

COMMITTEE BILL ANALYSIS

Bill: Senate Bill 99

Printer's No.: 63

Sponsor: Senator Greenleaf

Prepared by: Gregg Warner

Synopsis: This bill consolidates various statutes into Title 2 of the Pennsylvania Consolidated Statutes. Title 2 will be known as the Administrative Procedure Code.

Summary: The bill adds to Title 2 provisions relating to Commonwealth documents, including the filing of documents for publication in the Pennsylvania Bulletin and in the Pennsylvania Code; the Attorney General and Office of General Counsel's review for form and legality of all proposed regulations; the Office of the Budget's preparation of fiscal notes for regulatory actions; and the Independent Regulatory Review Commission and regulatory review process.

Repealed statutes

The underlying acts consolidated into Title 2 are repealed in favor of the new consolidated provisions. However, no substantive changes in law are intended and to the extent possible the numbers and letters identifying various provisions of the law are retained.

Section 612 of 1929 Act 175, known as The Administrative Code of 1929, is repealed. Section 612 directs the Office of the Budget to prepare fiscal notes for regulatory actions and administrative procedures.

1968 Act 240, referred to as the Commonwealth Documents Law, is repealed. The Commonwealth Documents Law provides for the Joint Committee on Documents and governs the publication and distribution of documents such as rules and regulations, proclamations, and executive orders.

Sections 204(b) and 301(10) of 1980 Act 164, known as the Commonwealth Attorneys Act, is repealed. These sections authorize the Attorney General and the Office of General Counsel to review all proposed rules and regulations for form and legality.

1982 Act 181, known as the Regulatory Review Act, is repealed. The Regulatory Review Act provides for the Independent Regulatory Review Commission and governs the review of proposed rules and regulations.

Transitional provisions

Activities initiated under any of the statutes being repealed shall continue and regulations, rules and decisions made under those statutes shall remain in full force and effect.

Effective date

This act takes effect in 60 days.

Background: Currently, Title 2 (Administrative Law and Procedure) contains provisions relating to hearings before state and local agencies. These provisions are retained and are not affected by this consolidation.

Pennsylvania remains the only state that has not completely consolidated its statutes. The consolidation of Title 2 will help in bringing the statutes relating to Pennsylvania's documents law together in a concise and coordinated fashion. The use of a consistent style and common definitions for words and phrases makes the law more readable. It is easier for the public to access a well-organized and written body of statutory law.

It is not the intent of this consolidation to make revisions to the law other than the editorial changes needed to conform to the style of the consolidated statutes. By bringing all the laws together that deal with one particular subject, in this case administrative procedure, the law is easier to research, read and understand. In the future, if there are substantive changes to this area of law, they can be made to one title instead various statutes.

This legislation was developed in collaboration with the Statutory Law Committee of the Pennsylvania Bar Association.

Legislative history

During the 2011-2012 session, this legislation was introduced as Senate Bill 883. The Senate Judiciary Committee reported Senate Bill 883 from committee. The Senate re-referred Senate Bill 883 to the Senate Appropriations Committee where it remained for the rest of the session.