

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 495

Session of  
1981

INTRODUCED BY PITTS, NAHILL, ARTY, DeVERTER, COCHRAN,  
J. L. WRIGHT, LEHR, MAIALE, NOYE, McVERRY, PHILLIPS,  
KLINGAMAN, FISCHER, DAWIDA, POTT, CORNELL, DORR, PRATT,  
HONAMAN, L. E. SMITH, PERZEL, STAIRS, VROON, PENDLETON,  
GRUPPO, CIMINI, SWAIM, E. Z. TAYLOR, LETTERMAN, ZWIKL,  
PISTELLA, MICOZZIE, SNYDER, BURD, GLADECK, MOEHLMANN, HAYES,  
HASAY, WILSON, MRKONIC, LEWIS, SIRIANNI, BOWSER, SPITZ,  
ALDEN AND McINTYRE, FEBRUARY 10, 1981

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 10, 1981

AN ACT

1 Amending the act of July 31, 1968 (P.L.769, No.240), entitled  
2 "An act relating to Commonwealth documents; providing for the  
3 printing and distribution of administrative regulations;  
4 regulating the adoption, publication, codification and  
5 effectiveness of regulations, statements of policy, and  
6 certain other Commonwealth documents; creating the Joint  
7 Committee on Documents and prescribing its powers and duties;  
8 providing penalties, and making appropriations and repeals,"  
9 providing for cost impact statements determined by the Office  
10 of the Budget in connection with promulgation of regulations  
11 and adding a short title.

12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 Section 1. The act of July 31, 1968 (P.L.769, No.240),  
15 entitled "An act relating to Commonwealth documents; providing  
16 for the printing and distribution of administrative regulations;  
17 regulating the adoption, publication, codification and  
18 effectiveness of regulations, statements of policy, and certain  
19 other Commonwealth documents; creating the Joint Committee on

1 Documents and prescribing its powers and duties; providing  
2 penalties, and making appropriations and repeals," is amended by  
3 adding a section to read:

4 Section 101.1. Short Title.--This act shall be known, and  
5 may be cited, as the "Commonwealth Documents Law."

6 Section 2. Section 102 of the act is amended by adding  
7 definitions to read:

8 Section 102. Definitions.--The following words and terms  
9 shall have the following meanings, unless the context clearly  
10 indicates otherwise:

11 (0.1) "Activity" means a business or other economic unit of  
12 society which is the subject of regulation by an agency.

13 \* \* \*

14 (4.1) "Budget office" means the Governor's Office of the  
15 Budget.

16 \* \* \*

17 (7.1) "Cost impact" means a financial burden imposed by a  
18 regulation requiring an activity to make substantial  
19 expenditures of money. The term does not include petty license  
20 or permit fees or total cost impacts of less than \$500 on any  
21 one activity.

22 \* \* \*

23 Section 3. The act is amended by adding sections to read:

24 Section 205.1. Cost Impact Statement.--(a) The cost impact  
25 of every proposed new regulation or change to an existing  
26 regulation shall be fixed by the budget office before it is  
27 deposited with the bureau, pursuant to section 207. In fixing  
28 the amount of such cost impact, the budget office shall consider  
29 such relevant data as will enable it to make a reasonable  
30 determination. Every such determination shall be expressed in

1 units not less than five hundred dollars (\$500). The sum  
2 determined shall be incorporated in the body of proposed new  
3 regulation whenever publication under this act is required. The  
4 determination of the budget office shall be final as to the  
5 agency, but nothing in this subsection shall effect the right of  
6 any person adversely affected by a budget office determination  
7 to obtain a redetermination on cause shown in any appropriate  
8 proceeding.

9 (b) Where the agency proposing a new regulation has not  
10 previously promulgated any regulations with a cost impact, the  
11 budget office shall fix the maximum cost impact allowable.

12 Section 205.2 Modification of Existing Regulations' Cost  
13 Impact.--(a) Whenever an agency proposes a new regulation or  
14 change to an existing regulation having a cost impact on an  
15 activity, it shall modify its existing regulations cost impact  
16 by reducing cost impacts thereof in the amount of the cost  
17 impact of the new regulation. Such modifications shall be made  
18 to regulations affecting the same activity if possible, but if  
19 not, then to any other activity or activities regulated by it.

20 (b) The required cost impact modifications shall be set  
21 forth in the body of the proposed new regulation conforming to  
22 the determination made by the budget office.

23 (c) Every agency may add 5% of each cost impact annually if  
24 necessary to make an adjustment due to inflation.

25 Section 205.3. Imminent Threat to Public Health and  
26 Safety.--The provisions of sections 205.1, 205.2 and 205.4 shall  
27 not apply to any regulation or change thereto promulgated to  
28 avert an imminent threat to public health and safety.

29 Section 205.4. Cost Impact Noncompliance Penalty.--If any  
30 agency fails to comply with the provisions of sections 205.1,

1 205.2 and 205.3, its chief executive officer shall be guilty of  
2 a summary offense and on conviction thereof shall be sentenced  
3 to pay a fine of three hundred dollars (\$300).

4 Section 4. This act shall take effect in 60 days.