

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1389 Session of
1997

INTRODUCED BY CORNELL, SATHER, FICHTER, WAUGH, SEMMEL, SEYFERT,
E. Z. TAYLOR AND BUNT, APRIL 30, 1997

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 30, 1997

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," further providing for criteria for review of
6 regulations.

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

9 Section 1. Section 5(c) of the act of June 25, 1982
10 (P.L.633, No.181), known as the Regulatory Review Act, reenacted
11 and amended June 30, 1989 (P.L.73, No.19), is amended to read:

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

14 * * *

15 (c) The standing committee shall, within 20 calendar days
16 from the date of receipt of the information required under
17 subsection (b.4), approve or disapprove the final-form
18 regulation. If the 20 calendar days do not include three days
19 during which the General Assembly is convened for a voting

1 session, the review period shall be extended until this
2 condition is satisfied. The standing committee shall notify the
3 commission of approval or disapproval. Failure of a standing
4 committee to disapprove a regulation within the [20 calendar
5 days] review period shall constitute approval thereof. Along
6 with a notification of approval or disapproval the committee
7 shall convey to the commission and the agency a report which
8 includes a summary of the objections of the committee, if any,
9 stating the reasons why the committee has found the proposed
10 regulation unacceptable, and a copy of any staff reports deemed
11 pertinent by the committee. Such reasons shall include, but not
12 be limited to, deviations from the statutory authority of the
13 agency and the intention of the General Assembly in the
14 enactment of the statute upon which the proposed regulation was
15 based. In the event the standing committees are prevented from
16 completing their [20-day] review during the time frame under
17 this subsection because of expiration of the legislative session
18 in even-numbered years, consideration of the final-form
19 regulation shall be automatically suspended until the fourth
20 Monday in January of the next succeeding session of the General
21 Assembly. On that date, the agency shall resubmit the final-form
22 regulation to the designated standing committee of each chamber,
23 or its successor committee, and to the commission. The standing
24 committees, or their successor committees, shall [have 20] be
25 limited to 20 calendar days unless the period is extended to
26 meet the requirements of this section and the commission shall
27 have 30 calendar days from receipt of the final-form regulation
28 and the information required under subsection (b.4) is received
29 to review such regulation. In computing the [20-day] committee
30 review period and the 30-day commission review period, the

1 number of days in which the final-form regulation had been under
2 review by the standing committees and by the commission as of
3 the expiration of the prior session shall be subtracted from the
4 [20-day] committee review period and the 30-day commission
5 review periods, respectively. Failure of the agency to resubmit
6 the final-form regulation on the fourth Monday in January of the
7 next succeeding session shall constitute withdrawal thereof. No
8 final-form regulation shall be submitted to the commission or
9 the standing committees for review during the period from the
10 end of the legislative session of even-numbered years to the
11 fourth Monday in January of the next succeeding legislative
12 session, but emergency regulations may be adopted pursuant to
13 the provisions of section 6(b).

14 * * *

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