of the Joint Committee may participate in a meeting of the committee by means of conference telephone or similar communications equipment by means of which persons participating in the meeting can hear each other. Participation in a meeting under this section shall constitute presence in person at the meeting.

§ 17.99. Agenda.

An agenda for a meeting of the Joint Committee shall be prepared by the Secretary with the approval of the Chairman. Copies of the agenda shall be distributed at least 24 hours before the meeting and any matter not on an agenda so distributed will not be considered except by unanimous consent of the members of the Joint Committee present.

§ 17.100. Administering oaths.

(a) Section 517 of The Administrative Code (71 P. S. § 197) provides that a member of the Joint Committee and such of its employees as it designates, shall have the power to administer oaths or affirmations anywhere in this Commonwealth with respect to any matter or thing which may properly come before the Joint Committee or a member thereof.

(b) The Secretary of the Joint Committee shall have the power to administer oaths or affirmations as provided in section 517 of The Administrative Code (71 P. S. § 197).

§ 17.101. Subpoenas.

Section 520 of The Administrative Code (71 P. S. § 200) provides that the Joint Committee shall have power to issue subpoenas, requiring the attendance of witnesses and the production of books and papers pertinent to a hearing before the Joint Committee and to examine the witnesses, books and papers.

§ 17.102. Dockets.

The Secretary shall maintain the following dockets of matters considered by the Joint Committee:

(1) *Appellate.* Matters appealed by an agency from the Bureau to the Joint Committee under 45 Pa.C.S. §§ 722 and 723(c) (relating to deposit of documents required; and processing of deposited documents) shall be docketed to No. A-1 *et seq.*

(2) *Notice.* Matters relating to the imposition by the Joint Committee of express requirements for publication for notice in the *Bulletin*, under 45 Pa.C.S. § 725(b) (relating to additional contents of *Pennsylvania Bulletin*) or for the termination under section 907 of 45 Pa.C.S. (relating to additional notice unnecessary) of alternative methods of giving notice, shall be docketed to No. N-1 *et seq.*

(3) *Rulemaking.* Matters relating to the promulgation, amendment or repeal of regulations of the Joint Committee shall be docketed to No. R-1 *et seq.*

(4) *Waiver.* Matters relating to requests for waiver of the requirements of this part, for certification of necessity for non-Code format of administrative regulations under 45 Pa.C.S. § 729 (relating to publication of individual documents), or for other relief or action not within the scope of the Appellate, Notice, or Rulemaking dockets, shall be docketed to No. W-1 *et seq.*

Source

The provisions of this § 17.102 added by JCD Order No. 8, dated November 10, 1970, 1 Pa.B. 480.

[Next page is 31-1.]

17-12

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