

CHAPTER 3. PUBLICATION OF CODE AND BULLETIN**CODE**

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GENERAL

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Authority

The provisions of this Chapter 3 issued under 45 Pa.C.S. §§ 503, 506, 507, 702 and 724—728, unless otherwise noted.

Source

The provisions of this Chapter 3 adopted by JCD Order No. 4 dated July 8, 1969, unless otherwise noted.

Notes of Decisions

Pennsylvania Consolidated Statutes and Laws not Required to be Published in the Pennsylvania Code or Pennsylvania Bulletin

Under specific language of statute governing publication of Commonwealth documents, the Driver's License Compact Law, an interstate agreement to share information among states regarding serious motor vehicle offense convictions, did not have to be published in either the *Pennsylvania Code* or *Pennsylvania Bulletin* to be effective. *Roselle v. Department of Transportation* 865 A.2d 308, 312 (Pa. Cmwlth. 2005)

CODE**§ 3.1. Contents of Code.**

(a) The following document shall be codified in the *Code*:

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

(2) Administrative and gubernatorial regulations.

(3) Statements of policy which are general and permanent in nature, except statements of policy adopted prior to July 1, 1969.

(4) Home rule charters adopted under PA. CONST. Art. IX, § 2 by a county, city, borough, incorporated town or township or a similar general purpose unit of government.

(5) Documents or classes of documents required to be codified in the *Code* by statute.

(6) Rules of the Supreme Court of Pennsylvania, including rules relating to practice and procedure in the lower courts of the Commonwealth.

(7) Rules of the Judicial Council of Pennsylvania and the Superior and Commonwealth Courts.

(8) Judicial documents or classes of documents which the Administrative Office of Pennsylvania Courts finds to be general and permanent in nature.

(9) Documents or classes of documents which the Governor, the Joint Committee or the Bureau finds to be general and permanent in nature.

(b) Notwithstanding the provisions of subsection (a), the Bureau may exclude from the *Code* as published under this section a document or class of documents filed in the Bureau under this part the agency text of which was excluded from the *Bulletin* under § 3.13(b) (relating to contents of *Bulletin*).

Source

The provisions of this § 3.1 amended through August 6, 1976, 6 Pa.B. 1836. Immediately preceding text appears at serial page (25639).

Cross References

This section cited in 1 Pa. Code § 3.3 (relating to periodic supplementation of *Code*; index); 1 Pa. Code § 3.13 (relating to contents of *Bulletin*); and 1 Pa. Code § 3.26a (relating to statements of policy).

§ 3.2. Annotations to judicial decisions citing Code.

The Bureau shall secure by contract and incorporate into the permanent supplements to the *Code* annotations relating to classes of documents published in the *Code* except rules of court.

§ 3.3. Periodic supplementation of Code; index.

(a) At least once a year documents required to be codified in the *Code* by § 3.1 (relating to contents of *Code*) which have been filed in the Bureau shall be permanently integrated into the *Code* by the publication and distribution of loose-leaf pages relating to the affected portion of the *Code*, or if ordered by the Joint Committee, by the issue or reissue of an appropriate title of the *Code* or designated portion thereof.

(b) Section 726 of 45 Pa.C.S. (relating to permanent supplements of *Pennsylvania Code*) requires that at least once a year the index to the *Code* shall be similarly supplemented or reissued.

(c) At least once a year a tabular listing of the statutory authority cited in the *Code* as authority for the promulgation of documents shall be issued, supplemented or reissued.

Cross References

This section cited in 1 Pa. Code § 3.31 (relating to publication of official synopsis in lieu of full text); 1 Pa. Code § 9.301 (relating to unpublished statements of policy adopted prior to January 1, 1985); and 1 Pa. Code § 13.5 (relating to deposit of management directives).

BULLETIN**§ 3.11. Bulletin constitutes official gazette.**

Section 724 of 45 Pa.C.S. (relating to preliminary publication in *Pennsylvania Bulletin*) provides that the *Bulletin* is the official gazette of the Commonwealth of Pennsylvania.

Cross References

This section cited in 1 Pa. Code § 9.301 (relating to unpublished statements of policy adopted prior to January 1, 1985).

§ 3.12. Citation of Bulletin.

Sections 506 and 507 of 45 Pa.C.S. (relating to judicial notice; and form of citation) provides that without prejudice to another mode of citation the *Bulletin* may be cited by volume and page number. The approved short form of citation to the *Bulletin* is "Pa.B." Thus "3 Pa.B. 801" refers to material beginning on page 801 of Volume 3 of the *Bulletin*.

§ 3.13. Contents of Bulletin.

(a) Except as provided in subsection (b), the following documents shall be published in the *Bulletin*:

- (1) Documents or classes of documents required by a statute other than the act to be published in the *Bulletin*. A compendium of the statutes is set forth as Tables 1 and 2 in subsection (d). The compendium is for informational purposes only, and the omission from the tables of a reference to a statutory pro-

vision which requires publication of a document in the *Bulletin* may not eliminate or otherwise affect the statutory requirement.

(2) Notices required to be deposited under this part by § 13.3 (relating to agency action or proceedings invalid in absence of notice required by Joint Committee).

(3) Except as provided under § 3.31 (relating to publication of official synopsis in lieu of full text), documents or classes of documents required to be codified in the *Code* by or under § 3.1(a) (relating to contents of *Code*).

(4) Agency notices directed to the public with respect to proceedings conducted under an Act of Assembly, the expense of the administration of which is by statute assessed directly against the class of persons regulated or supervised thereunder.

(5) Agency documents, the expense of publication of which is specially assumed by the agency filing the document.

(6) Legislative documents filed with the Bureau under a resolution adopted by either house of the General Assembly.

(7) Judicial documents filed with the Bureau by the Administrative Office of Pennsylvania Courts.

(8) Documents or classes of documents which the Governor, the Joint Committee or the Director of the Bureau may require or authorize to be published in the *Bulletin*.

(b) Notwithstanding the provisions of subsection (a)(3) and (8), the Bureau, subject to the policy supervision and direction of the Joint Committee, may exclude from the *Bulletin* as published under this section a document or class of document filed in the Bureau under this part which the Bureau finds to be excessively voluminous and applicable only to:

(1) Agency organization, management or personnel.

(2) Commonwealth property or contracts.

(c) The Bureau shall prepare and publish in the third issue of the *Bulletin* published in each month a summary table identifying briefly the documents, if any, accepted during the preceding calendar month for filing without publication under subsection (b). The contents of the table will be codified in the *Code* under the several titles or provisions relating to the subject matter of the uncoded documents respectively.

(d) The compendium of statutes requiring publication in the *Bulletin* is as follows:

TABLE I
 STATUTORY PROVISIONS REQUIRING PUBLICATION IN THE *CODE OR BULLETIN*
 (Arranged with Reference to Purdon's Statutes)

<i>Act</i>	<i>Number</i>	<i>Section</i>	<i>Purdon's Reference</i>	<i>Agency</i>
June 2, 1915	338	108	77 P. S. § 27.1	Labor and Industry
		109	77 P. S. § 29	Labor and Industry
		401.1	77 P. S. § 710	Labor and Industry
		802	77 P. S. § 1036.2	Labor and Industry
May 17, 1921	284	408-A	40 P. S. § 625-8	Insurance
		505-A	40 P. S. § 710-5	Insurance Commissioner
		507-A	40 P. S. § 710-7	Insurance Commissioner
		1504	40 P. S. § 991.1504	Insurance
		1509	40 P. S. § 991.1509	Insurance
		2181	40 P. S. § 991.2181	Health
		2311	40 P. S. § 991.2311	Children's Health Advisory Council
		2459	40 P. S. § 991.2459	Insurance Commissioner
April 9, 1929	175	612	71 P. S. § 232	Joint Committee on Documents
		1920-A	71 P. S. § 510-20	Environmental Quality Board
		1935-A	71 P. S. § 510-35	Environmental Protection
		2002	71 P. S. § 512	Transportation
		2203-A	71 P. S. § 581-3	Aging
		2404-A	71 P. S. § 651.4	General Services
		2405-A	71 P. S. § 651.5	General Services
		2802-C	71 P. S. § 720.2	Governor
		227-A	72 P. S. § 227-A	Revenue
		806	72 P. S. § 806	Revenue
April 9, 1929	176	1301.12	72 P. S. § 1301.12	Revenue
		2	35 P. S. § 673	Health
June 23, 1931	299	313	43 P. S. § 793	Labor and Industry
December 5, 1936	# 2 (Spec. Sess)	804	43 P. S. § 874	Labor and Industry
		612	35 P. S. § 691.612	Environmental Quality Board
June 22, 1937	394	4.9	52 P. S. § 1396.4i	Environmental Protection
May 31, 1945	418	4.12	52 P. S. § 1396.4i	Environmental Quality Board
		18	52 P. S. § 1396.18	Environmental Protection
		18.8	52 P. S. § 1396.18h	Environmental Quality Board
		1372	24 P. S. § 13-1372	State Board of Education
March 10, 1949	14	1501-C	24 P. S. § 15-1501-C	Education
		1502-C	24 P. S. § 15-1502-C	Education
		1505-D	24 P. S. § 15-1505-D	Public Welfare
		1603-A	24 P. S. § 16-1603-A	Penna. Athletic Oversight Council
		1703-B	24 P. S. § 17-1703-B	Education
		1725-A	24 P. S. § 17-1725-A	Education
		1745-A	24 P. S. § 17-1745-A	Education
		2003-B	24 P. S. § 20-2003-B	Education
		2504-A	24 P. S. § 25-2504-A	State Board of Education
		2603-B	24 P. S. § 26-2603-B	State Board of Education
		9.1	43 P. S. § 959.1	Human Relations Commission
		403-C	35 P. S. § 1680.403c	Pennsylvania Housing Finance Agency
		409-C	35 P. S. § 1680.409c	Pennsylvania Housing Finance Agency
		5	35 P. S. § 4005	Environmental Quality Board
7.5	35 P. S. § 4007.5	Environmental Protection		
June 14, 1961	188	201	24 P. S. § 4201	State Librarian
		425	24 P. S. § 4425	State Librarian
August 7, 1963	290	4.3	24 P. S. § 5104.3	Higher Education Assistance Agency
November 30, 1965	356	513	7 P. S. § 513	Banking
		1414	7 P. S. § 1414	Banking
		1609	7 P. S. § 1609	Banking
January 24, 1966 (1965)	535	4	63 P. S. § 904	State Board of Landscape Architects
January 24, 1966 (1965)	537	9	35 P. S. § 750.9	Environmental Quality Board
April 27, 1966	1	18	52 P. S. § 1406.18	Environmental Quality Board
June 13, 1967	21	201	62 P. S. § 201	Public Welfare
		211	62 P. S. § 211	Public Welfare

<i>Act</i>	<i>Number</i>	<i>Section</i>	<i>Purdon's Reference</i>	<i>Agency</i>
		403	62 P. S. § 403 note	Public Welfare
		442.6	62 P. S. § 442.2	Public Welfare
		443.6	62 P. S. § 443.6	Public Welfare
		493	62 P. S. § 493	Labor and Industry
		773	62 P. S. § 773	Public Welfare
		805-A	62 P. S. § 805-A	Public Welfare
		805-C	62 P. S. § 805-C	Public Welfare
		814-A	62 P. S. § 814-A	Public Welfare
August 23, 1967	102	7	73 P. S. § 377	Secretary of Community and Economic Development
September 24, 1968	318	3.2	52 P. S. § 30.53b	Environmental Quality Board
December 17, 1968	387	3.1	73 P. S. § 201-3.1	Attorney General
March 4, 1971	2	602.1	72 P. S. § 7602.1	Revenue
		1101	72 P. S. § 8101 note	Secretary of Revenue
		1111-A	72 P. S. § 8111-A	Secretary of Revenue
		2910-A	72 P. S. § 9910-A	Revenue
August 26, 1971	91	510	72 P. S. § 3761-510	Revenue
April 14, 1972	63	4	71 P. S. § 1690.104	Health
April 14, 1972	64	3	35 P. S. § 780-103	Health
		35	35 P. S. § 780-135	Health
May 11, 1972	70	5	35 P. S. § 1651.5	Community Secretary of Community and Economic Development
		133	15 Pa.C.S. § 133	State
		134	15 Pa.C.S. § 134	State
		140	15 Pa.C.S. § 140	State
November 15, 1972	271	1102	67 Pa.C.S. § 1102	Public Welfare
		6102	40 Pa.C.S. § 6102	Insurance
		6124	40 Pa.C.S. § 6124	Insurance
		6329	40 Pa.C.S. § 6329	Insurance
December 5, 1972	284	609	70 P. S. § 1-609	Securities Commission
December 6, 1972	334	5706	18 Pa.C.S. § 5706	State Police
		6111	18 Pa.C.S. § 6111	State Police
		6111.1	18 Pa.C.S. § 6111.1	State Police
December 12, 1973	141	5	24 P. S. § 2070.5	Professional Standards and Practices Commission
January 30, 1974	6	301	41 P. S. § 301	Banking
		605	41 P. S. § 605	Banking
March 1, 1974	24	7	3 P. S. § 111.27	Agriculture
	31	5902	71 Pa.C.S. § 5902	State Employees Retirement Board
July 20, 1974	198	6	35 P. S. § 755.6	Environmental Quality Board
July 22, 1974	206	9	73 P. S. § 390.9	Minority Business Development Authority
August 1, 1975	92	701	51 Pa.C.S. § 701 note	Military and Veterans Affairs
October 2, 1975	96	6503	24 Pa.C.S. § 6503	Education
		8502	24 Pa.C.S. § 8502	Public School Employees Retirement Board
March 3, 1976	19	9	70 P. S. § 79	Securities Commission
May 18, 1976	54	7	40 P. S. § 776.7	Insurance
June 17, 1976	81	1154	75 Pa.C.S. § 1154	Transportation
		1318	75 Pa.C.S. § 1318	Transportation
		1519	75 Pa.C.S. § 1519	Transportation
		1603	75 Pa.C.S. § 1603	Transportation
		1607	75 Pa.C.S. § 1607	Transportation
		1799.7	75 Pa.C.S. § 1799.7	Insurance Commissioner
		1902	75 Pa.C.S. § 1902	Transportation
		2009	75 Pa.C.S. § 2009	Transportation
		3342	75 Pa.C.S. § 3342	Transportation
		3511	75 Pa.C.S. § 3511	Transportation
		3805	75 Pa.C.S. § 3805	Transportation
		4102	75 Pa.C.S. § 4102	Transportation
		4702	75 Pa.C.S. § 4702	Transportation
		4706	75 Pa.C.S. § 4706	Transportation
		4908	75 Pa.C.S. § 4908	Transportation

<i>Act</i>	<i>Number</i>	<i>Section</i>	<i>Purdon's Reference</i>	<i>Agency</i>
		6103	75 Pa.C.S. § 6103	Transportation
		6146.1	75 Pa.C.S. § 6146.1	Turnpike Commission
		6152	75 Pa.C.S. § 6152	Transportation
		6328	75 Pa.C.S. § 6328	Transportation
		8302	75 Pa.C.S. § 8302	Transportation
		9002	75 Pa.C.S. § 9002	Revenue
		9004	75 Pa.C.S. § 9004	Revenue
		9104	75 Pa.C.S. § 9104	Transportation
		9206	75 Pa.C.S. § 9206	Transportation
July 9, 1976	142	1702	42 Pa.C.S. § 1702	Unified Judicial System
		1725.1	42 Pa.C.S. § 1725.1	Supreme Court
		2155	42 Pa.C.S. § 2155	Commission on Sentencing
		2703	42 Pa.C.S. § 2703	Clerk of Court of Common Pleas and Court Administrator of Pennsylvania
		3571	42 Pa.C.S. § 3571	Supreme Court
		6152	42 Pa.C.S. § 6152	Appropriate Commonwealth Agency
		6152.1	42 Pa.C.S. § 6152.1	Appropriate Commonwealth Agency
		7523	42 Pa.C.S. § 7523	State
		8522	42 Pa.C.S. § 8522	Governor
		8931	42 Pa.C.S. § 8931	Court of Common Pleas and Court Administrator of Pennsylvania
		9799.1	42 Pa.C.S. § 9799.1	State Police
		9906	42 Pa.C.S. § 9906	Corrections
July 9, 1976	143	105	50 P. S. § 7105	Public Welfare
		112	50 P. S. § 7112	Public Welfare
July 9, 1976	160	701	45 Pa.C.S. § 701	Legislative Reference Bureau
		702	45 Pa.C.S. § 702	Legislative Reference Bureau
		724	45 Pa.C.S. § 724	Legislative Reference Bureau
		725	45 Pa.C.S. § 725	Legislative Reference Bureau
		726	45 Pa.C.S. § 726	Legislative Reference Bureau
		732	45 Pa.C.S. § 732	Legislative Reference Bureau
		902	45 Pa.C.S. § 902	Legislative Reference Bureau
November 24, 1976	259	5	35 P. S. § 960.5	Health
November 24, 1976	262	205	35 P. S. § 6700-205	Health
August 5, 1977	47	2	74 P. S. § 4	Governor
July 1, 1978	116	510	66 Pa.C.S. § 510	Public Utility Commission
		530	66 Pa.C.S. § 530	Public Utility Commission
		2810	66 Pa.C.S. § 2810	Secretary of Revenue
October 5, 1978	261	16	63 P. S. § 271.16	State Board of Osteopathic Medical Examiners
November 26, 1978	325	7	32 P. S. § 693.7	Environmental Protection
		24	32 P. S. § 693.24	Environmental Protection
July 19, 1979	48	201	35 P. S. § 448.201	Health
		601	35 P. S. § 448.601	Health
		702	35 P. S. § 448.702	Health
		703	35 P. S. § 448.703	Health
		704	35 P. S. § 448.704	Health
		802.1	35 P. S. § 448.802a	Health
		806	35 P. S. § 448.806	Health
		902.1	35 P. S. § 448.902a	Health
July 7, 1980	97	104	35 P. S. § 6018.104	Environmental Protection
		402	35 P. S. § 6018.402	Environmental Quality Board
		504	35 P. S. § 6018.504	Environmental Protection
February 19, 1980	9	602	63 P. S. § 455.602	Real Estate Commission
October 15, 1980	163	4352	23 Pa.C.S. § 4352	Public Welfare
		6712	23 Pa.C.S. § 6712	Office of Victim Advocate
October 16, 1980	175	102	30 Pa.C.S. § 102	Fish and Boat Commission
		2305	30 Pa.C.S. § 2305	Fish and Boat Commission
		3510	30 Pa.C.S. § 3510	Fish and Boat Commission
June 30, 1981	43	15	3 P. S. § 915	Agriculture

<i>Act</i>	<i>Number</i>	<i>Section</i>	<i>Purdon's Reference</i>	<i>Agency</i>
April 7, 1982	74	3	3 P. S. § 255.3	Agriculture, Environmental Protection, Game Commission, Chairman- Agriculture & Rural Affairs [Senate, House]
June 15, 1982	140	6 5	3 P. S. § 255.6 63 P. S. § 1505	Agriculture State Board of Occupational Therapy Education and Licensure
June 23, 1982	170	6	32 P. S. § 5306	Wild Resource Conserv. Board
June 25, 1982	181	3	71 P. S. § 745.3	Independent Regulatory Review Commission
		5	71 P. S. § 745.5	Independent Regulatory Review Commission
		5.1	71 P. S. § 745.5a	Independent Regulatory Review Commission
		6	71 P. S. § 745.6	Independent Regulatory Review Commission
		7	71 P. S. § 745.7	Legislative Committees and Independent Regulatory Review Commission
		11	71 P. S. § 745.11	Independent Regulatory Review Commission
November 17, 1982	192	3	35 P. S. § 1656.3	Community and Economic Development
December 13, 1982	256	6	71 P. S. § 2016	General Services
December 15, 1982	292	9	40 P. S. § 3109	Insurance Commissioner
September 30, 1983	39	2.1	65 P. S. § 366.2a	Court Administrator of Pennsylvania
		3	65 P. S. § 366.3	Secretary of the Budget
		4	65 P. S. § 366.4	Chief Clerks of the House & Senate
March 28, 1984	28	3	73 P. S. § 1953	Attorney General
May 1, 1984	43	19	N/A	Environmental Protection
July 2, 1984	106	5	32 P. S. § 5405	Community and Economic Development, Environmental Protection, Fish and Boat Commission, Game Commission, Historical & Museum Commission, Military and Veterans Affairs
July 2, 1984	108	10	3 P. S. § 1310	Agriculture and Commerce
July 2, 1984	111	4	73 P. S. § 395.4	Ben Franklin Partnership Fund
July 2, 1984	112	11	32 P. S. § 5511	Environmental Protection
October 5, 1984	159	3	35 P. S. § 7303	Labor and Industry
	159	11	35 P. S. § 7311	Labor and Industry
October 10, 1984	164	1315	74 Pa.C. S. § 1315	Transportation
		5301	74 Pa.C.S. § 5301	Transportation
		6121	74 Pa.C.S. § 6121	Revenue
		6131	74 Pa.C.S. § 6131	Revenue
October 11, 1984	179	14	35 P. S. § 1764	Community and Economic Development
December 18, 1984	206	10	36 P. S. § 3401 (note)	Transportation
December 19, 1984	219	26	52 P. S. § 3326	Environmental Protection
July 3, 1985	45	17.1	35 P. S. § 6937.1 note	Health
December 20, 1985	112	8	63 P. S. § 422.8	State Board of Medicine
December 20, 1985	116	12	24 P. S. § 6212	Education
March 28, 1986	25	2	62 P. S. § 2102	Public Welfare
July 8, 1986	89	4	35 P. S. § 449.4	Health Care Cost Containment Council
		5	35 P. S. § 449.5	Health Care Cost Containment Council
		6	35 P. S. § 449.6	Health Care Cost Containment Council
		7	35 P. S. § 449.7	Health Care Cost Containment Council
		9	35 P. S. § 449.9	Health Care Cost Containment Council
		14	35 P. S. § 449.14	Health Care Cost Containment Council
		16	35 P. S. § 449.16	Health Care Cost Containment Council
July 8, 1986	92	8	3 P. S. § 1508	Agriculture
July 8, 1986	93	102	34 Pa.C.S. § 102	Game
		2924	34 Pa.C.S. § 2924	Game
December 19, 1986	209	5	40 P. S. § 3025	Insurance

<i>Act</i>	<i>Number</i>	<i>Section</i>	<i>Purdon's Reference</i>	<i>Agency</i>
July 10, 1987	47	121	53 P. S. § 11701.121	Community and Economic Development
		602	53 P. S. § 11701.203 note	Community and Economic Development
February 9, 1988	12	304	35 P. S. § 7130.304	Environmental Protection
		305	35 P. S. § 7130.305	Environmental Protection
		306	35 P. S. § 7130.306	Environmental Protection
		318	35 P. S. § 7130.318	Environmental Protection
March 1, 1988	16	6	35 P. S. § 751.6	Pennsylvania Infrastructure Investment Authority
		15	35 P. S. § 751.15	Governor
		20	35 P. S. § 751.20	Governor
May 26, 1988	66	3	35 P. S. § 449.23	Licensing boards in the Bureau of Professional Affairs in the Department of State
May 26, 1988	72	905	37 Pa.C.S. § 905	Governor
July 28, 1988	101	502	53 P. S. § 4000.502	Environmental Protection
		509	53 P. S. § 4000.509	Environmental Protection
October 18, 1988	108	502	35 P. S. § 6020.502	Environmental Protection
		506	35 P. S. § 6020.506	Environmental Protection
		1113	35 P. S. § 6020.1113	Environmental Protection
December 14, 1988	147	904	53 P. S. § 896.904	Auditor General
December 21, 1988	177	304	15 P. S. § 20304	Governor
July 6, 1989	32	705	35 P. S. § 6021.705	Underground Storage Tank Indemnification Board
		1101	35 P. S. § 6021.1101	Environmental Protection
July 10, 1989	50	10	55 P. S. § 697.10	Philadelphia Regional Port Authority
		11	55 P. S. § 697.11	Philadelphia Regional Port Authority
		22	55 P. S. § 697.22	Philadelphia Regional Port Authority
December 21, 1989	87	16	73 P. S. § 2176	Bureau of Consumer Protection
December 19, 1990	194	5	63 P. S. § 2105	Labor and Industry
		5.1	63 P. S. § 2105.1	Labor and Industry
December 19, 1990	212	501	11 P. S. § 875-501	State Board of Education
June 5, 1991	6	207	53 P. S. § 12720.207	Pennsylvania Intergovernmental Cooperation Authority
April 16, 1992	28	12	63 P. S. § 458.12	State Board of Certified Real Estate Appraisers
May 13, 1992	32	103	5 Pa.C.S. § 103	State Athletic Commission
December 14, 1992	133	10	55 P. S. § 698.30	Port of Pittsburgh Commission
June 22, 1993	24	5	35 P. S. 7525	Environmental Protection
June 22, 1993	48	5	63 P. S. § 2205	Commissioner of Professional and Occupational Affairs
July 2, 1993	50	13	32 P. S. § 2023	Environmental Protection, Community and Economic Development , Education, Historical and Museum Commission, State System of Higher Education, Fish and Boat Commission and Game Commission
October 13, 1994	90	8587	53 Pa.C.S. § 8587	Community and Economic Development
December 12, 1994	129	15	3 P. S. § 2115	Agriculture
December 12, 1994	131	2321	3 Pa.C.S. § 2321	Agriculture
		2329	3 Pa.C.S. § 2329	Agriculture
		4112	3 Pa.C.S. § 4112	Agriculture
		6706	3 Pa.C.S. § 6706	Secretary of Agriculture
		6708	3 Pa.C.S. § 6708	Agriculture
		6906	3 Pa.C.S. § 6906	Secretary of Agriculture
		6908	3 Pa.C.S. § 6908	Agriculture
		7109	3 Pa.C.S. § 7109	Agriculture
		7111	3 Pa.C.S. § 7111	Agriculture
December 12, 1994	134	13	3 P. S. § 1913	Agriculture
December 12, 1994	147	79	NA	Transportation
December 27, 1994	154	6	NA	Transportation
May 19, 1995	2	302	35 P. S. § 6026.302	Environmental Protection

<i>Act</i>	<i>Number</i>	<i>Section</i>	<i>Purdon's Reference</i>	<i>Agency</i>
		303	35 P. S. § 6026.303	Environmental Protection
		304	35 P.S. § 6026.304	Environmental Protection
		305	35 P.S. § 6026.305	Environmental Protection
June 28, 1995	18	313	71 P. S. § 1340.313	Environmental Quality Board
June 28, 1995	18	320	71 P. S. § 1340.320	Conservation and Natural Resources
		502	71 P. S. § 1340.502	Environmental Quality Board
June 30, 1995	25	5103	25 P. S. § 961.5103	Secretary of the Commonwealth
		5107	25 P. S. § 961.5107	Secretary of the Commonwealth
July 6, 1995	34	3	35 P. S. § 6701.3	Labor and Industry
		3.1	35 P. S. § 6701.3a	Labor and Industry
July 6, 1995	44	7	35 P. S. § 5907	Labor and Industry
November 13, 1995	61	5	71 P. S. § 1199.25	State Fire Commissioner
May 10, 1996	29	3	73 P. S. § 1646.3	Appropriate governmental units
May 16, 1996	40	7	61 P. S. § 1017	Department of Corrections
June 27, 1996	58	704	71 P. S. § 1709.704	Local Government Advisory Committee
June 29, 1996	67	2303	73 P. S. § 400.2303	Community and Economic Development
December 18, 1996	159	3	40 P. S. § 3803	Insurance Commissioner
		11	40 P. S. § 3811	Insurance Commissioner
December 19, 1996	190	106.1	35 P. S. § 6029.106a	Environmental Protection
June 9, 1997	14	11	63 P. S. § 681	Education
November 26, 1997	54	12	43 P. S. § 920.12	Labor and Industry
		55	10 P. S. § 376	Labor and Industry
May 15, 1998	57	107	62 Pa.C.S. § 107	General Services
		3753	62 Pa.C.S. § 3753	Appropriate governmental unit
October 15, 1998	93	1105	65 Pa.C.S. § 1105	State Ethics Commission
		1308	65 Pa.C.S. § 1308	State Ethics Commission
November 24, 1998	111	212	18 P. S. § 11.212	Department of Corrections
		312	18 P. S. § 11.312	Office of Victims' Services
November 10, 1999	45	1103	35 P. S. § 7210.1103	Labor and Industry
November 24, 1999	53	79	NA	Transportation
		80	NA	Transportation
		704	27 Pa.C.S. § 704	Environmental Protection
December 15, 1999	68	6204	27 Pa.C.S. § 6204	Environmental Protection
		8105	27 Pa.C.S. § 8105	Environmental Protection
December 16, 1999	69	5101	73 P. S. § 2260.5101	Secretary of the Commonwealth
June 22, 2000	60	4	NA	General Services
June 26, 2001	77	1103	35 P. S. § 5701.1103	Public Welfare
January 31, 2002	3	1106	25 Pa.C.S. § 1106	Secretary of the Commonwealth
		1513	25 Pa.C.S. § 1513	Secretary of the Commonwealth
		1906	25 Pa.C.S. § 1906	Secretary of the Commonwealth
March 20, 2002	13	5103	40 P. S. § 1303.313	Insurance
April 18, 2002	34	501	25 P. S. § 3595.501	Secretary of the Commonwealth
June 19, 2002	56	3	61 P. S. § 324.2	Secretary of the Commonwealth
June 19, 2002	59	6	NA	Health
June 19, 2002	61	10	35 P. S. § 1329.10	Labor and Industry
		16	35 P. S. § 1329.16	Labor and Industry
July 4, 2002	107	3	40 P. S. § 626.3	Insurance Commissioner
December 30, 2003	64	301	35 P. S. § 5702.301	Attorney General
February 2, 2004	54	3	11 P. S. § 890.3	Secretary of the Commonwealth
February 5, 2004	3	1511	64 Pa.C.S. § 1511	Commonwealth Financing Authority
		6012	64 Pa.C.S. § 6012	Pennsylvania Convention Center Authority
February 12, 2004	11	207	53 P. S. § 28207	Intergovernmental Cooperation Authority for Cities of the Second Class
July 2, 2004	54	3	11 P. S. § 890.3	Secretary of the Commonwealth
July 5, 2004	71	1203	4 Pa.C.S. § 1203	Pennsylvania Gaming Control Board
July 5, 2004	72	324	53 P. S. § 6925.324	Education
		333	53 P. S. § 6925.333	Education
November 29, 2004	178	3	73 P. S. § 1647.3	Environmental Protection
June 27, 2006	Sp. Session 1	324	53 P. S. § 6926.324	Education
		333	53 P. S. § 6226.333	Education

Source

The provisions of this § 3.13 amended through January 25, 1980, effective January 26, 1980, 10 Pa.B. 4. Immediately preceding text appears at serial pages (280413) to (280418).

Cross References

This section cited in 1 Pa. Code § 3.1 (relating to contents of *Code*); 1 Pa. Code § 3.14 (relating to frequency of publication of *Bulletin*); 1 Pa. Code § 7.8 (relating to unfiled administrative regulations invalid); 1 Pa. Code § 9.301 (relating to unpublished statements of policy adopted prior to January 1, 1985); and 1 Pa. Code § 13.5 (relating to deposit of management directives).

§ 3.14. Frequency of publication of *Bulletin*.

The *Bulletin* shall be published at least once a week and shall contain previously unpublished documents required to be published by § 3.13 (relating to contents of *Bulletin*) which are filed by the Bureau prior to the closing date and hour of the issue. The closing date and hour of an issue shall be prescribed by the Joint Committee.

Source

The provisions of this § 3.14 amended by JCD Order No. 6 dated May 21, 1970, 1 Pa.B. 10, and JCD Order No. 8, dated November 10, 1970, 1 Pa.B. 480. Immediately preceding text appears at 1 Pa.B. 10, and next preceding text appears at serial page (0069).

FORMAT OF BULLETIN**§ 3.21. General.**

Documents published in the *Bulletin* shall be arranged under seven principal headings in the following order:

- (1) The Governor.
- (2) The General Assembly.
- (3) The Courts.
- (4) Rules and regulations.
- (5) Proposed rulemaking.
- (6) Statements of Policy.
- (7) Notices.

Authority

The provisions of this § 3.21 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 § 3.21 amended through November 28, 1986, effective November 29, 1986, 16 Pa.B. 4648. Immediately preceding text appears at serial page (18502).

§ 3.22. The Governor.

There shall be published under this heading proclamations, executive orders and gubernatorial regulations.

Cross References

This section cited in 1 Pa. Code § 3.26a (relating to statements of policy); and 1 Pa. Code § 3.27 (relating to notices).

§ 3.23. The General Assembly.

There shall be published under this heading material relating to the organization or operation of the General Assembly and the legislative process.

Cross References

This section cited in 1 Pa. Code § 3.26a (relating to statements of policy); and 1 Pa. Code § 3.27 (relating to notices).

§ 3.24. The Courts.

There shall be published under this heading material relating to the organization or operation of the judicial branch and the judicial process.

Cross References

This section cited in 1 Pa. Code § 3.26a (relating to statements of policy); and 1 Pa. Code § 3.27 (relating to notices).

§ 3.25. Rules and regulations.

There shall be published under this heading notices of final rulemaking submitted under section 202 or 204 of the act (45 P. S. § 1202 or 1204).

Authority

The provisions of this § 3.25 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 § 3.25 amended through November 28, 1986, effective November 29, 1986, 16 Pa.B. 4648. Immediately preceding text appears at serial page (19278).

Cross References

This section cited in 1 Pa. Code § 3.26a (relating to statements of policy); and 1 Pa. Code § 3.27 (relating to notices).

§ 3.26. Proposed rulemaking.

There shall be published under this heading general notices of proposed rulemaking submitted under section 201 of the act (45 P. S. § 1201) or under other statutes, and similar notices voluntarily deposited by the issuing agency.

Cross References

This section cited in 1 Pa. Code § 3.26a (relating to statements of policy); and 1 Pa. Code § 3.27 (relating to notices).

§ 3.26a. Statements of policy.

There shall be published under this heading proposed or final statements of policy which are permanent and general in nature, and other documents not published under §§ 3.22—3.26 (relating to the Governor; the General Assembly; the courts; rules and regulations; and proposed rulemaking) which are required by § 3.1 (relating to contents of *Code*) to be codified in the *Code*.

Authority

The provisions of this § 3.26a 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 § 3.26a adopted November 28, 1986, effective November 29, 1986, 16 Pa.B. 4648.

Cross References

This section cited in 1 Pa. Code § 3.27 (relating to notices); and 4 Pa. Code § 1.61 (relating to force and effect).

§ 3.27. Notices.

There shall be published under this heading documents not falling within the provisions of §§ 3.22—3.26a (relating to the Governor; the General Assembly; the courts; rules and regulations; proposed rulemaking; and statements of policy). These documents include:

- (1) Miscellaneous documents not subject to codification in the *Code*.
- (2) Notices of hearings that are not included under proposed rulemaking.

Source

The provisions of this § 3.27 amended October 11, 1974, 4 Pa.B. 2168. Immediately preceding text appears at serial page (0222).

§ 3.28. [Reserved].**§ 3.29. Subject indexes.**

(a) The table of contents of an issue of the *Bulletin* required by 45 Pa.C.S. § 724 (relating to preliminary publication in *Pennsylvania Bulletin*) shall be indexed according to the names of the issuing agencies.

(b) The cumulative index to the *Bulletin* required by 45 Pa.C.S. § 724 to be published at least each 3 months covering the contents of the *Bulletin* shall be an analytical subject index covering the contents of the *Bulletin* and shall be sepa-

rately published as currently as practicable. An analytical subject index cumulated over a 12-month period shall be published annually.

§ 3.30. Numerical finding aids.

(a) An issue of the *Bulletin* shall carry a numerical list of the sections of the *Code* expressly affected by the documents published in the issue. Beginning with the second issue of a quarter, an issue shall also carry a cumulated list of the sections of the *Code* affected by documents published during that quarter.

(b) Quarterly codification guides shall be separately published during a calendar year.

§ 3.31. Publication of official synopsis in lieu of full text.

(a) The Bureau may publish an official synopsis of a document in the *Bulletin* in lieu of the full text thereof in a case where the full text of the document will be published under § 3.3 (relating to periodic supplementation of *Code*; index) within 120 days of the publication of the official synopsis.

(b) If the Bureau determines, and publishes notice of the determination in the *Bulletin*, that the full text of the agency text of a document with respect to which an official synopsis has been published in the *Bulletin* under subsection (a) is reasonably available to the public through the promulgating agency and that operational or other considerations will prevent the timely publication in the *Code* of the full text of the document, publication of the full text of the official text of the document may not be required in:

(1) The *Code* at prior to the date specified by the Bureau in a notice or in an amendment thereof published in the *Bulletin*.

(2) The *Bulletin*.

(c) A determination of the Bureau published in the *Bulletin* under subsection (b) shall include the name and address of the promulgating agency from which and the reasonable terms under which copies of the full text of the agency text of the document may be secured.

(d) At the time the full text of the official text of a document subject to this section becomes available, the Bureau shall publish notice of the availability in the *Bulletin*.

Source

The provisions of this § 3.31 amended through December 9, 1977, 7 Pa.B. 3593. Immediately preceding text appears at serial page (31352).

Cross References

This section cited in 1 Pa. Code § 3.13 (relating to contents of *Bulletin*); 1 Pa. Code § 9.301 (relating to unpublished statements of policy adopted prior to January 1, 1985).

§ 3.32. Details of format of *Bulletin*.

(a) Under 45 Pa.C.S. §§ 724 and 903 (relating to preliminary publication in *Pennsylvania Bulletin*; and effective date of documents) the closing date and hour of an issue of the *Bulletin* shall appear on the first page of an issue; that an issue shall contain a table of contents; that there shall be printed with a document appearing in the *Bulletin* a notation of the date of filing thereof and of the serial number assigned thereto (which shall be in the form: "Pa.B. Doc. No. "); that the day of deposit of an issue of the *Bulletin* in the United States mail for distribution shall be the issue date thereof; and that the date shall be printed prominently upon the first page of an issue.

(b) Documents subject to codification in the *Code* which are published in the *Bulletin* shall be keyed to the *Code* and shall serve as temporary supplements thereto.

GENERAL**§ 3.41. Matter not required to be published.**

(a) *Incorporation by reference.* Whenever a document incorporates by reference a portion of the text of the following publications, the Bureau, unless the agency specifies otherwise in its order adopting the document, shall omit the text of the incorporated material from the text of the document as published under this part:

- (1) *Statutes at Large.*
- (2) *United States Code.*
- (3) Pamphlet Laws.
- (4) *Code of Federal Regulations.*
- (5) *Federal Register.*
- (6) A uniform system of accounts published by the National Association of Regulatory Utility Commissioners.
- (7) A generally available standard published by the standardizing organizations listed in United States Department of Commerce Miscellaneous Publication 288, issued August 1, 1967, or supplements thereto or reissues thereof.
- (8) Another generally available publication approved by the Bureau.

(b) *Emergency conditions.* Emergency conditions shall include the following:

(1) A requirement imposed by statute for publication of documents in the *Code* or *Bulletin* may be generally suspended by Order of the Director of the Bureau for the duration of the event which requires the suspension, if the Governor, by proclamation, determines that the publication or distribution of the *Bulletin* in the usual manner is unlawful or impracticable.

(2) A general suspension of publication requirement shall, unless otherwise provided in the Order of the Director of the Bureau, automatically stay for the period of the suspension the running of a period of time set forth or otherwise

required to be set forth in a notice published in the *Bulletin*; except that this paragraph may not stay the running of a period of time for notice of an oral hearing or similar proceeding if the agency responsible for the notice causes the persons affected to receive reasonable, actual knowledge of the substance of the notice.

(3) An Order of the Director of the Bureau under this subsection shall be published in the first available issue of the *Bulletin* issued after the interruption.

Source

The provisions of this § 3.41 amended September 15, 1978, 8 Pa.B. 2594. Immediately preceding text appears at serial pages (37055) and (37056).

Cross References

This section cited in 1 Pa. Code § 7.1 (relating to notice of proposed rulemaking).

§ 3.42. Matter not permitted to be published.

Under 45 Pa.C.S. § 728 (relating to matter not permitted to be published), no press release, speech or other comments or news material may be published under this part.

§ 3.43. Matter other than documents.

The act authorizes and requires the publication of certain “documents” as defined in 45 Pa.C.S. § 501 (relating to definitions), and does not authorize or require the publication of materials which do not come within that definition.

§ 3.44. General permission to reproduce content of *Code* and *Bulletin*.

Information published under this part, which information includes, but is not limited to, cross references, table of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restric

tions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

Source

The provisions of this § 3.44 amended by JCD Order No. 32, dated April 7, 1978, 8 Pa.B. 1098. Immediately preceding text appears at serial page (2279).

[Next page is 5-1.]