

CHAPTER 25. CODIFICATION PROCEDURES

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Subchapter A. INTRODUCTION

Sec.
25.1. Scope.

§ 25.1. Scope.

This Chapter sets forth a recommended procedure for the drafting attorney who desires to draft or edit a revision bill so as to conform to the requirements of Chapter 23 (relating to format and style). The several sections of Subchapter B (relating to procedures) are arranged in chronological order and therefore may be utilized as a guide or checklist in proceeding through such editorial function. Each section of the Subchapter accordingly assumes that the functions described in all preceding sections have been performed in the manner indicated.

Subchapter B. PROCEDURES

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Cross References

This subchapter cited in 101 Pa. Code § 25.1 (relating to scope).

§ 25.11. Draft of revision bill.

In preparing or reviewing a draft of a revision bill, consideration should be given to the provisions of Subchapter B of Chapter 23 (relating to sequence of material) to assure an appropriate and suitable arrangement of material including the distribution of units to appropriate part, chapter, subchapter or other major subdivision headings. Upon final determination of the broad outline of the revision bill and rearrangement of text, as required, the text should be examined and analyzed pursuant to the following provisions of this Subchapter.

§ 25.12. Insertion of short title.

Major subdivisions and sections of the revision bill should be analyzed to determine the suitability of providing one or more official short titles. See § 23.44 (relating to short titles).

§ 25.13. Insertion of scope provisions.

(a) *General rule.*—The revision bill should be examined to identify broad exceptions, exclusions or exemptions applicable to parts, chapters, subchapters or other major subdivisions and in each case an appropriate scope provision should be drafted and inserted at the beginning of the affected major subdivision.

(b) *Violators.*—Care should be taken so as to avoid the drafting error of rendering a major subdivision technically inapplicable to persons who violate the provisions thereof. This error occurs where a major subdivision is stated to be applicable to a defined class of persons and the definition of the class is so drawn as to include only licensed or authorized persons. The preferred solution is to render the major subdivision expressly applicable to violators, as follows:

(a) *General rule.*—This chapter applies to every fraternal benefit society and to every person who violates any provision of this chapter.

(b) *Exception.*—...

§ 25.14. Analysis and insertion of definitions.

The revision bill should be analyzed from the following points of view:

(1) To determine which definitions set forth in 1 Pa.C.S. § 1991 (relating to definitions) are adequate for the purposes of the bill and, where appropriate, to insert such defined terms in lieu of equivalent language contained in the initial draft.

(2) To identify the special definitions utilized in the initial draft, and to determine the appropriate scope to be accorded to such definitions, that is, to determine whether the definitions should be confined to a specific section, or whether they should precede a part, chapter, subchapter or other major subdivision.

(3) To examine the special definitions utilized in the initial draft in both of the following ways:

(i) To determine whether they are consistent with definitions of similar concepts in related areas of the law. Occasionally other statutes, not encompassed in the draft under consideration, will incorporate by reference a definition contained in a statute incorporated into and repealed by the bill. In such case a change in the definition may result in an inadvertent change in the meaning of the other statute. Where a first provision of the Statutes makes an express reference to a second provision of the Statutes, the citation of the first provision is printed following the text of the second or cited provision as published in Purdon's Statutes. Therefore, whenever a provision of the Statutes which sets forth a definition is incorporated into and repealed by or is amended by a revision bill, the Purdon's Statutes text of the provision should be consulted to determine whether the repeal or amendment will affect any other provision of the Statutes.

(ii) To determine whether they are internally consistent. A definition "tree" (for example, reference should be made to § 23.222 (relating to Commonwealth government)) should be prepared as a working paper showing the relationship of all definitions utilized in the draft.

(4) To identify repetitive concepts which could be shortened or clarified by the substitution of an appropriate new special definition.

(5) To draft and insert at the beginning of each appropriate major subdivision and at the beginning of each appropriate section, appropriate language introducing the definitions there set forth.

§ 25.15. Insertion of major subdivision headings.

(a) *General rule.*—The part, chapter, subchapter and other major subdivision headings should be inserted. If, for example, a chapter is introduced by a scope provision or a definitional section, or both, such provisions are ordinarily contained in a separate introductory subchapter, which may be entitled as follows:

GENERAL PROVISIONS
PRELIMINARY PROVISIONS
DEFINITIONS
APPLICATION OF CHAPTER

(b) *Numbering.*—Following the insertion of the text of the major subdivision headings, the headings should be numbered or lettered in conformity with this Subpart.

§ 25.16. Insertion of undesignated center heads.

Undesignated center heads may be inserted to group sections relating to a common subject, unless the subchapter or chapter embracing the sections relates to a single subject. The use of undesignated center heads should be avoided whenever possible. Their use is only necessary within a subchapter. Normally, the use of appropriate major subdivisions should be sufficient to group related subjects.

§ 25.17. Assignment of section numbers.

Section numbers should be assigned in conformity with § 23.25 (relating to sections) and § 23.27 (relating to reservation of numbers). The process of section numbering does not represent simply the sequential assignment of appropriate section numbers to the sections of the rearranged and modified initial draft, but rather is a major editorial effort seeking the best compromise among the following inconsistent considerations:

(1) In order to simplify the revised draft and allow for subsequent expansion by amendment, each subsection of the initial draft should be numbered as a separate independent section in the final draft.

(2) A title of the Statutes must avoid section numbers larger than four digits, that is, no chapter may be numbered beyond 99 and no section beyond 9999. Since even numbered chapters are omitted to allow for future expansion and since from 25 to 50 section numbers are required to number the typical chapter, approximately 2,500 section numbers are actually available for use in a specific title. Thus, assignment of section numbers on the basis set forth in paragraph (1) may exhaust the available section numbers.

(3) The numbering of each subsection of the initial draft as a separate section in the final draft may require repeated and awkward cross references to closely related provisions which formerly constituted units of the same section. This condition indicates the desirability of retaining the prior relationship.

(4) In some instances (for example, the Business Corporation Law, the Nonprofit Corporation Law and the like), the statute to be incorporated into and repealed by the bill is well known and heavily utilized by affected persons and a thoroughgoing renumbering would work a serious inconvenience to these users. This condition indicates the desirability of retaining the integrity of the sections of the prior law to the maximum extent possible.

§ 25.18. Insertion of section headings.

Section headings should be inserted in conformity with § 23.41 (relating to section headings). Each heading should be brief, but yet sufficient to form the basis for an adequate description should the occasion arise under § 23.52 (relating to cross reference descriptions). Colons, semicolons and other objectionable punctuation should be avoided.

§ 25.19. Reorganization of sections.

The material within each section should be reorganized in conformity with §§ 23.81 to 23.83 (relating to distribution of material within section).

§ 25.20. Insertion of subsection headings.

Subsection headings should be inserted in conformity with § 23.42 (relating to subsection headings). Each heading should be brief, and should not be unneces-

sarily expanded merely for the purpose of forming a basis for a possible cross reference under § 23.52 (relating to cross reference descriptions). Colons, semicolons and other objectionable punctuation should be avoided.

§ 25.21. Insertion of cross references.

All cross references to other units of the bill or to other statutory provisions should be revised to conform with the requirements of this Subpart.

§ 25.22. Elimination of departures from uniform style of the Statutes.

The text of each provision of the bill should be analyzed to detect and correct departures from the rules of style established for the Statutes by this Subpart. Ordinarily the most effective approach is to read the revision bill from beginning to end with one or two of the following rules of style in mind, and to repeat the process until the list has been exhausted:

- § 23.101. Punctuation, capitalization and orthography.
- § 23.102. Geographic names.
- § 23.103. Use of words or figures to express numbers.
- § 23.104. Enumeration in running text.
- § 23.105. References to Commonwealth.
- § 23.106. References to Constitution of Pennsylvania.
- § 23.107. References to Legislature.
- § 23.108. References to pamphlet laws.
- § 23.109. References to United States Government.
- § 23.110. Conferring powers and imposing duties.
- § 23.111. Cross references to supplying or superseding statutes.
- § 23.112. Introduction of definitions.
- § 23.113. References to repealed statutes.
- § 23.114. Defining offenses.
- § 23.115. Preambles.

§ 25.23. Insertion of summary analyses.

The summary analyses should be inserted at the beginning of each subchapter, chapter and other major subdivision in conformity with § 23.43 (relating to summary analyses).

§ 25.24. Insertion of operative language of bill.

(a) *General rule.*—The bill is in the form of an amendment to a particular title of the Pennsylvania Consolidated Statutes. Accordingly, the bill should be analyzed in the usual manner appropriate to an amendatory bill and the proper instructions inserted, as follows:

Section 1. Title 9 of the Pennsylvania Consolidated Statutes is amended by adding parts to read:

Section 2. Chapter 5 of Title 54 is amended by adding a subchapter to read:

Section 3. Section 6329 of Title 68 is amended to read:

(b) *Substitution of major subdivision.*—If an entire subchapter, chapter or other major subdivision is revised and reenacted in the bill, the instruction relating to the new text is immediately preceded by an instruction repealing the superseded text, as follows:

Section 1. Chapter 35 of Title 1 of the Pennsylvania Consolidated Statutes is repealed.

Section 2. Part V of Title 1 is amended by adding a chapter to read:

PART V
MISCELLANEOUS PROVISIONS

* * *

CHAPTER 35
PUBLICATION OF LAWS

Sec.

3501. Definitions.

(c) *Conforming changes to other titles.*—Titles of the Statutes should be cited for amendment in ascending numerical order as in the case of other bills. However, if a bill constitutes an addition or revision of an entire title or major subdivision thereof, conforming amendments to other titles may appear following the amendment adding or revising the principal title even though they are lower in number than the principal title.

§ 25.25. Insertion of repeals.

(a) *General rule.*—A section should be added to the bill repealing absolutely all statutory provisions, the substance of which is incorporated into or rendered obsolete by the bill.

(b) *Separate repealer bill.*—In some cases, particularly where it is anticipated that the revision bill may be substantially amended during legislative consideration, the revision bill will contain only a general repealer, and following enactment of the revision bill a separate bill containing specific repeals will be introduced and enacted, effective, however, retroactive to the effective date of the revision bill.

§ 25.26. Insertion of table of contents.

A table of contents should be inserted preceding the enacting clause of the revision bill in conformity with § 23.45 (relating to tables of contents). All titles affected by the revision bill shall be included in a single table of contents. Supplementary sections of the revision bill which are not incorporated into the Statutes normally are not included in the table of contents.

§ 25.27. Insertion of title of bill.

The bill should be analyzed to determine the broad subject matter covered, which ordinarily will be adequately described by the headings of the most senior major subdivisions embraced in the bill, and a title should be prepared setting forth such subject matter as new matter in the title, as follows:

AN ACT

Amending Title 1 (General Provisions) of the Consolidated Pennsylvania Statutes, changing provisions relating to the publication of laws; adding provisions relating to the adoption and publication of constitutional and statutory provisions and to statutory construction; and making repeals.

Subchapter C. TABLES AND SOURCE NOTES**SOURCE NOTES**

- Sec.
 25.51. Preparation of source notes.
 25.52. Content and form of source notes.
 25.53. Interpretation of source notes.
 25.54. Location and status of source notes.
 25.55. Updating and printing of source notes.

PARALLEL TABLES

- 25.61. Parallel tables to text.
 25.62. Parallel tables to repealers.

Cross References

This subchapter cited in 101 Pa. Code § 23.111 (relating to cross references to supplying or superseding statutes).

SOURCE NOTES**§ 25.51. Preparation of source notes.**

(a) *Background.*—The General Assembly, in considering a revision bill, ordinarily desires to concentrate its attention on those features of the bill which may effect a change in the law as in effect prior to the enactment of the revision bill. For this reason it is important that each section of a revision bill be accompanied by an appropriate source note.

(b) *General rule.*—In preparing a revision bill, adequate working papers should be maintained to enable the preparation of accurate source notes with respect to each section of the revision bill.

§ 25.52. Content and form of source notes.

(a) *Content.*—The source notes shall consist of the following elements in the order specified:

(1) The Pa.C.S. citation of the new section, followed by a colon, all of which shall be underscored.

(2) If the provision is based upon a prior statute, one of the following phrases followed by the citation of the source statute:

Reenactment of

Substantially a reenactment of

Derived from

(3) If the provision is entirely new, the word “New” and, if appropriate, the phrase “Patterned after.....” followed by the citation of statute which formed the model for the new provision.

(4) If any of the statutes cited pursuant to paragraphs (2) and (3) are published in Purdon’s Statutes or a similar code, the parallel citation to the statutes in that code.

(b) *Form.*—Source notes shall be in the following form:

2 Pa.C.S. § 303: Substantially a reenactment of act of July 31, 1968 (P. L. 695, No. 230), § 203 (45 P. S. § 1203).

(c) *Manner of listing.*—Source notes are listed sequentially by title and section, beginning with the lowest numbered title and section.

(d) *Order of citing statutes.*—Where two or more statutes are referred to in a source note relating to a particular section or subdivision thereof, the statutes shall appear in chronological order of final enactment.

§ 25.53. Interpretation of source notes.

(a) *Reenactment.*—The term “Reenactment of” when used in a source note implies that the text of the provision in the revision bill is identical with the text of the prior statute, except for purely formal changes such as the substitution of the term “subchapter” for the term “act,” substitution of cross reference language to reflect renumbering, addition of section and subsection headings and the like.

(b) *Substantially a reenactment.*—The term “Substantially a reenactment of” when used in a source note implies that, although the text of the provision in the revision bill has been rewritten, the effect of the provision is substantially the same as that of the prior statute.

(c) *Derived*.—The term “Derived from” when used in a source note implies that the provision in the revision bill constitutes a revision of the prior statutes on the same subject, and may effect significant changes in the content of the prior law.

(d) *Patterned*.—The term “Patterned after” when used in a source note implies that the provision in the revision bill is new, and has been based, in whole or in part, upon the cited source.

§ 25.54. Location and status of source notes.

(a) *Location*.—The source notes appear at the end of the bill under the heading “SOURCE NOTES” accompanied by a reference to the printer’s number of the bill through which the source notes were updated together with a reference to the particular agency, if any, which prepared the source notes.

SOURCE NOTES

Prepared by Pennsylvania Bar Association

(Based on Original Printer’s No.)

or

(Updated Through Printer’s No. 1770)

(b) *Status*.—Source notes are unofficial in the sense that they do not constitute part of the law. However, following enactment of the bill, the courts will certainly consult the source notes in construing pertinent provisions of the Statutes.

§ 25.55. Updating and printing of source notes.

(a) *Updating*.—Source notes will usually only be printed in the original print of the bill. However, if they are amended to conform to amendments to provisions of the bill, either the entire source notes as amended or the particular source notes as amended will be included in the new print of the bill.

(b) *Printing*.—When the bill is enacted, the source notes will be omitted from the statute when printed but will be provided to the publisher of Purdon’s Statutes and will be retained by the Bureau and the Legislative Data Processing Center in its compilations of the titles of the Statutes.

PARALLEL TABLES

§ 25.61. Parallel tables to text.

Two sets of parallel tables should be prepared from the revision bill and the accompanying source notes:

(1) *New text to old text*.—A table arranged according to Pa.C.S. section numbers, setting forth the Purdon’s Statutes or other citations of the statutes upon which the respective Pa.C.S. sections are based. The source notes may constitute this table.

(2) *Old text to new text.*—A table arranged according to the Purdon’s Statutes or other citations of the statutes upon which the text of the revision bill is based, setting forth the respective Pa.C.S. section numbers of the resulting text.

§ 25.62. Parallel tables to repealers.

Statutes are ordinarily set forth chronologically in the repealer provisions of a revision bill. Therefore, a table, arranged according to the statutory provisions cited for repeal in the repealer provisions should be prepared setting forth the following in three columns, usually running from left to right:

- (1) The citation to the paragraph of the repealer provision which cites the prior law for repeal.
- (2) The Purdon’s Statutes citation of the prior law to be repealed.
- (3) The Pa.C.S. citation of the corresponding provision of the revision bill which results from the provision of the prior law to be repealed, or, if the prior law has been omitted from the revision bill, the word “obsolete” or other indication of the basis for the omission.

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