

## No. 1986-16

## AN ACT

## HB 784

Reenacting and amending the act of June 25, 1982 (P.L.633, No.181), entitled "An act providing for independent oversight and review of regulations, creating an Independent Regulatory Review Commission, providing for its powers and duties, making repeals and making an appropriation," continuing the existence of the commission; and further providing for agency submissions of rulemaking and for time periods for review of rulemaking.

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

Section 1. The title and act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act, amended December 9, 1982 (P.L.1023, No.238), are reenacted and amended to read:

## AN ACT

Providing for independent oversight and review of regulations, creating an Independent Regulatory Review Commission, providing for its powers and duties[,] *and* making repeals [*and making an appropriation*].

Section 1. Short title.

This act shall be known and may be cited as the "Regulatory Review Act."

Section 2. Legislative intent.

The General Assembly has enacted a large number of statutes conferring on boards, commissions, departments and other agencies of the executive branch of government the authority to adopt rules and regulations to supplement and implement those statutes. The General Assembly has found that this delegation of its authority has resulted in regulations being promulgated without effective review concerning cost benefits, duplication, inflationary impact and conformity to legislative intent. The General Assembly finds that it must provide a procedure for oversight and review of regulations adopted pursuant to this delegation of legislative power to curtail excessive regulation and to establish a system of accountability so that the bureaucracy must justify its use of the regulatory authority before imposing hidden costs upon the economy of Pennsylvania. It is the intent of this act to establish a method for continuing and effective review, accountability and oversight. It is the further intent of this act to provide for primary review by a commission with sufficient authority, expertise, independence and time to perform that responsibility. It is the further intent of this act to provide ultimate review by the General Assembly of those regulations which may be contrary to the public interest. This act is intended to provide a method of oversight and review of regulations issued by executive agencies to assist the Governor and the General Assembly in their supervisory and oversight functions and it is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party against the Commonwealth, its agencies, officers or any person.

### Section 3. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Agency.” Any department, departmental administrative board or commission, independent board or commission, agency or other authority of this Commonwealth now existing or hereafter created, but shall not include the Senate or the House of Representatives, the Pennsylvania Fish Commission, the Pennsylvania Game Commission, the Independent Regulatory Review Commission, or any court, political subdivision, municipal or local authority.

“Commission.” The Independent Regulatory Review Commission.

“Designated standing committee.” A standing committee of the House of Representatives or the Senate designated by the Speaker of the House of Representatives for the House and the President pro tempore of the Senate for the Senate which designation shall prescribe the jurisdiction of each standing committee over the various State agencies for purposes of this act.

“Regulation.” Any rule or regulation, or order in the nature of a rule or regulation, promulgated by an agency under statutory authority in the administration of any statute administered by or relating to the agency, or prescribing the practice or procedure before such agency. The term shall not include a proclamation, executive order, directive or similar document promulgated by the Governor, but shall include a regulation which may be promulgated by an agency, only with the approval of the Governor.

### Section 4. Creation of commission; membership, compensation; vacancies; removal.

(a) The Independent Regulatory Review Commission shall consist of five members to be known as commissioners. One member of the commission shall be appointed by the Governor to serve at his pleasure, one by the President pro tempore of the Senate, one by the Speaker of the House of Representatives, one by the Minority Leader of the Senate and one by the Minority Leader of the House of Representatives. No member of the General Assembly or any other officer or employee of State Government shall serve as a member of the commission.

(b) Of the original members, the two members appointed by the Speaker of the House and the Minority Leader of the House of Representatives respectively shall serve for an initial term of two years and the two members appointed by the President pro tempore of the Senate and the Minority Leader of the Senate respectively shall serve for an initial term of three years. Thereafter, *except as may be provided by section 3 of this amendatory act*, each appointment provided for by this act shall be for a term of three years and such appointments shall be made in the same manner as the original appointments.

(c) All vacancies shall be filled, for the remainder of the unexpired term, in the same manner as original appointments. Any commissioner, upon the expiration of his term, shall continue to hold office until his successor shall be appointed.

(d) The commissioners shall receive \$125 per day as compensation for their services. The commissioners shall also be entitled to reimbursement for travel and other necessary expenses incurred as a result of their duties as members of the commission. The expenses incurred by the commissioners, or by any employees of the commission, shall be allowed and paid on the presentation of itemized vouchers therefor, which vouchers shall be subject to the approval of the commission.

(e) Except as authorized pursuant to this section and except for the Governor's appointee who shall serve at his pleasure, no commissioner may be removed from office during his term. The Governor may, with the approval of two-thirds of the members of the Senate, upon a clear and convincing evidence of misfeasance or malfeasance in office or neglect of duty, remove a commissioner prior to the expiration of the term. The Governor shall provide the commissioner so removed with a detailed written statement of the reasons for his removal.

(f) Any member of the commission formally charged before a court of record with the commission of a felony shall immediately be suspended as a member of the commission until the charge is dismissed or a verdict of acquittal is announced. If any commission member shall be convicted of a felony, then that commissioner's membership shall become vacant automatically upon announcement of the verdict by a trial court or upon acceptance of a plea of guilty or nolo contendere. No commission member shall participate in deliberations regarding any regulation in which he, or any member of his family, has a financial interest.

(g) Within [60 days] *two weeks* following the appointment of a quorum of the commission, the Governor shall convene an organization meeting of the commission and the Governor or his designee shall preside at such meeting until a chairman shall be elected.

(h) A chairman shall be elected by the commission who shall serve for a term of two years and until his successors shall be elected. The chairman shall preside at meetings of the commission and shall execute documents relating to the formal actions of the commission.

(i) The commission shall meet at least twice a month at such times and places as shall be set by the chairman. A commissioner who fails to attend three consecutive meetings without cause shall be removed as a commissioner by the authority appointing the commissioner.

*(j) For purposes of conducting official business, a quorum shall consist of four members.*

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

(a) For proposed regulations, submitted after the effective date of this section, at the same time that proposed regulations and any changes thereto are submitted to the Legislative Reference Bureau for publication of notice of proposed rulemaking in the Pennsylvania Bulletin as required by the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law, the agency proposing the regulation shall forward a copy of such proposal to the commission and the designated standing committee of each House of the General Assembly and additional information including but not limited to the following:

(1) The name of the agency proposing the regulation and a statement of the statutory or other authority under which the regulation or change is proposed and if such regulation or change is proposed to implement the requirements of Federal statute or Federal regulation, such Federal statute or regulation shall be cited with specificity.

(2) A brief explanation of the proposed regulation or change.

(3) A statement of the need for the regulation or change.

(4) Estimates of the direct cost to the Commonwealth and direct and indirect cost to its political subdivisions and indirect cost to the private sector. Insofar as the proposal relates to direct cost to the Commonwealth, the agency may submit in lieu of its own statement the fiscal note prepared by the Office of the Budget pursuant to section 612 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(5) A statement of legal, accounting or consultant procedures which may be required for implementation of the regulation by those affected by it.

(6) A statement of any additional reporting, recordkeeping or other paperwork required by the proposed regulations including copies of any forms or reports which will be required in the implementation of the proposed regulation.

(7) An outline of conformance and relevant dates including dates by which comments must be received, dates of proposed public hearings, the effective date of final regulations, date by which compliance with the proposed regulations will be required, including the date by which any required permits, licenses or other approvals must be obtained.

(8) The name of the author or authors of the regulation with their office address and phone numbers included.

(9) An identification of the types of persons, businesses and organizations which would be affected by the regulation.

(10) Identification of any other regulations which would be affected by the regulation.

The requirements of this section shall not diminish the Notice of Proposed Rulemaking requirements of the Commonwealth Documents Law but the information required by this section may be included in the Notice of Proposed Rulemaking requirement for publication in the Pennsylvania Bulletin in lieu of the information required by paragraphs (2) and (3) of section 201 of the Commonwealth Documents Law. The commission may waive an information requirement of this section for a proposed regulation when any specific requirement is deemed by the commission to be unnecessary or inappropriate.

(b) In addition to the requirements of subsection (a), for regulations which impose fiscal impacts on the public sector, private sector, or both of over \$1,000,000, in any year, or which impose other major impacts as determined by the commission, the agency proposing the regulation shall forward at the request of the commission a written regulatory analysis. Such regulatory analysis shall state:

(1) the financial, economic and social impacts of the regulation on individuals, business and labor communities or other public and private organizations. When practicable, an evaluation of the benefits expected as a result of the regulation should be included;

(2) that alternative approaches have been considered and the least burdensome acceptable alternative has been selected;

(3) that, in arriving at the acceptable alternative, consideration was given to minimizing new reporting, accounting and legal requirements;

(4) that a plan for the evaluation of the effectiveness of the regulation after its issuance has been developed; and

(5) the manner in which, when it is lawful, desirable and feasible, special provisions have been developed to meet the particular needs of affected groups and persons including, but not limited to: minorities, elderly, small businesses and farmers.

(c) The standing committee shall, within 20 calendar days from the **[day it receives]** date the proposed regulation is *published in the Pennsylvania Bulletin*, approve or **[recommend disapproval to the commission.] disapprove the proposed regulation. The standing committee shall notify the commission of approval or disapproval.** Failure of both standing committees to **[recommend disapproval of any such] disapprove a regulation** within the 20 calendar days shall constitute approval thereof. Along with a notification of approval or disapproval the committee shall convey a report which includes:

(1) A copy of the proposed regulation.

(2) A summary of the objections of the committee, if any, stating the reasons why the committee has found the proposed regulation unacceptable, and a copy of any staff reports deemed pertinent by the committee. *Such reasons shall include, but not be limited to, deviations from the statutory authority of the agency and the intention of the General Assembly in the enactment of the statute upon which the proposed regulation was based.*

In the event the standing committees are prevented from completing their 20-day review because of expiration of the legislative session in even-numbered years, consideration of the proposed regulation shall be automatically suspended until the **[first day] fourth Monday in January** of the next succeeding session of the General Assembly. On that date, the agency shall resubmit the proposed regulation to the designated standing committee of each chamber, or its successor committee, and to the commission. The standing committees, or their successor committees, shall have 20 calendar days and the commission shall have 30 calendar days from **[receipt of] the date the proposed regulation is published in the Pennsylvania Bulletin** to review such regulation. In computing the 20-day committee review period and the 30-day commission review period, the number of days in which the proposed regulation had been under review by the standing committees and by the commission as of the expiration of the prior session shall be subtracted from the 20-day committee and the 30-day commission review periods, respectively. Failure of the agency to resubmit the proposed regulation on the **[first day] fourth Monday in January** of the next succeeding session shall constitute withdrawal thereof.

No proposed regulation shall be submitted to the commission or the standing committees for review during the period from the end of the legislative session of even-numbered years to the first day of the next succeeding legislative session, but emergency regulations may be adopted pursuant to the provisions of section 6(b).

**[(d) In order to ascertain whether a proposed regulation is in the public interest, the commission shall consider the following criteria in the review of any proposed regulation:**

- (1) Conformity to the statutory authority of the agency.**
- (2) Consistency with the legislative intent of the act which the regulation is designed to implement.**
- (3) Possible adverse effects on prices of goods and services, productivity or competition.**
- (4) Whether the regulation represents a policy decision of such substantial nature that it requires a legislative review.**
- (5) Direct costs to the Commonwealth, direct and indirect cost to political subdivisions and indirect cost to the private sector.**
- (6) Reasonableness of requirements, implementation procedures and timetable for the public and private sectors.**
- (7) The nature of any reports, forms or other paperwork and the estimated cost of their preparation by individuals, businesses and organizations in the private and public sector where such reports would be required.**
- (8) Possible conflict with or duplication of statutes or other existing regulations.**
- (9) The nature and estimated cost of any legal, consulting or accounting services which the private or public sector would incur.**
- (10) The impact on the public interest of exempting or setting lesser standards of compliance for individuals or small businesses when it is lawful, desirable and feasible to do so.**
- (11) Clarity and lack of ambiguity.**
- (12) Need for the rule or regulation.**
- (13) Approval or disapproval by the designated standing committee of the House of Representatives or the Senate.**

**(e) Regulations for which notice of proposed making is omitted pursuant to section 204 of the Commonwealth Documents Law shall be submitted to the commission and the designated standing committees for review in the same fashion as proposed regulations at the same time that the regulations are submitted to the Attorney General for review as provided in the Commonwealth Attorneys Act. No final order adopting such regulation shall be published until completion of review pursuant to this act.]**

***(d) In determining whether a proposed regulation is in the public interest, the commission shall, first and foremost, make a determination that the proposed regulation is not contrary to the statutory authority of the agency and intention of the General Assembly in the enactment of the statute upon which the proposed regulation is based.***

*(e) Upon a finding that the regulation is not contrary to the statutory authority of the agency and to the intention of the General Assembly in the enactment of the statute upon which the proposed regulation is based, the commission shall further consider the following in ascertaining whether the proposed regulation is in the public interest:*

*(1) Possible adverse effects on prices of goods and services, productivity or competition.*

*(2) Whether the regulation represents a policy decision of such substantial nature that it requires a legislative review.*

*(3) Direct cost to the Commonwealth, direct and indirect cost to political subdivisions and indirect cost to the private sector.*

*(4) Reasonableness of requirements, implementation procedure and timetable for the public and private sectors.*

*(5) The nature of any reports, forms or other paperwork and the estimated cost of their preparation by individuals, businesses and organizations in the private and public sector where such reports would be required.*

*(6) Possible conflict with or duplication of statutes or other existing regulations.*

*(7) The nature and estimated cost of any legal, consulting or accounting services which the private or public sector would incur.*

*(8) The impact on the public interest of exempting or setting lesser standards of compliance for individuals or small businesses when it is lawful, desirable and feasible to do so.*

*(9) Clarity and lack of ambiguity.*

*(10) Need for the rule or regulation.*

*(11) Approval or disapproval by the designated standing committee of the House of Representatives or the Senate.*

*(f) Regulations for which notice of proposed rulemaking is omitted pursuant to section 204 of the Commonwealth Documents Law shall be submitted to the commission and the designated standing committees for review in the same fashion as proposed regulations at the same time that the regulations are submitted to the Attorney General for review as provided in the act of October 15, 1980 (P.L.950, No.164), known as the "Commonwealth Attorneys Act." No final order adopting such regulation shall be published until completion of review pursuant to this act.*

**[(f)] (g)** The agency which proposes the regulation shall forward to the commission within two days of receipt, a copy of any comments received by the agency which refers to the proposed regulation.

**[(g)] (h)** The commission, either on its motion or on the request of any individual, agency, corporation, member of the General Assembly or any other entity which may be affected by a regulation, may also review any existing regulation or administrative procedure. Whenever a committee of the Senate or the House of Representatives shall request a review of a regulation, the commission shall make such review and shall assign it high priority. The commission may submit recommendations to any agency recommending changes in existing regulations where it finds the existing regulations or

administrative procedure to be contrary to the public interest under the criteria established in this section. The commission may also make recommendations to the General Assembly and the Governor for statutory changes whenever it finds that any existing regulation or procedure may be contrary to the public interest.

Section 6. Procedures for commission consideration and agency review.

(a) Whenever the commission shall find that a proposed regulation submitted to the Legislative Reference Bureau for publication of notice of proposed rulemaking in the Pennsylvania Bulletin or *that a regulation for which notice of proposed rulemaking is omitted pursuant to section 204 of the act of July 31, 1968 (P.L. 769, No. 240), referred to as the Commonwealth Documents Law, or a regulation which* submitted to the Attorney General for review prior to publication [**without notice pursuant to section 204 of the Commonwealth Documents Law,**] may be contrary to the public interest under the criteria set forth in section 5, the commission shall notify the agency promulgating such regulation of its finding. Such notification shall set forth the commission's objections in reasonable detail. The agency shall review the commission's finding and not later than two weeks following the notification unless the commission grants extended time to comment shall respond to the commission as to whether or not the proposed regulation will be withdrawn [**or**], revised *or returned in its original form with added justification or documentation by the agency*. If the commission does not notify the agency of any objection within 30 days of *publication, in the case of proposed rulemaking, or within 30 days of receipt* [**under section 5**], *in the case of omission of proposed rulemaking*, the agency may proceed to promulgate the regulation as provided in the [**act of July 31, 1968 (P.L. 769, No. 240), referred to as the**] Commonwealth Documents Law.

(b) The commission may, when notifying an agency of its objections pursuant to subsection (a) or at any time following such notification but prior to publication of a final order adopting a regulation, issue an order barring the publication of a final order adopting a regulation pending subsequent review of the regulation in the manner provided in section 7. The commission may not however issue an order against a proposed regulation to the extent that the Attorney General certifies that proposed regulation is required pursuant to the decree of any court or to implement the provisions of a statute of the United States or regulations issued thereunder by a Federal agency nor shall the commission issue an order against a proposed regulation when such regulation is transmitted with the certification of the Governor that it is required to meet an emergency which shall include but not be limited to conditions which may cause a significant budget deficit or create need for supplemental or deficiency appropriations. In such case, the regulation can take effect for up to 120 days but after that time may be suspended by the commission unless it has been approved by the General Assembly under the procedures contained in section 7(b).

(c) Whenever a designated standing committee of the House of Representatives or the Senate has notified the commission of its disapproval and the commission approves the proposed regulation, the commission shall notify the said designated standing committee of such approval.



Section 7. Procedures and subsequent review.

(a) If the commission determines after reviewing an agency's response that the agency still intends to implement such regulation, the commission shall, within seven days of receipt of an agency's response to its objections, either approve the regulations or, if the commission believes that said regulation would be contrary to the public interest as determined under section 5, notify the Governor, who shall within 45 days review the proposed regulation and the commission findings. Failure of the commission to notify the Governor of its continued objections to a proposed regulation within seven days shall constitute approval thereof. Within seven days of an agency's response, the commission may continue an order barring publication of a final order adopting a regulation, issue such an order if none was previously issued, or withdraw its order.

(b) If the Governor and the agency determine that it is desirable to implement the proposed regulation without revisions, the Governor shall submit a report to the General Assembly containing the findings of the commission, the response of the initiating agency and his own recommendations regarding the regulation. At the time of the submission of the report by the Governor, the commission shall, within 14 days of submission of the report, either approve the regulation or transmit the proposed regulation to the General Assembly for consideration in accord with the procedures set forth in the act of April 7, 1955 (P.L.23, No.8), known as the "Reorganization Act of 1955." Failure of the commission to transmit a regulation to the General Assembly for consideration within 14 days of submission of the Governor's report shall constitute approval of the proposed regulation. However, if the commission is prevented from transmitting the regulation to the General Assembly within 14 days because of recess or adjournment, it may transmit the regulation on the first subsequent session day. Failure to submit a proposed regulation on the first subsequent session day shall constitute approval thereof. Pending the review of a regulation by the General Assembly, the commission may continue an order barring publication of a final order adopting a regulation, issue such an order if none was previously issued, or withdraw its order. If the General Assembly disapproves a regulation, the disapproval shall constitute a permanent order barring publication, or shall rescind a regulation for which a final order was published pending review of the regulation by the commission or the General Assembly. The General Assembly may at its discretion, however, disapprove a regulation to indicate the intent of the General Assembly, but permit publication of a final order adopting a regulation.

(c) Whenever a designated standing committee has received the notice required under section 6(c), the designated standing committee may within ten days report to the House of Representatives or Senate a concurrent resolution and notify the affected agency which shall be the official notice to the agency. A final order adopting the regulation shall not be published for 30 calendar days or ten legislative days, whichever is longer, from date of reporting the concurrent resolution. If both the House of Representatives and the Senate agree to the concurrent resolution within the allotted time

period, the adoption of the concurrent resolution shall constitute a permanent order barring publication, or shall act as an order rescinding a regulation for which a final order was published pending review of the regulation. Failure of the House of Representatives and the Senate to act on the concurrent resolution within the allotted time period shall constitute approval of the regulation. In addition, notice as to any final disposition of any concurrent resolution considered in accordance with this act shall be published in the Pennsylvania Bulletin. The General Assembly may, at its discretion, adopt a concurrent resolution disapproving the regulation to indicate the intent of the General Assembly, but permit publication of a final order adopting a regulation.

**[Section 8. Regulatory budget.**

**The commission shall review the feasibility of establishing for the Commonwealth procedures for the annual adoption of a regulatory budget or regulatory calendar which would include direct government cost ceilings, indirect cost ceilings for new regulation, private sector regulatory activity required under existing regulations and private sector regulatory activity for proposed new regulations. The commission will be required to submit its findings and recommendations to the General Assembly along with draft legislation if appropriate, within two years of its original organization meeting.]**

**Section 9. Commission staff.**

The commission shall appoint and fix the compensation of an executive director, who shall devote his full time to the general supervision of all the affairs of the commission. In addition, the commission shall appoint a chief counsel who shall not be subject to the supervision of the Attorney General or the General Counsel and it may appoint and fix the compensation of such other employees as the commission may from time to time find necessary for the proper performance of the functions of the commission. In determining the necessity for such additional staff, the commission shall consider the fact that the General Assembly is required under this act to participate in the review process and its staff will be providing assistance to the commission through the legislative review provisions of this act.

**Section 10. Subpoena power.**

The commission may require the attendance and testimony of witnesses and the production of documentary evidence relative to any investigation or hearing which the commission may conduct in accordance with the powers granted it under this act. Such subpoena shall be signed by the chairman or the executive director and it shall be served by any person authorized to serve subpoenas under the law of the Commonwealth.

**Section 11. Rules; annual reports; hearings and advisory group meetings.**

(a) The commission shall compile and publish rules for the conduct of meetings and public hearings and for the conduct of business under this act. Such rules shall be promulgated in accordance with the procedures established in the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law. Such rules may provide for notification of filings of proposed regulations to parties likely to be affected by the proposed regulations.

(b) On or before April 1, [1984] 1986 and each year thereafter, the commission shall file a report of its activities for the prior calendar year with the Governor and the General Assembly.

(c) The commission may hold public hearings on any matter before the commission. The commission may also hold informal hearings and may convene and meet with advisory groups regarding matters before the commission.

#### Section 12. Clearinghouse.

(a) The commission shall act as a clearinghouse for complaints, comments and other input from members of the General Assembly and from the public regarding regulations, proposed regulations and administrative procedures. The commission shall maintain accurate records regarding complaints and comments it receives and shall maintain such records by departmental and subject matter categories. When the commission files its annual report as provided by section 11, the commission shall include within it a summary of public complaint and comment along with any recommendations the commission may offer for statutory change as the result of public complaint and comment.

(b) The commission may also compile information on regulations issued by the United States Government which come to the attention of the commission which are found by the commission to be excessive. The commission shall include a summary on such regulations in its annual report and shall take such other action as may be appropriate. The section of the annual report relating to excessiveness of Federal regulations shall be submitted to the President of the United States and to the members of the United States Senate and the United States House of Representatives from Pennsylvania. Nothing herein shall be construed as requiring the commission to undertake a review of Federal regulations.

#### [Section 13. Appropriation.

**The sum of \$400,000, or as much thereof as may be necessary, is hereby appropriated to the commission for the purposes of carrying out this act for the fiscal period ending June 30, 1983.]**

#### Section 14. Repeals.

(a) The following acts or parts of acts are repealed absolutely:

Section 812.2, act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

Second, third and fourth sentences of subsection (n) of section 4, act of May 23, 1945 (P.L.913, No.367), known as the "Professional Engineers Registration Law."

Second and third sentences of section 1410, act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code."

Subsection (c) of section 11, act of November 30, 1976 (P.L.1207, No.265), known as the "Emergency Medical Services Systems Act."

Subsections (c) and (d) of section 224, act of July 1, 1978 (P.L.700, No.124), known as the "Bureau of Professional and Occupational Affairs Fee Act."

Subsections (c) and (d) of section 601, act of July 19, 1979 (P.L.130, No.48), known as the "Health Care Facilities Act."

Third and fourth sentences of subsection (a) and subsection (b) of section 404, act of February 19, 1980 (P.L.15, No.9), known as the "Real Estate Licensing and Registration Act."

Section 107, act of July 7, 1980 (P.L.380, No.97), known as the "Solid Waste Management Act."

Section 6103(b) of Title 75 of the Pennsylvania Consolidated Statutes (relating to promulgation of rules and regulations by department).

(b) All other acts or parts of acts are repealed insofar as they provide for consideration by the General Assembly or its committees of proposed regulations.

Section 15. **[Effective] Termination date.**

**[Except for the provisions of sections 3, 4, 9, 11 and 13, which shall take effect in 30 days, this act shall take effect on March 1, 1983.]** This act shall expire on December 31, **[1985] 1986**, unless it is sooner reenacted by the General Assembly.

Section 2. Notwithstanding any provisions of Part XXV of Title 71 of the Pennsylvania Consolidated Statutes (relating to retirement for State employees and officers), employees of the Independent Regulatory Review Commission who were employees of the Independent Regulatory Review Commission on December 31, 1985, and are reappointed as employees of the Independent Regulatory Review Commission within 30 days of the effective date of this act shall, for purpose of participation in the State Employees' Retirement System and for the purpose of other benefits available to employees of the Independent Regulatory Review Commission on December 31, 1985, be deemed to have been State employees during the period between December 31, 1985, and such reappointment for purposes of coverage and contribution rates except that no service credit shall be deemed to have been earned for purposes of the State Employees' Retirement System by the employees during the period between December 31, 1985, and the time of such reappointment. The Independent Regulatory Review Commission shall take such steps as may be necessary to ensure that those employees of the Independent Regulatory Review Commission who were employees of the Independent Regulatory Review Commission on December 31, 1985, who are reappointed within 30 days of the effective date of this act, shall be treated as if in continuous employment between December 31, 1985, and the time of such reappointment and shall suffer no loss of benefits or increase of contribution rates because of the lapse of the Independent Regulatory Review Commission between December 31, 1985, and the effective date of this amendatory act and reenactment.

Section 3. The terms of the initial members of the commission appointed under this amendatory act and reenactment shall expire on the dates that the terms of appointees would have expired had the provisions of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act not expired on December 31, 1985.

Section 4. This act shall apply to proposed regulations and regulations for which notice of proposed rulemaking is omitted submitted to the Legislative Reference Bureau after the effective date of this act.

Section 5. This act shall take effect immediately.

APPROVED—The 21st day of February, A. D. 1986.

DICK THORNBURGH