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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

April 8, 1999

Honorable Johnny J. Butler, Secretary
Department of Labor & Industry
1700 Labor and Industry Building
Harrisburg, PA 17120

Re: IRRC Regulation #12-53 (#1978)
Department of Labor & Industry
Special Funds Assessments

Dear Secretary Butler:

The Independent Regulatory Review Commission approved the subject regulation at its April 8, 1999 public meeting. Our Order is enclosed and is available on our website at <http://www.irrc.state.pa.us>.

We appreciate the joint effort that went into producing a regulation that met the criteria and intent of the Regulatory Review Act.

Sincerely,

A handwritten signature in cursive script, appearing to read "Al Bush".

Alvin C. Bush
Vice Chairman

ACB:kcg
Enclosure
cc: Richard A. Himler

INDEPENDENT REGULATORY REVIEW COMMISSION

14th Floor, 333 Market Street
Harrisburg, PA 17101

Commissioners Present:

Public Meeting Held April 8, 1999

John R. McGinley, Jr., Chairman
Alvin C. Bush, Vice Chairman
Arthur Coccodrilli
Robert J. Harbison, III
John F. Mizner

Department of Labor and Industry
Special Funds Assessments

Regulation No. 12-53

BY ORDER OF THE COMMISSION

On August 26, 1998, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking amends 34 Pa. Code Chapter 121. The authority for this regulation is found in Section 2218 of Act 57 of 1997 (71 P.S. § 578) and Sections 401.1 and 435 of the Workers' Compensation Act (71 P.S. §§ 710 and 991). The proposed regulation was published in the September 5, 1998 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on March 16, 1999.

In accordance with Act 57, the Department is revising Chapter 121 to clarify that the imposition, collection and remittance of assessments for certain funds shall be done "through insurers" rather than "imposed on" insurers. The revisions affect the Subsequent Injury Fund; the Workmen's Compensation Supersedeas Fund; and the Workmen's Compensation Administration Fund. The regulation also clarifies the formula for calculating the assessment for the Office of Small Business Advocate and the procedures for the operation of the Special Funds.

We have reviewed this regulation and find it to be in the public interest. The revisions bring the Department's regulations into compliance with Act 57.

THEREFORE, IT IS ORDERED THAT:

1. Regulation No. 12-53 from the Department of Labor and Industry, as submitted to the Commission on March 16, 1999, is approved; and
2. The Commission will transmit a copy of this Order to the Legislative Reference Bureau.


Alvin C. Bush, Vice Chairman

