



IRRC

Independent Regulatory Review Commission

2008 ANNUAL REPORT

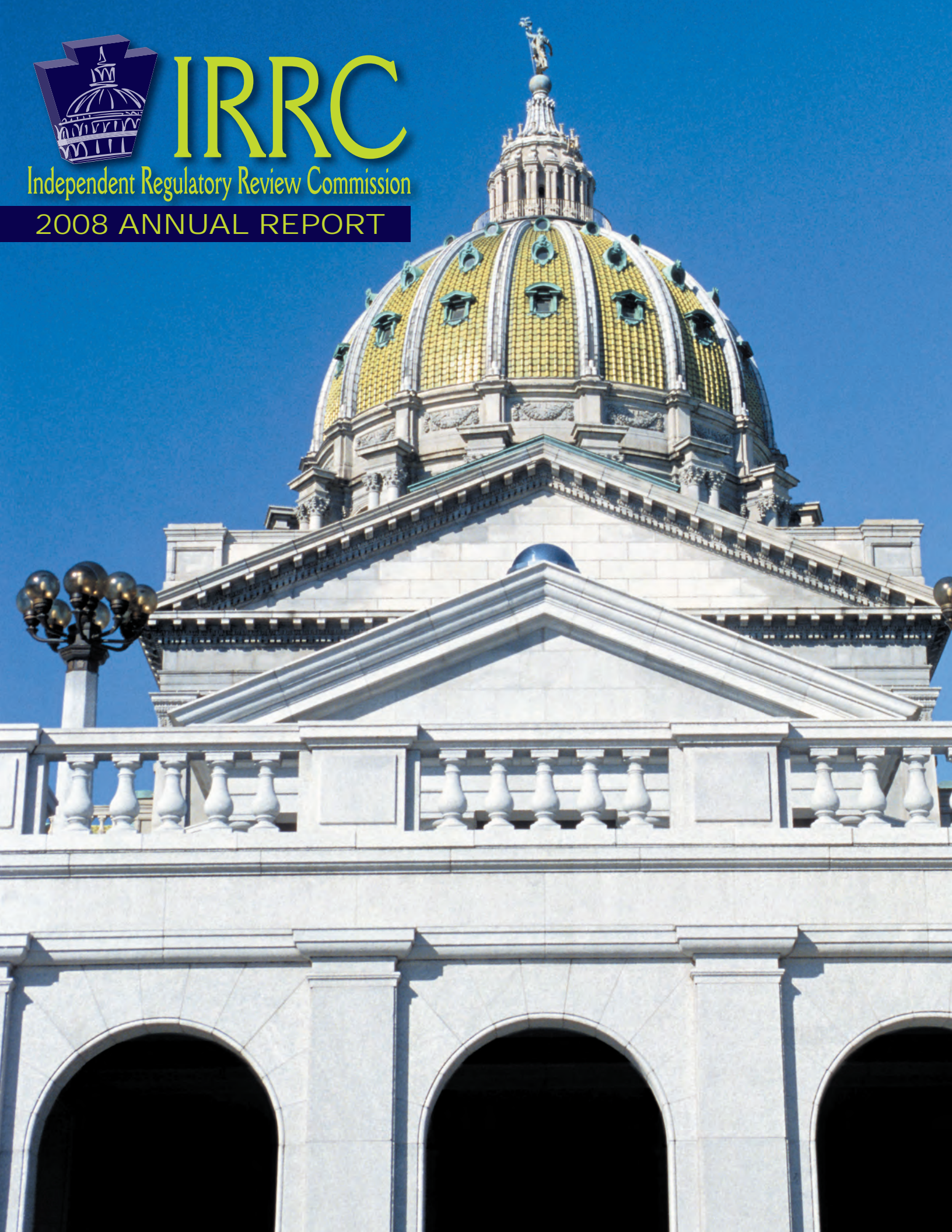




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Mission & Vision Statement

MISSION:

To assist the Governor and General Assembly in creating a beneficial regulatory balance.

VISION:

The Commission will increase communication with and availability to agencies, the General Assembly and the regulatory public to achieve a streamlined and effective review process. We will achieve this in a spirit of cooperation through review of proposed and existing regulations, assistance to agencies with document drafting and availability to our clients through meetings, seminars and workshops intended to resolve particular issues encountered by specific audiences.

History

The Commission serves two primary functions. First, it acts as a forum where agencies, legislators, and members of the general public and regulated communities work together to build partnerships. By encouraging partnerships, the Commission assists these groups in building consensus to promote effective public policy, reduce red tape and ensure reasonable compliance costs. Second, the Commission serves as a critical and independent eye that reviews regulations and offers constructive input to promulgating agencies. This facilitates approval by the Office of Attorney General, as well as compliance by the regulated entities.

In pursuit of these goals, the General Assembly passed the Regulatory Review Act (Act) in 1982. The Act called for a two-tiered review of proposed regulations by the newly-created Commission and the legislative standing committees. To guide the Commission in its determination of whether new regulations serve the public interest, the Act set forth thirteen criteria, including statutory authority, legislative intent, fiscal impact, protection of small businesses, clarity and necessity of the regulation.

Because the original Act included a sunset date of January 1989, legislative action was necessary to sustain the Commission. On June 30, 1989, Governor Robert P. Casey signed a new bill amending the Act and extending the life of the Commission indefinitely. The new Act included several changes. Significantly, it consolidated the original 13 criteria into six and added two new criteria: the protection of the public health, safety and welfare, and effect on natural resources.

The General Assembly has continued to refine the Act to better serve the citizens of the Commonwealth. In 1997, an amendment allowed an agency to toll the review of a final regulation so it could make modifications recommended by a standing committee or the Commission. In 2002, amendments provided greater flexibility to the agencies and standing committees in their review of regulations and added the new criterion of promulgating regulations in compliance with the Act and Commission regulations.

As the Commission continues to pursue its mission to assist with the development and maintenance of a beneficial regulatory balance, it remains poised to adapt to meet the changing needs of the state and the regulated public.

Chairman's Message

On behalf of my fellow Commissioners and the entire staff of the Independent Regulatory Review Commission, I am pleased to present this report on the activities of 2008.

As you review this year's report, I hope that you'll take a moment to consider the broad variety of regulations considered by the Commission each year and the effect that these regulations have on the daily lives of the citizens of the Commonwealth. The regulations under review each year encompass nearly every agency, board and commission and range from relatively straightforward subjects to the exceedingly complex.

Unlike the legislative process that receives a good deal of public attention, the regulatory process tends to be much quieter and with the exception of a few contentious regulations, seldom draws much attention. While that may lead to a fairly efficient and streamlined process, the risk is that members of the regulated public may miss their chance to be heard.

For 26 years, the Commission has carried out its responsibilities under the Regulatory Review Act. We have worked to not only evaluate regulations in accordance with the criteria provided in the act, but have provided a forum for the resolution of disagreements between the executive branch, legislature and regulated public in the promulgation of regulations. This year, the Commission has taken a major step forward in the interest of making the regulatory process transparent and accessible to all interested parties.

With the changes that were made to our website this year, anyone can quickly find every regulation being considered by the Commission, along with a summary of all the actions taken with respect to the regulation and all comments from the public, legislators and the Commission. These regulations, as well as the thousands of comments generated by them, are available and accessible through an easy to use search function. In addition, anyone can register to be notified when regulations or comments are received regarding regulations from a specific agency.

We believe that the access to this information is crucial to the public interest. Further, the early reaction has been tremendously positive with agencies, the legislature and the general public. We hope that you will take the opportunity to learn more by checking the website yourself at www.irrc.state.pa.us.

And for our many friends and long associates of the Commission, I would like to take this opportunity to announce the decision of our friend, Commissioner and Vice-Chairman Alvin Bush, to step down from the Commission and retire from a lifetime of service to this Commission, the Pennsylvania state legislature and the Commonwealth. It would be difficult, if not impossible to overstate Commissioner Bush's contributions to the betterment of Pennsylvania. And while we will miss our good friend at our meetings, this Commission will remain as an ongoing reminder of his dedication.



Chairman



Commissioners, Executive Director & Chief Counsel

The Independent Regulatory Review Commission consists of five commissioners - one appointed by the Governor, 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. A commissioner may not be a commonwealth employee or hold an elected or appointed position in Pennsylvania Government.

Chairman

Arthur Coccodrilli was appointed to the Commission in 1996 by The Honorable Robert J. Mellow, Senate Democratic Floor Leader, and reappointed in February 2000, February 2003 and February 2006. He was elected Chairman in December 2006.

He is a partner in the Snyder Granite Company and resides in Peckville, PA. He earned his BA in Political Science from Widener University.



ARTHUR COCCODRILLI
CHAIRMAN

Commissioners

Alvin C. Bush was appointed to the Commission in 1997 by The Honorable Robert Jubelirer, President Pro Tempore of the Senate, and reappointed in July 2000, October 2003 and November 2006; elected Vice Chairman in January 1998; reelected in January 2000, January 2002, and January 2004; ascended to Chairman in May 2006 and elected Vice Chairman in December 2006.

He is a former member of the House of Representatives; District 84, Lycoming County. He is Chairman Emeritus, Pennsylvania College of Technology; Chairman Emeritus, Our Towns 2010; Member, Williamsport Lycoming Foundation Advisory Board; Member, Williamsport Community Arts Board and a newspaper columnist and resides in Williamsport, PA. He earned his BS from the University of North Carolina.



ALVIN C. BUSH
VICE CHAIRMAN

Commissioners, Executive Director & Chief Counsel

Commissioners

Nancy Sabol Frantz was appointed to the Commission in December of 2007 by The Honorable Samuel H. Smith, House Republican Floor Leader.

She is a partner in White and Williams LLP and resides in Bala Cynwyd, PA. She earned her BS from Pennsylvania State University and her JD from Villanova University School of Law.



**NANCY SABOL FRANTZ, ESQ.
COMMISSIONER**

Karen A. Miller was appointed to the Commission in April 2008 by The Honorable Edward G. Rendell, Governor. Previous government positions include service as the Secretary's Representative, Mid-Atlantic Region for the U.S. Department of Housing and Urban Development, as Secretary of Community Affairs for the Commonwealth of Pennsylvania, and as Mayor of the City of Reading.

She is currently Executive Director of the Pennsylvania Outreach Project for the Berks County Community Foundation and previously served as State Office Executive Director of the Pennsylvania Economy League, Inc. She earned her BA from Indiana University (Bloomington) and is a graduate of Harvard University's Program for Senior Executives in State and Local Government. She resides in Reading, PA.



**KAREN A. MILLER
COMMISSIONER**

John F. Mizner was appointed to the Commission in 1995 by The Honorable Thomas J. Ridge, Governor, and appointed in June 2005 by The Honorable John M. Perzel, Speaker of the House. He is with Conner, Riley, Friedman & Weichler and resides in Erie, PA. He earned his BA from St. Vincent College and his JD from the University of Pittsburgh School of Law.



**JOHN F. MIZNER, ESQ.
COMMISSIONER**

Commissioners, Executive Director & Chief Counsel

Commissioners

David J. DeVries was appointed to the Commission in June of 2006 by The Honorable Edward G. Rendell, Governor. He resigned his Commission in April 2008. He most recently served as Executive Deputy General Counsel in the Governor's Office of General Counsel and previously as Chief Deputy Attorney General for Legal Review with the Office of Attorney General.

He earned his BA from Lafayette College, his MA from Pennsylvania State University, and his JD from Ohio State University College of Law. He resides in Camp Hill, PA.



DAVID J. DEVRIES, ESQ.
COMMISSIONER

Executive Director

Kim Kaufman was appointed to the Commission in May 2005. Kim has 17 prior years of experience in state government working for the Department of Community and Economic Development, and served as the Executive Director of the Pennsylvania Economic Development Financing Authority (PEDFA) and the Pennsylvania Industrial Development Authority (PIDA). He also previously worked for P. Joseph Lehman Consulting Engineer and CENTECH – University of Pittsburgh, Johnstown Campus.

He earned his BA in Government and MS in Public Administration from Shippensburg State College.

He resides in Dillsburg, PA and is married to the former Terri Docherty and has one son, John.



KIM KAUFMAN
EXECUTIVE DIRECTOR

Chief Counsel

Leslie A. Lewis Johnson was appointed as the Commission's Chief Counsel in July 2007; she was previously hired as Deputy Chief Counsel in 2006. Prior to 2006, Leslie had 14 years of experience with the Pennsylvania State System of Higher Education, where she served as legal counsel to Cheyney, East Stroudsburg, Kutztown and West Chester Universities. She was also an associate with the law firm of McNees Wallace & Nurick, LLC.

She earned her BA in Economics from Spelman College and her JD from the University of Pennsylvania Law School.



LESLIE A. LEWIS JOHNSON
CHIEF COUNSEL

Personnel

Administration Section

The Administrative Section provides both fiscal and personnel support to the Commissioners and IRRC staff.



Left to Right: Kathy Cooper, Administrative Assistant; Kristine M. Shomper, Director for Administration/Comptroller; Cheryl A. Yohn, Administrative Associate.

Legal Section

The Legal Section advises the Commission. It reviews all regulations submitted by agencies for consistency with state and federal law, conducts seminars and workshops related to regulatory review, and maintains a general legal practice in the area of administrative law.



Heather Wimbush Emery, Assistant Counsel;
Leslie A. Lewis Johnson, Chief Counsel.

Regulatory Review Section

IRRC's regulatory review analysts are charged with the task of researching and analyzing proposed and final regulations by applying a specific set of criteria. Their primary objective is to assist the Commissioners with the development of formal comments. Those comments are ultimately delivered to the promulgating agency, presented to the standing committees in the House and Senate, and published in the Pennsylvania Bulletin.

Regulatory analysts carry out their duties through extensive independent research, which includes analysis of the original statute that has prompted regulations. The concerns of the regulated community are assessed through both public comments and on-site visits. Analysts meet with those parties and individuals that will be affected by the regulation in order to gauge the impact that the regulation will have. Analysts also meet with agencies, public organizations, legislators, and legislative staff.



Left to Right: Michael J. Stephens, Regulatory Analyst; James M. Smith, Regulatory Analyst; Fiona E. Wilmarth, Director of Regulatory Review; Scott R. Schalles, Regulatory Analyst; Michaele A. Totino; Regulatory Analyst; John H. Jewett, Regulatory Analyst; Wanda B. Gelnett, Administrative Assistant.

Personnel

Outreach and Regulatory Services Section

The Outreach and Regulatory Services Section was created in October 2005 to strengthen IRRC's communication with state agencies, legislators and staff, the press, and the general public. The Commission recognized a greater need for customer-based philosophy and activity. Outreach was established in order to address these needs.

The Outreach Section fulfills their responsibilities through a number of services. It serves as the press contact for the Commission, conducts courtesy reviews of forthcoming proposed regulations, and conducts seminars and workshops that are tailored to meet the specific needs of the audience. Outreach attends meetings and engages in correspondence with individual legislators and agencies. This interaction is intended to keep both legislators and agencies abreast of general activities and issues that may be important to them. This section also performs continuing management and development of the IRRC official website.



Left to Right: Melanie A. Ianniello, Intern; Sarah E. Miller, Communications Manager; Mary Lou Harris, Director of Outreach and Regulatory Services; Stephen F. Hoffman, Research Technician.

Year in Review

Public Meetings

In 2008 IRRC held 19 public meetings and reviewed 77 final-form regulations. IRRC Commissioners voted to approve 56 of the final-form regulations and filed disapproval orders for four regulations including the following, Department of Education, Keystone Educational Accountability Best Management Practices Standards; The Environmental Quality Board, Triennial Review Of Water Quality Standards; Department of Labor and Industry, Registration of Sign Language Interpreters and Transliterators; and the Department of State, Lobbying Disclosure. The remaining 17 final-form regulations met the criteria of the Regulatory Review Act and were deemed approved by IRRC.



Department of Public Welfare staff



*Sharon Behun and Catherine Wojciechowski,
Department of Labor and Industry*

Over 360 members of the public, General Assembly and promulgating agencies attended and participated in IRRC public meetings during 2008. IRRC Commissioners rely on public input both during the proposed public comment period and during public meetings to help them effectively evaluate the direct impact a regulation will have on the regulated community.

IRRC Website

In February of 2008 IRRC re-launched its website to provide real time access to all regulations and comments within minutes of IRRC receiving them. The changes to www.irrc.state.pa.us eliminate the need to travel to Harrisburg to read through numerous Commonwealth documents. Now, people can simply go to IRRC's website and click on "Search for a Regulation" under the "Proposed and Final Regulations" tool bar and instantly be connected to IRRC's internal database. A regulation can be searched for by promulgating agency, regulation title, number or keyword.



IRRC website home page

Year in Review

Users may also elect to receive automatic email notifications when IRRC receives a document pertaining to an agency or regulation of interest to them.

Site Visits

IRRC uses a number of resources to review regulations. We include various agency and legislative meetings where the regulation is being discussed and comments received directly from the regulated community in support of or in opposition to, a regulation.

IRRC staff is knowledgeable in a number of areas but there are regulations where site visits constitute an important part of our due diligence in considering a regulation. This year, IRRC conducted site visits on Diesel Idling, Assisted Living Facilities, Mixed



Giant Food Store, Camp Hill, PA

Martial Arts and the WIC program. These site visits are not only helpful in allowing IRRC staff to better understand a topic area, but they allow the public to better understand that IRRC encourages their input as an integral part of the regulatory process.



Central Pennsylvania Martial Arts Academy

Mixed Martial Arts is a popular and developing sport that wishes to expand into Pennsylvania. The participants utilize a variety of martial arts skills, boxing and wrestling in competitive matches. To better understand the sport and how the regulations would be implemented in competitive matches, the IRRC staff visited a nearby training facility to watch training exercises and speak to individuals who are involved in matches in other states. The information gained provided us with a better understanding of the regulation and how the rules would be implemented in Pennsylvania.

The Assisted Living regulations provided IRRC with the exceptional challenge to understand the very

complex topic of residential centers and the effect changes to rules will have on Pennsylvania's senior citizens. The Assisted Living regulations present a definition of continuing care that is essentially new to Pennsylvania. IRRC's visits to a number of local continuing care facilities allowed staff to see first-hand how the Commonwealth's current facilities are attempting to meet the needs of seniors. It allowed insights into topics of living space, facility staff, and long-term healthcare costs that greatly benefitted our ability to understand the regulation.



Country Meadows, Hershey, PA

Year in Review

Diesel Idling regulations represent an effort to save fuel and reduce pollution by limiting the amount of time that commercial diesel operators would idle their engines while the vehicle is not in motion. IRRC staff was able to visit with local commercial trucking firms to understand how rising fuel prices were already restricting diesel idling and how firms were investing in new equipment that would allow their drivers to remain comfortable in their truck cabs by using battery powered devices that can cool or heat the vehicle while the engine is off.



Keen Transport, Carlisle, PA

These insights allowed us to incorporate experience driven comments and questions into the Commission comments on this regulation that would have been impossible without the knowledge gained through site visits.



9/10/08 public seminar

IRRC Seminars

IRRC continues to provide educational seminars on the regulatory review process for members of the regulated community, legislators and agency staff. In 2008 IRRRC held two public seminars that were open to the regulated community and focused on effectively commenting and participating in the review of regulations. Additionally, IRRRC held a seminar tailored to the executive directors and legislative staff of standing committees and two seminars directed specifically for agency staff.

Both the House Professional Licensure Committee and the House Agriculture and Rural Affairs Committee invited IRRRC to give presentations to the full Committee.

IRRC was invited and pleased to participate in the following organizations educational programs:

- Alliance of Approved Private Schools
- County Commissioners Association of Pennsylvania
- Hospital and Healthsystem Association of Pennsylvania
- Northeastern Pennsylvania Alliance
- Pennsylvania School Boards Association - Legislative Advocacy Conference
- Pennsylvania Community Providers Association - Government Relations Institute
- Pennsylvania Pharmacists Association - Student Leadership Group
- Pennsylvania Women's Legislative Exchange
- The Harrisburg Internship Semester (THIS) of the State System of Higher Education

Year in Review

IRRC was also pleased to offer two Regulatory Drafting Seminars in consultation with the Office of General Counsel and the Legislative Reference Bureau. Approximately 80 agency personnel were invited to participate in these joint drafting seminar.



Richard Mather, Department of Environmental Protection and Mary Jane Phelps, Legislative Reference Bureau



Mallory Hodson

Intern Program

IRRC continues to participate in The Harrisburg Internship Semester (THIS) program. The program is sponsored by the Pennsylvania State System of Higher Education and provides a semester-long paid internship to one student from each of the fourteen state institutions.

This year IRRC was fortunate to host interns both in the Spring and Fall semesters. Mallory Hodson, a political science major from Slippery Rock University, served as our intern during the Spring and Melanie Ianniello, a Government and Political Affairs major from Millersville University, was our intern during the fall term. Agency competition to obtain an intern through this program is quite keen and we have been fortunate to be a regular participant in the program.



Melanie Ianniello

Year in Review



Leslie Lewis Johnson, Chief Counsel



Chairman Coccodrilli at a public meeting

To carry out our activities our fiscal year appropriation in 07-08 was \$2,050,000 and \$2,123,000 for 08-09.



IRRC staff

Frequently Asked Questions

What is the function of the Independent Regulatory Review Commission?

The Commission reviews proposed and final regulations from Pennsylvania state agencies for consistency with the criteria contained in the Regulatory Review Act. The criteria include the statutory authority for the agency to promulgate the regulation, consistency with the statute which the regulation implements, the economic and fiscal impact of the regulation and the reasonableness of the regulation.

What happens to my comment after IRRC receives it?

The Regulatory Review Act requires IRRC to maintain in our regulation files every comment received during the public comment period. Anyone may review our regulation files by accessing our website, coming to our office during normal business hours, or requesting a hard copy of a particular document or file via e-mail, fax or first class mail. Our regulation files are publicly accessible for at least four years from the date the regulation is promulgated.

Please be aware that the Act does not allow IRRC to alter your comment in any way, even by redacting any personal information that might appear in your letter.

What regulations does the Commission review?

The Commission reviews regulations from all Pennsylvania state agencies, except regulations from the Senate, the House of Representatives, the Pennsylvania Fish and Boat Commission, the Pennsylvania Game Commission, or any court, political subdivision, municipal or local authority.

How are Commissioners chosen for service?

There are five members of the Commission, each of whom is appointed by a different appointing authority. The appointing authorities are the Governor, the President Pro Tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives. A commissioner may not be a Commonwealth employee or hold an elected or appointed position in state government. To see a current list of Commissioners, visit our commissioners page on our website.

What is the difference between the proposed rulemaking stage and the final-form rulemaking stage?

During the proposed rulemaking stage the public, the standing committees, and the Commission may submit comments on an agency's proposal. The proposed rulemaking stage allows individuals to provide the agency with suggestions on how the regulation may be improved. During the final-form stage, the committees and the Commission may vote to approve or disapprove the final regulation in its entirety. Members of the public are also provided the opportunity to comment on the final regulation at the Commission's public meeting.

Frequently Asked Questions

How does the Commission determine whether a regulation is in the public interest?

The criteria specified in the Regulatory Review Act (71 P.S. § 745.5b) are the foundation of IRRC's review of regulations. These criteria are included in IRRC's comments on a proposed regulation and must be considered by IRRC's Commissioners in determining whether a final regulation is in the public interest. The criteria include:

- Whether the agency has statutory authority to implement the regulation
- Whether the regulation is consistent with the legislative intent
- Economic and fiscal impact on the public and private sector
- Protection of the public health, safety and welfare
- Clarity, feasibility and reasonableness of the regulation
- Whether the regulation represents a policy decision requiring legislative review
- Comments, objections or recommendations of a Committee
- Compliance with the Regulatory Review Act and IRRC regulations

Where can I find proposed regulations?

Proposed regulations are available on our website. They are also available from the agency proposing the regulation, or by visiting the PA Bulletin website. The Legislative Reference Bureau publishes all proposed regulations in the Pennsylvania Bulletin. The publication of the proposed regulation contains a preamble which explains the proposal, as well as the address where public comments may be sent. Generally, the public comment period lasts for 30 days.

How do I submit comments on a proposed regulation?

You should comment to the agency during the public comment period specified in the proposed regulation's Preamble. This accomplishes several things. First, your comment will be part of the public record and must be forwarded by the agency to the Standing Committees and the Commission. Second, the agency must provide a written response to your comment in its submittal of the final regulation. Third, the agency will ask you if you want notice of the final regulation submittal. Finally, it gives the Commission the opportunity to review your comment in relation to our statutory criteria.

What is the best manner to provide written comments to the Commission?

The Commission accepts written comments on regulations by first class mail, fax or email. Emailed comments should be addressed to irrc@irrc.state.pa.us.

The Commission's mailing address is:
Independent Regulatory Review Commission
333 Market Street,
14th Floor,
Harrisburg, PA 17101;

Fax number: (717) 783-2664.

Comments on final regulations should be received at least 48 hours prior to the Commission's public meeting. Be aware that comments are posted on our website.

Frequently Asked Questions

What is a Regulatory Analysis Form and where can I find it?

The Regulatory Analysis Form, or RAF, is an informational form that accompanies all regulations submitted to the Commission and committees. The RAF identifies the pertinent background information the agency is required to provide under Section 5(a) of the Regulatory Review Act, including statutory authority, estimates of costs or savings, recordkeeping requirements and affected groups. The agency must also acknowledge whether the requirements imposed by the regulation are more stringent than those established under federal standards. Although the RAF is not published in the Pennsylvania Bulletin with the proposed or final regulation, the document is available from the agency and is included on our website with each submitted regulation. An example of the RAF can be downloaded on our website.

Is the Commission required to include all public comments in its comment on a regulation?

No. The Commission comments when it finds a proposed regulation is inconsistent with the criteria in the Regulatory Review Act based on legislative comment, public comment or its own review and research of the regulation. The Commission is not required to comment if a commentator does not clearly demonstrate a conflict with the criteria, or if the Commission disagrees with the commentator's issue. It should be noted that the agency must respond to all comments in the final-form submittal as required by the Regulatory Review Act.

How will I know if an agency submitted a final-form regulation to the Commission and the committees?

All individuals who submit comments on a proposed regulation will receive notice from the agency on how it can obtain information on the final version. When the agency submits the final-form regulation to the Commission and the committees, it must also send a copy of the final-form regulation or a summary of changes to the regulation to those who requested information. Additionally, you can subscribe to IRRC's website and automatically receive notice of documents received or submitted by IRRC.

Can the Commission amend a final regulation?

No. The Commission may only vote to either approve or disapprove a final regulation as submitted by the agency.

Is it possible to provide comments on a final regulation?

Yes. The Commission will review comments on a final regulation up to 48 hours prior to the beginning of the Commission's public meeting. Comments received after this time will be embargoed until the public meeting, unless those comments were submitted at the request of the Commission. If you wish to provide comments on a final regulation at the public meeting, you should contact the Commission office or visit our meeting page on our website to learn the date of the public meeting when the regulation will be considered.

Frequently Asked Questions

What is the 48-hour blackout period?

The Regulatory Review Act provides for a blackout period before the Commission's public meeting. Unsolicited comments relating to the substance of a regulation on the Commission's current public meeting agenda will be embargoed during the 48 hours before the start of the meeting. The blackout does not apply to communication between the Commission and agency staff or Members of the General Assembly and legislative staff. The Commission may also request information from outside sources.

Can the Commission disapprove parts of a final regulation?

No. The Commission must either approve or disapprove a regulation in its entirety.

Do I need to register to speak at a Commission public meeting?

It is not required that members of the public register to speak at a Commission public meeting. However, it is recommended that you contact the office to indicate your intent to speak.

What happens after the Commission approves a final-form regulation?

The Commission will issue an order notifying the promulgating agency, the standing committees and the Legislative Reference Bureau of its approval. In most circumstances, the promulgating agency will then submit the approved regulation to the Office of the Attorney General for legal review. After the Attorney General approves the regulation, the agency will submit it to the Legislative Reference Bureau for publication in the Pennsylvania Bulletin. The regulation becomes effective on the date it is published.

What are the standing committees of the General Assembly?

Both the House of Representatives and the Senate form committees of its members to oversee specific subject, policy matters and agencies. One of the functions of a standing committee includes the review of regulations. (For example, the House and Senate Transportation committees review Penn DOT regulations.) The committee assignments and schedules can be found on the General Assembly's website.

Is there a time period for an agency to return a proposed regulation as a final-form regulation?

Yes. The agency has two years from the close of the public comment period to submit a final-form regulation. If the agency fails to meet this deadline, the regulation is considered withdrawn and the review process is concluded.

Frequently Asked Questions

What happens when the Commission disapproves a final regulation?

The Commission will issue a disapproval order to the agency indicating the reasons for disapproval. The agency has three options after an initial disapproval. The agency may:

- withdraw the regulation;
- resubmit the regulation with revisions within 40 days of receipt of the Commission disapproval order; or,
- submit the regulation without revisions to the Commission and the General Assembly.

What is tolling?

Tolling allows an agency to request a 30-day “hold” in the process to make changes to a final regulation after it has been submitted to the Commission and committees. The agency may make only those changes recommended by the Commission and/or committees. Tolling may only occur prior to the expiration of the standing committees’ 20-day review period. Review of the regulation will resume when the agency delivers to the Commission and the committees, within the 30-day tolling period, either the revised regulation or written notification that the regulation will not be revised. If the agency does not meet this 30-day deadline, the regulation is deemed withdrawn.

What is sine die?

“Sine die” is a Latin phrase meaning “without day.” In Pennsylvania, it signifies final adjournment of a two-year legislative session.

How does sine die affect proposed regulations?

Sine die has no effect on the viability of proposed regulations. They expire only if the promulgating agency does not submit the final-form regulation within two years of the close of the public comment period.

Sine die does affect delivery rules for proposed regulations. Agencies may deliver proposed regulations to IRRC and the Legislative Reference Bureau in the period between sine die and the opening of the next legislative session; however, the Regulatory Review Act requires them to wait until a specified time period in the new legislative session to deliver proposed regulations to the standing committees.

How does sine die affect final-form regulations?

Sine die has no effect on the viability of pending final-form regulations. However, it does affect delivery rules for final-form regulations. Agencies may not deliver final regulations to IRRC and the standing committees in the period between sine die and the opening of the next legislative session. Instead, the Regulatory Review Act requires them to wait until a specified time period in the new legislative session to deliver final regulations to the reviewing entities.

Proposed Regulations

The following chart lists the proposed regulations that the Commission received during 2008 along with regulations that were received in 2007 but received action in 2008.

Of the 69 proposed regulations received in 2008 and the 14 regulations that were received in 2007 with action in 2008, 25 have already been delivered as final-form regulations as of December 31, 2008. They are noted with an asterisk and are listed in the Final Regulations section, beginning on page 35.

There are two ways that proposed regulations may be withdrawn from the review process. The first is by operation of law. Pursuant to Section 5.1(a) of the Regulatory Review Act, an agency has two years from the date of the close of the public comment period to submit the regulation in final-form. If the agency does not submit the final-form regulation within the two-year window, it is deemed withdrawn. The second is by agency action. At anytime during the two-year window, the promulgating agency may withdraw a proposed regulation. In 2008, five regulations were deemed withdrawn (W2Y) and four were withdrawn by the agency (WPA).

The Commission submitted comments on 56 of the 83 proposed regulations listed on the chart (excluding the regulations that were withdrawn and not returned). For the remaining 27 regulations, 19 did not conflict with the criteria for review contained in the Regulatory Review Act and comments were not submitted, and comments are due in 2009 for eight of these regulations.

The chart is organized by agency and includes the department code and regulation number, the title of the regulation, the Commission's internal regulation number, a brief description of the regulation, and the date the Commission filed comments with the agency.

Footnotes for the following chart:

NONE Commission did not submit comments.

***** Final-form regulation delivered in 2008.

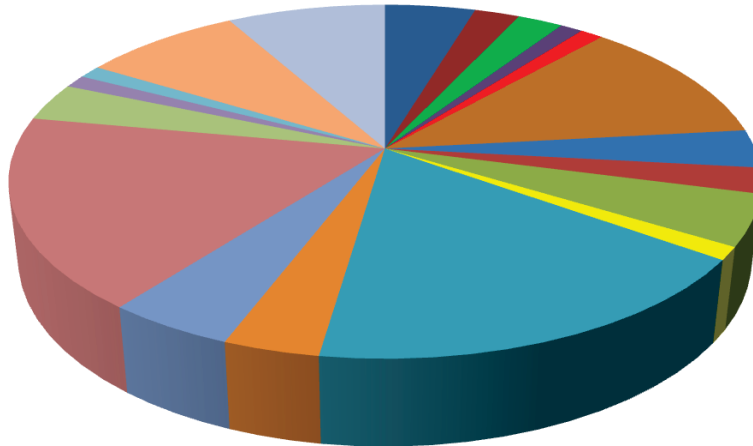
OPEN Regulation received in 2008 with action due in 2009.

WPA Withdrawn Prior to Action – A regulation submitted as a proposed, final-form or final-omitted, but withdrawn prior to Commission action. A withdrawn proposed regulation may be submitted as a new proposed or final-omitted at any time. A withdrawn final-form may be submitted as a new final-form within two years after the close of the public comment period on the proposed form. A withdrawn final-omitted may be resubmitted as a new final-omitted at any time.

W2Y Withdrawn Under Section 5.1(a) – A regulation submitted as proposed, but not delivered in final-form within two years of the close of the public comment period.

Proposed Regulations

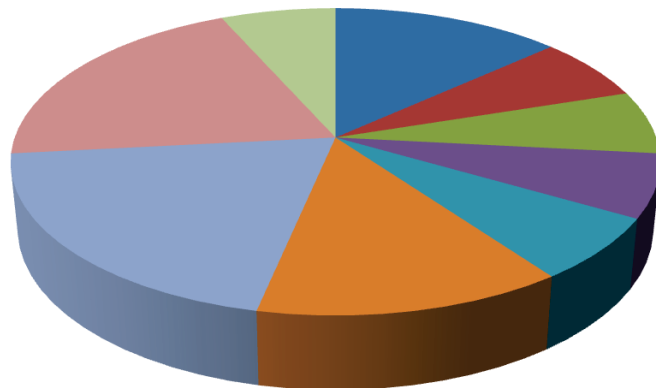
2008 Proposed Regulations



- Agriculture - 4
- State Board of Education - 2
- Environmental Hearing Board - 1
- Health - 3
- Public Welfare - 4
- State (see chart below for breakout) - 15
- Insurance - 4
- Liquor Control Board - 3
- Municipal Police Officers' Ed. & Training Com - 1
- Public Utility Commission - 8
- Education - 2
- Coal & Clay Mine Subsidence Insurance Board - 1
- Environmental Quality Board - 10
- Labor and Industry - 2
- Revenue - 1
- Transportation - 3
- Gaming Control Board - 15
- Milk Marketing Board - 1
- State Employees' Retirement Board - 7

Department of State

- State - 2
- State Athletics Commission - 1
- State Board of Barber Examiners - 1
- State Board of Dentistry - 1
- State Board of Examiners of Nursing Home Administrators - 1
- State Board of Medicine - 2
- State Board of Nursing - 3
- State Board of Pharmacy - 3
- State Board of Social Workers, Marriage/Family Therapists & Professional Counselors - 1



Proposed Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF AGRICULTURE

05/02/08	#2-156	Seed Testing, Labeling and Standards	#2697	NONE
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Establishes seed testing, labeling and standards criteria for seed producers and distributors.

05/02/08	#2-157	General Provisions for Seed Certification	#2698	NONE
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Establishes seed certification standards.

05/02/08	#2-158	Standards for Seed Certification	#2699	NONE
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Establishes seed certification standards.

12/06/06	#2-152	Dog Law Enforcement	#2559	05/07/08 WPA
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Revises and upgrades standards and requirements for dog kennels.

DEPARTMENT OF EDUCATION

11/28/07	#6-308	Charter School and Cyber Charter School Services and Programs for Children with Disabilities	#2653	02/06/08*
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Aligns Chapter 711, pertaining to Charter Schools and Cyber Charter Schools, with the federal Individuals with Disabilities Education Act, related federal regulations and applicable provisions of Pennsylvania statutes.

04/24/08	#6-305	Auditing of Approved Private Schools and Chartered Schools for the Education of Deaf and Blind Children	#2693	07/02/08
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Codifies interim audit standards and requires account records to be maintained in accordance with generally accepted accounting principles.

State Board of Education

04/10/08	#6-311	Program Approval	#2684	06/26/08
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Establishes program approval requirements for certain educational programs offered by post-secondary degree-granting institutions in Pennsylvania.

05/02/08	#6-312	Academic Standards and Assessment	#2696	07/16/08
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Amends existing provisions relating to academic standards and assessments and requires demonstration of proficiency in academic standards as a high school graduation requirement beginning with the class of 2014.

Proposed Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Coal and Clay Mine Subsidence Insurance Board

12/10/08	#7-424	Mine Subsidence Fund	#2737	OPEN
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Updates existing regulations and adds new regulations pertaining to the Coal and Clay Mine Subsidence Insurance Fund.

Environmental Hearing Board

10/28/08	#106-9	Practice and Procedure	#2732	OPEN
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Amends existing regulations to provide more specific guidance on practice and procedure before the Environmental Hearing Board.

Environmental Quality Board

08/29/07	#7-416	Consumer Products	#2636	01/25/08*
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Expands current regulation of Volatile Organic Compounds to include 11 additional categories of consumer products to help meet National Ambient Air Quality Standards for ozone.

12/21/07	#7-422	Diesel Vehicle Idling; and Auxiliary Power Systems	#2658	04/16/08*
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Establishes idling restrictions for diesel-powered vehicles and power systems.

12/21/07	#7-421	Triennial Review of Water Quality Standards	#2659	04/28/08*
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Triennial update of water quality standards for the Commonwealth.

03/04/08	#7-423	Radiological Health and Radon Certification Fees	#2681	NONE*
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Amends permit fees associated with radioactive materials, radiation-producing machines and service providers and radon service providers.

04/07/08	#7-419	Control of NOx Emissions from Cement Kilns	#2682	07/23/08
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Revises existing nitrogen oxides emission limits for cement kilns.

04/07/08	#7-420	Control of NOx Emissions from Glass Melting Furnaces	#2683	07/23/08
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Establishes nitrogen oxides emission control requirements, standards and limitations for glass melting furnaces during the ozone season.

Proposed Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF ENVIRONMENTAL PROTECTION *continued*

Environmental Quality Board *continued*

08/13/08	#7-404	Bluff Recession and Setback	#2717	11/21/08
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Designates Bluff Recession Hazard Areas to protect the health and safety of coastal property owners by preventing the destruction of property and structures.

11/19/08	#7-425	Safe Drinking Water (Groundwater Rule)	#2734	OPEN
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Amends existing safe drinking water regulations regarding identification of ground water systems that are susceptible to contamination; treatment requirements; and notification to the public.

11/24/08	#7-426	Long-Term 2 Enhanced Surface Water Treatment Rule; (Safe Drinking Water)	#2735	OPEN
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Amends existing Safe Drinking Water regulations to further protect public health against cryptosporidium and other microbial pathogens in drinking water.

11/24/08	#7-427	Safe Drinking Water (Stage 2 Disinfectants and Disinfection Byproducts Rule)	#2736	OPEN
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Amends existing regulations to reduce disease incidence associated with the disinfection byproducts that form when public water systems add disinfectants.

DEPARTMENT OF HEALTH

11/29/07	#10-186	Confidentiality of Patient Records and Information	#2654	02/13/08
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Expands the amount of information treatment providers may release to other entities and clarifies the rules relating to confidentiality and disclosure of patient-identifying information.

01/24/08	#10-181	School Immunizations; Communicable and Noncommunicable Diseases	#2672	04/23/08
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Revises immunization requirements for children in child care group settings.

08/15/08	#10-180	Supplemental Nutrition Program for Women, Infants and Children (WIC Program)	#2718	10/29/08
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Amends existing regulations relating to the authorization and management of stores participating in the Special Supplemental Nutrition for Women, Infants and Children Program.

Proposed Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF LABOR AND INDUSTRY

05/26/06	#12-72	Medical Cost Containment	#2542	06/23/08 WPA
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Updates requirements and procedures for reimbursement and review of medical treatment for work-related injuries under the Workmen's Compensation Act.

08/26/08	#12-84	Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeals Board; Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Judges	#2721	11/05/08
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Amends regulations to clarify and provide additional guidance when litigating matters before the Workers' Compensation Appeal Board, the Office of Adjudication and judges.

DEPARTMENT OF PUBLIC WELFARE

11/29/07	#14-510	Payment for Burial and Cremation	#2655	02/13/08
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Codifies a Notice of Rule Change (NORC) published at 30 Pa.B. 2957 on June 10, 2000.

04/16/08	#14-512	Individual Support Plan for Individuals with Mental Retardation	#2687	06/26/08
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Updates and clarifies existing regulations regarding the comprehensive plan to provide services for individuals with mental retardation.

07/28/08	#14-514	Assisted Living Residences	#2712	10/15/08
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Establishes minimum standards for building, equipment, operation, care, programs and services, training, staffing and for the issuance of licenses for assisted living residences.

08/05/08	#14-513	Family Violence and TANF and GA; and Support from Relatives not Living with the Client	#2713	10/15/08
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Adds a new chapter to codify requirements that support victims of domestic violence who apply for or receive Temporary Assistance for Needy Families or General Assistance cash assistance programs.

DEPARTMENT OF REVENUE

08/13/08	#15-444	Malt Beverage Tax	#2715	NONE
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Codifies legislative changes relating to the malt beverage tax that were set forth in Act 46 of 2003.

Proposed Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF REVENUE *continued*

12/02/05	#15-430	Revision of Construction Contractors; Sales Tax Requirements	#2508	01/17/08 W2Y
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Deletes certain regulations pertaining to sales tax requirements for construction contractors and inserts those regulations into more appropriate sections of the Code.

DEPARTMENT OF STATE

01/09/08	#16-40	Lobbying Disclosure	#2665	03/20/08*
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Implements the lobbying disclosure requirements of Act 134 of 2006.

08/14/08	#16-42	Alteration of Local Election Districts	#2716	10/22/08
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Sets forth procedures for election districts to follow when implementing alteration of local election districts and reporting election results.

State Athletic Commission

04/24/08	#16-41	Mixed Martial Arts	#2694	07/09/08*
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Adds a new chapter to regulate the sport of mixed martial arts.

State Board of Barber Examiners

10/03/08	#16A-427	Student Records and Curriculum	#2726	NONE
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Amends recordkeeping and reporting requirements for barbershops and barber schools.

State Board of Chiropractic

09/20/06	#16A-4313	Patient Records	#2568	10/30/08 W2Y
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Amendment to establish the information required to document clinical necessity.

State Board of Dentistry

08/18/08	#16A-4617	Dental Hygiene Scope of Practice; Local Anesthesia	#2720	10/29/08
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Expands the scope of practice of dental hygienists to include the administration of local anesthesia by regional injection under the direct supervision of a licensed dentist.

Proposed Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF STATE *continued*

State Board of Examiners of Nursing Home Administrators

02/27/08	#16A-629	Temporary Permits	#2678	05/07/08
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Clarifies and updates existing regulations relating to temporary permits to practice as a nursing home administrator.

State Board of Medicine

12/05/07	#16A-4926	Nurse Midwife Prescriptive Authority	#2656	02/13/08*
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Establishes prescriptive authority for licensed midwives working in collaboration with medical doctors.

4/21/08	#16A-4924	Acupuncture Registration	#2690	07/02/08
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Authorizes acupuncturists to treat patients for 60 days without any physician involvement and establishes protocols for the relationship between the acupuncturists and the patient's treating physician.

State Board of Nursing

01/09/08	#16A-5123	Nursing Education Programs Examination Pass Rates	#2664	03/20/08
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Increases examination pass rate required for nursing schools to 80% of their graduates in three years.

06/04/08	#16A-5133	Clinical Nurse Specialists	#2700	08/13/08
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Sets forth requirements for the certification and renewal of certification for clinical nurse specialists.

10/24/08	#16A-5124	Certified Registered Nurse Practitioners; General Provisions	#2729	OPEN
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Updates existing regulations to reflect statutory revisions affecting the practice of certified registered nurse practitioners.

State Board of Pharmacy

01/09/08	#16A-5417	Continuing Education	#2662	03/20/08
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Clarifies changes to the sections of the regulation relating to continuing pharmacy education.

01/09/08	#16A-5420	Pharmacist Breaks	#2663	03/20/08
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Adds provisions related to pharmacist breaks.

Proposed Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
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DEPARTMENT OF STATE *continued*

State Board of Pharmacy *continued*

08/18/08	#16A-5422	Fees	#2719	NONE
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Increases fees for the pharmacy intern certificate, new pharmacy permits, reinspections, pharmacy permit changes and biennial renewal for pharmacists and pharmacies.

State Board of Social Workers, Marriage/Family Therapists and Professional Counselors

06/04/08	#16A-6911	Code of Ethical Practice and Standards of Professional Conduct	#2701	08/13/08
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Sets forth professional practice and conduct standards relating to the responsibility of a licensee to clients and patients.

DEPARTMENT OF TRANSPORTATION

06/18/08	#18-411	School Bus Drivers	#2704	08/27/08
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Updates the medical requirements and standards for school bus drivers diagnosed with diabetes mellitus.

06/18/08	#18-410	Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers	#2705	08/27/08
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Updates the minimum medical requirements and standards for licensed drivers who are being treated for diabetes mellitus.

07/22/08	#18-409	Air Transportation	#2710	10/08/08
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Provides limitations and requirements for licensing landing facilities, participation in aviation development grants and local real estate tax reimbursement grants and the erection of obstructions to aircrafts.

INSURANCE DEPARTMENT

04/16/08	#11-235	Actuarial Opinion and Memorandum	#2685	NONE*
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Updates existing provisions pertaining to actuarial opinions and supporting memoranda to make them consistent with the corresponding model regulation from the National Association of Insurance Commissioners.

Proposed Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
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INSURANCE DEPARTMENT *continued*

04/16/08	#11-237	Prohibited Phrases	#2686	NONE*
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Requires that certain obsolete phrases be eliminated from insurance forms and policies.

07/18/08	#11-241	Military Sales Practices	#2709	NONE
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Establishes standards to protect active duty service members of the US Armed Forces from dishonest and predatory insurance sales practices.

06/15/06	#11-225	Property and Casualty Actuarial Opinion	#2545	07/29/08 WPA
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Adds a new chapter with requirements and standards for filing of statements of actuarial opinion by property and casualty insurers.

PENNSYLVANIA GAMING CONTROL BOARD

11/28/07	#125-74	Vendor Certification and Registration	#2652	NONE*
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Revises existing regulations to allow vendors to submit applications independently to the Board.

01/09/08	#125-78	Slot Machine Testing and Control	#2666	03/20/08*
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Adds provisions governing how slot machine licensees should treat unredeemed gaming vouchers.

02/15/08	#125-81	Slot Machine Licensing	#2675	NONE*
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Amends existing provisions dealing with slot machine licenses to state that all license renewals will be valid for one year from the date that the license renewal is approved by the Board.

02/20/08	#125-82	Independent Audit Committee	#2676	04/30/08
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Adds provisions requiring non-publicly traded corporations to establish an independent audit committee.

02/21/08	#125-79	Preliminary Provisions; Employees; Junket Enterprises; Slot Machine Licenses; Slot Machine Testing and Control; Possession of Slot Machines; and Accounting and Internal Controls	#2677	05/07/08*
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Amendments relating to organizational changes, slot machine design standards, accounting, internal controls and merchandise jackpots.

Proposed Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
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PENNSYLVANIA GAMING CONTROL BOARD *continued*

04/21/08	#125-84	Releases	#2691	07/02/08*
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Requires applicants for a principal or key employee license to execute releases to allow the Board to receive information pursuant to a request for information under the Pennsylvania Right-to-Know Act or the Federal Freedom of Information Act.

04/21/08	#125-85	Licensed Facility	#2692	07/02/08*
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Expands the definition of "licensed facility" to clarify what areas are considered to be part of the licensed facility.

05/01/08	#125-86	Slot Machine Licensing	#2695	07/16/08
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Amends provisions governing slot machine licensing hearings.

06/12/08	#125-88	Slot Machine Testing and Control; Possession of Slot Machines; Accounting and Internal Controls; and Commencement of Slot Operations	#2702	08/27/08*
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Amends 4 chapters of regulations to improve the Board's oversight of licenses, clarify various provisions, and provide licenses with additional operating and organizational flexibility.

06/12/08	#125-89	Employees; Slot Machine Licenses; and Accounting and Internal Controls	#2703	08/27/08*
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Amends provisions in 3 chapters relating to reporting of offenses, time periods for submission of application documentation, issuance of temporary credentials for nongaming employees and hiring of security personnel.

06/25/08	#125-87	Trusteeship	#2706	09/10/08*
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Adds a new chapter which sets forth the circumstances under which the Board may appoint a trustee and the obligations, powers and duties of the trustee.

07/16/08	#125-91	Preliminary Provisions; Onsite Shopkeepers Certification, Labor Organizations; and Slot Machine Licenses	#2708	09/24/08
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Amends the permitting requirements for individuals in labor organizations and adds a new chapter establishing requirements for certification of on-site shopkeepers and their regulatory responsibilities.

09/24/08	#125-93	Rules of Practice and Procedures	#2723	12/03/08
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Revises existing practice and procedure regulations to improve clarity, conform to current practice and simplify existing requirements.

Proposed Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
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PENNSYLVANIA GAMING CONTROL BOARD *continued*

10/28/08	#125-92	Smoking in Licensed Facilities	#2731	OPEN
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Adds a new section to implement the provisions of the Clean Indoor Air Act.

11/14/08	#125-95	Suppliers' Principal Place of Business; Temporary Credentials and Recordkeeping	#2733	OPEN
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Addresses requirements for suppliers' principal places of business; temporary credentials issued to applicants for principal or key employee licenses and record storage.

PENNSYLVANIA LIQUOR CONTROL BOARD

12/06/07	#54-64	Licenses; Promotions	#2657	NONE*
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Several amendments related to the points system, appointment of managers, license transfers upon death, safekeeping of licenses and tasting events in stores.

12/28/07	#54-60	Responsible Alcohol Management Program	#2660	03/26/08
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Establishes the Responsible Alcohol Management Program (RAMP).

08/07/08	#54-65	Promotion of Sale of Liquor by Vendors	#2714	10/22/08*
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Permits vendors of luxury items to process orders from both the Board and from licensees or other persons.

MILK MARKETING BOARD

07/01/08	#47-13	Producer Receipt for Farm Bulk Tank Milk	#2707	NONE*
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Updates existing regulations to allow bills of lading to be prepared and filed using electronic media or paper documentation.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

10/18/07	#57-255	Retail Electricity Choice Activity Reports	#2648	02/01/08
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Requires electric distribution companies and electric generation suppliers to report information by customer group relating to sales activity.

Proposed Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
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PENNSYLVANIA PUBLIC UTILITY COMMISSION *continued*

11/01/07	#57-258	Electronic Filing	#2649	02/15/08*
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Amends procedural regulations to accommodate electronic filing of certain documents without also filing paper copies.

11/21/07	#57-256	Implementation of the Public Utility Confidential Security Information Disclosure Protection Act	#2651	02/06/08*
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Implements CSI Act (Act 156 of 2006) by establishing requirements and procedures for handling confidential security information of public utilities.

01/30/08	#57-260	Abbreviated Procedure for Review of Transfer of Control and Affiliate Filings for Telecommunications Carriers	#2673	06/09/08
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Establishes provisions for review and action on mergers and stock transactions in the telecommunications industry.

01/30/08	#57-257	Universal Services and Energy Conservation Reporting Requirements and Customer Assistance Programs	#2674	05/19/08
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Establishes a unified process for universal service funding for natural gas distribution & electric distribution companies.

04/17/08	#57-261	Telecommunications Relay Service System and Relay Service Fund	#2688	NONE*
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Codifies an existing policy statement to ensure adequate telecommunications relay service fund balances, timely remittance of fund revenues, and cooperation with fund audits.

02/15/07	#57-251	Provisions of Bundled Service Package Plans at a Single Monthly Rate by Local Exchange Carriers	#2591	05/02/07 09/02/08
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Eliminates the need for administrative review and approval of a waiver from separate billing requirements.

09/25/08	#57-262	Household Goods in Use Carrier	#2725	NONE
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Amends the definition of "household goods in use."

04/11/06	#57-242	Extended Area Service	#2534	06/06/08 W2Y
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Establishes when Extended Area Service may convert instate toll calling areas to a local call.

09/27/06	#57-249	Service Interruption	#2570	11/13/08 W2Y
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Adds a definition of "service interruption" for water utilities.

Proposed Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
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PENNSYLVANIA STATE POLICE

Municipal Police Officers' Education and Training Commission

01/08/08	#17-75	Retired Law Enforcement Officers Identification and Qualification Cards	#2661	01/11/08 - WPA 05/28/08
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Provides for the issuance of identification and firearm qualification cards for retired law enforcement officers.

STATE EMPLOYEES' RETIREMENT BOARD

01/18/08	#31-11	Death Benefits	#2668	04/02/08
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Adds information that must be contained on a SERS nomination of beneficiary form.

01/18/08	#31-10	Termination of Annuities	#2669	NONE
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Deletes obsolete and repetitive language.

01/18/08	#31-9	Electronic Submission of Documents and Electronic Transactions	#2670	04/02/08
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Permits members to submit documents electronically if the Board chooses to adopt a policy to authorize it.

01/18/08	#31-8	Definitions	#2671	NONE
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Clarifies the definition of "Beneficiary."

04/18/08	#31-7	Priority of Taxation, Attachment and Assignment of Funds	#2689	07/02/08
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Sets priorities among conflicting demands of taxes, attachments and assignments on members' retirement benefits authorized by the State Employees' Retirement Code.

07/25/08	#31-12	Death Benefits	#2711	NONE
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Amends existing regulations to set forth the priority of a member's SERS death benefits in the event a member dies without a valid designation of beneficiaries.

08/11/06	#31-6	Appeal Period	#2558	09/26/08 W2Y
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Specifies a 30-day period to appeal administrative decisions to the Board.

Final Regulations

The following chart lists the 74 final-form and eight final-omitted regulations submitted to the Commission in 2008 along with regulations that were received in 2007 but received action in 2008.

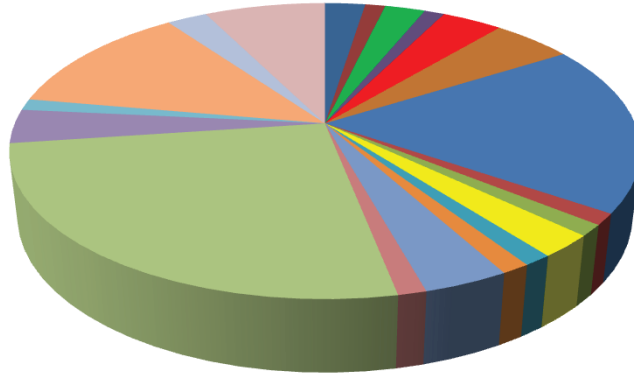
The regulations are listed by agency and include the department code and regulation number, the title of the regulation, the Commission's internal regulation number, a brief description of the regulation, the date received and/or resubmitted, the date the Commission filed comments with the agency, and the Commission's final action code and date. We have marked "N/A" in the Comments Filed column for final-omitted regulations and "None" for final-form regulations on which we did not comment during the proposed stage.

The following is an explanation of the action codes in this section:

APP	Approved – The final regulation was approved upon initial consideration.
AAT	Approved After Tolling – The final regulation was tolled, resubmitted and approved.
ABL	Approved by Law – The final regulation was deemed approved because the Commission did not submit any comments on the proposed regulation, the regulation was not modified from its proposed form and the designated standing committees did not disapprove the final regulation.
DIS	IRRC Disapproves Final Regulation at First Meeting
LAC	Later Approved with Changes – The regulation was approved with changes at the Commission's second meeting.
OPEN	Regulation received in 2008 with action due in 2009.
TOL	Tolled – A temporary timeout to stop the running of time lines.
WAD	Withdrawn After Disapproval – The regulation was withdrawn after it was disapproved at the Commission's first meeting.
WPA	Withdrawn Prior to Action – A regulation submitted as a proposed, final-form or final-omitted, but withdrawn prior to Commission action. A withdrawn proposed regulation may be submitted as a new proposed or final-omitted at any time. A withdrawn final-form may be submitted as a new final-form within two years after the close of the public comment period on the proposed form. A withdrawn final-omitted may be resubmitted as a new final-omitted at any time.

Final Regulations

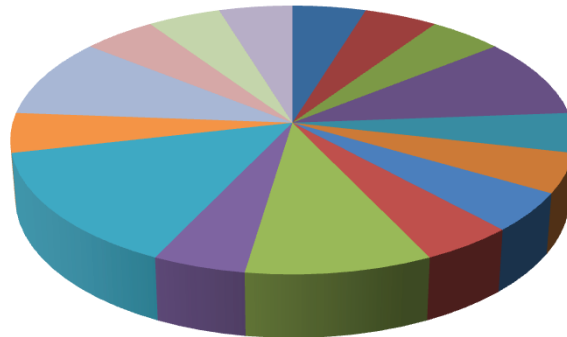
2008 Final-Form and Final-Omitted Regulations



- Agriculture - 2
- Corrections - 2
- Education - 3
- Environmental Quality Board - 15
- General Services - 1
- Military and Veterans Affairs - 1
- Public Welfare - 3
- State (see chart below for breakout) - 21
- Public School Employees' Retirement Board - 1
- Liquor Control Board - 2
- Banking - 1
- County Probation & Parole Officers' Firearm... - 1
- State Board of Education - 4
- State Conservation Commission - 1
- Labor and Industry - 2
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- Revenue - 1
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- Public Utility Commission - 6

Department of State

- State - 1
- Bureau of Professional & Occupational Affairs - 1
- State Architects Licensure Board - 1
- State Athletics Commission - 2
- State Board of Chiropractic - 1
- State Board of Cosmetology - 1
- State Board of Dentistry - 1
- St. Bd. of Exam. of Nursing Home Admin. - 1
- State Board of Funeral Directors - 2
- State Board of Medicine - 1
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- State Board of Social Workers... - 1
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Final Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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COUNTY PROBATION AND PAROLE OFFICERS' FIREMAN EDUCATION AND TRAINING COMMISSION

11/14/08	#41-18	County Probation and Parole Officers' Firearm Education and Training Commission	#2576	12/27/06	OPEN
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Establishes procedures for county probation and parole officers to be certified to carry a firearm.

DEPARTMENT OF AGRICULTURE

05/28/08	#2-155	Odor Management Certification Program	#2647	12/26/07	07/10/08 APP
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Establishes training and certification criteria for odor management specialists.

09/25/08	#2-102	Amusement Rides and Attractions Erected Permanently or Temporarily at Carnivals, Fairs and Amusements Parks	#2616	08/22/07	11/06/08 APP
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Updates the regulations on amusement rides and attractions and conforms the regulations to national industry standards.

DEPARTMENT OF BANKING

09/25/08	#3-43	Proper Conduct of Lending and Brokering in the Mortgage Loan Business	#2620	09/19/07	11/06/08 APP
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Establishes proper conduct for licensees dealing with lending or brokering to individuals or entities.

DEPARTMENT OF CORRECTIONS

07/03/08 07/25/08	#19-9	State Intermediate Punishment	#2590	04/18/07	07/16/08 WPA 09/18/08 APP
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Implements a program to reduce recidivism by providing intense drug and alcohol treatment to certain defendants convicted of drug-related offenses.

07/03/08	#19-7	County Correctional Institutions	#2544	08/23/06	08/07/08 APP
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Updates outdated regulations, makes minimum standards consistent with recognized professional standards, establishes procedures for the declassification of county prisons with noncompliance issues and amends the inspection process.

Final Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF EDUCATION

03/06/08	#6-298	Vocational Education	#2520	04/05/06	04/17/08 APP
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Identifies the accountability standard for approved career technical education programs, outlines the approved program review process and establishes the technical institute program standards.

05/16/08	#6-308	Charter School and Cyber Charter School Services and Programs for Children with Disabilities	#2653	02/06/08	06/19/08 APP
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Aligns existing regulations pertaining to Charter Schools and Cyber Charter Schools, with the federal Individuals with Disabilities Education Act, related federal regulations and applicable provisions of Pennsylvania statutes.

07/21/08	#6-300	Keystone Educational Accountability Best Management Practices Standards	#2550	08/30/06	08/21/08 DIS 10/07/08 WAD
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Establishes best management practice standards to be used to measure school district practices under the Keystone Educational Accountability program.

State Board of Education

12/04/07	#6-295	Academic Standards and Assessment	#2499	01/04/06	01/10/08 APP
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Updates academic standards regarding instruction, graduation, strategic planning and assessment.

05/05/08 05/15/08	#6-306	Special Education Services and Programs	#2618	08/29/07	05/15/08 TOL 06/05/08 AAT
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Aligns Chapter 14 with the federal Individuals with Disabilities Education Act, related federal regulations, and applicable provisions of Pennsylvania statute, court decisions and settlement agreements.

08/12/08	#6-307	Special Education for Gifted Students	#2635	11/08/07	09/18/08 APP
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Amends existing regulations pertaining to gifted education programs of school districts.

10/27/08	#6-315	Disciplinary Placements	#2730	N/A	12/18/08 APP
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Corrects a reference to federal regulations.

Final Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Quality Board

12/13/07	#7-406	Notification of Proximity to Airports	#2587	02/21/07	01/31/08 APP
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Amends the definition of airport to include military airports and requires notification if a waste transfer facility will be opened or expanded within 6 miles of an airport.

01/22/08	#7-411	Clean Air Interstate Rule	#2607	08/01/07	03/06/08 APP
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Incorporates by reference the CAIR NOx Annual Trading Program, the CAIR NOx Ozone Season Trading Program and the CAIR SO2 Trading Program, with some exceptions.

02/05/08	#7-402	Radiological Health	#2582	NONE	03/19/08 ABL
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Corrects references to federal rules and clarifies or modifies provisions related to civil penalties, definitions, healing arts screening requirements and attestation requirements for radon services.

03/14/08	#7-408	Permit Streamlining	#2598	06/25/07	04/17/08 APP
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Revises plan approval requirements for air cleaning devices or air contamination sources.

05/15/08	#7-400	Mine Opening Blasting	#2560	11/01/06	06/19/08 APP
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Clarifies that blasting at mine openings is a surface mining activity and other requirements including licensing, scheduling of blasting and protective measures.

05/15/08	#7-410	Stream Redesignations, Big Brook, et al.	#2611	NONE	06/18/08 ABL
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Updates and revises designations for 11 stream segments across the state including one upgrade to "Exceptional Value."

05/15/08	#7-414	Coal Mines	#2632	10/31/07	06/19/08 APP
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Extensive rewrite of surface mining regulations including incorporation of standards by reference of the U.S. Department of Labor, Mine Safety and Health Administration.

06/09/08	#7-401	Coal Mine Reclamation Fees and Reclamation of Bond Forfeiture Sites	#2557	NONE	07/10/08 APP
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Amends provisions relating to reclamation fees and to requirements for the reclamation of coal mined lands where the bonds had been forfeited.

Final Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF ENVIRONMENTAL PROTECTION *continued*

Environmental Quality Board *continued*

07/18/08	#7-416	Consumer Products	#2636	01/25/08	08/21/08 APP
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Expands current regulation of Volatile Organic Compounds to include 11 additional categories of consumer products to help meet National Ambient Air Quality Standards for ozone.

08/29/08	#7-403	Water Resources Planning	#2585	02/01/07	10/02/08 APP
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Specifies who is required to register, keep records and report information regarding withdrawals of water and the information that is reported to the Department of Environmental Protection.

08/29/08	#7-423	Radiological Health and Radon Certification Fees	#2681	NONE	10/02/08 APP
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Amends permit fees associated with radioactive materials, radiation-producing machines and service providers and radon service providers.

10/07/08	#7-409	Hazardous Waste Regulations	#2619	10/12/07	11/20/08 APP
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Updates existing hazardous waste regulations and streamlines manifest system.

10/07/08	#7-421	Triennial Review of Water Quality Standards	#2659	04/28/08	11/20/08 DIS
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Triennial update of water quality standards for the Commonwealth.

10/07/08	#7-422	Diesel Vehicle Idling; and Auxiliary Power Systems	#2658	04/16/08	11/10/08 WPA
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Establishes idling restrictions for diesel-powered vehicles and power systems.

10/07/08	#7-429	Clean Air Interstate Rule - Repeal	#2727	N/A	11/19/08 WPA
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Repeals provisions to three chapters which relate to the U S Environmental Protection Agency Clean Air Interstate Rule model regulations which were vacated by federal court order.

State Conservation Commission

08/28/08	#7-418	Facility Odor Management	#2634	11/30/07	10/02/08 APP
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Adds Chapter 83 to 25 Pa. Code to regulate odor management at certain facilities and agricultural operations.

Final Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF GENERAL SERVICES

10/10/08	#8-13	Commonwealth Parking Facilities	#2728	N/A	11/10/08 WPA
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Rescinds regulations relating to allocation of parking permits and amends regulations relating to compliance, parking violations, fines and penalties.

DEPARTMENT OF LABOR AND INDUSTRY

07/08/08 09/15/08	#12-71	Registration of Sign Language Interpreters and Transliterators	#2556	09/20/06	08/21/08 DIS 10/02/08 LAC
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Implements the Sign Language Interpreter and Transliterator State Registration Act of 2004.

09/10/08	#12-83	Mines and Other Excavations	#2722	N/A	10/16/08 APP
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Repeals existing regulations related to mines and other excavations.

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

02/29/08	#13-5	Persian Gulf Conflict Veterans' Benefit Program	#2680	N/A	04/03/08 APP
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Implements a new program which will provide a bonus payment to veterans of the first Persian Gulf War and to survivors of veterans who died during active service.

DEPARTMENT OF PUBLIC WELFARE

03/10/08	#14-506	Child Care Facilities	#2539	08/02/06	10/18/06 WPA 04/17/08 APP
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Updates and revises requirements and standards for child day care providers including protections for children with special needs.

06/20/08	#14-508	Clinical Laboratory Improvement Amendments	#2606	NONE	07/23/08 ABL
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Updates existing regulations to be consistent with federal law and regulations, and adopts by reference the federal Clinical Laboratory Improvement Amendments of 1988

07/21/08	#14-504	Licensure/Approval Appeal Procedure	#2552	09/06/06	08/21/08 APP
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Updates and simplifies the certification appeal process.

Final Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF REVENUE

01/18/08	#15-442	Repeal of Sales and Use Tax Exclusion for Tangible Personal Property Used in the Production of Commercial Motion Pictures	#2667	N/A	02/21/08 APP
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Deletes existing section detailing tax exclusion for commercial motion picture production which was repealed from the statute by Act 55 of 2007.

DEPARTMENT OF STATE

09/18/08	#16-40	Lobbying Disclosure	#2665	03/20/08	11/06/08 DIS
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Implements the lobbying disclosure requirements of Act 134 of 2006.

Bureau of Professional and Occupational Affairs

05/01/08	#16-38	Schedule of Civil Penalties - Nurses	#2609	NONE	06/04/08 ABL
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Converts an existing statement of policy dealing with the schedule of civil penalties for nurses into a regulation. It also adds another violation to this table, based on a recent act.

State Architects Licensure Board

06/13/08	#16A-419	Requirements for Examination Eligibility	#2629	10/24/07	07/24/08 APP
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This proposed rulemaking amends Chapter 49 of the Pa. Code, relating to eligibility and passing of the Architect Registration Examination (ARE).

State Athletic Commission

06/26/08	#16-37	Communicable Disease Testing	#2641	NONE	08/06/08 ABL
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Amends existing regulations to permit communicable disease testing to take place up to six months prior to the annual license application.

10/30/08	#16-41	Mixed Martial Arts	#2694	07/09/08	12/18/08 APP
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Adds a new chapter to regulate the sport of mixed martial arts.

State Board of Chiropractic

09/02/08	#16A-4314	Reactivation of Lapsed License	#2626	10/24/07	10/16/08 APP
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Amends current regulations with regard to reactivation of a license that has been inactive for at least five years by making the process more simple, while still assuring that the licensee is competent to practice.

Final Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF STATE *continued*

State Board of Cosmetology

09/02/08 11/03/08	#16A-4514	General Revisions	#2628	10/24/07	09/19/08 WPA 12/18/08 APP
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Amends the existing regulation to implement changes made to the Cosmetology Law, as well as to generally update regulations.

State Board of Dentistry

09/02/08	#16A-4618	Sexual Misconduct	#2573	12/20/06	10/16/08 APP
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Makes sexual misconduct between certificate holders and current patients considered unprofessional conduct and subjects the practitioner to disciplinary action.

State Board of Examiners of Nursing Home Administrators

04/28/08	#16A-627	Administrator-In-Training Program	#2600	06/06/07	06/05/08 APP
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Creates an administrator-in-training program for Nursing Home Administrator candidates that have a bachelors and/or a master's degree.

State Board of Funeral Directors

03/31/08	#16A-4813	Forms Review	#2604	NONE	06/04/08 ABL
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Clarifies existing language to state that the Board will disapprove any form statement of funeral goods and services or preneed contracts if the form would lead to a violation of the Funeral Director Law or Board regulations.

11/03/08	#16A-4817	Renewal Fee	#2605	06/20/07	12/18/08 APP
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Increases the biennial renewal fee.

State Board of Medicine

11/17/08	#16A-4926	Nurse Midwife Prescriptive Authority	#2656	02/13/08	11/17/08 TOL
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Establishes prescriptive authority for licensed midwives working in collaboration with medical doctors.

Final Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF STATE *continued*

State Board of Nursing

03/31/08	#16A-5128	Continuing Education Fee for Certified Registered Nurse Practitioners	#2595	NONE	06/04/08 ABL
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Adds a fee necessary to cover the costs associated with the approval of a CRNP continuing education course that is not on the preapproved list.

05/01/08	#16A-5130	Continuing Education for Professional Nurses	#2608	06/28/07	06/05/08 APP
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Implements standards and requirements for 30 hours of continuing education as established by Act 58 of 2006.

05/01/08	#16A-5131	Faculty Requirements for Nursing Education Programs	#2631	10/24/07	06/05/08 APP
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Amends existing regulations to provide flexibility in staffing education programs to expand educational opportunities and enrollment.

State Board of Pharmacy

06/13/08	#16A-5415	Supplies and Equipment	#2593	NONE	07/24/08 APP
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Deletes unnecessary and outdated provisions from existing regulations.

State Board of Physical Therapy

02/27/08	#16A-6512	Deletion of Athletic Trainer Regulations	#2679	N/A	04/03/08 APP
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Deletes the Board's existing athletic trainer regulations.

04/28/08	#16A-6511	Biennial Renewal Fees	#2566	NONE	06/04/08 ABL
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Increases the biennial renewal fees for physical therapists, physical therapist assistants and holders of certificates to practice physical therapy without a referral.

State Board of Social Workers, Marriage/Family Therapists and Professional Counselors

06/02/08	# 16A-6915	Biennial Renewal Fees	#2638	11/28/07	07/10/08 APP
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Raises the Board's biennial renewal fees from \$45 to \$75 to cover the Board's operational costs.

Final Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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DEPARTMENT OF STATE *continued*

State Board of Veterinary Medicine

11/03/08	#16A-5721	Professional Conduct	#2594	05/02/07	12/10/08 WPA
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Revises and updates standards of conduct and adds prohibitions for “unprofessional conduct” including verbal abuse and harassment.

State Real Estate Commission

09/02/08	#16A-5614	Consumer Notice	#2599	NONE	10/16/08 APP
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Amends disclosure requirements and streamlines the prescribed content for the “Consumer Notice.”

INSURANCE DEPARTMENT

07/18/08	#11-234	Preparation and Filing of Forms for Approval (Fire and Casualty)	#2597	NONE	08/20/08 ABL
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Rescinds obsolete and unnecessary regulations pertaining to the preparation and filing of forms.

08/18/08	#11-235	Actuarial Opinion and Memorandum	#2685	NONE	09/17/08 ABL
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Updates existing provisions pertaining to actuarial opinions and supporting memoranda to make them consistent with the corresponding model regulation from the National Association of Insurance Commissioners.

10/06/08	#11-237	Prohibited Phrases	#2686	NONE	11/05/08 ABL
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Requires that certain obsolete phrases be eliminated from insurance forms and policies.

MILK MARKETING BOARD

10/06/08	#47-13	Producer Receipt for Farm Bulk Tank Milk	#2707	NONE	11/05/08 ABL
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Updates existing regulations to allow bills of lading to be prepared and filed using electronic media or paper documentation.

PUBLIC SCHOOL EMPLOYEES’ RETIREMENT BOARD

04/09/08	#43-10	Formalization and Clarification of Current Practices	#2621	09/19/07	06/05/08 APP
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Amends the rules in Chapter 201 as they relate to practice and procedure before the Board.

Final Regulations

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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PENNSYLVANIA GAMING CONTROL BOARD

01/11/08	#125-71	Bureau of Investigation and Enforcement; and Slot Machine Testing and Control	#2645	NONE	02/20/08 ABL
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Amends existing regulations to be more consistent with the Act and subsequently adopted regulations. It also removes obsolete language.

01/24/08	#125-72	General Provisions; and Applications	#2646	12/26/07	03/06/08 APP
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Establishes rules pertaining to advertising by slot machine, manufacturer and junket licensees and creates a process for dealing with abandoned applications.

02/28/08	#125-74	Vendor Certification and Registration	#2652	NONE	04/02/08 ABL
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Revises existing regulations to allow vendors to submit applications independently to the Board.

05/15/08	#125-81	Slot Machine Licensing	#2675	NONE	06/18/08 ABL
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Amends existing provisions dealing with slot machine licenses to state that all license renewals will be valid for one year from the date that the license renewal is approved by the Board.

07/11/08	#125-78	Slot Machine Testing and Control	#2666	03/20/08	08/21/08 APP
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Adds provisions governing how slot machine licensees should treat unredeemed gaming vouchers.

07/11/08	#125-79	Preliminary Provisions; Employees; Junket Enterprises; Slot Machine Licenses; Slot Machine Testing and Control; Possession of Slot Machines; and Accounting and Internal Controls	#2677	05/07/08	08/21/08 APP
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Amendments relating to organizational changes, slot machine design standards, accounting, internal controls and merchandise jackpots.

08/28/08	#125-84	Releases	#2691	07/02/08	10/02/08 APP
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Requires applicants for a principal or key employee license to execute releases to allow the Board to receive information pursuant to a request for information under the Pennsylvania Right-to-Know Act or the Federal Freedom of Information Act.

09/30/08	#125-85	Licensed Facility	#2692	07/02/08	11/06/08 APP
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Expands the definition of "licensed facility" to clarify what areas are considered to be part of the licensed facility.

Final Regulations

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PENNSYLVANIA GAMING CONTROL BOARD *continued*

09/30/08	#125-88	Slot Machine Testing and Control; Possession of Slot Machines; Accounting and Internal Controls; and Commencement of Slot Operations	#2702	08/27/08	11/06/08 APP
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Amends four chapters of regulations to improve the Board's oversight of licenses, clarify various provisions, and provide licenses with additional operating and organizational flexibility.

09/30/08	#125-89	Employees; Slot Machine Licenses; and Accounting and Internal Controls	#2703	08/27/08	11/06/08 APP
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Amends provisions in three chapters relating to reporting of offenses, time periods for submission of application documentation, issuance of temporary credentials for nongaming employees and hiring of security personnel.

10/15/08	#125-87	Trusteeship	#2706	09/10/08	11/20/08 APP
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Adds a new chapter which sets forth the circumstances under which the Board may appoint a trustee and the obligations, powers and duties of the trustee.

PENNSYLVANIA LIQUOR CONTROL BOARD

03/03/08	#54-64	Licenses; Promotions	#2657	NONE	04/02/08 ABL
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Several amendments related to the points system, appointment of managers, license transfers upon death, safekeeping of licenses and tasting events in stores.

10/27/08	#54-65	Promotion of Sale of Liquor by Vendors	#2714	10/22/08	12/18/08 APP
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Permits vendors of luxury items to process orders from both the Board and from licensees or other persons.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

05/28/08	#57-256	Implementation of the Public Utility Confidential Security Information Disclosure Protection Act	#2651	02/06/08	07/10/08 APP
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Implements CSI Act (Act 156 of 2006) by establishing requirements and procedures for handling confidential security information of public utilities.

Final Regulations

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PENNSYLVANIA PUBLIC UTILITY COMMISSION *continued*

06/25/08	#57-248	Inspection and Maintenance Standards for the Electric Distribution Companies	#2571	05/16/07	08/07/08 APP
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Establishes specific minimum inspection, maintenance, repair and replacement requirements for infrastructure (poles, wires, conduits and other fixtures).

06/25/08	#57-258	Electronic Filing	#2649	02/15/08	08/07/08 APP
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Amends procedural regulations to accommodate electronic filing of certain documents without also filing paper copies.

09/25/08	#57-261	Telecommunications Relay Service System and Relay Service Fund	#2688	NONE	11/05/08 ABL
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Codifies an existing policy statement to ensure adequate telecommunications relay service fund balances, timely remittance of fund revenues, and cooperation with fund audits.

09/25/08	#57-264	Net Metering and Interconnection	#2724	N/A	11/06/08 APP
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Establishes the type and size of customer-owned electric generators that can be interconnected with the electric distribution company's distribution grid and the compensation paid to the customers for the energy they supply to the grid.

10/03/08	#57-252	Implementation of the Alternative Energy Portfolio Standard Act of 2004	#2569	01/12/07	11/06/08 APP
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Establishes standards for electric distribution companies and electric generation suppliers to comply with the mandate to increase reliance on alternative energy systems.



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