

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 27

Session of
1981

INTRODUCED BY DORR AND SIRIANNI, JANUARY 19, 1981

SENATOR JUBELIRER, RULES AND EXECUTIVE NOMINATIONS, IN SENATE,
RE-REPORTED AS AMENDED, NOVEMBER 17, 1982

AN ACT

~~Amending the act of April 9, 1929 (P.L.177, No.175), entitled~~ <—
~~"An act providing for and reorganizing the conduct of the~~
~~executive and administrative work of the Commonwealth by the~~
~~Executive Department thereof and the administrative~~
~~departments, boards, commissions, and officers thereof,~~
~~including the boards of trustees of State Normal Schools, or~~
~~Teachers Colleges; abolishing, creating, reorganizing or~~
~~authorizing the reorganization of certain administrative~~
~~departments, boards, and commissions; defining the powers and~~
~~duties of the Governor and other executive and administrative~~
~~officers, and of the several administrative departments,~~
~~boards, commissions, and officers; fixing the salaries of the~~
~~Governor, Lieutenant Governor, and certain other executive~~
~~and administrative officers; providing for the appointment of~~
~~certain administrative officers, and of all deputies and~~
~~other assistants and employes in certain departments, boards,~~
~~and commissions; and prescribing the manner in which the~~
~~number and compensation of the deputies and all other~~
~~assistants and employes of certain departments, boards and~~
~~commissions shall be determined," clarifying certain~~
~~provisions for the approval or disapproval of regulations by~~
~~the General Assembly.~~

AMENDING THE ACT OF JUNE 25, 1982 (P.L.633, NO.181), ENTITLED <—
"AN ACT PROVIDING FOR INDEPENDENT OVERSIGHT AND REVIEW OF
REGULATIONS, CREATING AN INDEPENDENT REGULATORY REVIEW
COMMISSION, PROVIDING FOR ITS POWERS AND DUTIES, MAKING
REPEALS AND MAKING AN APPROPRIATION," REVISING PROVISIONS
RELATING TO REGULATIONS, CHANGING CERTAIN TIME PERIODS AND
MAKING REPEALS.

The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 ~~Section 1. Section 812.2, act of April 9, 1929 (P.L.177,~~ <—
3 ~~No.175), known as "The Administrative Code of 1929," added~~
4 ~~October 8, 1980 (No.146), is amended to read:~~

5 ~~Section 812.2. Legislative Approval or Disapproval;~~
6 ~~Effect. A copy of every rule or regulation or amendment to a~~
7 ~~rule or regulation proposed by the Bureau of Professional and~~
8 ~~Occupational Affairs or any board or commission thereunder in~~
9 ~~order to implement any provision of section 812.1 shall [before~~
10 ~~adoption be forwarded to the Speaker of the House of~~
11 ~~Representatives and to the President pro tempore of the Senate~~
12 ~~for referral to and review by the appropriate standing committee~~
13 ~~of the House of Representatives and of the Senate as determined~~
14 ~~by the respective presiding officer. The standing committee~~
15 ~~shall, within sixty days from the receipt of such proposed rule,~~
16 ~~regulation or amendment approve or recommend disapproval to the~~
17 ~~House of Representatives or the Senate of any such proposed~~
18 ~~rule, regulation or amendment. Failure of the standing committee~~
19 ~~to recommend disapproval and of the House of Representatives and~~
20 ~~Senate to disapprove any proposed rule, regulation or amendment~~
21 ~~within the review time shall constitute approval thereof. If the~~
22 ~~standing committees of both the Senate and the House of~~
23 ~~Representatives recommend disapproval and the House of~~
24 ~~Representatives and the Senate disapproves any proposed rule,~~
25 ~~regulation or amendment, the bureau, board or commission shall~~
26 ~~not adopt the proposed rule, regulation or amendment and it~~
27 ~~shall not be again offered for one year. Only in the absence of~~
28 ~~a disapproval the bureau, board or commission shall proceed with~~
29 ~~the adoption of the rule, regulation or amendment in accordance~~
30 ~~with section 202 of the act of July 31, 1968 (P.L.769, No.240),~~

1 referred to as the Commonwealth Documents Law. be] be submitted
2 to the Secretary of the Senate and the Chief Clerk of the House
3 of Representatives who shall cause the rules or regulations to
4 be printed and distributed among all members of both chambers in
5 the same manner as a reorganization plan. If both bodies fail to
6 act within sixty days of receipt of such rules or regulations,
7 or within ten legislative days after receipt, whichever shall
8 last occur, rules or regulations adopted by the appropriate
9 professional or occupational board, or the Bureau of
10 Professional and Occupational Affairs shall be promulgated
11 pursuant to the provisions of the act of July 31, 1968 (P.L.769,
12 No.240), referred to as the Commonwealth Documents Law and 45
13 Pa.C.S. Part II (relating to publication and effectiveness of
14 Commonwealth documents). If either chamber disapproves any rule
15 or regulation, such information shall be certified by the
16 Speaker of the House of Representatives or President pro tempore
17 of the Senate to the appropriate professional or occupational
18 board, or the Bureau of Professional and Occupational Affairs,
19 and such rule or regulation shall not be promulgated as a final
20 rule or regulation.

21 Section 2. This act shall take effect immediately and shall
22 be retroactive to October 8, 1980.

23 SECTION 1. THE DEFINITIONS OF AGENCY, DESIGNATED STANDING <—
24 COMMITTEE AND REGULATION IN SECTION 3, SUBSECTION (G) OF SECTION
25 4 AND SECTIONS 5, 6, 7, 9 AND 15, ACT OF JUNE 25, 1982 (P.L.633,
26 NO.181), KNOWN AS THE "REGULATORY REVIEW ACT," ARE AMENDED TO
27 READ:

28 SECTION 3. DEFINITIONS.

29 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
30 HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE

1 MEANINGS GIVEN TO THEM IN THIS SECTION:

2 "AGENCY." ANY DEPARTMENT, DEPARTMENTAL ADMINISTRATIVE BOARD
3 OR COMMISSION, INDEPENDENT BOARD OR COMMISSION, AGENCY OR OTHER
4 AUTHORITY OF THIS COMMONWEALTH NOW EXISTING OR HEREAFTER
5 CREATED, BUT SHALL NOT INCLUDE THE SENATE OR THE HOUSE OF
6 REPRESENTATIVES, THE PENNSYLVANIA FISH COMMISSION, THE
7 PENNSYLVANIA GAME COMMISSION, THE INDEPENDENT REGULATORY REVIEW
8 COMMISSION, OR ANY COURT, POLITICAL SUBDIVISION, MUNICIPAL OR
9 LOCAL AUTHORITY.

10 * * *

11 "DESIGNATED STANDING COMMITTEE." A STANDING COMMITTEE OF THE
12 HOUSE OF REPRESENTATIVES OR THE SENATE DESIGNATED BY [A RULE,
13 WHICH RULE] THE SPEAKER OF THE HOUSE OF REPRESENTATIVES FOR THE
14 HOUSE AND THE PRESIDENT PRO TEMPORE OF THE SENATE FOR THE SENATE
15 WHICH DESIGNATION SHALL PRESCRIBE THE JURISDICTION OF EACH
16 STANDING COMMITTEE OVER THE VARIOUS STATE AGENCIES FOR PURPOSES
17 OF THIS ACT.

18 "REGULATION." [ANY REGULATION, PROPOSED OR ADOPTED BY AN
19 AGENCY.] ANY RULE OR REGULATION, OR ORDER IN THE NATURE OF A
20 RULE OR REGULATION, PROMULGATED BY AN AGENCY UNDER STATUTORY
21 AUTHORITY IN THE ADMINISTRATION OF ANY STATUTE ADMINISTERED BY
22 OR RELATING TO THE AGENCY, OR PRESCRIBING THE PRACTICE OR
23 PROCEDURE BEFORE SUCH AGENCY. THE TERM SHALL NOT INCLUDE A
24 PROCLAMATION, EXECUTIVE ORDER, DIRECTIVE OR SIMILAR DOCUMENT
25 PROMULGATED BY THE GOVERNOR, BUT SHALL INCLUDE A REGULATION
26 WHICH MAY BE PROMULGATED BY AN AGENCY, ONLY WITH THE APPROVAL OF
27 THE GOVERNOR.

28 SECTION 4. CREATION OF COMMISSION; MEMBERSHIP, COMPENSATION;
29 VACANCIES; REMOVAL.

30 * * *

(G) WITHIN [ONE MONTH] 60 DAYS FOLLOWING THE APPOINTMENT OF A QUORUM OF THE COMMISSION, THE GOVERNOR SHALL CONVENE AN ORGANIZATION MEETING OF THE COMMISSION AND THE GOVERNOR OR HIS DESIGNEE SHALL PRESIDE AT SUCH MEETING UNTIL A CHAIRMAN SHALL BE ELECTED.

* * *

SECTION 5. PROPOSED REGULATION; CRITERIA FOR REVIEW, EXISTING REGULATIONS.

(A) FOR PROPOSED REGULATIONS, SUBMITTED AFTER THE EFFECTIVE DATE OF THIS SECTION, AT THE SAME TIME THAT PROPOSED REGULATIONS AND ANY CHANGES THERETO ARE SUBMITTED TO THE [ATTORNEY GENERAL FOR REVIEW AS TO LEGALITY AS PROVIDED BY THE ACT OF OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS THE "COMMONWEALTH ATTORNEYS ACT,"] LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION OF NOTICE OF PROPOSED RULEMAKING IN THE PENNSYLVANIA BULLETIN AS REQUIRED BY THE ACT OF JULY 31, 1968 (P.L.769, NO.240), KNOWN AS THE "COMMONWEALTH DOCUMENTS LAW," THE AGENCY PROPOSING THE REGULATION SHALL FORWARD A COPY OF SUCH PROPOSAL TO THE COMMISSION AND THE DESIGNATED STANDING COMMITTEE OF EACH HOUSE OF THE GENERAL ASSEMBLY AND [UPON REQUEST OF THE COMMISSION ANY] ADDITIONAL INFORMATION INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(1) THE NAME OF THE AGENCY PROPOSING THE REGULATION AND A STATEMENT OF THE STATUTORY OR OTHER AUTHORITY UNDER WHICH THE REGULATION OR CHANGE IS PROPOSED AND IF SUCH REGULATION OR CHANGE IS PROPOSED TO IMPLEMENT THE REQUIREMENTS OF FEDERAL STATUTE OR FEDERAL REGULATION, SUCH FEDERAL STATUTE OR REGULATION SHALL BE CITED WITH SPECIFICITY.

(2) A BRIEF EXPLANATION OF THE PROPOSED REGULATION OR CHANGE.

1 (3) A STATEMENT OF THE NEED FOR THE REGULATION OR
2 CHANGE.

3 (4) ESTIMATES OF THE DIRECT COST TO THE COMMONWEALTH AND
4 DIRECT AND INDIRECT COST TO ITS POLITICAL SUBDIVISIONS AND
5 INDIRECT COST TO THE PRIVATE SECTOR. INsofar AS THE PROPOSAL
6 RELATES TO DIRECT COST TO THE COMMONWEALTH, THE AGENCY MAY
7 SUBMIT IN LIEU OF ITS OWN STATEMENT THE FISCAL NOTE PREPARED
8 BY THE OFFICE OF THE BUDGET PURSUANT TO SECTION 612 OF THE
9 ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS "THE
10 ADMINISTRATIVE CODE OF 1929."

11 (5) A STATEMENT OF LEGAL, ACCOUNTING OR CONSULTANT
12 PROCEDURES WHICH MAY BE REQUIRED FOR IMPLEMENTATION OF THE
13 REGULATION BY THOSE AFFECTED BY IT.

14 (6) A STATEMENT OF ANY ADDITIONAL REPORTING,
15 RECORDKEEPING OR OTHER PAPERWORK REQUIRED BY THE PROPOSED
16 REGULATIONS INCLUDING COPIES OF ANY FORMS OR REPORTS WHICH
17 WILL BE REQUIRED IN THE IMPLEMENTATION OF THE PROPOSED
18 REGULATION.

19 (7) AN OUTLINE OF CONFORMANCE AND RELEVANT DATES
20 INCLUDING DATES BY WHICH COMMENTS MUST BE RECEIVED, DATES OF
21 PROPOSED PUBLIC HEARINGS, THE EFFECTIVE DATE OF FINAL
22 REGULATIONS, DATE BY WHICH COMPLIANCE WITH THE PROPOSED
23 REGULATIONS WILL BE REQUIRED, INCLUDING THE DATE BY WHICH ANY
24 REQUIRED PERMITS, LICENSES OR OTHER APPROVALS MUST BE
25 OBTAINED.

26 (8) THE NAME OF THE AUTHOR OR AUTHORS OF THE REGULATION
27 WITH THEIR OFFICE ADDRESS AND PHONE NUMBERS INCLUDED.

28 (9) AN IDENTIFICATION OF THE TYPES OF PERSONS,
29 BUSINESSES AND ORGANIZATIONS WHICH WOULD BE AFFECTED BY THE
30 REGULATION.

(10) IDENTIFICATION OF ANY OTHER REGULATIONS WHICH WOULD
BE AFFECTED BY THE REGULATION.

THE REQUIREMENTS OF THIS SECTION SHALL NOT DIMINISH THE NOTICE
OF PROPOSED RULE MAKING REQUIREMENTS OF THE COMMONWEALTH
DOCUMENTS LAW BUT THE INFORMATION REQUIRED BY THIS SECTION MAY
BE INCLUDED IN THE NOTICE OF PROPOSED RULE MAKING REQUIREMENT
FOR PUBLICATION IN THE PENNSYLVANIA BULLETIN IN LIEU OF THE
INFORMATION REQUIRED BY PARAGRAPHS (2) AND (3) OF SECTION 201 OF
THE COMMONWEALTH DOCUMENTS LAW. THE COMMISSION MAY WAIVE AN
INFORMATION REQUIREMENT OF THIS SECTION FOR A PROPOSED
REGULATION WHEN ANY SPECIFIC REQUIREMENT IS DEEMED BY THE
COMMISSION TO BE UNNECESSARY OR INAPPROPRIATE.

(B) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (A), FOR
REGULATIONS WHICH IMPOSE FISCAL IMPACTS ON THE PUBLIC SECTOR,
PRIVATE SECTOR, OR BOTH OF OVER \$1,000,000, IN ANY YEAR, OR
WHICH IMPOSE OTHER MAJOR IMPACTS AS DETERMINED BY THE
COMMISSION, THE AGENCY PROPOSING THE REGULATION SHALL FORWARD AT
THE REQUEST OF THE COMMISSION A WRITTEN REGULATORY ANALYSIS.
SUCH REGULATORY ANALYSIS SHALL STATE:

(1) THE FINANCIAL, ECONOMIC AND SOCIAL IMPACTS OF THE
REGULATION ON INDIVIDUALS, BUSINESS AND LABOR COMMUNITIES OR
OTHER PUBLIC AND PRIVATE ORGANIZATIONS. WHEN PRACTICABLE, AN
EVALUATION OF THE BENEFITS EXPECTED AS A RESULT OF THE
REGULATION SHOULD BE INCLUDED;

(2) THAT ALTERNATIVE APPROACHES HAVE BEEN CONSIDERED AND
THE LEAST BURDENSOME ACCEPTABLE ALTERNATIVE HAS BEEN
SELECTED;

(3) THAT, IN ARRIVING AT THE ACCEPTABLE ALTERNATIVE,
CONSIDERATION WAS GIVEN TO MINIMIZING NEW REPORTING,
ACCOUNTING AND LEGAL REQUIREMENTS;

1 (4) THAT A PLAN FOR THE EVALUATION OF THE EFFECTIVENESS
2 OF THE REGULATION AFTER ITS ISSUANCE HAS BEEN DEVELOPED; AND

3 (5) THE MANNER IN WHICH, WHEN IT IS LAWFUL, DESIRABLE
4 AND FEASIBLE, SPECIAL PROVISIONS HAVE BEEN DEVELOPED TO MEET
5 THE PARTICULAR NEEDS OF AFFECTED GROUPS AND PERSONS
6 INCLUDING, BUT NOT LIMITED TO: MINORITIES, ELDERLY, SMALL
7 BUSINESSES AND FARMERS.

8 (C) THE STANDING COMMITTEE SHALL, WITHIN [30] 20 CALENDAR
9 DAYS [OR TEN LEGISLATIVE DAYS, WHICHEVER IS LONGER,] FROM THE
10 DAY IT RECEIVES THE PROPOSED REGULATION, APPROVE OR RECOMMEND
11 DISAPPROVAL TO THE COMMISSION. FAILURE OF BOTH STANDING
12 COMMITTEES TO RECOMMEND DISAPPROVAL OF ANY SUCH REGULATION
13 WITHIN THE [30] 20 CALENDAR DAYS [OR TEN LEGISLATIVE DAYS,
14 WHICHEVER IS LONGER,] SHALL CONSTITUTE APPROVAL THEREOF. ALONG
15 WITH A NOTIFICATION OF APPROVAL OR DISAPPROVAL THE COMMITTEE
16 SHALL CONVEY A REPORT WHICH INCLUDES:

17 (1) A COPY OF THE PROPOSED REGULATION.

18 (2) A SUMMARY OF THE OBJECTIONS OF THE COMMITTEE, IF
19 ANY, STATING THE REASONS WHY THE COMMITTEE HAS FOUND THE
20 PROPOSED REGULATION UNACCEPTABLE, AND A COPY OF ANY STAFF
21 REPORTS DEEMED PERTINENT BY THE COMMITTEE.

22 IN THE EVENT THE STANDING COMMITTEES ARE PREVENTED FROM
23 COMPLETING THEIR 20 DAY REVIEW BECAUSE OF EXPIRATION OF THE
24 LEGISLATIVE SESSION IN EVEN NUMBERED YEARS, CONSIDERATION OF THE
25 PROPOSED REGULATION SHALL BE AUTOMATICALLY SUSPENDED UNTIL THE
26 FIRST DAY OF THE NEXT SUCCEEDING SESSION OF THE GENERAL
27 ASSEMBLY. ON THAT DATE, THE AGENCY SHALL RESUBMIT THE PROPOSED
28 REGULATION TO THE DESIGNATED STANDING COMMITTEE OF EACH CHAMBER,
29 OR ITS SUCCESSOR COMMITTEE, AND TO THE COMMISSION. THE STANDING
30 COMMITTEES, OR THEIR SUCCESSOR COMMITTEES, SHALL HAVE 20

1 CALENDAR DAYS AND THE COMMISSION SHALL HAVE 30 CALENDAR DAYS
2 FROM RECEIPT OF THE REGULATION TO REVIEW SUCH REGULATION. IN
3 COMPUTING THE 20 DAY COMMITTEE REVIEW PERIOD AND THE 30 DAY
4 COMMISSION REVIEW PERIOD, THE NUMBER OF DAYS IN WHICH THE
5 PROPOSED REGULATION HAD BEEN UNDER REVIEW BY THE STANDING
6 COMMITTEES AND BY THE COMMISSION AS OF THE EXPIRATION OF THE
7 PRIOR SESSION SHALL BE SUBTRACTED FROM THE 20 DAY COMMITTEE AND
8 THE 30 DAY COMMISSION REVIEW PERIODS, RESPECTIVELY. FAILURE OF
9 THE AGENCY TO RESUBMIT THE PROPOSED REGULATION ON THE FIRST DAY
10 OF THE NEXT SUCCEEDING SESSION SHALL CONSTITUTE WITHDRAWAL
11 THEREOF. NO PROPOSED REGULATION SHALL BE SUBMITTED TO THE
12 COMMISSION OR THE STANDING COMMITTEES FOR REVIEW DURING THE
13 PERIOD FROM THE END OF THE LEGISLATIVE SESSION OF EVEN NUMBERED
14 YEARS TO THE FIRST DAY OF THE NEXT SUCCEEDING LEGISLATIVE
15 SESSION, BUT EMERGENCY REGULATIONS MAY BE ADOPTED PURSUANT TO
16 THE PROVISIONS OF SECTION 6(B).

17 (D) IN ORDER TO ASCERTAIN WHETHER A PROPOSED REGULATION IS
18 IN THE PUBLIC INTEREST, THE COMMISSION SHALL CONSIDER THE
19 FOLLOWING CRITERIA IN THE REVIEW OF ANY PROPOSED REGULATION:

20 (1) CONFORMITY TO THE STATUTORY AUTHORITY OF THE AGENCY.

21 (2) CONSISTENCY WITH THE LEGISLATIVE INTENT OF THE ACT
22 WHICH THE REGULATION IS DESIGNED TO IMPLEMENT.

23 (3) POSSIBLE ADVERSE EFFECTS ON PRICES OF GOODS AND
24 SERVICES, PRODUCTIVITY OR COMPETITION.

25 (4) WHETHER THE REGULATION REPRESENTS A POLICY DECISION
26 OF SUCH SUBSTANTIAL NATURE THAT IT REQUIRES A LEGISLATIVE
27 REVIEW.

28 (5) DIRECT COSTS TO THE COMMONWEALTH, DIRECT AND
29 INDIRECT COST TO POLITICAL SUBDIVISIONS AND INDIRECT COST TO
30 THE PRIVATE SECTOR.

1 (6) REASONABLENESS OF REQUIREMENTS, IMPLEMENTATION
2 PROCEDURES AND TIMETABLE FOR THE PUBLIC AND PRIVATE SECTORS.

3 (7) THE NATURE OF ANY REPORTS, FORMS OR OTHER PAPERWORK
4 AND THE ESTIMATED COST OF THEIR PREPARATION BY INDIVIDUALS,
5 BUSINESSES AND ORGANIZATIONS IN THE PRIVATE AND PUBLIC SECTOR
6 WHERE SUCH REPORTS WOULD BE REQUIRED.

7 (8) POSSIBLE CONFLICT WITH OR DUPLICATION OF STATUTES OR
8 OTHER EXISTING REGULATIONS.

9 (9) THE NATURE AND ESTIMATED COST OF ANY LEGAL,
10 CONSULTING OR ACCOUNTING SERVICES WHICH THE PRIVATE OR PUBLIC
11 SECTOR WOULD INCUR.

12 (10) THE IMPACT ON THE PUBLIC INTEREST OF EXEMPTING OR
13 SETTING LESSER STANDARDS OF COMPLIANCE FOR INDIVIDUALS OR
14 SMALL BUSINESSES WHEN IT IS LAWFUL, DESIRABLE AND FEASIBLE TO
15 DO SO.

16 (11) CLARITY AND LACK OF AMBIGUITY.

17 (12) NEED FOR THE RULE OR REGULATION.

18 (13) APPROVAL OR DISAPPROVAL BY THE DESIGNATED STANDING
19 COMMITTEE OF THE HOUSE OF REPRESENTATIVES OR THE SENATE.

20 (E) REGULATIONS FOR WHICH NOTICE OF PROPOSED MAKING IS
21 OMITTED PURSUANT TO SECTION 204 OF THE COMMONWEALTH DOCUMENTS
22 LAW SHALL BE SUBMITTED TO THE COMMISSION AND THE DESIGNATED
23 STANDING COMMITTEES FOR REVIEW [UNDER THIS SECTION] IN THE SAME
24 FASHION AS PROPOSED REGULATIONS AT THE SAME TIME THAT THE
25 REGULATIONS ARE SUBMITTED TO THE ATTORNEY GENERAL FOR REVIEW AS
26 PROVIDED IN THE COMMONWEALTH ATTORNEYS ACT. NO FINAL ORDER
27 ADOPTING SUCH REGULATION SHALL BE PUBLISHED UNTIL COMPLETION OF
28 REVIEW PURSUANT TO THIS ACT.

29 (F) THE AGENCY WHICH PROPOSES THE REGULATION SHALL FORWARD
30 TO THE COMMISSION WITHIN TWO DAYS OF RECEIPT, A COPY OF ANY

1 COMMENTS RECEIVED BY THE AGENCY WHICH REFERS TO THE PROPOSED
2 REGULATION.

3 (G) THE COMMISSION, EITHER ON ITS MOTION OR ON THE REQUEST
4 OF ANY INDIVIDUAL, AGENCY, CORPORATION, MEMBER OF THE GENERAL
5 ASSEMBLY OR ANY OTHER ENTITY WHICH MAY BE AFFECTED BY A
6 REGULATION, MAY ALSO REVIEW ANY EXISTING REGULATION OR
7 ADMINISTRATIVE PROCEDURE. WHENEVER A COMMITTEE OF THE SENATE OR
8 THE HOUSE OF REPRESENTATIVES SHALL REQUEST A REVIEW OF A
9 REGULATION, THE COMMISSION SHALL MAKE SUCH REVIEW AND SHALL
10 ASSIGN IT HIGH PRIORITY. THE COMMISSION MAY SUBMIT
11 RECOMMENDATIONS TO ANY AGENCY RECOMMENDING CHANGES IN EXISTING
12 REGULATIONS WHERE IT FINDS THE EXISTING REGULATIONS OR
13 ADMINISTRATIVE PROCEDURE TO BE CONTRARY TO THE PUBLIC INTEREST
14 UNDER THE CRITERIA ESTABLISHED IN THIS SECTION. THE COMMISSION
15 MAY ALSO MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND THE
16 GOVERNOR FOR STATUTORY CHANGES WHENEVER IT FINDS THAT ANY
17 EXISTING REGULATION OR PROCEDURE MAY BE CONTRARY TO THE PUBLIC
18 INTEREST.

19 SECTION 6. PROCEDURES FOR COMMISSION CONSIDERATION AND AGENCY
20 REVIEW.

21 (A) WHENEVER THE COMMISSION SHALL FIND THAT A PROPOSED
22 REGULATION SUBMITTED TO THE [ATTORNEY GENERAL FOR REVIEW PRIOR
23 TO FINAL ADOPTION] LEGISLATIVE REFERENCE BUREAU FOR PUBLICATION
24 OF NOTICE OF PROPOSED RULE MAKING IN THE PENNSYLVANIA BULLETIN
25 OR SUBMITTED TO THE ATTORNEY GENERAL FOR REVIEW PRIOR TO
26 PUBLICATION WITHOUT NOTICE PURSUANT TO SECTION 204 OF THE
27 COMMONWEALTH DOCUMENTS LAW, MAY BE CONTRARY TO THE PUBLIC
28 INTEREST UNDER THE CRITERIA SET FORTH IN SECTION 5, THE
29 COMMISSION SHALL NOTIFY THE AGENCY PROMULGATING SUCH REGULATION
30 OF ITS FINDING. SUCH NOTIFICATION SHALL SET FORTH THE

1 COMMISSION'S OBJECTIONS IN REASONABLE DETAIL. THE AGENCY SHALL
2 REVIEW THE COMMISSION'S FINDING AND NOT LATER THAN TWO WEEKS
3 FOLLOWING THE NOTIFICATION UNLESS THE COMMISSION GRANTS EXTENDED
4 TIME TO COMMENT SHALL RESPOND TO THE COMMISSION AS TO WHETHER OR
5 NOT THE PROPOSED REGULATION WILL BE WITHDRAWN OR REVISED. IF THE
6 COMMISSION DOES NOT NOTIFY THE AGENCY OF ANY OBJECTION WITHIN 30
7 DAYS OF RECEIPT UNDER SECTION 5, THE AGENCY MAY PROCEED TO
8 PROMULGATE THE REGULATION AS PROVIDED IN THE ACT OF JULY 31,
9 1968 (P.L.769, NO.240), REFERRED TO AS THE COMMONWEALTH
10 DOCUMENTS LAW.

11 (B) THE COMMISSION MAY, WHEN NOTIFYING AN AGENCY OF ITS
12 OBJECTIONS PURSUANT TO SUBSECTION (A) OR AT ANY TIME FOLLOWING
13 SUCH NOTIFICATION, BUT PRIOR TO PUBLICATION OF A FINAL ORDER
14 ADOPTING A REGULATION ISSUE AN ORDER BARRING THE [FINAL]
15 PUBLICATION OF A [PROPOSED] FINAL ORDER ADOPTING A REGULATION
16 PENDING SUBSEQUENT REVIEW OF THE REGULATION IN THE MANNER
17 PROVIDED IN SECTION 7. THE COMMISSION MAY NOT HOWEVER ISSUE AN
18 ORDER AGAINST A PROPOSED REGULATION TO THE EXTENT THAT THE
19 ATTORNEY GENERAL CERTIFIES THAT PROPOSED REGULATION IS REQUIRED
20 PURSUANT TO THE DECREE OF ANY COURT OR TO IMPLEMENT THE
21 PROVISIONS OF A STATUTE OF THE UNITED STATES OR REGULATIONS
22 ISSUED THEREUNDER BY A FEDERAL AGENCY NOR SHALL THE COMMISSION
23 ISSUE AN ORDER AGAINST A PROPOSED REGULATION WHEN SUCH
24 REGULATION IS TRANSMITTED WITH THE CERTIFICATION OF THE GOVERNOR
25 THAT IT IS REQUIRED TO MEET AN EMERGENCY WHICH SHALL INCLUDE BUT
26 NOT BE LIMITED TO CONDITIONS WHICH MAY CAUSE A SIGNIFICANT
27 BUDGET DEFICIT OR CREATE NEED FOR SUPPLEMENTAL OR DEFICIENCY
28 APPROPRIATIONS. IN SUCH CASE, THE REGULATION CAN TAKE EFFECT FOR
29 UP TO 120 DAYS BUT AFTER THAT TIME MAY BE SUSPENDED BY THE
30 COMMISSION UNLESS IT HAS BEEN APPROVED BY THE GENERAL ASSEMBLY

1 UNDER THE PROCEDURES CONTAINED IN SECTION 7(B).

2 (C) WHENEVER A DESIGNATED STANDING COMMITTEE OF THE HOUSE OF
3 REPRESENTATIVES OR THE SENATE HAS NOTIFIED THE COMMISSION OF ITS
4 DISAPPROVAL AND THE COMMISSION APPROVES THE PROPOSED REGULATION,
5 THE COMMISSION SHALL NOTIFY THE SAID DESIGNATED STANDING
6 COMMITTEE OF SUCH APPROVAL.

7 SECTION 7. PROCEDURES AND SUBSEQUENT REVIEW.

8 (A) IF THE COMMISSION DETERMINES AFTER REVIEWING AN AGENCY'S
9 RESPONSE THAT THE AGENCY STILL INTENDS TO IMPLEMENT SUCH
10 REGULATION [AND] , THE COMMISSION SHALL, WITHIN SEVEN DAYS OF
11 RECEIPT OF AN AGENCY'S RESPONSE TO ITS OBJECTIONS, EITHER
12 APPROVE THE REGULATIONS OR, IF THE COMMISSION BELIEVES THAT SAID
13 REGULATION WOULD BE CONTRARY TO THE PUBLIC INTEREST AS
14 DETERMINED UNDER SECTION 5, [THE COMMISSION SHALL] NOTIFY THE
15 GOVERNOR, WHO SHALL WITHIN 45 DAYS REVIEW THE PROPOSED
16 REGULATION AND THE COMMISSION FINDINGS. FAILURE OF THE
17 COMMISSION TO NOTIFY THE GOVERNOR OF ITS CONTINUED OBJECTIONS TO
18 A PROPOSED REGULATION WITHIN SEVEN DAYS SHALL CONSTITUTE
19 APPROVAL THEREOF. WITHIN SEVEN DAYS OF AN AGENCY'S RESPONSE, THE
20 COMMISSION MAY CONTINUE AN ORDER BARRING PUBLICATION OF A FINAL
21 ORDER ADOPTING A REGULATION, ISSUE SUCH AN ORDER IF NONE WAS
22 PREVIOUSLY ISSUED, OR WITHDRAW ITS ORDER.

23 (B) IF THE GOVERNOR AND THE AGENCY [STILL WISHES TO]
24 DETERMINE THAT IT IS DESIRABLE TO IMPLEMENT THE PROPOSED
25 REGULATION WITHOUT REVISIONS, THE GOVERNOR SHALL SUBMIT A REPORT
26 TO THE GENERAL ASSEMBLY CONTAINING THE FINDINGS OF THE
27 COMMISSION, THE RESPONSE OF THE INITIATING AGENCY AND HIS OWN
28 RECOMMENDATIONS REGARDING THE REGULATION. AT THE TIME OF THE
29 SUBMISSION OF THE REPORT BY THE GOVERNOR, THE COMMISSION SHALL,
30 WITHIN FOURTEEN DAYS OF SUBMISSION OF THE REPORT, EITHER APPROVE

1 THE REGULATION OR TRANSMIT THE PROPOSED REGULATION [SHALL BE
2 TRANSMITTED] TO THE GENERAL ASSEMBLY [AND SHALL BE CONSIDERED]
3 FOR CONSIDERATION IN ACCORD WITH THE PROCEDURES SET FORTH IN THE
4 ACT OF APRIL 7, 1955 (P.L.23, NO.8), KNOWN AS THE
5 "REORGANIZATION ACT OF 1955." FAILURE OF THE COMMISSION TO
6 TRANSMIT A REGULATION TO THE GENERAL ASSEMBLY FOR CONSIDERATION
7 WITHIN 14 DAYS OF SUBMISSION OF THE GOVERNOR'S REPORT SHALL
8 CONSTITUTE APPROVAL OF THE PROPOSED REGULATION. HOWEVER, IF THE
9 COMMISSION IS PREVENTED FROM TRANSMITTING THE REGULATION TO THE
10 GENERAL ASSEMBLY WITHIN FOURTEEN DAYS BECAUSE OF RECESS OR
11 ADJOURNMENT, IT MAY TRANSMIT THE REGULATION ON THE FIRST
12 SUBSEQUENT SESSION DAY. FAILURE TO SUBMIT A PROPOSED REGULATION
13 ON THE FIRST SUBSEQUENT SESSION DAY SHALL CONSTITUTE APPROVAL
14 THEREOF. PENDING THE REVIEW OF A REGULATION BY THE GENERAL
15 ASSEMBLY, THE COMMISSION MAY CONTINUE AN ORDER BARRING
16 PUBLICATION OF A FINAL ORDER ADOPTING A REGULATION, ISSUE SUCH
17 AN ORDER IF NONE WAS PREVIOUSLY ISSUED, OR WITHDRAW ITS ORDER.
18 IF THE GENERAL ASSEMBLY DISAPPROVES A REGULATION, THE
19 DISAPPROVAL SHALL CONSTITUTE A PERMANENT ORDER BARRING
20 PUBLICATION, OR SHALL RESCIND A REGULATION FOR WHICH A FINAL
21 ORDER WAS PUBLISHED PENDING REVIEW OF THE REGULATION BY THE
22 COMMISSION OR THE GENERAL ASSEMBLY. THE GENERAL ASSEMBLY MAY AT
23 ITS DISCRETION, HOWEVER, DISAPPROVE A REGULATION TO INDICATE THE
24 INTENT OF THE GENERAL ASSEMBLY, BUT PERMIT PUBLICATION OF A
25 FINAL ORDER ADOPTING A REGULATION.

26 (C) WHENEVER A DESIGNATED STANDING COMMITTEE HAS RECEIVED
27 THE NOTICE REQUIRED UNDER SECTION 6(C), THE DESIGNATED STANDING
28 COMMITTEE MAY [IMMEDIATELY] WITHIN TEN DAYS REPORT TO THE HOUSE
29 OF REPRESENTATIVES OR SENATE A CONCURRENT RESOLUTION AND
30 [IMMEDIATELY] NOTIFY THE AFFECTED AGENCY WHICH SHALL BE THE

1 OFFICIAL NOTICE TO THE AGENCY. [THE AFFECTED AGENCY SHALL
2 THEREUPON SUSPEND CONSIDERATION OF THE REGULATION] A FINAL ORDER
3 ADOPTING THE REGULATION SHALL NOT BE PUBLISHED FOR 30 CALENDAR
4 DAYS OR TEN LEGISLATIVE DAYS, WHICHEVER IS LONGER, FROM DATE OF
5 [NOTIFICATION OF DISAPPROVAL] REPORTING THE CONCURRENT
6 RESOLUTION. IF BOTH THE HOUSE OF REPRESENTATIVES AND THE SENATE
7 AGREE TO THE CONCURRENT RESOLUTION WITHIN THE ALLOTTED TIME
8 PERIOD, [THE AGENCY SHALL NOT ADOPT THE REGULATION.] THE
9 ADOPTION OF THE CONCURRENT RESOLUTION SHALL CONSTITUTE A
10 PERMANENT ORDER BARRING PUBLICATION, OR SHALL ACT AS AN ORDER
11 RESCINDING A REGULATION FOR WHICH A FINAL ORDER WAS PUBLISHED
12 PENDING REVIEW OF THE REGULATION. FAILURE OF THE HOUSE OF
13 REPRESENTATIVES AND THE SENATE TO ACT ON THE CONCURRENT
14 RESOLUTION WITHIN THE ALLOTTED TIME PERIOD SHALL CONSTITUTE
15 APPROVAL OF THE REGULATION. IN ADDITION, NOTICE AS TO ANY FINAL
16 DISPOSITION OF ANY CONCURRENT RESOLUTION CONSIDERED IN
17 ACCORDANCE WITH THIS ACT SHALL BE PUBLISHED IN THE PENNSYLVANIA
18 BULLETIN. THE GENERAL ASSEMBLY MAY, AT ITS DISCRETION, ADOPT A
19 CONCURRENT RESOLUTION DISAPPROVING THE REGULATION TO INDICATE
20 THE INTENT OF THE GENERAL ASSEMBLY, BUT PERMIT PUBLICATION OF A
21 FINAL ORDER ADOPTING A REGULATION.

22 SECTION 9. COMMISSION STAFF.

23 THE COMMISSION SHALL APPOINT AND FIX THE COMPENSATION OF AN
24 EXECUTIVE DIRECTOR, WHO SHALL DEVOTE HIS FULL TIME TO THE
25 GENERAL SUPERVISION OF ALL THE AFFAIRS OF THE COMMISSION. IN
26 ADDITION, THE COMMISSION SHALL APPOINT A [GENERAL] CHIEF COUNSEL
27 WHO SHALL NOT BE SUBJECT TO THE SUPERVISION OF THE ATTORNEY
28 GENERAL OR THE GENERAL COUNSEL AND IT MAY APPOINT AND FIX THE
29 COMPENSATION OF SUCH OTHER EMPLOYEES AS THE COMMISSION MAY FROM
30 TIME TO TIME FIND NECESSARY FOR THE PROPER PERFORMANCE OF THE

1 FUNCTIONS OF THE COMMISSION. IN DETERMINING THE NECESSITY FOR
2 SUCH ADDITIONAL STAFF, THE COMMISSION SHALL CONSIDER THE FACT
3 THAT THE GENERAL ASSEMBLY IS REQUIRED UNDER THIS ACT TO
4 PARTICIPATE IN THE REVIEW PROCESS AND ITS STAFF WILL BE
5 PROVIDING ASSISTANCE TO THE COMMISSION THROUGH THE LEGISLATIVE
6 REVIEW PROVISIONS OF THIS ACT.

7 SECTION 15. EFFECTIVE DATE.

8 EXCEPT FOR THE PROVISIONS OF SECTIONS 3, 4, 9, 11 AND 13,
9 WHICH SHALL TAKE EFFECT IN 30 DAYS, THIS ACT SHALL TAKE EFFECT
10 ON [JANUARY] MARCH 1, 1983. THIS ACT SHALL EXPIRE ON DECEMBER
11 31, 1985 UNLESS IT IS SOONER REENACTED BY THE GENERAL ASSEMBLY.

12 SECTION 2. THE FOLLOWING PARTS OF ACTS ARE REPEALED:

13 THE SECOND, THIRD, FOURTH AND FIFTH SENTENCES OF CLAUSE (9)
14 OF SECTION 4, ACT OF JANUARY 24, 1965 (P.L.1527, NO.535), KNOWN
15 AS THE "LANDSCAPE ARCHITECTS' REGISTRATION LAW."

16 THE SECOND, THIRD, FOURTH AND FIFTH SENTENCES OF SUBSECTION
17 (B) OF SECTION 5, ACT OF JUNE 15, 1982 (P.L.502, NO.140), KNOWN
18 AS THE "OCCUPATIONAL THERAPY PRACTICE ACT."

19 SECTION 3. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.