

KARL BOYES, MEMBER
HOUSE POST OFFICE BOX 202020
MAIN CAPITOL BUILDING
HARRISBURG, PA 17120-2020
PHONE: (717) 763-6438
FAX: (717) 787-5713

4602 PEACH STREET
ERIE, PA 16509
PHONE: (814) 868-3489
FAX: (814) 871-4793



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

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REGULATORY REVIEW COMMISSION

Mr. Gary Hoffman, Secretary
Joint Committee on Documents
647 Main Capitol Building
Harrisburg, PA 17120

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January 29, 1998

Dear Mr. Hoffman:

The House Finance Committee has approved a motion to present to the Joint Committee on Documents a statement of policy published by the Department of Revenue in the Pennsylvania Bulletin (Volume 27, No. 39) on September 27, 1997 at pages 4912 through 4918. The policy statement in question pertains to payments for employee welfare benefit plans and cafeteria plans. The Finance Committee is hereby requesting a determination pursuant to section 7.1 of the Regulatory Review Act (1982 P.L. 633, No. 181).

The Finance Committee finds that the above referenced document should be promulgated by the Department of Revenue as a proposed rulemaking. As such, the appropriate standing committees of the General Assembly and the Independent Regulatory Review Commission would have the opportunity to review the proposed rulemaking pursuant to the Regulatory Review Act. This opportunity is not provided with the Department's use of a statement of policy to address subject matter properly addressed by a regulation.

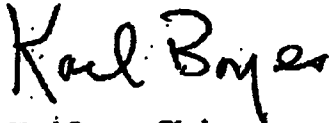
Section 7.1 of the Regulatory Review Act (reproduced below) provides that a committee may, upon a finding that a document should be promulgated as a regulation, present the matter to the Joint Committee on Documents. The Finance Committee has made such a finding and is seeking an early resolution of the matter.

Section 7.1. Classification of documents.

If the commission or a committee finds that a published or unpublished document should be promulgated as a regulation, the commission or committee may present the matter to the Joint Committee on Documents.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

Thank you for your attention to this request. If I can provide you with any further information, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Karl Boyes". The signature is written in a cursive, slightly slanted style.

Karl Boyes, Chairman
House Finance Committee

cc: House Finance Committee Members

Government Members	
Members	Alternates
Honorable Robert C. Jubelirer President Pro Tempore Senate of Pennsylvania 292 Main Capitol Building Harrisburg PA 17120 (717) 787-5490	Stephen C. MacNeil General Counsel to Majority Leader Senate of Pennsylvania 392 Main Capitol Building Harrisburg, PA 17120 (717) 787-8511
Honorable Matthew J. Ryan Speaker of the House House of Representatives 139 Main Capitol Building Harrisburg, PA 17120 (717) 787-4610	Honorable Clency Myer, Jr. Parliamentarian House of Representatives 113 Main Capitol Building Harrisburg, PA 17120 (717) 787-4610
Honorable D. Michael Fisher Attorney General Office of Attorney General 18th Floor, Strawberry Square Harrisburg, PA 17120 (717) 787-3391	David J. DeVries Chief Deputy Attorney General Office of Attorney General Review and Advice Section 18th Floor, Strawberry Square Harrisburg, PA 17120 (717) 783-1111
Honorable Gary E. Crowell Secretary Department of General Services 615 North Office Building Harrisburg, PA 17120 (717) 787-5898	Gary Ankabrandt Procurement Unit Department of General Services 903 North Office Building Harrisburg, PA 17120 (717) 783-1982
Honorable Paul A. Tufano General Counsel Office of General Counsel 225 Main Capitol Building Harrisburg PA 17120 (717) 787-2551	Glen Grell Deputy General Counsel Office of General Counsel 17th Floor, 383 Market Street Harrisburg, PA 17101 (717) 787-9954
Carl L. Mease Director Legislative Reference Bureau 641 Main Capitol Building Harrisburg Pa 17120-0033 (717) 787-5621	Robert Zech Assistant Director Legislative Reference Bureau 641 Main Capitol Building Harrisburg, PA 17120-0033 (717) 783-8078
PUBLIC MEMBERS	
Michael A. Pinto, Esq. Saul, Ewing, Ramick & Saul Penn National Insurance Tower 2 North Second St., 7th Floor Harrisburg, PA 17101 Phone: (717) 238-7871 Fax (717) 257-7885	William H. Clark, Jr., Esq. Klett, Lieber, Rooney & Schorling 40th Floor, One Oxford Centre Pittsburgh, PA 15219-6488 (412) 382-2000

December 23, 1997

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