

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 389 Session of
2003

INTRODUCED BY ROHRER, BAKER, CAPPELLI, CREIGHTON, FAIRCHILD,
HUTCHINSON, LEH, LEWIS, R. MILLER, READSHAW, SATHER, SEMMEL,
SOLOBAY, STERN, T. STEVENSON, THOMAS, TURZAI, WILT AND
YEWIC, FEBRUARY 24, 2003

REFERRED TO COMMITTEE ON APPROPRIATIONS, FEBRUARY 24, 2003

AN ACT

1 Amending the act of June 25, 1982 (P.L.633, No.181), entitled,
2 as reenacted, "An act providing for independent oversight and
3 review of regulations, creating an Independent Regulatory
4 Review Commission, providing for its powers and duties and
5 making repeals," providing for economic impact statements.

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

8 Section 1. Section 3 of the act of June 25, 1982 (P.L.633,
9 No.181), known as the Regulatory Review Act, reenacted and
10 amended June 30, 1989 (P.L.73, No.19), is amended by adding a
11 definition to read:

12 Section 3. Definitions.

13 The following words and phrases when used in this act shall
14 have, unless the context clearly indicates otherwise, the
15 meanings given to them in this section:

16 * * *

17 "Economic impact statement." An analysis of the anticipated
18 fiscal savings or cost to private enterprises, municipalities,

1 school districts or municipal authorities which would result
2 from the promulgation or adoption of a regulation. The analysis
3 shall include all of the following information:

4 (1) Municipal, school district and municipal authority
5 expenditures necessary to comply with the regulation.

6 (2) The effect of the regulation on all of the
7 following:

8 (i) Private businesses, including the economic
9 resources required annually to comply with the
10 regulation.

11 (ii) Economic growth and competitiveness in this
12 Commonwealth.

13 (iii) Job creation and retention in this
14 Commonwealth.

15 * * *

16 Section 2. Section 5(a) introductory paragraph, (c) and (d)
17 of the act, amended December 6, 2002 (P.L.1227, No.148), are
18 amended to read:

19 Section 5. Proposed regulations; procedures for review.

20 (a) On the same date that an agency submits a proposed
21 regulation to the Legislative Reference Bureau for publication
22 of notice of proposed rulemaking in the Pennsylvania Bulletin as
23 required by the Commonwealth Documents Law, the agency shall
24 submit to the commission, the chairman and minority chairman of
25 the Appropriations Committee of the Senate and the chairman and
26 minority chairman of the Appropriations Committee of the House
27 of Representatives and the committees a copy of the proposed
28 regulation and a regulatory analysis form which includes the
29 following:

30 * * *

1 (c) From the date of submission of the proposed regulation,
2 the agency shall submit to the commission, the chairman and
3 minority chairman of the Appropriations Committee of the Senate
4 and the chairman and minority chairman of the Appropriations
5 Committee of the House of Representatives and the committees,
6 within five business days of receipt, a copy of comments which
7 the agency receives relating to the proposed regulation. The
8 agency shall also, upon request, submit to the commission, the
9 chairman and minority chairman of the Appropriations Committee
10 of the Senate and the chairman and minority chairman of the
11 Appropriations Committee of the House of Representatives and the
12 committees copies of reports from advisory groups and other
13 documents received from or disseminated to the public relating
14 to the proposed regulation and public notices or announcements
15 relating to solicitation of public comments or meetings which
16 the agency held or will hold relating to the proposed
17 regulation.

18 (d) (1) The committees may, at any time prior to the
19 submittal of the regulation in final-form, convey to the
20 agency and the commission their comments, recommendations and
21 objections to the proposed regulation and a copy of any staff
22 reports deemed pertinent. The comments, recommendations and
23 objections may refer to the criteria in section 5.2.

24 (2) The chairman and minority chairman of the
25 Appropriations Committee of the Senate and the chairman and
26 minority chairman of the Appropriations Committee of the
27 House of Representatives shall each prepare an economic
28 impact statement for the proposed regulation. The economic
29 impact statements shall be submitted to the agency, the
30 commission and the designated standing committees within ten

1 calendar days from the closing date of the public comment
2 period.

3 * * *

4 Section 3. Section 5.1(a) and (b) of the act, amended
5 December 6, 2002 (P.L.1227, No.148), are amended and the section
6 is amended by adding a subsection to read:

7 Section 5.1. Final-form regulations and final-omitted
8 regulations; procedures for review.

9 (a) The agency shall review and consider public comments,
10 the economic impact statements submitted by the chairman and
11 minority chairman of the Appropriations Committee of the Senate
12 and the chairman and minority chairman of the Appropriations
13 Committee of the House of Representatives and the comments of
14 the committees and commission pursuant to this section. Within
15 five business days of receipt of a public comment, the agency
16 shall notify the commentator of the agency's address and
17 telephone number where the commentator may submit a request for
18 the information concerning the final-form regulation under
19 subsection (b). Upon completion of the agency's review of
20 comments, the agency shall submit to the commission, the
21 chairman and minority chairman of the Appropriations Committee
22 of the Senate and the chairman and minority chairman of the
23 Appropriations Committee of the House of Representatives and the
24 committees a copy of its response to the comments received, the
25 names and addresses of commentators who have requested
26 additional information relating to the final-form regulation and
27 the text of the final-form regulation which the agency intends
28 to adopt. If an agency does not submit or withdraws and does not
29 resubmit the final-form regulation within two years of the close
30 of the public comment period but still desires to promulgate the

1 final-form regulation, the agency shall republish the regulation
2 as a proposed regulation with a new public comment period in
3 accordance with the Commonwealth Documents Law. If the agency is
4 prevented from delivering its final-form regulation to the
5 commission and the committees within the time period provided
6 for in this subsection because of the adjournment sine die or
7 expiration of the legislative session in an even-numbered year,
8 the agency shall deliver its final-form regulation in accordance
9 with subsection (f).

10 (b) On the same date that the agency submits the material
11 required in subsection (a) to the commission, the chairman and
12 minority chairman of the Appropriations Committee of the Senate
13 and the chairman and minority chairman of the Appropriations
14 Committee of the House of Representatives and the committees,
15 the agency shall send a notice of submission and a copy of the
16 text of the final-form regulation or a copy of all changes to
17 the proposed regulation which are incorporated into the final-
18 form regulation to each commentator who requested this
19 information pursuant to subsection (a). The agency is not
20 responsible for notifying each party whose name appears on
21 petitions or membership lists who did not present individual
22 comments on the regulation.

23 (b.1) The chairman and minority chairman of the
24 Appropriations Committee of the Senate and the chairman and
25 minority chairman of the Appropriations Committee of the House
26 of Representatives shall each prepare an update of the economic
27 impact statement required by subsection (d)(2), which reflects
28 any revisions or modifications contained in the final-form
29 regulation, and shall submit the update to the agency, the
30 commission and designated standing committees within ten

1 calendar days from the date of receipt of the information
2 required under subsection (a).

3 * * *

4 Section 4. Section 7(c) of the act, amended December 6, 2002
5 (P.L.1227, No.148), is amended to read:

6 Section 7. Procedures for subsequent review of disapproved
7 final-form or final-omitted regulations.

8 * * *

9 (c) If the agency decides to revise or modify the final-form
10 or final-omitted regulation in order to respond to objections
11 raised by the commission and adopt that regulation with
12 revisions or modifications, the agency shall submit a report to
13 the chairman and minority chairman of the Appropriations
14 Committee of the Senate and the chairman and minority chairman
15 of the Appropriations Committee of the House of Representatives,
16 the committees and the commission within 40 days of the agency's
17 receipt of the commission's disapproval order. The agency's
18 report shall contain the revised final-form or final-omitted
19 regulation, the findings of the commission, and the agency's
20 response and recommendations regarding the revised final-form or
21 final-omitted regulation. [If the] Upon receipt of the agency's
22 report, the chairman and minority chairman of the Appropriations
23 Committee of the Senate and the chairman and minority chairman
24 of the Appropriations Committee of the House of Representatives
25 shall each have five days to submit an update of the economic
26 impact statement required by section 5(b.1), which reflects any
27 revisions or modifications to the final-form regulation, to the
28 designated standing committees and the commission. If the
29 chairman and minority chairman of the Appropriations Committee
30 of the Senate and the chairman and minority chairman of the

1 Appropriations Committee of the House of Representatives and the
2 committees are prevented from receiving the report because of
3 adjournment sine die or expiration of the legislative session in
4 an even-numbered year, the agency shall submit the report to the
5 chairman and minority chairman of the Appropriations Committee
6 of the Senate and the chairman and minority chairman of the
7 Appropriations Committee of the House of Representatives and the
8 commission and the committees on the fourth Monday in January of
9 the next year. If either the chairman and the minority chairman
10 of the Appropriations Committee of the Senate and the chairman
11 and the minority chairman of the Appropriations Committee of the
12 House of Representatives or either committee has not been
13 designated by the fourth Monday in January, the agency may not
14 deliver the report to the chairman and minority chairman of the
15 Appropriations Committee of the Senate and the chairman and
16 minority chairman of the Appropriations Committee of the House
17 of Representatives and the committees and the commission until
18 both chairmen and both committees and the commission until both
19 committees are designated, but the agency shall deliver its
20 report to the commission, the chairmen and the committees no
21 later than the second Monday after the date by which both
22 committee designations have been published in the Pennsylvania
23 Bulletin. If the agency does not deliver its report to the
24 commission, the chairmen and the committees in the time
25 prescribed in this subsection, the agency shall be deemed to
26 have withdrawn the final-form or final-omitted regulation.

27 (c.1) The commission may have until its next scheduled
28 meeting, which occurs no less than 15 days from receipt of the
29 agency's report, to approve or disapprove the agency's report.
30 The commission shall deliver its approval or disapproval order

1 to the chairmen and committees for consideration by the General
2 Assembly pursuant to subsection (d). If the commission is
3 prevented from delivering its order to the chairmen and
4 committees within the time period provided for in this
5 subsection because of the adjournment sine die or expiration of
6 the legislative session in an even-numbered year, the commission
7 shall deliver its order on the fourth Monday of January of the
8 next year. If either chairman or either committee has not been
9 designated by the fourth Monday in January, the commission may
10 not deliver its order to the chairmen and committees until [both
11 committees] all of them are designated, but the commission shall
12 deliver its order no later than the second Monday after the date
13 by which both chairmen and committee designations have been
14 published in the Pennsylvania Bulletin. If the commission does
15 not deliver its order disapproving the agency's report and
16 revised final-form or final-omitted regulation in the time
17 prescribed by this subsection, the commission shall be deemed to
18 have approved the agency's report and the revised final-form or
19 final-omitted regulation.

20 * * *

21 Section 5. This act shall take effect in 60 days.