

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 911

Session of
1985

INTRODUCED BY BOWSER, MERRY, FARGO, DISTLER, GEIST, MACKOWSKI,
POTT, SCHULER, ARTY, VROON, FOX, WILSON, SWEET, COLAFELLA,
PRATT, BARLEY, AFFLERBACH, TRELLO, E. Z. TAYLOR, WOGAN,
CAWLEY, CIVERA, HERMAN, HALUSKA, ITKIN, JOSEPHS, BALDWIN,
PRESTON, SEMMEL, DAWIDA AND RICHARDSON, APRIL 16, 1985

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 16, 1985

AN ACT

1 Amending the act of June 25, 1982 (P.L.633, No.181), entitled
2 "An act providing for independent oversight and review of
3 regulations, creating an Independent Regulatory Review
4 Commission, providing for its powers and duties, making
5 repeals and making an appropriation," extending the time for
6 review by the commission and by legislative committees.

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

9 Section 1. Sections 5(c) and 6(a) of the act of June 25,
10 1982 (P.L.633, No.181), known as the Regulatory Review Act,
11 amended December 9, 1982 (P.L.1023, No.238), are amended to
12 read:

13 Section 5. Proposed regulation; criteria for review, existing
14 regulations.

15 * * *

16 (c) The standing committee shall, within [20] 30 calendar
17 days from the day it receives the proposed regulation, approve
18 or recommend disapproval to the commission. Failure of both

1 standing committees to recommend disapproval of any such
2 regulation within the [20] 30 calendar days shall constitute
3 approval thereof. Along with a notification of approval or
4 disapproval the committee shall convey a report which includes:

5 (1) A copy of the proposed regulation.

6 (2) A summary of the objections of the committee, if
7 any, stating the reasons why the committee has found the
8 proposed regulation unacceptable, and a copy of any staff
9 reports deemed pertinent by the committee.

10 In the event the standing committees are prevented from
11 completing their [20-day] 30-day review because of expiration of
12 the legislative session in even-numbered years, consideration of
13 the proposed regulation shall be automatically suspended until
14 the first day of the next succeeding session of the General
15 Assembly. On that date, the agency shall resubmit the proposed
16 regulation to the designated standing committee of each chamber,
17 or its successor committee, and to the commission. The standing
18 committees, or their successor committees, shall have [20] 30
19 calendar days and the commission shall have [30] 60 calendar
20 days from receipt of the regulation to review such regulation.

21 In computing the [20-day] 30-day committee review period and the
22 [30-day] 60-day commission review period, the number of days in
23 which the proposed regulation had been under review by the
24 standing committees and by the commission as of the expiration
25 of the prior session shall be subtracted from the [20-day] 30-
26 day committee and the [30-day] 60-day commission review periods,
27 respectively. Failure of the agency to resubmit the proposed
28 regulation on the first day of the next succeeding session shall
29 constitute withdrawal thereof. No proposed regulation shall be
30 submitted to the commission or the standing committees for

1 review during the period from the end of the legislative session
2 of even-numbered years to the first day of the next succeeding
3 legislative session, but emergency regulations may be adopted
4 pursuant to the provisions of section 6(b).

5 * * *

6 Section 6. Procedures for commission consideration and agency
7 review.

8 (a) Whenever the commission shall find that a proposed
9 regulation submitted to the Legislative Reference Bureau for
10 publication of notice of proposed rulemaking in the Pennsylvania
11 Bulletin or submitted to the Attorney General for review prior
12 to publication without notice pursuant to section 204 of the
13 Commonwealth Documents Law, may be contrary to the public
14 interest under the criteria set forth in section 5, the
15 commission shall notify the agency promulgating such regulation
16 of its finding. Such notification shall set forth the
17 commission's objections in reasonable detail. The agency shall
18 review the commission's finding and not later than two weeks
19 following the notification unless the commission grants extended
20 time to comment shall respond to the commission as to whether or
21 not the proposed regulation will be withdrawn or revised. If the
22 commission does not notify the agency of any objection within
23 [30] 60 days of receipt under section 5, the agency may proceed
24 to promulgate the regulation as provided in the act of July 31,
25 1968 (P.L.769, No.240), referred to as the Commonwealth
26 Documents Law.

27 * * *

28 Section 2. This act shall take effect in 60 days.