

REPORT TO THE GENERAL ASSEMBLY
OF
THE COMMONWEALTH OF PENNSYLVANIA
ON
UNIFORM PRACTICE AND PROCEDURE
BEFORE
DEPARTMENTS, BOARDS AND COMMISSIONS OF THE COMMONWEALTH

BY
THE JOINT STATE GOVERNMENT COMMISSION
of
THE GENERAL ASSEMBLY

Capitol Building

Harrisburg, Penna.

January, 1943

JOINT STATE GOVERNMENT COMMISSION OF THE GENERAL ASSEMBLY

(Created in 1937, P. L. 2460, as amended 1939, P.L. 1084)

"A continuing agency of the General Assembly;
to undertake studies and develop facts,
information and data on all phases of
government for the use of the General
Assembly and Departments and Agencies
of the State Government."

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UNIFORM PRACTICE AND PROCEDURE

BEFORE

DEPARTMENTS, BOARDS AND COMMISSIONS OF THE COMMONWEALTH

OF

THE JOINT STATE GOVERNMENT COMMISSION

James E. Lovett, Chairman
Ellwood J. Turner
Albert S. Readinger
John H. Dent
Charles H. Ealy

**resigned December 31, 1941

* appointed January 7, 1942 to
fill vacancy created by the
resignation of Robert E. Woodside, Jr.

LETTER OF TRANSMITTAL

To the Members of the General Assembly
of the Commonwealth of Pennsylvania:

Under the authority of the Act of July 1,
1937, P. L. 2460, as amended by the Act of June
26, 1939, P. L. 1084, creating the Joint State
Government Commission, we submit herewith a
report on Uniform Practice and Procedure Before
Departments, Boards and Commissions of the
Commonwealth.

Elmer Kilroy, Chairman

Joint State Government Commission

January 1943

FOREWORD

The tremendous increase in administrative functions in the last two decades has attracted a great deal of study and attention. In the last few years, there has developed growing dissatisfaction with certain prevailing phases of practice and procedure before administrative agencies. The Joint State Government Commission of the General Assembly, through its Committee on Uniform Practice and Procedure Before Administrative Boards and Commissions, has for some time devoted its attention to this subject. In connection with its study, it conducted a series of hearings at which there appeared representatives of the following State agencies:

- Liquor Control Board
- Game Commission
- Board of Fish Commissioners
- Bureau of Motor Vehicles, Department of Revenue
- Bureau of Motor Safety, Department of Revenue
- Water and Power Resources Board
- Pennsylvania Securities Commission
- Labor Relations Board
- Workmen's Compensation Board
- Public Utility Commission
- Unemployment Compensation Board of Review
- State Board of Undertakers
- Milk Control Commission
- Department of Mines
- Professional Examining Boards in the Department of Public Instruction, consisting of the following:

- State Board of Pharmacy
- State Board of Optometrical Examiners
- State Board of Osteopathic Examiners
- Osteopathic Surgeons' Examining Board
- State Board of Medical Examiners
- State Board of Examiners for Public Accountants
- State Registration Board for Professional Engineers
- State Board of Examiners of Architects
- State Board of Examiners for the Registration of Nurses
- State Board of Censors

Without making any effort to summarize the voluminous testimony presented before the Commission, it may be said

that these hearings clearly established that there is and has been practically no uniformity in practice and procedure before the various administrative agencies of the Commonwealth of Pennsylvania.

It may be said at this point that it is not the purpose of this report to take up the numerous inequities and apparent discrepancies in existing statutes, such as variations in fees, unequal requirements for personal educational attainments, methods and dispositions of licensing fees, etc., concerning which complaints were voiced by representatives of various administrative agencies appearing before the Commission. This should be a subject for another study and report.

In the following report, reference is made to some instances of lack of uniformity and recommendations are offered to create a more uniform method of promulgating and adopting rules and regulations, of conducting hearings and of making adjudications by administrative agencies.

James E. Lovett, Chairman
Committee on Uniform Practice and Procedure
Before Administrative Boards and Commissions.

REPORT OF THE COMMITTEE ON UNIFORM PRACTICE AND
PROCEDURE BEFORE ADMINISTRATIVE BOARDS AND COMMISSIONS

I. Promulgation and Adoption of Rules and Regulations

While in a few instances, administrative agencies in Pennsylvania give public notice of one form or another as to the intended promulgation or adoption of new rules and regulations, most of these agencies adopt them without any notice whatsoever to the persons who may be affected by them. With few exceptions, no public hearings are held in connection with the adoption of such rules and no opportunity is given to persons who may object to such adoption. No uniform method prevails for the publication of existing rules and regulations or of those newly adopted. Indeed, in most agencies there is no publication whatsoever of rules and regulations and no readily accessible method of determining what rules and regulations are in effect.

While in general our administrative agencies have, in the matter of promulgating regulations, conformed to the law and spirit of the statutory enactments which gave them the power to do so, some instances appear where such power was abused. No uniform method prevails as to appeals to courts or to other administrative bodies for relief from such abuse and, in the majority of cases, such appeals appear to be either impractical or legally impossible.

II. Procedure in Connection with Orders and Adjudications
Affecting Individual Rights and Privileges

While most agencies give some notice as to hearings affecting individual rights and privileges, no uniformity

exists as to the form of the notice, the contents of same, or the time allowed to prepare for such hearing. In some agencies, no opportunity is given to file a formal answer to charges that may be contained in such notice.

The method of conducting the hearings varies widely. Some agencies conduct formal hearings, at which sworn testimony is taken and is duly recorded, with full opportunity to produce, examine and cross-examine the parties in interest and witnesses. Others, however, have completely informal hearings. A member of a board of licensure, to give one example, expressed its opinion before the Commission that a report or a finding of its investigators should be in itself enough on which to base an adjudication. Certain agencies conduct their hearings before examiners and base their findings on reports and, in some instances, on the recommendations of such examiner. In other instances, all hearings are held before one or more members of the board or commission. In at least one instance, a board has complained that its work has been seriously hampered by its statutory incapacity to have examiners appointed to conduct such hearings.

While a number of our agencies have powers to subpoena witnesses and records, others have not.

No uniformity exists as to notifying the parties in interest after hearings as to the findings and adjudication. While at one extreme one agency will forward by registered

mail notice of the adjudication, detailed findings of fact, and reasons for the same, together with a transcript of the notes of testimony, another agency, at the other extreme, will send notice of the adjudication by mail with no further explanation. Quite frequently, the adjudication is reached without any findings of evidence whatsoever on the record to support the order.

Some of our agencies have no power to enforce their adjudications. In order to do so, they are compelled to take the matter before courts of record where in order to obtain the necessary decree or order much of what has transpired before them must be repeated, with the resultant duplication and loss of time.

III. Appeals From Adjudication

Even less uniformity applies as to the right of appeal from the adjudications of our administrative agencies. In some instances, pertinent statutes specifically prohibit appeals. In other instances, no provision for appeals exists. From the adjudications of certain agencies, appeals may be taken to the court of common pleas or to the court of quarter sessions of the local county; in others, to the Court of Common Pleas of Dauphin County only, or directly to the Superior Court of Pennsylvania. From the decision of the lower court, a further appeal to the appellate court is allowed by some acts and specifically prohibited by others. While the appeal will act as a

supersedeas in certain agencies, it will not do so in others, and in a third group will act as such only if the court to which the appeal is taken so orders.

On appeal, in some instances, the courts are given authority to hear the whole matter de novo, while in others the giving of no new evidence of any kind is permitted before the court. While generally the courts have been prone to give substantial weight to the findings of facts of the agencies, some lower courts have held that the "sufficient competent evidence rule" gives the courts authority to weigh the evidence and thus to reverse the findings of facts of administrative bodies.

RECOMMENDATIONS

The Commission recommends that the following provisions be adopted for the establishment of more uniform practice and procedure before administrative agencies:

1. An official medium, similar to the Federal Register, should be established within this Commonwealth for the publication of rules, regulations, etc., in force and those adopted from time to time.

2. The Register shall be under the direction of the Director of the Legislative Reference Bureau who shall consult with administrative agencies as to the form and substance of intended rules and regulations.

3. Notice of the intended adoption of new general rules and regulations affecting the rights and privileges of persons outside of the agency shall be given in the Register and opportunity for public hearing had thereon. The existence of an emergency shall justify waiver of the above provision.

4. The Joint State Government Commission which is composed of members of the General Assembly shall have the power after conference with the agency to nullify any rule or regulation in whole or in part if, in its opinion, there is a violation of the intent of an act of the General Assembly.

5. Every person aggrieved by a rule or regulation shall have the right of appeal therefrom to a court of

record, but no such rule or regulation shall be declared invalid unless it was improperly adopted or is in violation of the Federal or State Constitutions.

6. Reasonable notice shall be given to the parties in interest as to hearings affecting their personal or property rights or privileges.

7. When charges are made, the notice shall be given with sufficient particularity to apprise the parties of the nature of the said charges. If desired, an opportunity to file an answer shall be given.

8. All parties shall have an opportunity to be heard at a formal hearing, to produce witnesses and other evidence, and to be represented by counsel, and a complete record shall be kept of the proceedings.

9. Hearings may be had before competent examiners who may make recommendations, but the administrative boards or commission shall be the only one to make the adjudication.

10. The adjudications shall contain detailed findings of fact and conclusions, and reasons for the same.

11. Notices of the adjudication and the findings of fact, conclusions, and reasons aforementioned shall be served on all parties and their counsel, if any.

12. Appeals shall be allowed from all adjudications to courts of record if taken within thirty days of the date of service of notice of adjudications. The appeal shall act as a supersedeas only if the court to which the appeal is taken so orders.

13. The court shall not hear the matter de novo, but shall be bound by the findings of facts of the administrative agencies if they are supported by competent evidence.

The Pennsylvania Bar Association closely followed the study and investigation conducted by the Committee on Uniform Practice and Procedure of the Joint State Government Commission. A representative of its Section on Administrative Law was present at most of the hearings and many of the meetings of the Committee. As a result of the deliberations of the Section, in which representatives of the Joint State Government Commission participated, two proposed acts were prepared. These acts are designated as the Administrative Agency Law and as the Pennsylvania Register Act. In these are incorporated most of the recommendations made in this report.

One of the fundamental recommendations made by this report is not a part of the act proposed by the Section. We refer to Recommendation No. 4, page 5, giving the power to the Joint State Government Commission of the General Assembly to nullify rules and regulations of administrative agencies in whole or in part. It is submitted by the Commission that the power to make rules and regulations is in effect the power to legislate, and when adopted, the rules and regulations have the full force and effect of law. The General Assembly, having given these powers to administrative bodies, should be in a position to curb them, if abused, through the medium of its

continuing Joint State Government Commission.

There are attached two proposed bills incorporating the recommendations of the Pennsylvania Bar Association Section on Administrative Law and those contained in this report. Their adoption is urged by the Commission.

CONCLUSION

No effort has been made in this report to establish a system of complete uniformity in practice and procedure before administrative agencies. The establishment of such system is considered impossible because of the diversity of functions now represented in that branch of our government. The Commission believes, however, that this report recommends the establishment of certain minimum requirements for uniformity in practice and procedure before administrative agencies necessary to give reasonable equality and fairness between government in its desire to administer efficiently and individuals anxious to secure and protect their rights and privileges.

AN ACT

Providing for the Pennsylvania Register, for the publication and distribution of certain orders, regulations, rules, notices, proclamations and similar instruments; imposing powers and duties on the Legislative Reference Bureau and the Department of Property and Supplies; and making an appropriation for the purpose of carrying into effect the provisions of this Act.

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

Section 1. This act shall be known, and may be cited, as the "Pennsylvania Register Act."

Section 2. The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

(a) "Agency" means any department, departmental administrative board or commission, officer, or other agency of this Commonwealth having state-wide jurisdiction, but shall not include the legislative or judicial branches of the Commonwealth.

(b) "Document" means any order, regulation, rule, notice, proclamation, or similar instrument.

(c) "Regulation" means any general rule, regulation, or order promulgated by an agency prescribing the practice or procedure before such agency, or interpreting or implementing any statute enforced or administered by such agency.

Section 3. The Legislative Reference Bureau shall have the power, and its duty shall be, to have the custody

of and cause to be printed and distributed documents of agencies, publication of which is required or authorized by law or by regulations prescribed under this act.

Section 4. All agency documents required by law to be published shall, and other documents may, be printed in a serial publication designated as the Pennsylvania Register. It shall be the duty of the Legislative Reference Bureau, acting through its director, to arrange through the Department of Property and Supplies for the prompt printing and distribution of the Pennsylvania Register, in the manner and at the times required in accordance with the provisions of this act and the regulations prescribed hereunder. The first issue shall be published within one hundred fifty days after the effective date of this act and shall contain all documents filed within one hundred days after its effective date. Subsequent issues shall be printed at least once each month and shall contain all previously unpublished documents duly filed up until three days prior to the date of publication. The Director of the Legislative Reference Bureau may provide by regulation for the more frequent publication of subsequent issues. Once each year a cumulative index shall be published bringing all agency regulations which remain in effect down to date. All issues of the Pennsylvania Register shall contain a table of contents and the first issue and the annual issues shall contain an index. There shall be printed with each document a notation of the date of filing thereof.

Section 5. All regulations of any agency which are in effect on the effective date of this act or which shall be promulgated within ninety days thereafter, shall expire one hundred days after the effective date of this act, unless codified, indexed, and filed with the Director of the Legislative Reference Bureau within said period of one hundred days for publication in the Pennsylvania Register. Regulations promulgated after ninety days and within one hundred fifty days after the effective date of this act shall expire one hundred sixty days after the effective date of this act unless filed with the director within said period of one hundred sixty days for publication in the Pennsylvania Register.

Section 6. No regulation or revision, amendment, or repeal of an existing regulation promulgated after one hundred fifty days following the effective date of this act shall be valid unless published in the Pennsylvania Register at least ten days before the date on which it is to become effective. This section shall not apply where the Governor shall certify that because of an emergency or other compelling extraordinary circumstance, the public interest requires that a regulation become effective without prior publication, but such regulation, together with a copy of the certification of the Governor, shall be published in the earliest available issue of the Pennsylvania Register.

Section 7. The original and two duplicate originals or certified copies of any documents to be published in the Pennsylvania Register shall be filed with the Director of the Legislative Reference Bureau who shall cause to be noted thereon the filing date thereof. Upon such filing at least one copy shall be available immediately for public inspection at the office of the Legislative Reference Bureau.

Section 8. The Director of the Legislative Reference Bureau shall prescribe regulations for carrying out the provisions of this act. Such regulations shall provide, inter alia: (a) the manner of certification of copies required to be certified under this act; (b) the documents or classes of documents which may be published in the Pennsylvania Register in addition to the documents required to be published therein, but never to include comments or news items of any character; (c) the manner and form in which the Pennsylvania Register shall be printed, reprinted, compiled, indexed, bound, and distributed; (d) the prices to be charged for individual copies of and subscriptions to the Pennsylvania Register and for reprints and bound volumes thereof, which prices may be fixed without reference to the restrictions placed upon and fixed for the sale of other publications of the Commonwealth; and (e) the number of copies which shall be distributed free for official use.

Section 9. Subject to the provisions of Sections 7 and 8 of this act any agency may file any document other

than a regulation for publication in the Pennsylvania Register, the expense of such publication to be paid by the agency filing such document.

Section 10. The publication in the Pennsylvania Register of any document shall create a presumption (a) that it was duly issued, prescribed, or promulgated; (b) that it was duly filed with the Director of the Legislative Reference Bureau and made available for public inspection on the date stated on the printed notation; (c) that the copy published in the Pennsylvania Register is a true copy of the original; and (d) that all requirements of law applicable to such document have been complied with. The contents of the Pennsylvania Register shall be judicially noticed.

Section 11. Payments for the Pennsylvania Register shall be made to the Department of Property and Supplies which shall pay the same into the State Treasury through the Department of Revenue to the credit of the General Fund.

Section 12. The sum of thousand dollars (\$,000.00), or so much thereof as may be necessary, is hereby specifically appropriated to the Legislative Reference Bureau for the purpose of carrying into effect the provisions of this act.

Section 13. All acts or parts thereof inconsistent herewith are hereby repealed.

Section 14. This act shall become effective September 1, 1943.

AN ACT

Relating to the practice, procedure, regulations, and adjudications of departments, departmental administrative boards and commissions; independent administrative boards and commissions, officers and other administrative agencies of this Commonwealth, and judicial review thereof; granting the power to the Joint State Government Commission of the General Assembly to nullify administrative regulations, and preserving equitable jurisdiction in certain cases.

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

Short Title and Definitions

Section 1. Short Title.--This act shall be known, and may be cited, as the "Administrative Agency Law."

Section 2. Definitions.--The following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

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

(b) "Agency" means any department, departmental administrative board or commission, independent administrative board or commission, officer or other agency of this Commonwealth having state-wide jurisdiction, empowered to

determine or affect private rights, privileges, immunities, or obligations by regulation or adjudication, but shall not include a court of record nor a magistrate, alderman, or justice of the peace.

(c) "Party" means any person who appears in a proceeding before an agency, who has a direct interest in the subject matter of such proceeding.

(d) "Person" means any individual, or organized group of any character, including partnerships, corporations, and other forms of associations, as well as federal, state, or local instrumentalities, political subdivisions or officers thereof.

(e) "Regulation" means any general rule, regulation, or order promulgated by an agency prescribing the practice or procedure before such agency, or interpreting or implementing any statute enforced or administered by such agency.

Representation and Discipline

Section 11. Appearance.--Any party may appear before an agency personally on his own behalf or by an attorney-at-law.

Section 12. Discipline.--Any agency, may, upon hearing and good cause shown, preclude any attorney from practice before it, subject to the same right of appeal, hereinafter provided, from adjudications.

Regulation Procedure

Section 21. Promulgation of Regulations.--Every agency having authority to promulgate, amend, or repeal regulations may do so only after public hearing following reasonable notice as the agency may deem appropriate; provided, however, that prior publication in the Pennsylvania Register shall not be required for regulations promulgated within one hundred fifty days after the effective date of this act. The agency shall have the right to consult with the Director of the Legislative Reference Bureau as to the form and substance of intended rules and regulations.

Section 22. Publication of Existing Regulations.--All regulations of any agency which are in effect on the effective date of this act, or which shall be promulgated within ninety days thereafter, shall expire one hundred days after the effective date of this act unless codified, indexed, and filed within said period of one hundred days for publication in the Pennsylvania Register. Regulations promulgated after ninety days and within one hundred fifty days after the effective date of this act, shall expire one hundred sixty days after the effective date of this act unless filed for publication in the Pennsylvania Register within said period of one hundred sixty days.

Section 23. Publication of Future Regulations, Revisions, and Amendments.--No regulation or revision, amendment, or repeal of an existing regulation promulgated after one hundred fifty days following the effective date

of this act, shall be valid unless published in the Pennsylvania Register at least ten days before the date on which it is to become effective.

Section 24. Emergency or Extraordinary Regulations.-- The provisions of this article requiring public hearing and publication may be dispensed with in cases in which the Governor shall certify that because of an emergency or other compelling extraordinary circumstances, the public interest requires that the regulation become effective without the delay required for the holding of a hearing or the prior publication of the regulation. In such cases, the regulation together with a copy of the certification of the Governor shall be published in the earliest available issue of the Pennsylvania Register.

Section 25. The Joint State Government Commission of the General Assembly shall have the power, after conference with the agency, to nullify any rule or regulation in whole or in part, adopted by such agency, if in its opinion, the rule or regulation is contrary to an Act of Assembly.

Section 26. Judicial Review of Regulations.--Any person aggrieved by a regulation, other than a rate-making, wage-fixing, or price-fixing regulation, shall have the right to petition the Court of Common Pleas of Dauphin County for a declaratory judgment to determine the validity of such regulation or the legality of its application to such person or the particular situation

presented. Persons aggrieved jointly, severally, or otherwise by the same regulation may join in the same petition or may intervene in the proceeding in the manner provided by the applicable rules of civil procedure. Such proceeding shall not act as a supersedeas unless expressly so ordered by the court. Said court shall render a declaratory judgment without requiring prior resort to the agency by the person or persons filing the petition. The procedure shall be as prescribed by the statutes and rules of court governing declaratory judgment proceedings.

No regulation shall be declared invalid unless such regulation violates the Constitution of this Commonwealth or of the United States, or does not come within the statutory authorization of the agency or was issued without observance of the procedure required by the applicable statutes including this act.

The agency or any party (including intervenors) affected by the judgment of said court may, within thirty days of the filing of such judgment, appeal therefrom to the Supreme Court.

Judicial review of rate-making, wage-fixing, and price-fixing regulations shall be as provided in the particular statutes pertaining to such regulations.

Adjudication Procedure

Section 31. Hearing and Record.--In proceedings leading to an adjudication reasonable notice shall be given to

the parties as to the hearings. When charges are made, the notice shall be sufficiently particular to apprise the parties of the nature of the said charges, and an opportunity to file an answer shall be given. Parties shall have an opportunity to be heard, and to produce the testimony of witnesses and other evidence. All testimony shall be reported and a full and complete record shall be kept of the proceedings.

Agencies shall have the right to appoint examiners, learned in the law, who shall conduct the hearings and make recommendations but the adjudication shall be made by the agency only.

Section 32. Evidence: Cross-examination.--Agencies shall not be bound by technical rules of evidence at agency hearings, and all relevant evidence or reasonable probative value may be received. Reasonable examination and cross-examination shall be permitted.

Section 33. Briefs: Oral Argument.--All parties shall be afforded opportunity to submit briefs prior to adjudication. Oral argument upon substantial issues may be heard by the agency.

Section 34. Adjudications: Service.--All adjudications shall be in writing, shall contain detailed findings of fact and conclusions and the reasons for the adjudication, and shall be served upon all parties or their counsel personally or by mail. If service is made by mail, the date of mailing shall be the date of service.

Section 35. Procedural Regulations.--Agencies shall have the power to promulgate regulations prescribing their practice with respect to adjudication procedure, not inconsistent with the terms of this act. The adoption of such regulations shall be subject to the provisions of Sections 21 to 26 inclusive hereof.

Judicial Review

Section 41. Appeals.--Within thirty days after the service of an adjudication (or if a petition for rehearing or reconsideration is filed pursuant to statutory authority, then within thirty days after service of the order of the agency refusing such petition, or of the order following rehearing or reconsideration), any person aggrieved thereby who has a direct interest in such adjudication shall have the right to appeal therefrom. Such appeal shall be taken to the Court of Common Pleas of Dauphin County unless otherwise specifically provided in statutes authorizing such appeals. Parties interested jointly, severally, or otherwise in the same adjudication may join in an appeal therefrom even though all of the interested parties do not join therein.

Section 42. Procedure on Appeal.--The procedure applicable to appeals from adjudications shall be in accordance with the rules of civil procedure promulgated from time to time by the Supreme Court of Pennsylvania. A party

who proceeded before an agency under the terms of a particular statute, shall not be precluded from questioning the validity of said statute in the appeal, but no other question not raised before the agency may be raised upon appeal.

The remedy at law provided by this section shall not in any manner impair the right to equitable relief heretofore existing and such right to equitable relief is hereby continued notwithstanding the provisions of this section.

Section 43. Supersedeas.--Unless otherwise provided by a statute authorizing a particular appeal, no appeal shall operate as a supersedeas unless the court to which the appeal is taken or a judge thereof shall so order after hearing. The court may grant a supersedeas upon such terms and conditions, including the filing of security, as it may prescribe. Where the statute pertaining to a particular subject of adjudication requires that security be filed as a condition to obtaining a supersedeas, the court shall require adequate security.

Section 44. Disposition of Appeal.--The court to which the appeal is taken shall hear the appeal without a jury, on the record certified by the agency. After such hearing, the court shall affirm the adjudication unless it shall find that the same is in violation of the constitutional rights of the appellant, or is not in accordance with law, or that the provisions of Sections 31 to 35 inclusive, of this act

have been violated in the proceeding before the agency, or that any finding of fact made by the agency and necessary to support its adjudication is not supported by competent evidence. If the adjudication is not affirmed, the court may set aside or modify it in whole or in part or may remand the proceeding to the agency for further disposition in accordance with the order of the court.

Section 45. Appellate Review.--The agency or any party affected by the decision of a court of common pleas on an appeal from an adjudication, may, within thirty days of the filing of such decision, take an appeal to the Superior Court from the decision of the court of common pleas.

Exemptions.

Section 51. (a) None of the provisions of this act, except Sections 21 to 26 inclusive, shall apply to proceedings before the Department of Revenue, Auditor General, Board of Finance and Revenue, or Secretary of the Commonwealth, involving the original settlement, resettlement, review, or refund of taxes, bonus, interest or payments made into the State Treasury, or judicial review of such proceedings.

(b) Sections 41 to 45, inclusive, of this act shall not apply to adjudications of the Banking Board or of the Building and Loan Board.

(c) This act shall not apply to actions of the Secretary of Banking in the taking possession and liquidation of banking institutions and building and loan associations.

Repealer

Section 55. All acts or parts thereof inconsistent with the provisions of this act are hereby repealed. All existing applicable statutory provisions, not inconsistent with this act, shall remain in full force and effect.

Effective Date

Section 61. This act shall take effect on September 1, 1943.

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