

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 99** Session of
2013

INTRODUCED BY GREENLEAF, FARNESE AND VULAKOVICH, JANUARY 9, 2013

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, FEBRUARY 5, 2013

AN ACT

1 Amending Title 2 (Administrative Law and Procedure) of the
2 Pennsylvania Consolidated Statutes, consolidating provisions
3 on administrative procedure and rulemaking; and making
4 related repeals.

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

7 Section 1. Sections 103, 104 and 105 of Title 2 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 103. [Administrative Agency Law.] Short title of title.

10 [(a) General rule.--The provisions of Subchapter A of
11 Chapter 5 (relating to practice and procedure of Commonwealth
12 agencies) and Subchapter A of Chapter 7 (relating to judicial
13 review of Commonwealth agency action) shall be known and may be
14 cited as the "Administrative Agency Law."

15 (b) Rule making references.--Whenever any statute makes
16 reference to the Administrative Agency Law for procedures
17 relating to the promulgation of administrative regulations, such
18 reference shall hereafter be deemed to be a reference to the act
19 of July 31, 1968 (P.L.769, No.240), known as the "Commonwealth

1 Documents Law."] This title shall be known and may be cited as
2 the Administrative Procedure Code.

3 § 104. [Commonwealth Documents Law] (Reserved).

4 § 105. [Local Agency Law] (Reserved).

5 [The provisions of Subchapter B of Chapter 5 (relating to
6 practice and procedure of local agencies) and Subchapter B of
7 Chapter 7 (relating to judicial review of local agency action)
8 shall be known and may be cited as the "Local Agency Law."]

9 Section 2. Chapter 3 of Title 2 is amended to read:

10 CHAPTER 3

11 PROMULGATION OF REGULATIONS

12 [(Reserved)]

13 Subchapter

14 A. Commonwealth Documents Law

15 B. Legal Review

16 C. Fiscal Review

17 D. Independent Regulatory Review Commission

18 SUBCHAPTER A

19 COMMONWEALTH DOCUMENTS LAW

20 Sec.

21 301. Scope of subchapter.

22 302. Definitions.

23 303. Notice of proposed rulemaking.

24 304. Adoption of regulations.

25 305. Effective date of regulations.

26 306. Omission of notice of proposed rulemaking.

27 307. Approval as to legality.

28 308. Format of regulations and other documents.

29 309. Deposit of agency text of regulations required.

30 310. Unfiled regulations invalid.

1 § 301. Scope of subchapter.

2 This subchapter relates to the filing of documents for
3 publication in the Pennsylvania Bulletin and codification in the
4 Pennsylvania Code.

5 § 302. Definitions.

6 The following words and phrases when used in this subchapter
7 shall have the meanings given to them in this section unless the
8 context clearly indicates otherwise:

9 "Adjudication." Any order, decree, decision, determination
10 or ruling by an agency affecting personal or property rights,
11 privileges, immunities, duties, liabilities or obligations of
12 any or all of the parties to the proceeding in which the
13 adjudication is made.

14 "Administrative regulation." Any regulation except a
15 proclamation, executive order, executive directive or other
16 similar document promulgated by the Governor. The term includes
17 a regulation which may be promulgated by an agency only with the
18 approval of the Governor.

19 "Agency." The Governor or any department, departmental
20 administrative board or commission, officer, independent board
21 or commission, authority or other agency of this Commonwealth.
22 The term does not include any of the following:

23 (1) The Senate.

24 (2) The House of Representatives.

25 (3) A court. This paragraph includes an officer or
26 agency of a court.

27 (4) A political subdivision, municipal authority or
28 other local authority. This paragraph includes an officer or
29 agency of a political subdivision or local authority.

30 "Agency text." The text of a document as issued, prescribed

1 or promulgated by the issuing, prescribing or promulgating
2 agency.

3 "Bureau." The Legislative Reference Bureau. The powers
4 conferred under this subchapter upon the bureau shall be
5 exercised by the Director of the Legislative Reference Bureau
6 or, in the Director's absence, by the Assistant Director.

7 "Department." The Department of General Services of the
8 Commonwealth.

9 "Document." Any proclamation, executive order, executive
10 directive or similar instrument promulgated by the Governor and
11 any other order, regulation, rule, statement of policy,
12 adjudication, certificate, license, permit, notice or similar
13 instrument issued, prescribed or promulgated by or under the
14 authority of this Commonwealth. The term includes a home rule
15 charter adopted by the electors of any part of this
16 Commonwealth.

17 "Joint committee." The Joint Committee on Documents.

18 "Official text." The text of a document issued, prescribed
19 or promulgated by an agency as published by authority of this
20 subchapter which has become in the manner provided under this
21 subchapter the only valid and enforceable text of such document.

22 "Regulation." A rule or regulation, or order in the nature
23 of a rule or regulation:

24 (1) promulgated by an agency under statutory authority
25 in the administration of a statute administered by or
26 relating to the agency; or

27 (2) prescribing the practice or procedure before the
28 agency.

29 "Statement of policy." A document, except an adjudication or
30 a regulation, promulgated by an agency which sets forth

1 substantive or procedural personal or property rights,
2 privileges, immunities, duties, liabilities or obligations of
3 the public or any part of the public. The term includes a
4 document interpreting or implementing a statute enforced or
5 administered by the agency.

6 § 303. Notice of proposed rulemaking.

7 Except as provided under section 306 (relating to omission of
8 notice of proposed rulemaking), an agency shall give, in the
9 manner provided under 45 Pa.C.S. § 725 (relating to additional
10 contents of Pennsylvania Bulletin), public notice of its
11 intention to promulgate, amend or repeal any administrative
12 regulation. Notice includes:

13 (1) The text of the proposed administrative regulation,
14 except any portions omitted under 45 Pa.C.S. § 727 (relating
15 to matter not required to be published), prepared in such a
16 manner as to indicate the words to be added or deleted from
17 the presently effective text.

18 (2) A statement of the statutory or other authority
19 under which the administrative regulation or change in it is
20 proposed to be promulgated.

21 (3) A brief explanation of the proposed administrative
22 regulation or change in it.

23 (4) A request for written comment by any interested
24 person concerning the proposed administrative regulation or
25 change in it.

26 (5) Any other statement required by law.

27 § 304. Adoption of regulations.

28 Before taking action upon any administrative regulation or
29 change in it, the agency shall review and consider written
30 comments submitted under section 303 (relating to notice of

1 proposed rulemaking) and may hold public hearings as
2 appropriate. If the statute or other authority under which a
3 regulation is proposed to be promulgated, amended or repealed
4 requires the holding of public hearings or establishes other
5 procedures in addition to those prescribed under this
6 subchapter, the agency shall hold public hearings or comply with
7 such other procedures as are not inconsistent with the
8 provisions of this subchapter. The agency text of any
9 administrative regulation or change in it as finally adopted may
10 contain modifications to the proposed text as published under
11 section 303 which do not enlarge its original purpose, but
12 modifications which enlarge the original purpose of a proposal
13 as published under section 303 shall be republished under
14 section 303 prior to final adoption by the agency.

15 § 305. Effective date of regulations.

16 Except as otherwise provided by regulations promulgated by
17 the joint committee, the effective date specified in any
18 administrative regulation or change in it subject to the
19 provisions of sections 303 (relating to notice of proposed
20 rulemaking) and 304 (relating to adoption of regulations) shall
21 be not less than 30 days after the required notice of proposed
22 rulemaking has been given unless one of the following paragraphs
23 applies:

24 (1) The administrative regulation:

25 (i) grants or recognizes exemption or relieves
26 restriction; or

27 (ii) interprets a self-executing act of Assembly or
28 administrative regulation.

29 (2) The agency for good cause finds, and incorporates
30 the finding and the reasons for the finding in the order

1 adopting the administrative regulation or change in it, that
2 the deferral of the effective date of the administrative
3 regulation or change in it beyond the date specified in the
4 order is impracticable or contrary to the public interest.

5 § 306. Omission of notice of proposed rulemaking.

6 Except as otherwise provided by regulations promulgated by
7 the joint committee, an agency may omit or modify the procedures
8 specified under sections 303 (relating to notice of proposed
9 rulemaking) and 304 (relating to adoption of regulations) if any
10 of the following paragraphs apply:

11 (1) The administrative regulation or change in it
12 relates to:

13 (i) military affairs;

14 (ii) agency organization, management or personnel;

15 (iii) agency procedure or practice;

16 (iv) Commonwealth property, loans, grants, benefits
17 or contracts; or

18 (v) the interpretation of a self-executing act of
19 Assembly or administrative regulation.

20 (2) All persons subject to the administrative regulation
21 or change in it are named in the rulemaking and are either
22 personally served with notice of the proposed promulgation,
23 amendment or repeal or otherwise have actual notice in
24 accordance with law.

25 (3) The agency for good cause finds, and incorporates
26 the finding and a brief statement of the reasons for the
27 finding in the order adopting the administrative regulation
28 or change in it, that the procedures specified under sections
29 303 and 304 are in the circumstances impracticable,
30 unnecessary or contrary to the public interest.

1 § 307. Approval as to legality.

2 (a) Requirement.--Administrative regulations and changes
3 shall be approved as to legality by the Attorney General before
4 they are deposited with the bureau under section 309 (relating
5 to deposit of agency text of regulations required).

6 (b) Appeal.--

7 (1) If the Attorney General rules illegal all or part of
8 an administrative regulation or change in it promulgated by
9 an agency which is by law independent of the policy
10 supervision and control of the Governor and the agency or a
11 party before the agency supporting the regulation or change
12 in it disagrees with the ruling of the Attorney General, the
13 agency or party may appeal from the determination to
14 Commonwealth Court.

15 (2) In an appeal under paragraph (1), Commonwealth Court
16 may direct the Attorney General to approve the parts of the
17 administrative regulation or change in it ruled illegal which
18 the court finds to be legal.

19 (3) In all other cases the decision of the Attorney
20 General shall be final and shall not be subject to any form
21 of judicial review at the instance of the agency or a
22 supporting party.

23 (c) Other review.--Nothing under this section shall affect
24 the right of a person adversely affected by a regulation or
25 change in it to obtain a determination of the validity thereof
26 in any appropriate proceeding.

27 § 308. Format of regulations and other documents.

28 The agency text of all regulations and other documents
29 required or authorized to be deposited with the bureau under
30 this subchapter shall be prepared in the form and format

1 prescribed by regulations promulgated by the joint committee.
2 The regulations shall require that every administrative
3 regulation or change in it indicate expressly the statutory or
4 other authority under which it is promulgated.

5 § 309. Deposit of agency text of regulations required.

6 The agency text of all administrative and other regulations
7 and changes to the regulations, certified by the executive
8 officer, chair or secretary of the agency, shall be deposited
9 with the bureau in the manner required under 45 Pa.C.S. § 722(a)
10 (relating to deposit of documents required).

11 § 310. Unfiled regulations invalid.

12 An administrative regulation or change in it promulgated
13 after July 1, 1969, shall not be valid for any purpose until
14 filed by the bureau, as provided under 45 Pa.C.S. § 722(a)
15 (relating to deposit of documents required).

16 SUBCHAPTER B

17 LEGAL REVIEW

18 Sec.

19 311. Definitions.

20 312. General Counsel.

21 313. Attorney General.

22 § 311. Definitions.

23 The following words and phrases when used in this subchapter
24 shall have the meanings given to them in this section unless the
25 context clearly indicates otherwise:

26 "Commonwealth agency." Any executive agency or independent
27 agency.

28 "Executive agency." The Governor and the departments,
29 boards, commissions, authorities and other officers and agencies
30 of the Commonwealth government. The term does not include any

1 court or other officer or agency of the unified judicial system,
2 the General Assembly and its officers and agencies or any
3 independent agency.

4 "Independent agency." The Office of Attorney General; the
5 Department of the Auditor General, including the Board of
6 Claims; the Treasury Department; the Pennsylvania Public Utility
7 Commission; the Pennsylvania Fish and Boat Commission; the
8 Pennsylvania Game Commission; the Pennsylvania Historical and
9 Museum Commission; the State Civil Service Commission; the
10 Pennsylvania Turnpike Commission; the Milk Marketing Board; the
11 Pennsylvania Liquor Control Board; the Pennsylvania Human
12 Relations Commission; the Pennsylvania Labor Relations Board;
13 the Pennsylvania Securities Commission; the State Tax
14 Equalization Board; Pennsylvania Higher Education Assistance
15 Agency; the Pennsylvania Commission on Crime and Delinquency;
16 and the State Ethics Commission.

17 § 312. General Counsel.

18 The General Counsel shall review and approve for form and
19 legality all proposed regulations of executive agencies before
20 they are deposited with the Legislative Reference Bureau as
21 required under section 309 (relating to deposit of agency text
22 of regulations required).

23 § 313. Attorney General.

24 (a) Review of regulations.--The Attorney General shall
25 review for form and legality all proposed regulations of
26 Commonwealth agencies before they are deposited with the
27 Legislative Reference Bureau as required under section 309
28 (relating to deposit of agency text of regulations required).

29 (b) Determination of invalidity.--If the Attorney General
30 determines that a regulation is in improper form, not

1 statutorily authorized or unconstitutional, within 30 days after
2 submission, the Attorney General shall notify in writing the
3 agency affected, the Office of General Counsel and the General
4 Assembly through the offices of the Secretary of the Senate and
5 the Chief Clerk of the House of Representatives of the reasons
6 for the determination.

7 (c) Response by Commonwealth agency.--

8 (1) The Commonwealth agency may revise a regulation to
9 meet the objections of the Attorney General and submit the
10 revised version for review.

11 (2) If the Commonwealth agency disagrees with the
12 objection, it may promulgate the regulation with or without
13 revisions and shall publish with it a copy of the Attorney
14 General's objections.

15 (d) Response by Attorney General.--The Attorney General may
16 appeal a decision under subsection (c) (2) by filing a petition
17 for review with the Commonwealth Court in the manner as is
18 provided for appeals from final orders of government agencies
19 under 42 Pa.C.S. § 763 (relating to direct appeals from
20 government agencies) and may include in the petition a request
21 for a stay or supersedeas of the implementation of the
22 regulation which, upon a proper showing, shall be granted.

23 (e) Deemed approval.--If a regulation has been submitted to
24 the Attorney General and the Attorney General has not approved
25 it or objected to it within 30 days after submission, the
26 regulation shall be deemed to have been approved.

27 SUBCHAPTER C

28 FISCAL REVIEW

29 Sec.

30 321. Definitions.

1 322. Fiscal notes.

2 § 321. Definitions.

3 The following words and phrases when used in this subchapter
4 shall have the meanings given to them in this section unless the
5 context clearly indicates otherwise:

6 "Office." The Office of the Budget.

7 "Secretary." The Secretary of the Budget.

8 § 322. Fiscal notes.

9 (a) Duty.--The office shall prepare a fiscal note for
10 regulatory actions and administrative procedures of the
11 administrative departments, boards, commissions or authorities
12 receiving money from the Treasury Department. The fiscal note
13 shall state whether the proposed action or procedure causes a
14 loss of revenue or an increase in the cost of programs to the
15 Commonwealth or its political subdivisions.

16 (b) Publication.--A regulatory action or an administrative
17 procedure which requires a fiscal note shall be published in the
18 Pennsylvania Bulletin. The fiscal note shall be published in the
19 Pennsylvania Bulletin at the same time the proposed change is
20 advertised.

21 (c) Contents.--The fiscal note shall provide the following
22 information:

23 (1) The designation of the fund out of which the
24 appropriation providing for expenditures under the action or
25 procedure shall be made.

26 (2) The probable cost for the fiscal year the program is
27 implemented.

28 (3) A projected cost estimate of the program for each of
29 the five succeeding fiscal years.

30 (4) The fiscal history of the program for which

1 expenditures are to be made.

2 (5) The probable loss of revenue for the fiscal year of
3 its implementation.

4 (6) A projected loss of revenue from the program for
5 each of the five succeeding fiscal years.

6 (7) The line item, if any, of the General Appropriation
7 Act or other appropriation act out of which expenditures or
8 losses of Commonwealth funds shall occur as a result of the
9 action or procedures.

10 (8) The recommendation, if any, of the secretary and the
11 reasons therefor.

12 SUBCHAPTER D

13 INDEPENDENT REGULATORY REVIEW COMMISSION

14 Sec.

15 331. Scope of subchapter.

16 332. Legislative declarations.

17 333. Definitions.

18 334. Composition of commission; membership; compensation;
19 vacancies; removal.

20 335. Proposed regulations; procedures for review.

21 335.1. Final-form regulations and final-omitted regulations;
22 procedures for review.

23 335.2. Criteria for review of regulations.

24 336. Procedures for disapproval of final-form and final-omitted
25 regulations; emergency-certified regulations.

26 337. Procedures for subsequent review of disapproved final-form
27 or final-omitted regulations.

28 337.1. Classification of documents.

29 338. Changes in final-form and final-omitted regulations.

30 338.1. Existing regulations.

1 339. Commission staff.

2 340. Subpoena power.

3 341. Regulations; annual reports; hearings and advisory group
4 meetings.

5 342. Clearinghouse.

6 342.1. Gubernatorial review.

7 § 331. Scope of subchapter.

8 This subchapter relates to regulatory review.

9 § 332. Legislative declarations.

10 (a) Findings.--The General Assembly has enacted a large
11 number of statutes and has conferred on boards, commissions,
12 departments and agencies within the executive branch of
13 government the authority to adopt rules and regulations to
14 implement those statutes. The General Assembly has found that
15 this delegation of its authority has resulted in regulations
16 being promulgated without undergoing effective review concerning
17 cost benefits, duplication, inflationary impact and conformity
18 to legislative intent. The General Assembly finds that it must
19 establish a procedure for oversight and review of regulations
20 adopted under this delegation of legislative power in order to
21 curtail excessive regulation and to require the executive branch
22 to justify its exercise of the authority to regulate before
23 imposing hidden costs upon the economy of Pennsylvania.

24 (b) Intent.--It is the intent of this subchapter to:

25 (1) Establish a method for ongoing and effective
26 legislative review and oversight in order to foster executive
27 branch accountability and to provide for primary review by a
28 commission with sufficient authority, expertise, independence
29 and time to perform that function.

30 (2) Provide ultimate review of regulations by the

1 General Assembly.

2 (3) Assist the Governor, the Attorney General and the
3 General Assembly in their supervisory and oversight
4 functions.

5 (4) Encourage, to the greatest extent possible, the
6 resolution of objections to a regulation and the reaching of
7 a consensus among the commission, the standing committees,
8 interested parties and the agency.

9 (C) ADDITIONAL INTENT.--THIS SUBCHAPTER IS INTENDED TO <--
10 IMPROVE STATE RULEMAKING BY CREATING PROCEDURES TO ANALYZE THE
11 AVAILABILITY OF MORE FLEXIBLE REGULATORY APPROACHES FOR SMALL
12 BUSINESSES IN ACCORDANCE WITH THE FOLLOWING FINDINGS:

13 (1) A VIBRANT AND GROWING SMALL BUSINESS SECTOR IS
14 CRITICAL TO CREATING JOBS IN A DYNAMIC ECONOMY.

15 (2) SMALL BUSINESSES BEAR A DISPROPORTIONATE SHARE OF
16 REGULATORY COSTS AND BURDENS.

17 (3) FUNDAMENTAL CHANGES THAT ARE NEEDED IN THE
18 REGULATORY AND ENFORCEMENT CULTURE OF AGENCIES TO MAKE THEM
19 MORE RESPONSIVE TO SMALL BUSINESS CAN BE MADE WITHOUT
20 COMPROMISING THE STATUTORY MISSIONS OF THE AGENCIES.

21 (4) WHEN ADOPTING REGULATIONS TO PROTECT THE HEALTH,
22 SAFETY AND ECONOMIC WELFARE OF THE COMMONWEALTH, AGENCIES
23 SHOULD SEEK TO ACHIEVE STATUTORY GOALS AS EFFECTIVELY AND
24 EFFICIENTLY AS POSSIBLE WITHOUT IMPOSING UNNECESSARY BURDENS
25 ON SMALL BUSINESS.

26 (5) UNIFORM REGULATORY AND REPORTING REQUIREMENTS CAN
27 IMPOSE UNNECESSARY AND DISPROPORTIONATELY BURDENSOME DEMANDS,
28 INCLUDING LEGAL, ACCOUNTING AND CONSULTING COSTS UPON SMALL
29 BUSINESSES WITH LIMITED RESOURCES.

30 (6) THE FAILURE TO RECOGNIZE DIFFERENCES IN THE SCALE

1 AND RESOURCES OF REGULATED BUSINESSES CAN ADVERSELY AFFECT
2 COMPETITION IN THE MARKETPLACE, DISCOURAGE INNOVATION AND
3 RESTRICT IMPROVEMENTS IN PRODUCTIVITY.

4 (7) UNNECESSARY REGULATIONS CREATE ENTRY BARRIERS IN
5 MANY INDUSTRIES AND DISCOURAGE POTENTIAL ENTREPRENEURS FROM
6 INTRODUCING BENEFICIAL PRODUCTS AND PROCESSES.

7 (8) THE PRACTICE OF TREATING ALL REGULATED BUSINESSES
8 SIMILARLY MAY LEAD TO INEFFICIENT USE OF REGULATORY AGENCY
9 RESOURCES, ENFORCEMENT PROBLEMS AND, IN SOME CASES, TO
10 ACTIONS INCONSISTENT WITH THE LEGISLATIVE INTENT OF HEALTH,
11 SAFETY, ENVIRONMENTAL AND ECONOMIC WELFARE LEGISLATION.

12 (9) ALTERNATIVE REGULATORY APPROACHES WHICH DO NOT
13 CONFLICT WITH THE STATED OBJECTIVE OF APPLICABLE STATUTES MAY
14 BE AVAILABLE TO MINIMIZE THE SIGNIFICANT ECONOMIC IMPACT OF
15 RULES ON SMALL BUSINESSES.

16 (10) THE PROCESS BY WHICH STATE REGULATIONS ARE
17 DEVELOPED AND ADOPTED SHOULD BE REFORMED TO REQUIRE AGENCIES
18 TO SOLICIT THE IDEAS AND COMMENTS OF SMALL BUSINESSES, TO
19 EXAMINE THE IMPACT OF PROPOSED AND EXISTING RULES ON SUCH
20 BUSINESSES AND TO REVIEW THE CONTINUED NEED FOR EXISTING
21 RULES.

22 (c) (D) Right or benefit.--This subchapter is not intended <--
23 to create a right or benefit, substantive or procedural,
24 enforceable at law by a person against another person or against
25 the Commonwealth, its agencies or its officers.

26 § 333. Definitions.

27 The following words and phrases when used in this subchapter
28 shall have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "ACCEPTABLE DATA." EMPIRICAL, REPLICABLE AND TESTABLE DATA <--

1 AS EVIDENCED IN SUPPORTING DOCUMENTATION, STATISTICS, REPORTS,
2 STUDIES OR RESEARCH.

3 "Agency." Any department, departmental administrative board
4 or commission, independent board or commission, agency or other
5 authority of this Commonwealth. The term shall not include the
6 Senate or the House of Representatives, the Pennsylvania Fish
7 and Boat Commission, the Pennsylvania Game Commission or any
8 court, political subdivision, municipal or local authority.

9 "Commission." The Independent Regulatory Review Commission.

10 "Committee." A standing committee of the Senate or the House
11 of Representatives designated by the President pro tempore of
12 the Senate for the Senate or by the Speaker of the House of
13 Representatives for the House. The designation shall prescribe
14 the jurisdiction of each standing committee over the various
15 State agencies for purposes of this subchapter. The designation
16 shall be transmitted to the Legislative Reference Bureau for
17 publication in the Pennsylvania Bulletin.

18 "Family." A parent, spouse, child, brother or sister.

19 "Final-form regulation." A regulation previously published
20 as a proposed regulation under Subchapter A (relating to
21 commonwealth documents law), which an agency submits to the
22 commission and the committees following the close of the public
23 comment period.

24 "Final-omitted regulation." A regulation which an agency
25 submits to the commission and the committees for which the
26 agency has omitted notice of proposed rulemaking under section
27 306 (relating to omission of notice of proposed rulemaking).

28 "Promulgate." To publish an order adopting a final-form or
29 final-omitted regulation in accordance with Subchapter A
30 (relating to commonwealth documents law).

1 "Proposed regulation." A document intended for promulgation
2 as a regulation which an agency submits to the commission and
3 the committees and for which the agency gives notice of proposed
4 rulemaking and holds a public comment period under Subchapter A
5 (relating to commonwealth documents law).

6 "Regulation."

7 (1) The term shall include:

8 (i) Any rule or regulation or order in the nature of
9 a rule or regulation promulgated by an agency under
10 statutory authority in the administration of any statute
11 administered by or relating to the agency or amending,
12 revising or otherwise altering the terms and provisions
13 of an existing regulation, or prescribing the practice or
14 procedure before the agency.

15 (ii) Actions of the Pennsylvania Liquor Control
16 Board which have an effect on the discount rate for
17 retail licensees.

18 (iii) Notwithstanding paragraph (2), a regulation
19 which may be promulgated by an agency, only with the
20 approval of the Governor.

21 (2) The term shall not include a proclamation, executive
22 order, directive or similar document issued by the Governor.

23 "SMALL BUSINESS." AS DEFINED IN ACCORDANCE WITH THE SIZE <--
24 STANDARDS DESCRIBED BY THE UNITED STATES SMALL BUSINESS
25 ADMINISTRATION'S SMALL BUSINESS SIZE REGULATIONS UNDER 13 CFR
26 CH. 1 PT. 121 (RELATING TO SMALL BUSINESS SIZE REGULATIONS).

27 "Withdrawal." Removal of a proposed, final-form or final-
28 omitted regulation by an agency from the review process so that
29 the commission and the committees are prevented from taking
30 further action on the regulation.

1 § 334. Composition of commission; membership; compensation;
2 vacancies; removal.

3 (a) Composition.--The commission shall consist of five
4 members to be known as commissioners. One commissioner shall be
5 appointed by the Governor to serve at the Governor's pleasure,
6 one by the President pro tempore of the Senate, one by the
7 Speaker of the House of Representatives, one by the Minority
8 Leader of the Senate and one by the Minority Leader of the House
9 of Representatives. A member of the General Assembly or any
10 other officer or employee of State government may not serve as a
11 commissioner, but a commissioner may serve on advisory boards
12 and commissions or on other boards and commissions which do not
13 promulgate any rules and regulations which may come before the
14 commission for review under this subchapter.

15 (b) Term.--Each appointment provided for under subsection
16 (a), except for the Governor's appointment, shall be for a term
17 of three years.

18 (c) Vacancy.--An appointment to fill a vacancy for the
19 remainder of the unexpired term shall be made in the same manner
20 as set forth under subsection (a). Upon the expiration of a
21 commissioner's term of office, the commissioner shall continue
22 to hold office until a successor is appointed.

23 (d) Compensation.--The commissioner who is elected to serve
24 as the chairperson in accordance with subsection (g) shall
25 receive \$300 per day as compensation for services rendered to
26 the commission. Each of the other commissioners shall receive
27 \$250 per day as compensation for services rendered to the
28 commission. A commissioner shall also be entitled to
29 reimbursement for travel and other necessary expenses incurred
30 as a result of official duties. The expenses incurred by a

1 commissioner or by an employee of the commission shall be paid
2 on the presentation of itemized vouchers for the expenses. The
3 vouchers shall be subject to the approval of the commission.

4 (e) Removal.--Except as authorized under subsection (f) or
5 (h) and except for the Governor's appointee who shall serve at
6 the Governor's pleasure, a commissioner may not be removed
7 during the commissioner's term of office. The Governor may, with
8 the approval of two-thirds of the members of the Senate, upon
9 clear and convincing evidence of misfeasance or malfeasance in
10 office or neglect of duty, remove a commissioner prior to the
11 expiration of the commissioner's term. The Governor shall
12 provide the commissioner to be removed with a detailed written
13 statement of the reasons for removal.

14 (f) Suspension.--A commissioner formally charged before a
15 court of record with the commission of a felony or with a
16 misdemeanor under 18 Pa.C.S. Pt. II Art. E (relating to offenses
17 against public administration) shall immediately be suspended as
18 a commissioner until the charge is dismissed or a verdict of
19 acquittal is announced. If a commissioner pleads guilty or nolo
20 contendere or is found guilty of the offense, or receives
21 probation without verdict, disposition in lieu of trial or an
22 accelerated rehabilitative disposition for felony or misdemeanor
23 charges in this Commonwealth or in any other jurisdiction, the
24 commissioner shall immediately be removed from the commission
25 upon announcement of the verdict or disposition by the court or
26 upon the court's acceptance of a plea of guilty or nolo
27 contendere.

28 (f.1) Financial interest.--

29 (1) A commissioner may not participate in deliberations
30 regarding any regulation which significantly affects the

1 operation or activities of any organization in which the
2 commissioner or any member of the commissioner's family owns
3 shares of stock in excess of 5% of the total issue of the
4 stock, has an ownership interest in excess of 5% of the total
5 ownership or serves as an officer, director, trustee, partner
6 or employee. For the purposes of this paragraph, an
7 organization shall not include a nonprofit organization
8 certified under section 501(c)(3) of the Internal Revenue
9 Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) in
10 which the commissioner holds a nonsalaried position.

11 (2) Within 90 days of appointment, and annually
12 thereafter, each commissioner shall disclose all business
13 affiliations and financial interests. The disclosure
14 statement shall be filed with the executive director of the
15 commission and the State Ethics Commission and shall be
16 available for public inspection during business hours of the
17 commission. Each commissioner's disclosure statement shall
18 remain on file as long as the commissioner remains on the
19 commission.

20 (3) If a commissioner has or may have a conflict of
21 interest or feels another commissioner has or may have a
22 conflict of interest in deliberating on a regulation, the
23 commissioner shall, prior to the vote on the regulation,
24 disclose the conflict or potential conflict.

25 (4) The commissioner may request a ruling from the
26 chairperson of the commission upon the question of whether
27 the conflict or potential conflict disqualifies the
28 commissioner from voting on the regulation. A commissioner
29 may challenge the ruling of the chairperson. If a ruling is
30 challenged, the question shall be resolved by majority vote

1 of the commission.

2 (5) The chairperson or a majority of the commissioners
3 may request the State Ethics Commission to provide advice
4 regarding conflicts of interest. If advice is given by the
5 State Ethics Commission, it shall be binding upon the
6 commission.

7 (6) A commissioner commits a misdemeanor of the second
8 degree by knowingly and intentionally violating the
9 provisions of this subsection.

10 (7) The commission or its employees when acting in good
11 faith on an opinion issued to a commissioner by the
12 chairperson or the State Ethics Commission shall not be
13 subject to criminal or civil penalties levied under 65
14 Pa.C.S. Ch. 11 (relating to ethics standards and financial
15 disclosure) for so acting, if the material facts are as
16 stated in the request for an opinion.

17 (8) In addition to the requirements of this subchapter,
18 a commissioner shall be subject to 65 Pa.C.S. Ch. 11
19 (relating to ethics standards in financial disclosure).

20 (g) Chairperson.--The commission shall elect a chairperson,
21 who shall serve for a term of two years and until a successor is
22 elected. The chairperson shall preside at meetings of the
23 commission and shall execute documents relating to the formal
24 actions of the commission.

25 (h) Meetings.--The commission shall meet before the period
26 for its review of regulations under this subchapter expires and
27 at other times as necessary to transact the business of the
28 commission and ensure an expeditious and orderly review of
29 regulations under this subchapter. Meetings shall be held at
30 times and places set by the chairperson. A meeting may be

1 scheduled by the commission upon the provision of at least ten
2 days' notice to all affected agencies and the committees. A
3 commissioner who does not attend three consecutive meetings
4 without cause may be removed as a commissioner by the authority
5 appointing the commissioner.

6 (i) Quorum.--For purposes of conducting official business, a
7 quorum consists of three commissioners. A commissioner must be
8 physically present to be counted toward the quorum. If the
9 commission is unable to conduct business for lack of a quorum,
10 the deadline for the commission to take action on a regulation
11 in accordance with this subchapter shall be postponed for 30
12 days or until the next meeting at which a quorum is in
13 attendance, whichever occurs first.

14 § 335. Proposed regulations; procedures for review.

15 (a) General rule.--On the same date that an agency submits a
16 proposed regulation to the Legislative Reference Bureau for
17 publication of notice of proposed rulemaking in the Pennsylvania
18 Bulletin as required under Subchapter A (relating to
19 commonwealth documents law), the agency shall submit to the
20 commission and the committees a copy of the proposed regulation
21 and a regulatory analysis form which includes the following:

22 (1) The title of the agency and the names, office
23 addresses and telephone numbers of the agency officials
24 responsible for responding to questions regarding the
25 regulation or for receiving comments relating to the
26 regulation.

27 (1.1) A specific citation to the Federal or State
28 statutory or regulatory authority or the decision of a
29 Federal or State court under which the agency is proposing
30 the regulation, which the regulation is designed to implement

1 or which may mandate or affect compliance with the
2 regulation.

3 (2) A concise and, when possible, nontechnical
4 explanation of the proposed regulation.

5 (3) A statement of the need for the regulation.

6 (4) Estimates of the direct and indirect costs to the
7 Commonwealth, to its political subdivisions and to the
8 private sector. Insofar as the proposed regulation relates to
9 costs to the Commonwealth, the agency may submit in lieu of
10 its own statement the fiscal note prepared by the Office of
11 the Budget under Subchapter C (relating to fiscal review).

12 (5) A statement of legal, accounting or consulting
13 procedures and additional reporting, recordkeeping or other
14 paperwork, including copies of forms or reports, which will
15 be required for implementation of the regulation and an
16 explanation of measures which have been taken to minimize
17 these requirements.

18 (6) (Reserved).

19 (7) A schedule for review of the proposed regulation,
20 including the date by which the agency must receive comments,
21 the date or dates on which public hearings will be held, the
22 expected date of promulgation of the proposed regulation as a
23 final-form regulation, the expected effective date of the
24 final-form regulation, the date by which compliance with the
25 final-form regulation will be required and the date by which
26 required permits, licenses or other approvals must be
27 obtained.

28 (8) (Reserved).

29 (9) An identification of the types of persons, SMALL
30 BUSINESSES, businesses and organizations which would be

<--

1 affected by the regulation.

2 (10) An identification of the financial, economic and
3 social impact of the regulation on individuals, SMALL <--
4 BUSINESSES, business and labor communities and other public
5 and private organizations and, when practicable, an
6 evaluation of the benefits expected as a result of the
7 regulation.

8 (10.1) FOR ANY PROPOSED REGULATION THAT MAY HAVE AN <--
9 ADVERSE IMPACT ON SMALL BUSINESSES, AN ECONOMIC IMPACT
10 STATEMENT THAT INCLUDES THE FOLLOWING:

11 (I) AN IDENTIFICATION AND ESTIMATE OF THE NUMBER OF
12 THE SMALL BUSINESSES SUBJECT TO THE PROPOSED REGULATION.

13 (II) THE PROJECTED REPORTING, RECORDKEEPING AND
14 OTHER ADMINISTRATIVE COSTS REQUIRED FOR COMPLIANCE WITH
15 THE PROPOSED REGULATION, INCLUDING THE TYPE OF
16 PROFESSIONAL SKILLS NECESSARY FOR PREPARATION OF THE
17 REPORT OR RECORD.

18 (III) A STATEMENT OF THE PROBABLE EFFECT ON IMPACTED
19 SMALL BUSINESSES.

20 (IV) A DESCRIPTION OF ANY LESS INTRUSIVE OR LESS
21 COSTLY ALTERNATIVE METHODS OF ACHIEVING THE PURPOSE OF
22 THE PROPOSED REGULATION.

23 (11) A description of any special provisions which have
24 been developed to meet the particular needs of affected
25 groups and persons, including minorities, the elderly, small
26 businesses and farmers.

27 (12) A description of any alternative regulatory
28 provisions which have been considered and rejected and a
29 statement that the least burdensome acceptable alternative
30 has been selected.

1 (12.1) A REGULATORY FLEXIBILITY ANALYSIS IN WHICH THE <--
2 AGENCY SHALL, IF CONSISTENT WITH HEALTH, SAFETY,
3 ENVIRONMENTAL AND ECONOMIC WELFARE, CONSIDER UTILIZING
4 REGULATORY METHODS THAT WILL ACCOMPLISH THE OBJECTIVES OF
5 APPLICABLE STATUTES WHILE MINIMIZING ADVERSE IMPACT ON SMALL
6 BUSINESSES. THE AGENCY SHALL CONSIDER, WITHOUT LIMITATION,
7 EACH OF THE FOLLOWING METHODS OF REDUCING THE IMPACT OF THE
8 PROPOSED REGULATION ON SMALL BUSINESSES:

9 (I) THE ESTABLISHMENT OF LESS STRINGENT COMPLIANCE
10 OR REPORTING REQUIREMENTS FOR SMALL BUSINESSES;

11 (II) THE ESTABLISHMENT OF LESS STRINGENT SCHEDULES
12 OR DEADLINES FOR COMPLIANCE OR REPORTING REQUIREMENTS FOR
13 SMALL BUSINESSES;

14 (III) THE CONSOLIDATION OR SIMPLIFICATION OF
15 COMPLIANCE OR REPORTING REQUIREMENTS FOR SMALL
16 BUSINESSES;

17 (IV) THE ESTABLISHMENT OF PERFORMANCE STANDARDS FOR
18 SMALL BUSINESSES TO REPLACE DESIGN OR OPERATIONAL
19 STANDARDS REQUIRED IN THE PROPOSED REGULATION; AND

20 (V) THE EXEMPTION OF SMALL BUSINESSES FROM ALL OR
21 ANY PART OF THE REQUIREMENTS CONTAINED IN THE PROPOSED
22 REGULATION.

23 (13) A description of the plan developed for evaluating
24 the continuing effectiveness of the regulation after its
25 implementation.

26 (14) A DESCRIPTION OF ANY DATA UPON WHICH A REGULATION <--
27 IS BASED WITH A DETAILED EXPLANATION OF HOW THE DATA WAS
28 OBTAINED AND WHY THE DATA IS ACCEPTABLE DATA. AN AGENCY
29 ADVOCATING THAT ANY DATA IS ACCEPTABLE DATA SHALL HAVE THE
30 BURDEN OF PROVING THAT THE DATA IS ACCEPTABLE.

1 (b) Publication of information and public comment period.--

2 (1) The requirements of subsection (a) shall not
3 diminish the requirements of section 303 (relating to notice
4 of proposed rulemaking), but the information required under
5 this section may be included in the Notice of Proposed
6 Rulemaking published in the Pennsylvania Bulletin in lieu of
7 the information required under section 303(2) and (3).

8 (2) The agency shall hold a public comment period which
9 shall commence with the publication of the notice of proposed
10 rulemaking and shall continue for not less than 30 days
11 unless section 305(1) or (2) (relating to effective date of
12 regulations) applies.

13 (c) Copy of comments, reports and other documents to be
14 provided.--

15 (1) From the date of submission of the proposed
16 regulation, the agency shall submit to the commission and the
17 committees, within five business days of receipt, a copy of
18 comments which the agency receives relating to the proposed
19 regulation.

20 (2) The agency shall also, upon request, submit to the
21 commission and the committees copies of reports from advisory
22 groups and other documents received from or disseminated to
23 the public relating to the proposed regulation and public
24 notices or announcements relating to solicitation of public
25 comments or meetings which the agency held or will hold
26 relating to the proposed regulation.

27 (d) Committee response.--The committees may, at any time
28 prior to the submittal of the regulation in final-form, convey
29 to the agency and the commission their comments, recommendations
30 and objections to the proposed regulation and a copy of any

1 staff reports deemed pertinent. The comments, recommendations
2 and objections may refer to the criteria under section 335.2
3 (relating to criteria for review of regulations).

4 (e) (Reserved).

5 (f) Time for submitting proposed regulation to committees.--

6 (1) An agency may not submit a proposed regulation to
7 the committees for review during the period from the end of
8 the legislative session in an even-numbered year to the date
9 by which both committees have been designated in the next
10 succeeding legislative session, but an agency may submit a
11 proposed regulation and the material required under
12 subsection (a) to the commission and the Legislative
13 Reference Bureau during this period in accordance with
14 subsection (a).

15 (2) The public comment period shall commence with the
16 publication of the notice of proposed rulemaking and end on
17 the date designated by the agency under subsection (b).

18 (3) The agency shall submit the proposed regulation and
19 required material to the committees no later than the second
20 Monday after the date by which both committee designations
21 have been published in the Pennsylvania Bulletin.

22 (4) If the agency does not deliver the proposed
23 regulation and all material required under this section in
24 the time prescribed under this subsection, the agency shall
25 be deemed to have withdrawn the proposed regulation.

26 (g) Commission response.--

27 (1) The commission may, within 30 days after the close
28 of the public comment period, convey to the agency and
29 committees any comments, recommendations and objections to
30 the proposed regulation. The comments, recommendations and

1 objections shall specify the regulatory review criterion
2 stated under section 335.2 which the proposed regulation has
3 not met.

4 (2) The following apply:

5 (i) If the commission does not comment on, make
6 recommendations regarding or object to any portion of the
7 proposed regulation within the time provided under this
8 subsection, the commission shall be deemed to have
9 approved that portion of the proposed regulation.

10 (ii) Disapproval of the final-form regulation by the
11 commission shall relate only to comments, recommendations
12 and objections raised by the commission to the proposed
13 regulation to changes which the agency made to the
14 proposed regulation or to recommendations, comments or
15 objections which a committee conveyed to the agency or
16 the commission.

17 (H) COMMENTS.--THE COMMISSION SHALL PROVIDE COMMENTS TO THE <--
18 AGENCY IF THE REQUIRED SUBMISSIONS UNDER SUBSECTION (A) (9),
19 (10), (10.1) AND (12.1) DEMONSTRATE AN ADVERSE IMPACT ON SMALL
20 BUSINESSES.

21 § 335.1. Final-form regulations and final-omitted regulations;
22 procedures for review.

23 (a) Duties of agency.--

24 (1) The agency shall review and consider public comments
25 and the comments of the committees and commission under this
26 section.

27 (2) Within five business days of receipt of a public
28 comment, the agency shall notify the commentator of the
29 agency's address and telephone number where the commentator
30 may submit a request for the information concerning the

1 final-form regulation under subsection (b).

2 (3) Upon completion of the agency's review of comments,
3 the agency shall submit to the commission and the committees
4 a copy of its response to the comments received, the names
5 and addresses of commentators who have requested additional
6 information relating to the final-form regulation and the
7 text of the final-form regulation which the agency intends to
8 adopt.

9 (4) If an agency does not submit or withdraws and does
10 not resubmit the final-form regulation within two years of
11 the close of the public comment period but still desires to
12 promulgate the final-form regulation, the agency shall
13 republish the regulation as a proposed regulation with a new
14 public comment period in accordance with Subchapter A
15 (relating to commonwealth documents law).

16 (5) If the agency is prevented from delivering its
17 final-form regulation to the commission and the committees
18 within the time period provided for under this subsection
19 because of the adjournment sine die or expiration of the
20 legislative session in an even-numbered year, the agency
21 shall deliver its final-form regulation in accordance with
22 subsection (f).

23 (b) Notice of submission to commentators.--

24 (1) On the same date that the agency submits the
25 material required under subsection (a) to the commission and
26 the committees, the agency shall send a notice of submission
27 and a copy of the text of the final-form regulation or a copy
28 of all changes to the proposed regulation which are
29 incorporated into the final-form regulation to each
30 commentator who requested this information under subsection

1 (a).

2 (2) The agency is not required to notify each party
3 whose name appears on petitions or membership lists who did
4 not present individual comments on the regulation.

5 (c) Time period for filing.--

6 (1) The agency shall submit final-omitted regulations to
7 the commission and the committees for review under this
8 section on the same date that the agency submits the
9 regulations for review under section 313 (relating to
10 Attorney General). The requirements of section 335 (relating
11 to proposed regulations; procedures for review), except for
12 the requirements for holding a public comment period and for
13 notifying commentators, are applicable to final-omitted
14 regulations.

15 (2) If the agency makes revisions under subsection (g),
16 the agency shall deliver copies of the revisions to the
17 Attorney General on the same date that the agency delivers
18 the revisions to the commission and the committees.

19 (d) (Reserved).

20 (e) Approval and disapproval.--The commission may have until
21 its next scheduled meeting which occurs no less than 30 days
22 after receipt of the final-form or final-omitted regulation to
23 approve or disapprove the final-form or final-omitted
24 regulation. The commission shall notify the agency and the
25 committees of its approval or disapproval. If the commission
26 does not disapprove the final-form or final-omitted regulation
27 within the time allotted under this subsection, the commission
28 shall be deemed to have approved the final-form or final-omitted
29 regulation.

30 (f) Delivery.--An agency may not deliver a final-form or

1 final-omitted regulation to the commission and the committees
2 after the adjournment sine die or expiration of the legislative
3 session in an even-numbered year. The agency may not deliver the
4 final-form or final-omitted regulation until the fourth Monday
5 in January of the next year. On that date, the agency shall
6 resubmit the final-form or final-omitted regulation and required
7 material to the committees and the commission. If either
8 committee has not been designated by the fourth Monday in
9 January, the agency may not deliver the final-form or final-
10 omitted regulation and required material to the committees and
11 the commission until both committees are designated.

12 (g) Changes.--Except as provided under this subsection, the
13 agency may not make any changes to a final-form or final-omitted
14 regulation after the agency submits the final-form or final-
15 omitted regulation to the commission and the committees.

16 (1) Prior to the expiration of the date on which either
17 of the committees takes action on the final-form or final-
18 omitted regulation, under subsection (j.2) or (j.3) or the
19 expiration of the commission's review period prescribed under
20 subsection (e), whichever occurs first, the agency may,
21 unless the commission shall object, toll the time for the
22 commission's and the committees' review of the final-form or
23 final-omitted regulation in order to allow time for the
24 agency to consider revisions to the final-form or final-
25 omitted regulation recommended by the commission or a
26 committee.

27 (2) Tolling under paragraph (1) may last for up to 30
28 days. If within 30 days the agency does not submit revisions
29 to the committees and the commission or does not notify the
30 commission and the committees in writing that it will not

1 submit revisions but wishes the commission and the committees
2 to resume their review, the agency shall be deemed to have
3 withdrawn the final-form or final-omitted regulation.

4 (3) The committees shall have the remainder of the 20-
5 day review period or ten days from the date of receipt of the
6 revised final-form or final-omitted regulation or written
7 notification under paragraph (2), whichever is longer, to
8 take action under subsection (j.2) or (j.3), and the
9 commission may have until its next scheduled meeting which
10 occurs after the expiration of the committee review period,
11 but not less than 15 days after receipt of the revised final-
12 form or final-omitted regulation or written notification
13 under paragraph (2) to review the final-form or final-omitted
14 regulation. If the commission does not disapprove the final-
15 form or final-omitted regulation or a committee does not
16 notify the commission and the agency that it has disapproved
17 the regulation or that it intends to review the regulation
18 under subsection (j.2), within the respective time periods,
19 the regulation shall be deemed approved.

20 (4) The agency may not toll the time for review of any
21 final-form or final-omitted regulation more than one time.

22 (5) The agency may not submit revisions or notification
23 that the regulation will not be revised after the adjournment
24 sine die or the expiration of the legislative session in an
25 even-numbered year. If the committees and the commission are
26 prevented from completing their review under this subsection
27 because of the adjournment sine die or the expiration of the
28 legislative session in an even-numbered year, the agency
29 shall resubmit the final-form or final-omitted regulation and
30 review shall proceed in accordance within subsection (j.3).

1 (h) (Reserved).

2 (i) (Reserved).

3 (j) Comments.--The commission shall accept public comments
4 only up to 48 hours prior to the commission's public meeting
5 unless the comments are submitted at the request of the
6 commission. The commission shall receive comments from the
7 agency or members of the General Assembly until the commission
8 acts on the regulation. The commission shall transmit comments
9 received during the 48-hour period prior to the commission's
10 public meeting to the agency and the committees upon receipt.
11 The commission shall accept additional public comments only
12 after the public meeting has been called to order.

13 (j.1) Time for action.--A committee shall have at least 20
14 days from receipt of the information required under subsection
15 (a) or receipt of the information required under subsection (c)
16 to take action under subsection (j.2). If the committees are
17 prevented from completing their 20-day review because of the
18 adjournment sine die or expiration of the legislative session in
19 an even-numbered year, their review of the final-form or final-
20 omitted regulation shall automatically be suspended until the
21 fourth Monday in January of the next year. On that date, the
22 agency shall resubmit the final-form or final-omitted regulation
23 and required material to the committees and the commission.

24 (1) If either committee has not been designated by the
25 fourth Monday in January, the agency may not deliver the
26 final-form or final-omitted regulation and required material
27 to the commission and the committees until both committees
28 have been designated.

29 (2) If the agency does not deliver the final-form or
30 final-omitted regulation and required material to the

1 commission and the committees by the second Monday after the
2 date by which both committee designations have been published
3 in the Pennsylvania Bulletin, the agency shall be deemed to
4 have withdrawn the regulation.

5 (3) In computing the remaining time for committee
6 review, the number of days in which the committees have had
7 the final-form or the final-omitted regulation under review
8 as of the adjournment sine die or expiration of the prior
9 session shall be subtracted from the 20-day committee review
10 period, but the committee review period in the next
11 succeeding legislative session shall not be less than ten
12 days.

13 (4) The commission shall not act on a regulation until
14 the committee review period has expired. This section shall
15 not apply to emergency-certified regulations adopted under
16 the provisions of section 336(d) (relating to procedures for
17 disapproval of final-form and final-omitted regulations;
18 emergency-certified regulations).

19 (j.2) Notification of approval and disapproval.--At any time
20 during the commission's review period up to 24 hours prior to
21 the opening of the commission's public meeting, a committee may
22 notify the commission and the agency that it has approved or
23 disapproved a final-form or final-omitted regulation or that it
24 intends to review the regulation. If the commission approves a
25 regulation and a committee has not notified the commission and
26 the agency that it has disapproved the regulation or that it
27 intends to review the regulation, the agency may promulgate the
28 regulation. If the commission approves a regulation and a
29 committee has notified the commission and the agency that it has
30 disapproved the regulation or that it intends to review the

1 regulation, the agency may not promulgate the regulation for 14
2 days after the committee has received the commission's approval
3 order. During this 14-day period, the committee may take action
4 on the regulation under section 337(d) (relating to procedures
5 for subsequent review of disapproved final-form or final-omitted
6 regulations). If at the expiration of the 14-day period the
7 committee has not taken action on the regulation under section
8 337(d), the agency may promulgate the regulation.

9 (j.3) Automatic suspension of 14-day review.--If the
10 committees are prevented from completing their 14-day review
11 because of adjournment sine die or expiration of the legislative
12 session in an even-numbered year, their review of the final-form
13 or final-omitted regulation shall automatically be suspended
14 until the fourth Monday in January of the next year. On that
15 date, the agency shall resubmit the final-form or final-omitted
16 regulation and required material to the committees and the
17 commission.

18 (1) If either committee has not been designated by the
19 fourth Monday in January, the agency may not deliver the
20 final-form or final-omitted regulation and required material
21 to the committees and the commission until both committees
22 are designated.

23 (2) If the agency does not deliver the final-form or
24 final-omitted regulation and required material to the
25 commission and the committees by the second Monday after the
26 date by which both committee designations have been published
27 in the Pennsylvania Bulletin, the agency shall be deemed to
28 have withdrawn the final-form or final-omitted regulation.

29 (3) In determining the remaining time for committee
30 review, the number of days in which the committees have had

1 the final-form or the final-omitted regulation under review
2 as of the adjournment sine die or expiration of the prior
3 session shall be subtracted from the 14-day committee review
4 period, but the committee review period in the next
5 succeeding legislative session shall not be less than ten
6 days.

7 (4) An agency may not submit a final-form or final-
8 omitted regulation to the commission or the committees for
9 review during the period from the adjournment sine die or
10 expiration of the legislative session of an even-numbered
11 year to the date by which both committees have been
12 designated in the next succeeding legislative session.

13 (5) This subsection shall not apply to emergency-
14 certified regulations adopted under the provisions of section
15 336(d).

16 (j.4) Disapproval.--If the commission disapproves a final-
17 form or final-omitted regulation, the commission, the committees
18 and the agency will proceed in accordance with section 336.

19 (k) Comment retention.--The commission shall note and shall
20 make a part of the public record all comments which it receives
21 relating to a regulation and shall retain the comments for four
22 years after the promulgation of the regulation.

23 (l) Regulations.--Except for emergency-certified regulations
24 adopted under section 336(d), an agency may not promulgate a
25 regulation until completion of the review provided for under
26 this subchapter.

27 § 335.2. Criteria for review of regulations.

28 (a) Preliminary criteria.--In determining whether a
29 proposed, final-form, final-omitted or existing regulation is in
30 the public interest, the commission shall, first and foremost,

1 determine whether the agency has the statutory authority to
2 promulgate the regulation and whether the regulation conforms to
3 the intention of the General Assembly in the enactment of the
4 statute upon which the regulation is based. In making its
5 determination, the commission shall consider written comments
6 submitted by the committees and current members of the General
7 Assembly, pertinent opinions of Pennsylvania's courts and formal
8 opinions of the Attorney General.

9 (b) General criteria.--Upon a finding that the regulation is
10 consistent with the statutory authority of the agency and with
11 the intention of the General Assembly in the enactment of the
12 statute upon which the regulation is based, the commission shall
13 consider the following in determining whether the regulation is
14 in the public interest:

15 (1) Economic or fiscal impacts of the regulation, which
16 include the following:

17 (i) Direct and indirect costs to the Commonwealth,
18 to its political subdivisions and to the private sector.

19 (ii) Adverse effects on prices of goods and
20 services, productivity or competition.

21 (iii) The nature of required reports, forms or other
22 paperwork and the estimated cost of their preparation by
23 individuals, businesses and organizations in the public
24 and private sectors.

25 (iv) The nature and estimated cost of legal,
26 consulting or accounting services which the public or
27 private sector may incur.

28 (v) The impact on the public interest of exempting
29 or setting lesser standards of compliance for individuals
30 or small businesses when it is lawful, desirable and

1 feasible to do so.

2 (2) The protection of the public health, safety and
3 welfare and the effect on this Commonwealth's natural
4 resources.

5 (3) The clarity, feasibility and reasonableness of the
6 regulation to be determined by considering the following:

7 (i) Possible conflict with or duplication of
8 statutes or existing regulations.

9 (ii) Clarity and lack of ambiguity.

10 (iii) Need for the regulation.

11 (iv) Reasonableness of requirements, implementation
12 procedures and timetables for compliance by the public
13 and private sectors.

14 (V) WHETHER ACCEPTABLE DATA IS THE BASIS OF THE <--
15 REGULATION.

16 (4) Whether the regulation represents a policy decision
17 of such a substantial nature that it requires legislative
18 review.

19 (5) Comments, objections or recommendations of a
20 committee.

21 (6) Compliance with the provisions of this subchapter or
22 the regulations of the commission in promulgating the
23 regulation.

24 (7) WHETHER THE REGULATION IS SUPPORTED BY ACCEPTABLE <--
25 DATA.

26 (8) WHETHER A LESS COSTLY OR LESS INTRUSIVE ALTERNATIVE
27 METHOD OF ACHIEVING THE GOAL OF THE REGULATION HAS BEEN
28 CONSIDERED FOR REGULATIONS IMPACTING SMALL BUSINESS.

29 § 336. Procedures for disapproval of final-form and final-
30 omitted regulations; emergency-certified regulations.

1 (a) Order.--If the commission disapproves a final-form or
2 final-omitted regulation, the commission shall deliver its
3 disapproval order to the Legislative Reference Bureau, the
4 committees and the agency. The commission shall notify
5 commentators who have requested additional information under
6 section 335.1(a) (relating to final-form regulations and final-
7 omitted regulations; procedures for review) of the commission's
8 vote to disapprove. The disapproval order shall specify the
9 regulatory review criteria which the final-form or final-omitted
10 regulation has not met. The agency shall review the commission's
11 order and proceed under section 337(a) (relating to procedures
12 for subsequent review of disapproved final-form or final-omitted
13 regulations).

14 (b) Effect.--The commission's order disapproving a final-
15 form or final-omitted regulation shall bar the agency from
16 promulgating that regulation pending subsequent review under
17 section 337.

18 (c) (Reserved).

19 (d) Prohibition.--

20 (1) The commission may not issue an order barring an
21 agency from promulgating a final-form or final-omitted
22 regulation if the Attorney General certifies that the final-
23 form or final-omitted regulation is required under the decree
24 of any court or to implement the provisions of a statute of
25 the United States or regulations issued thereunder by a
26 Federal agency or if the Governor certifies that the final-
27 form or final-omitted regulation is required to meet an
28 emergency which includes conditions which may threaten the
29 public health, safety or welfare, cause a budget deficit or
30 create the need for supplemental or deficiency appropriations

1 of greater than \$1,000,000. In those cases, the final-form or
2 final-omitted regulation may take effect on the date of
3 publication or on a later date specified in the order
4 adopting the final-form or final-omitted regulation.

5 (2) The commission and the committees shall review the
6 final-form or final-omitted regulation under the procedures
7 provided for under this subchapter. If the final-form or
8 final-omitted regulation is disapproved under those
9 procedures, that regulation shall be rescinded after 120 days
10 or upon final disapproval, whichever occurs later.

11 § 337. Procedures for subsequent review of disapproved final-
12 form or final-omitted regulations.

13 (a) General procedures.--An agency may select one of the
14 following options for proceeding with a regulation which has
15 been disapproved by the commission:

16 (1) To proceed further with the final-form or final-
17 omitted regulation under subsection (b).

18 (2) To proceed further with the final-form or final-
19 omitted regulation under subsection (c).

20 (3) To withdraw the final-form or final-omitted
21 regulation.

22 (b) Report.--

23 (1) If the agency decides to adopt the final-form or
24 final-omitted regulation without revisions or further
25 modifications, the agency shall submit a report to the
26 committees and the commission within 40 days of the agency's
27 receipt of the commission's disapproval order. The agency's
28 report shall contain the final-form or final-omitted
29 regulation, the commission's disapproval order and the
30 agency's response and recommendations regarding the final-

1 form or final-omitted regulation.

2 (2) If the committees are prevented from receiving the
3 report because of adjournment sine die or expiration of the
4 legislative session in an even-numbered year, the agency
5 shall submit its report to the commission and the committees
6 on the fourth Monday in January of the next year. If either
7 committee has not been designated by the fourth Monday in
8 January, the agency may not deliver the report to the
9 committees and the commission until both committees are
10 designated, but the agency shall deliver its report to the
11 commission and the committees no later than the second Monday
12 after the date by which both committee designations have been
13 published in the Pennsylvania Bulletin.

14 (3) If the agency does not deliver the report to the
15 committees and the commission in the time prescribed under
16 this subsection, the agency shall be deemed to have withdrawn
17 the final-form or final-omitted regulation.

18 (c) Modifications before report.--

19 (1) If the agency decides to revise or modify the final-
20 form or final-omitted regulation in order to respond to
21 objections raised by the commission and adopt that regulation
22 with revisions or modifications, the agency shall submit a
23 report to the committees and the commission within 40 days of
24 the agency's receipt of the commission's disapproval order.
25 The agency's report shall contain the revised final-form or
26 final-omitted regulation, the findings of the commission and
27 the agency's response and recommendations regarding the
28 revised final-form or final-omitted regulation.

29 (2) If the committees are prevented from receiving the
30 report because of adjournment sine die or expiration of the

1 legislative session in an even-numbered year, the agency
2 shall submit the report to the commission and the committees
3 on the fourth Monday in January of the next year. If either
4 committee has not been designated by the fourth Monday in
5 January, the agency may not deliver the report to the
6 committees and the commission until both committees are
7 designated, but the agency shall deliver its report to the
8 commission and the committees no later than the second Monday
9 after the date by which both committee designations have been
10 published in the Pennsylvania Bulletin.

11 (3) If the agency does not deliver its report to the
12 commission and the committees in the time prescribed in this
13 subsection, the agency shall be deemed to have withdrawn the
14 final-form or final-omitted regulation.

15 (c.1) Approval or disapproval order.--The commission may
16 have until its next scheduled meeting, which occurs no less than
17 15 days from receipt of the agency's report, to approve or
18 disapprove the agency's report. The commission shall deliver its
19 approval or disapproval order to the committees for
20 consideration by the General Assembly under subsection (d).

21 (1) If the commission is prevented from delivering its
22 order to the committees within the time period provided for
23 under this subsection because of the adjournment sine die or
24 expiration of the legislative session in an even-numbered
25 year, the commission shall deliver its order on the fourth
26 Monday of January of the next year.

27 (2) If either committee has not been designated by the
28 fourth Monday in January, the commission may not deliver its
29 order to the committees until both committees are designated,
30 but the commission shall deliver its order no later than the

1 second Monday after the date by which both committee
2 designations have been published in the Pennsylvania
3 Bulletin.

4 (3) If the commission does not deliver its order
5 disapproving the agency's report and revised final-form or
6 final-omitted regulation in the time prescribed under this
7 subsection, the commission shall be deemed to have approved
8 the agency's report and the revised final-form or final-
9 omitted regulation.

10 (d) Legislative presentation by concurrent resolution.--Upon
11 receipt of the commission's order under subsection (c.1) or at
12 the expiration of the commission's review period if the
13 commission does not act on the regulation or does not deliver
14 its order under subsection (c.1), one or both of the committees
15 may, within 14 calendar days, report to the Senate or House of
16 Representatives a concurrent resolution and notify the agency.
17 During the 14-calendar-day period, the agency may not promulgate
18 the final-form or final-omitted regulation.

19 (1) If, by the expiration of the 14-calendar-day period,
20 neither committee reports a concurrent resolution, the
21 committees shall be deemed to have approved the final-form or
22 final-omitted regulation, and the agency may promulgate that
23 regulation.

24 (2) If either committee reports a concurrent resolution
25 before the expiration of the 14-day period, the Senate and
26 the House of Representatives shall each have 30 calendar days
27 or ten legislative days, whichever is longer, from the date
28 on which the concurrent resolution has been reported, to
29 adopt the concurrent resolution.

30 (3) If the General Assembly adopts the concurrent

1 resolution by majority vote in both the Senate and the House
2 of Representatives, the concurrent resolution shall be
3 presented to the Governor in accordance with section 9 of
4 Article III of the Constitution of Pennsylvania.

5 (4) If the Governor does not return the concurrent
6 resolution to the General Assembly within ten calendar days
7 after it is presented, the Governor shall be deemed to have
8 approved the concurrent resolution.

9 (5) If the Governor vetoes the concurrent resolution,
10 the General Assembly may override that veto by a two-thirds
11 vote in each house. The Senate and the House of
12 Representatives shall each have 30 calendar days or ten
13 legislative days, whichever is longer, to override the veto.

14 (6) If the General Assembly does not adopt the
15 concurrent resolution or override the veto in the time
16 prescribed under this subsection, it shall be deemed to have
17 approved the final-form or final-omitted regulation.

18 (7) Notice as to any final disposition of a concurrent
19 resolution considered in accordance with this section shall
20 be published in the Pennsylvania Bulletin.

21 (8) If the General Assembly adopts the concurrent
22 resolution and the Governor approves or is deemed to have
23 approved the concurrent resolution or if the General Assembly
24 overrides the Governor's veto of the concurrent resolution,
25 the agency shall be barred from promulgating the final-form
26 or final-omitted regulation. The bar on promulgation of the
27 final-form or final-omitted regulation shall continue until
28 that regulation has been approved or deemed approved in
29 accordance with this subsection.

30 (9) If the General Assembly does not adopt the

1 concurrent resolution or if the Governor vetoes the
2 concurrent resolution and the General Assembly does not
3 override the Governor's veto, the agency may promulgate the
4 final-form or final-omitted regulation. The General Assembly
5 may, at its discretion, adopt a concurrent resolution
6 disapproving the final-form or final-omitted regulation to
7 indicate the intent of the General Assembly but permit the
8 agency to promulgate that regulation.

9 § 337.1. Classification of documents.

10 If the commission or a committee finds that a published or
11 unpublished document should be promulgated as a regulation, the
12 commission or committee may present the matter to the Joint
13 Committee on Documents. The Joint Committee on Documents shall
14 determine whether the document should be promulgated as a
15 regulation and may order an agency either to promulgate the
16 document as a regulation within 180 days or to desist from the
17 use of the document in the business of the agency.

18 § 338. Changes in final-form and final-omitted regulations.

19 (a) General rule.--Except as provided in subsection (b), an
20 agency may not make changes to a final-form or final-omitted
21 regulation after that regulation has been approved or has been
22 deemed approved by the committees or the commission under this
23 subchapter.

24 (b) Exception.--Subsection (a) shall not apply to changes
25 made at the direction of the Office of Attorney General under
26 its review under section 313 (relating to Attorney General).

27 § 338.1. Existing regulations.

28 The commission, on its motion or at the request of any person
29 or member of the General Assembly, may review an existing
30 regulation which has been in effect for at least three years. If

1 a committee of the Senate or the House of Representatives
2 requests a review of an existing regulation, the commission
3 shall perform the review and shall assign it high priority. The
4 commission may submit recommendations to an agency recommending
5 changes in existing regulations if it finds the existing
6 regulations to be contrary to the public interest under the
7 criteria established under section 335.2 (relating to criteria
8 for review of regulations). The commission may also make
9 recommendations to the General Assembly and the Governor for
10 statutory changes if the commission finds that any existing
11 regulation may be contrary to the public interest.

12 § 339. Commission staff.

13 (a) Executive director and other employees.--The commission
14 shall appoint and fix the compensation of a full-time executive
15 director, who shall be responsible for the general supervision
16 of all the affairs of the commission and for performing any
17 administrative function or duty which the commission may
18 delegate to the executive director. The commission shall appoint
19 and fix the compensation of such other employees as the
20 commission may find necessary for the proper operation of the
21 commission.

22 (b) Chief counsel.--The commission shall appoint and fix the
23 compensation of a full-time chief counsel, who shall not be
24 subject to the supervision of the Attorney General or the
25 General Counsel. The chief counsel shall supervise, coordinate
26 and administer the legal services provided to the commission.

27 § 340. Subpoena power.

28 The commission has the authority to issue subpoenas for the
29 purpose of requiring the attendance of persons and the
30 production of documents relating to any function which the

1 commission or its staff is authorized to perform under this
2 subchapter. The chairperson or the executive director may sign a
3 subpoena. The subpoena may be served in any manner authorized
4 under the laws of this Commonwealth. The commission is
5 authorized to apply to the Commonwealth Court to enforce its
6 subpoenas.

7 § 341. Regulations; annual reports; hearings and advisory group
8 meetings.

9 (a) Regulations.--

10 (1) The commission, in the performance of its functions
11 under this subchapter, has the power to promulgate and
12 enforce regulations necessary to carry out the purposes of
13 this subchapter.

14 (2) Regulations must be promulgated in accordance with
15 the procedures established under Subchapter A (relating to
16 commonwealth documents law).

17 (3) The regulations shall provide for the commission's
18 notification of filings of final-form and final-omitted
19 regulations to parties likely to be affected by the final-
20 form and final-omitted regulations through publication of a
21 notice in the Pennsylvania Bulletin.

22 (4) Prior to the regulations taking effect, the
23 requirements of this subchapter must be satisfied. For the
24 purposes of reviewing the regulations of the commission and
25 otherwise satisfying the requirements of this subchapter, the
26 Joint Committee on Documents shall exercise the rights and
27 perform the functions of the commission and the commission
28 shall exercise the rights and perform the functions of an
29 agency under this subchapter.

30 (b) Annual report.--By April 1, the commission shall file an

1 annual report of its activities for the prior calendar year with
2 the Governor, the Secretary of the Senate and the Chief Clerk of
3 the House of Representatives.

4 (c) Hearings.--The commission may hold public hearings on
5 any matter before the commission and may meet with advisory
6 groups regarding matters before the commission.

7 § 342. Clearinghouse.

8 The commission shall act as a clearinghouse for complaints,
9 comments and other input from members of the General Assembly
10 and from the public regarding existing, proposed, final-form and
11 final-omitted regulations. The commission shall maintain
12 accurate records regarding complaints and comments it receives
13 and shall maintain such records by departmental and subject
14 matter categories for four years after the date of receipt by
15 the commission. When the commission files its annual report as
16 provided under section 341 (relating to regulations; annual
17 reports; hearings and advisory group meetings), the commission
18 shall include within it a summary of public complaint and
19 comment along with any recommendations the commission may offer
20 for statutory change.

21 § 342.1. Gubernatorial review.

22 The Governor may institute procedures for the review and
23 approval of regulations promulgated by executive agencies prior
24 to their submittal for review under this subchapter, including
25 the establishment of a task force or committee, by executive
26 order. The Governor may also establish procedures for the
27 effective coordination of the review of regulations under
28 Subchapters B (relating to legal review) and C (relating to
29 fiscal review) and section 2203-A of the act of April 9, 1929
30 (P.L.177, No.175), known as The Administrative Code of 1929.

1 Section 3. Repeals are as follows:

2 (1) The General Assembly declares as follows:

3 (i) The repeal under paragraph (2)(ii) is necessary
4 to effectuate the addition of 2 Pa.C.S. Ch. 3 Subch. A.

5 (ii) The repeal under paragraph (2)(iii) is
6 necessary to effectuate the addition of 2 Pa.C.S. Ch. 3
7 Subch. B.

8 (iii) The repeal under paragraph (2)(i) is necessary
9 to effectuate the addition of 2 Pa.C.S. Ch. 3 Subch. C.

10 (iv) The repeal under paragraph (2)(iv) is necessary
11 to effectuate the addition of 2 Pa.C.S. Ch. 3 Subch. D.

12 (2) The following acts and parts of acts are repealed:

13 (i) Section 612 of the act of April 9, 1929
14 (P.L.177, No.175), known as The Administrative Code of
15 1929.

16 (ii) The act of July 31, 1968 (P.L.769, No.240),
17 referred to as the Commonwealth Documents Law.

18 (iii) Sections 204(b) and 301(10) of the act of
19 October 15, 1980 (P.L.950, No.164), known as the
20 Commonwealth Attorneys Act.

21 (iv) The act of June 25, 1982 (P.L.633, No.181),
22 known as the Regulatory Review Act.

23 Section 4. Continuation is as follows:

24 (1) The addition of 2 Pa.C.S. Ch. 3 Subch. A is a
25 continuation of the act of July 31, 1968 (P.L.769, No.240),
26 referred to as the Commonwealth Documents Law. The following
27 apply:

28 (i) Except as otherwise provided in 2 Pa.C.S. Ch. 3
29 Subch. A, all activities initiated under the Commonwealth
30 Documents Law shall continue and remain in full force and

1 effect and may be completed under 2 Pa.C.S. Ch. 3 Subch.
2 A. Orders, regulations, rules and decisions which were
3 made under the Commonwealth Documents Law and which are
4 in effect on the effective date of section 3(2)(ii) of
5 this act shall remain in full force and effect until
6 revoked, vacated or modified under 2 Pa.C.S. Ch. 3 Subch.
7 A. Contracts, obligations and collective bargaining
8 agreements entered into under the Commonwealth Documents
9 Law are not affected nor impaired by the repeal of the
10 Commonwealth Documents Law.

11 (ii) Except as set forth in subparagraph (iii), any
12 difference in language between 2 Pa.C.S. Ch. 3 Subch. A
13 and the Commonwealth Documents Law is intended only to
14 conform to the style of the Pennsylvania Consolidated
15 Statutes and is not intended to change or affect the
16 legislative intent, judicial construction or
17 administration and implementation of the Commonwealth
18 Documents Law.

19 (iii) (Reserved).

20 (2) The addition of 2 Pa.C.S. Ch. 3 Subch. B is a
21 continuation of sections 204(b) and 301(10) of the act of
22 October 15, 1980 (P.L.950, No.164), known as the Commonwealth
23 Attorneys Act. The following apply:

24 (i) Except as otherwise provided in 2 Pa.C.S. Ch. 3
25 Subch. B, all activities initiated under sections 204(b)
26 and 301(10) of the Commonwealth Attorneys Act shall
27 continue and remain in full force and effect and may be
28 completed under 2 Pa.C.S. Ch. 3 Subch. B. Orders,
29 regulations, rules and decisions which were made under
30 sections 204(b) and 301(10) of the Commonwealth Attorneys

1 Act and which are in effect on the effective date of
2 section 3(2)(iii) of this act shall remain in full force
3 and effect until revoked, vacated or modified under 2
4 Pa.C.S. Ch. 3 Subch. B. Contracts, obligations and
5 collective bargaining agreements entered into under
6 sections 204(b) and 301(10) of the Commonwealth Attorneys
7 Act are not affected nor impaired by the repeal of
8 sections 204(b) and 301(10) of the Commonwealth Attorneys
9 Act.

10 (ii) Except as set forth in subparagraph (iii), any
11 difference in language between 2 Pa.C.S. Ch. 3 Subch. B
12 and sections 204(b) and 301(10) of the Commonwealth
13 Attorneys Act is intended only to conform to the style of
14 the Pennsylvania Consolidated Statutes and is not
15 intended to change or affect the legislative intent,
16 judicial construction or administration and
17 implementation of sections 204(b) and 301(10) of the
18 Commonwealth Attorneys Act.

19 (iii) Subparagraph (ii) does not apply to the
20 addition of 2 Pa.C.S. § 311.

21 (3) The addition of 2 Pa.C.S. Ch. 3 Subch. C is a
22 continuation of section 612 of the act of April 9, 1929
23 (P.L.177, No.175), known as The Administrative Code of 1929.
24 The following apply:

25 (i) Except as otherwise provided in 2 Pa.C.S. Ch. 3
26 Subch. C, all activities initiated under section 612 of
27 The Administrative Code of 1929 shall continue and remain
28 in full force and effect and may be completed under 2
29 Pa.C.S. Ch. 3 Subch. C. Orders, regulations, rules and
30 decisions which were made under section 612 of The

1 Administrative Code of 1929 and which are in effect on
2 the effective date of section 3(2)(i) of this act shall
3 remain in full force and effect until revoked, vacated or
4 modified under 2 Pa.C.S. Ch. 3 Subch. C. Contracts,
5 obligations and collective bargaining agreements entered
6 into under section 612 of The Administrative Code of 1929
7 are not affected nor impaired by the repeal of section
8 612 of The Administrative Code of 1929.

9 (ii) Except as set forth in subparagraph (iii), any
10 difference in language between 2 Pa.C.S. Ch. 3 Subch. C
11 and section 612 of The Administrative Code of 1929 is
12 intended only to conform to the style of the Pennsylvania
13 Consolidated Statutes and is not intended to change or
14 affect the legislative intent, judicial construction or
15 administration and implementation of section 612 of The
16 Administrative Code of 1929.

17 (iii) Subparagraph (ii) does not apply to the
18 addition of 2 Pa.C.S. § 321.

19 (4) The addition of 2 Pa.C.S. Ch. 3 Subch. D is a
20 continuation of the act of June 25, 1982 (P.L.633, No.181),
21 known as the Regulatory Review Act. The following apply:

22 (i) Except as otherwise provided in 2 Pa.C.S. Ch. 3
23 Subch. D, all activities initiated under the Regulatory
24 Review Act shall continue and remain in full force and
25 effect and may be completed under 2 Pa.C.S. Ch. 3 Subch.
26 D. Orders, regulations, rules and decisions which were
27 made under the Regulatory Review Act and which are in
28 effect on the effective date of section 3(iv) of this act
29 shall remain in full force and effect until revoked,
30 vacated or modified under 2 Pa.C.S. Ch. 3 Subch. D.

1 Contracts, obligations and collective bargaining
2 agreements entered into under the Regulatory Review Act
3 are not affected nor impaired by the repeal of the
4 Regulatory Review Act.

5 (ii) Except as set forth in subparagraph (iii), any
6 difference in language between 2 Pa.C.S. Ch. 3 Subch. D
7 and the Regulatory Review Act is intended only to conform
8 to the style of the Pennsylvania Consolidated Statutes
9 and is not intended to change or affect the legislative
10 intent, judicial construction or administration and
11 implementation of the Regulatory Review Act.

12 (iii) (Reserved).

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