

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 689 Session of
2011

INTRODUCED BY BOSCOLA, COSTA, HUGHES, KASUNIC, TARTAGLIONE,
FONTANA, BREWSTER, FARNESE, FERLO, KITCHEN, SOLOBAY, STACK,
WOZNIAK AND YUDICHAK, APRIL 8, 2011

REFERRED TO COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT,
APRIL 8, 2011

AN ACT

1 Amending Title 12 (Commerce and Trade) of the Pennsylvania
2 Consolidated Statutes, further providing for Small Business
3 Council and for regulatory review.

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

6 Section 1. Sections 503(a), (f), (i) and (j) and 504 of
7 Title 12 of the Pennsylvania Consolidated Statutes are amended
8 to read:

9 § 503. Small Business Council.

10 (a) Establishment.--There is established within the
11 department an agency to be known as the Small Business Council.

12 The council shall do all of the following:

13 (1) Assist with the development of policies and
14 regulations which affect small businesses within this
15 Commonwealth.

16 (2) Provide advice relating to the nature of small
17 business practices and problems in this Commonwealth by

1 submitting a biennial report to the Governor, the General
2 Assembly and each referenced executive agency.

3 (3) [Provide a review of existing and proposed] Review
4 existing executive agency policies and regulations which are
5 relevant to small business and provide recommendations to the
6 executive agency regarding addition, deletion or amendment of
7 such policies and regulations.

8 (4) Review proposed regulations and other information
9 submitted to the council by an executive agency under section
10 504 (relating to regulatory review) and, as applicable,
11 submit comments, recommendations or objections relating to
12 the regulation to the executive agency.

13 * * *

14 (f) Meetings.--The council shall meet no less than quarterly
15 at the call of the chairperson.

16 * * *

17 (i) Administrative assistance.--The department shall do all
18 of the following:

19 (1) Provide staff, administrative services and technical
20 support [to the council] as necessary for the council to
21 carry out its duties under this chapter.

22 (2) Publish notice of council meetings in accordance
23 with 65 Pa.C.S. Ch. 7 (relating to open meetings).

24 (3) Maintain a mailing list of persons who have
25 requested specific notification of meetings and activities of
26 the council.

27 (4) Designate a deputy secretary to attend council
28 meetings and to serve as the public's liaison of the council.

29 (j) Cooperation.--[Upon] In addition to the requirements
30 under section 504 and upon the council's request, an executive

1 agency shall provide the council with officially promulgated
2 regulatory and nonregulatory documents which regulate or would
3 regulate small businesses.

4 § 504. Regulatory review.

5 (a) Notification.--[To the extent known to the secretary,
6 the department shall, on a semiannual basis, provide the council
7 with a list of regulations being proposed by all executive
8 agencies which may affect small businesses in this Commonwealth]
9 Each executive agency shall submit to the council a copy of any
10 proposed regulation and regulatory analysis form submitted to
11 the Independent Regulatory Review Commission under section 5(a)
12 of the act of June 25, 1982 (P.L.633, No.181), known as the
13 Regulatory Review Act. The executive agency shall also submit to
14 the council all comments relating to the proposed regulation
15 received by the agency under section 5(c) of the Regulatory
16 Review Act.

17 (b) Conference.--[The department shall, upon request of the
18 council, arrange a meeting between the council and
19 representatives of an executive agency] Upon request of the
20 council, representatives of an executive agency shall meet with
21 the council to discuss regulatory proposals and policy
22 initiatives of the executive agency which might affect small
23 businesses in this Commonwealth. The council shall meet with
24 each executive agency at least once every four years.

25 (c) Written comments.--The council [shall provide the
26 department with] may convey to the executive agency written
27 comments regarding the council's position on the proposed
28 regulations, including any recommendations regarding or
29 objecting to the regulation. The [department] council shall
30 transmit the comments to the appropriate executive [agencies]

1 agency within the time period set forth under section 5(g) of
2 the Regulatory Review Act. The written comments shall include an
3 impact statement and any other information which the council
4 deems necessary for the public to make an informed opinion on
5 the proposals.

6 (d) Exceptions.--The requirements under subsections (a) and
7 (b) shall not apply to the promulgation of the following
8 regulations relating to small businesses:

9 (1) Regulations required by court order.

10 (2) Regulations necessitated by a Federal or State
11 declaration of emergency.

12 (3) Interim regulations which are authorized by statute.

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