



IN THE PUBLIC INTEREST

PENNSYLVANIA LIQUOR CONTROL BOARD

Harrisburg, Pennsylvania 17124-0001

2660

March 31, 2010

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Kim Kaufman
Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

VIA HAND DELIVERY

**RE: Regulation #54-60 (IRRC #2660)
Responsible Alcohol Management Program**

Dear Director Kaufman:

By your letter to the Pennsylvania Liquor Control Board's ("Board") Chairman, Patrick J. Stapleton III, dated March 24, 2010, you noted that the Independent Regulatory Review Commission ("IRRC") had identified a drafting error that should be clarified. This was explained as follows:

Section 5.233(b)(1) lacks clarity because it contains an inconsistency in the specified timeframe. The provision begins by requiring notice "at least seven calendar days in advance of scheduling any training session," but subsequently asks for that notification to be provided via the website "following each training session."

Based on our discussion with your staff, we recommend amending this provision to state:

(b) Instructors shall notify the BAE of the following:

- (1) At least seven calendar days in advance of scheduling any training session. Instructors will provide such notification to the BAE via the BAE's website.

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INDEPENDENT REGULATORY REVIEW COMMISSION

This issue and possible revisions to the final form of Regulation No. 54-60 were discussed between representatives of IRRC and this office on March 23, 2010.

The implementation of such revisions will require the tolling of the review pending by IRRC. Your letter further advised that, if the Board chose to request tolling of the time for review, written notice of that request must be delivered to the Standing Committees and IRRC on the same day. The written notice must be delivered before either Committee takes action on the regulation, or before the end of the Committees' review period on April 7, 2010, whichever occurs first.

Your letter further explained that this written notice requesting tolling must conform to section 307.5 of IRRC's regulations, and must include:

1. A citation to the section(s) the Department is considering revising,
2. A description of the revisions the agency is considering, and
3. An explanation of how the revisions will satisfy the concerns listed above.

[1 Pa. Code § 307.5].

Based upon the suggested changes to the final-form regulations, the Board hereby requests that the time for review of the regulation be tolled in accordance with section 5.1(g) of the Regulatory Review Act [71 P.S. § 745.5a(g)].

In conformance with section 307.5 of IRRC's Regulations, please be advised that:

1. The Board proposes to revise only 40 Pa. Code § 5.233(b)(1).
2. The Board proposes to delete the following extraneous text from § 5.233(b)(1):
"following each training session. Original attendance sheets must be submitted to the BAE via first class United States mail, other delivery or express service, transmission by facsimile or by e-mail."
3. The proposed revisions will restore clarity to § 5.233(b)(1) by eliminating the inconsistency in the specified timeframe. As corrected, the subsection will reference only the prior notice of scheduling a training session and eliminate erroneous references to procedures instructors must follow after concluding a training session.

The Board therefore respectfully requests that IRRC approve tolling of the review period for this regulation. The amended documents will be forth coming.

Very truly yours,



FAITH S. DIEHL
CHIEF COUNSEL

cc: Honorable John Pippy, Chairman, Senate Committee on Law and Justice
Honorable Sean Logan, Democratic Chairman, Senate Committee on Law
and Justice
Honorable Robert Donatucci, Chairman, House Committee on Liquor
Control
Honorable John Taylor, Republican Chairman, House Committee on Liquor
Control
Mr. Robert A. Mulle, Chief Deputy Attorney General
Ms. Cheryl Schriener, Senate Committee on Law and Justice
Mr. Ken Varhola, Senate Committee on Law and Justice
Ms. Marcia Lampman, Executive Director (R), House Committee on Liquor
Control
Ms. Lynn Benka-Davies, Executive Director (D), House Committee on
Liquor Control
Ms. Danielle Guyer, Governor's Office of the Budget
Ms. Barbara Adams, Governor's Office of General Counsel
Ms. Donna Cooper, Governor's Office
Major John P. Lutz, Pennsylvania State Police, Bureau of Liquor Control
Enforcement