

# Regulatory Analysis Form

(Completed by Promulgating Agency)



# IRRC

Independent Rule Review Commission

## SECTION I: PROFILE

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(1) Agency: Department of General Services,  
Joint Committee on Documents

(2) Agency Number: 53-9

Identification Number: 53-9

IRRC Number: 2861

(3) Short Title: Amendment to Definitions

(4) PA Code Cite: 1 Pa. Code § 1.4

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: Mary Jane Phelps, (717) 783-1530, Room 647 Main Capitol Building, Harrisburg, PA 17120, mphelps@palrb.us

Secondary Contact: Laura Campbell, (717) 783-1530, Room 647 Main Capitol Building, Harrisburg, PA 17120, lcampbell@palrb.us

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – Complete if different from #5:

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation
- Emergency Certification Regulation;
  - Certification by the Governor
  - Certification by the Attorney General

## Regulatory Analysis Form

(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

The final-form rulemaking amends 1 Pa. Code § 1.4 to add a definition of “copy” to include a printed or electronic version.

(9) Include a schedule for review of the regulation including:

- |   |  |
|---|--|
| A. The date by which the agency must receive public comments:                               | <u>30 days following<br/>publication in the<br/>Pennsylvania Bulletin.</u> |
| B. The date or dates on which public meetings or hearings will be held:                     | <u>N/A</u>   |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | <u>unknown</u>   |
| D. The expected effective date of the final-form regulation:                                | <u>July 1, 2011</u>  |
| E. The date by which compliance with the final-form regulation will be required:            | <u>N/A</u>   |
| F. The date by which required permits, licenses or other approvals must be obtained:        | <u>N/A</u>   |

(10) Provide the schedule for continual review of the regulation.

The Joint Committee on Documents will monitor future usage of the website and purchase of paper copies of the *Pennsylvania Code and Bulletin*.

## **SECTION II: STATEMENT OF NEED**

(11) State the statutory authority for the regulation. Include specific statutory citation.

45 Pa.C.S. § 503  
Section 506 of The Administrative Code of 1929 (71 P.S. § 186)

## Regulatory Analysis Form

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

The regulation is mandated by previous and proposed appropriations for the printing of the *Pennsylvania Code* and *Bulletin*.

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

The regulation is needed because the Legislative Reference Bureau's appropriation for the printing of the *Code* and *Bulletin* is less than what the Bureau contractually owes for that printing. There is a trend from print to electronic usage.

(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

N/A

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

Only those unwilling to access the free web sites will be adversely affected.

## Regulatory Analysis Form

(16) List the persons, groups or entities that will be required to comply with the regulation. Approximate the number of people who will be required to comply.

N/A

### **SECTION III: COST AND IMPACT ANALYSIS**

(17) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

N/A

(18) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

It is impossible to estimate costs to local governments. Most will rely on the web sites. Purchases of printed copies can not be estimated.

(19) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

There will be no cost to state government.

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
<b>Total Savings</b>	N/A					
<b>COSTS:</b>						
Regulated Community	N/A					
Local Government						
State Government						
<b>Total Costs</b>	unknown					
<b>REVENUE LOSSES:</b>						
Regulated Community						
Local Government						
State Government						
<b>Total Revenue Losses</b>	N/A					

(20a) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY

## Regulatory Analysis Form

(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The ability of the Legislative Reference Bureau to meet its contractual obligations outweighs possible costs to other entities.

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

The Joint Committee on Documents met publicly and voted to proceed with the proposal.

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

N/A

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

N/A

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

N/A

(26) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

N/A

## Regulatory Analysis Form

(28) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

N/A

**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU**

**(Pursuant to Commonwealth Documents Law)**

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IRRC**

**2011 MAR 22 P 2:59**  
DO NOT WRITE IN THIS SPACE

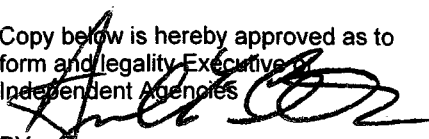
Copy below is hereby approved as to form and legality. Attorney General

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

Copy below is hereby approved as to form and legality. Executive Independent Agencies

By: \_\_\_\_\_  
(Deputy Attorney General)

**Joint Committee on Documents**  
\_\_\_\_\_  
(AGENCY)

BY   
Andrew C. Clark  
MAR 17 2011

DOCUMENT/FISCAL NOTE NO. 53-9


\_\_\_\_\_  
DATE OF APPROVAL

\_\_\_\_\_  
DATE OF APPROVAL

DATE OF ADOPTION 12/9/2010

(Deputy General Counsel)  
(~~Chief Counsel - Independent Agency~~)  
(Strike inapplicable title)

Check if applicable  
Copy not approved. Objections attached.

BY   
TITLE Secretary

Check if applicable. No Attorney General Approval or objection within 30 days after submission.



DEPARTMENT OF GENERAL SERVICES

JOINT COMMITTEE ON DOCUMENTS

1 Pa. Code Chapter 1

Preliminary Provisions

Definitions

Preamble

The Joint Committee on Documents (JCD) amends 1 Pa. Code § 1.4 (relating to definitions) to read as set forth at 40 Pa.B. 4392 (August 7, 2010).

**Statutory Authority**

Section 1.4 is amended under 45 Pa.C.S. § 503 (relating to general administration of part) and section 506 of The Administrative Code of 1929 (71 P.S. § 186).

**Background of the Amendments**

The Legislative Reference Bureau (LRB) purchases paper copies of the *Pennsylvania Bulletin (Bulletin)* and *Pennsylvania Code (Code)* for a variety of government entities enumerated in 1 Pa. Code Chapter 15 (relating to distribution of publications). This has been the policy of the JCD since the inception of the *Bulletin* in 1970. Under 45 Pa.C.S. § 503, the JCD is required to encourage “the widest possible dissemination” of documents appearing in the *Code* and *Bulletin*.

The *Code* and *Bulletin* have been available at no charge on the Internet since 1996. The web sites receive approximately 500,000 visits each month. Subscribers to the print versions have steadily declined as a result of free electronic access.

This final-form rulemaking amends 1 Pa. Code § 1.4 to define a “copy” to include a printed or electronic version. As a result, most entities listed in Chapter 15 will no longer receive paper copies of the *Code* and *Bulletin* paid for by the LRB. Budgetary constraints require that the LRB cease these payments. Informal surveys conducted by the staff of the JCD indicate that most of the Chapter 15 entities use the electronic versions of the *Code* and *Bulletin*.

### **Summary of Comments**

The JCD received two public comments from libraries, one of which arrived after the close of the comment period. The Independent Regulatory Review Commission (IRRC) also commented on the proposal.

The comments from the librarians opposed the elimination of the paper copy based on the public need to access these materials in paper as well as electronically. In addition, the librarians were concerned with the official printed version being different from the online version.

The JCD is not eliminating the paper copies of either publication. All Chapter 15 subscribers are free to purchase the paper version of the *Code* and *Bulletin*. The subscriptions for state entities will no longer be paid for by the LRB. Libraries, judges and the public may still purchase paper versions. The JCD regrets having to eliminate these subscriptions, but the budget appropriation will simply not cover the printing and the “free” copies. The printed version is still the “official” version and the LRB routinely certifies documents under 1 Pa. Code § 17.34 (relating to reproductions and certified copies of documents).

IRRC questioned how the JCD intends to comply with the existing distribution requirements in light of 1 Pa. Code Chapter 15. The JCD has amended its definition of “copy” to include the electronic version. Chapter 15 entities may still choose to purchase paper copies. There is simply no money in the budget for the LRB to continue to purchase the paper subscriptions.

#### **Effective Date**

The final-form regulation is effective on July 1, 2011.

#### **Fiscal Impact**

There will be no fiscal impact on the general public as a result of this proposal. Political subdivisions may be slightly impacted if magisterial district justices choose to continue paper subscriptions. The LRB paid \$458,982 for Chapter 15 subscriptions in 2010. The Commonwealth will realize a savings but it is difficult to predict how many State entities will

choose to purchase the print versions. It is anticipated that most will rely on the web sites, so substantial savings should result.

### **Regulatory Review**

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5 (a)), on July 27, 2010, the JCD submitted a copy of the notice of proposed rulemaking, published at 40 Pa.B. 4392, to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House State Government Committee and Senate Rules and Executive Nominations Committee for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period. In preparing the final-form rulemaking, the JCD has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on \_\_\_\_\_, the final-form rulemaking was \_\_\_\_\_ by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_ and approved the final-form rulemaking.

**Contact Person**

Questions regarding this final-form rulemaking may be referred to: Mary Jane Phelps, Director of the Code and Bulletin and Secretary to the JCD, Legislative Reference Bureau, 647 Main Capitol Building, Harrisburg, PA 17120, (717) 783-1530.

**Findings**

The JCD finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) These regulations do not enlarge the purpose of the proposed rulemaking published at 40 Pa.B. 4392.
- (4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts.

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**Order**

The JCD, acting under the authorizing statutes, orders that:

- (a) The regulations of the JCD, 1 Pa. Code Chapter 1 are amended by amending § 1.4 to read as set forth at 40 Pa.B. 4392.

- (b) The Secretary of the JCD shall submit this order and 40 Pa.B. 4392 to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.
- (c) The Secretary of the JCD shall submit this order and 40 Pa.B. 4392 to IRRC and the Senate Rules and Executive Nominations and the House State Government Committees as required by the Regulatory Review Act.
- (d) The Secretary of the JCD shall certify this order and 40 Pa.B 4392 and deposit them with the LRB as required by law.
- (e) This order shall take effect July 1, 2011.

MARY JANE PHELPS,

Secretary

**Annex A**

**TITLE 1. GENERAL PROVISIONS**

**PART I. JOINT COMMITTEE ON DOCUMENTS**

**CHAPTER 1. PRELIMINARY PROVISIONS**

**§ 1.4 Definitions.**

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

***Copy*—The term includes an electronic or printed version.**

\* \* \* \* \*

*Sponsor*—The holder of a general or master falconry permit with at least 2 years experience as a general class falconer, who has accepted the responsibility for the conduct and training of an apprentice falconer.

\* \* \* \* \*

#### § 147.103. Classes.

(a) *Apprentice*. Permittees of the apprentice class shall be subject to the following requirements and limitations:

\* \* \* \* \*

(2) Permittees shall be sponsored, at all times, by a Pennsylvania general or master class falconry permit holder who has at least 2 years experience as a general class falconer. If a permittee's sponsorship is withdrawn or lost for any reason, the permittee shall provide written notification of the loss to the Commission within 5 days and shall be required to replace the sponsorship within 15 days.

\* \* \* \* \*

(c) *Master*. Permittees of the master class shall be subject to the following requirements and limitations:

\* \* \* \* \*

(5) Upon additional written authorization provided by the Commission, permittees may possess up to a maximum of three eagles, regardless of captive-bred or wild caught, limited to golden eagles, white-tailed eagles [and], Steller's sea-eagles or any other eagle not covered by the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712), as part of their total possession allowance. An application to possess eligible eagles shall be accompanied by two written letters of recommendation from persons with experience handling or flying large raptors, such as eagles, ferruginous hawks (*Buteo regalis*), goshawks (*Accipiter gentilis*) or great horned owls (*Bubo virginianus*). Each letter of reference must contain a concise history of the author's experience with large raptors and an explicit representation that the permittee possess the competency and skills necessary to possess eagles.

[Pa.B. Doc. No. 10-1431. Filed for public inspection August 6, 2010, 9:00 a.m.]

## JOINT COMMITTEE ON DOCUMENTS

[ 1 PA. CODE CH. 1 ]

### Preliminary Provisions; Definitions

The Joint Committee on Documents (JCD) proposes to amend 1 Pa. Code § 1.4 (relating to definitions).

#### *Statutory Authority*

Section 1.4 is proposed to be amended under 45 Pa.C.S. § 503 (relating to general administration of part) and section 506 of The Administrative Code of 1929 (71 P. S. § 186).

#### *Background of the Amendments*

The Legislative Reference Bureau (LRB) purchases paper copies of the *Pennsylvania Bulletin* (*Bulletin*) and *Pennsylvania Code* (*Code*) for a variety of government entities enumerated in 1 Pa. Code Chapter 15 (relating to distribution of publications). This has been the policy of

the JCD since the inception of the *Bulletin* in 1970. Under 45 Pa.C.S. § 503, the JCD is required to encourage "the widest possible dissemination" of documents appearing in the *Code* and *Bulletin*.

The *Code* and *Bulletin* have been available at no charge on the Internet since 1996. The web sites receive approximately 500,000 visits each month. Subscribers to the print versions have steadily declined as a result of free electronic access.

This proposed rulemaking will amend § 1.4 to define a "copy" to include a printed or electronic version. As a result, most entities listed in Chapter 15 will no longer receive paper copies of the *Code* and *Bulletin* paid for by the LRB. Budgetary constraints require that the LRB cease these payments. Informal surveys conducted by the staff of the JCD indicate that most of the Chapter 15 entities use the electronic versions of the *Code* and *Bulletin*.

#### *Contact Person*

Comments and questions regarding this proposed rulemaking may be referred to Mary Jane Phelps, Director of the *Code* and *Bulletin* and Secretary to the JCD, Legislative Reference Bureau, 647 Main Capitol Building, Harrisburg, PA 17120, (717) 783-1530. Interested persons are invited to submit written comments regarding the proposed amendment within 30 days following publication in the *Bulletin*.

#### *Effective Date*

It is anticipated that the final-form regulation will go into effect on July 1, 2011.

#### *Fiscal Impact*

There will be no fiscal impact on the general public as a result of this proposed rulemaking. Political subdivisions may be slightly impacted if magisterial district judges choose to continue paper subscriptions. The LRB paid \$472,538 for Chapter 15 subscriptions in 2009. The Commonwealth will realize a savings but it is difficult to predict how many State entities will choose to purchase the print versions. It is anticipated that most will rely on the web sites, so substantial savings should result.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 28, 2010, the JCD submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the House State Government Committee and the Senate Rules and Executive Nominations Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking, by the JCD, IRRC, the General Assembly and the Governor of comments, recommendations or objections raised.

MARY JANE PHELPS,  
Secretary

**Fiscal Note:** 53-9. No fiscal impact; (8) recommends adoption.



Annex A

TITLE 1. GENERAL PROVISIONS

PART I. JOINT COMMITTEE ON DOCUMENTS

CHAPTER 1. PRELIMINARY PROVISIONS

§ 1.4. Definitions.

The following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Copy*—The term includes an electronic or printed version.

\* \* \* \* \*

[Pa.B. Doc. No. 10-1432. Filed for public inspection August 6, 2010, 9:00 a.m.]

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**MEMORANDUM**

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To: IRRC and House and Senate Standing Committees  
From: Mary Jane Phelps *MJP*  
Secretary, Joint Committee on Documents  
Subject: Comments to JCD Regulation 53-9  
Date: 3/21/2011

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Comments were received from the following:

Ann Unger  
Manager of Liberty Services  
Dickie, McCamey & Chilcote, P.C.  
Two PPG Place  
Suite 400  
Pittsburgh, PA 15222-5402

Dr. Joel Fishman  
Asst. Director for Lawyer Services  
Duquesne University Center for Legal Information  
Allegheny County Law Library  
921 City-County Building  
414 Grant Street  
Pittsburgh, PA 15219

**COMMONWEALTH OF  
PENNSYLVANIA  
JOINT COMMITTEE  
ON DOCUMENTS**



Stephen Aichele  
*General Counsel*

Robert W. Zech  
*Director, Legislative Reference Bureau*

Mary Jane Phelps  
*Director, Pennsylvania Code and Bulletin*

Joseph B. Scarnati, III  
*President Pro Tempore  
Senate of Pennsylvania*

Samuel H. Smith  
*Speaker  
House of Representatives*

Sheri Phillips  
*Acting Secretary of General Services*

William H. Ryan, Jr.  
*Acting Attorney General*


James T. Davis  
*Public Member*

Michael A. Finio  
*Public Member*

March 22, 2011

**TO:** Independent Regulatory Review Commission and Senate and House  
Standing Committees

**SUBJECT:** Resubmittal of Joint Committee on Documents Final-Form  
Rulemaking # 53-9

**FROM:** Mary Jane Phelps  
Secretary to the Joint Committee on Documents 

We are resubmitting the above - referenced final-form regulation.  
Please disregard yesterday's submittal. We apologize for the confusion.

Please don't hesitate to contact me if you have questions.

COMMONWEALTH OF  
PENNSYLVANIA  
JOINT COMMITTEE  
ON DOCUMENTS



Stephen Aichele  
*General Counsel*

Robert W. Zech  
*Director, Legislative Reference Bureau*

Mary Jane Phelps  
*Director, Pennsylvania Code and Bulletin*

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*Speaker  
House of Representatives*

Sheri Phillips  
*Acting Secretary of General Services*

William H. Ryan, Jr.  
*Acting Attorney General*

James T. Davis  
*Public Member*

Michael A. Finio  
*Public Member*

March 22, 2011

Kim Kauffman  
Executive Director  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101

Dear Mr. Kauffman:

Enclosed is a final-form regulation that amends the definition of "copy" in 1 Pa. Code § 1.4 to include a printed or electronic version. This regulation was published as proposed rulemaking at 40 Pa.B. 4392 (August 7, 2010).

Budgetary constraints require that the Legislative Reference Bureau cease providing free paper subscriptions for most government entities enumerated in 1 Pa. Code Chapter 15.

This final-form regulation is submitted for review pursuant to the Regulatory Review Act.

Sincerely,

A handwritten signature in cursive script that reads "Mary Jane Phelps".

Mary Jane Phelps  
Secretary to the Joint Committee

MJP/mgg  
Enclosures

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**


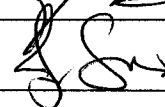
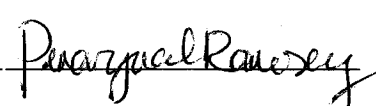

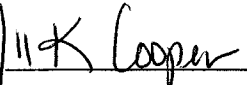
I.D. NUMBER: 53-9  
 SUBJECT: AMENDMENT TO DEFINITIONS  
 AGENCY: JOINT COMMITTEE ON DOCUMENTS

**TYPE OF REGULATION**

Proposed Regulation  
 X Final Regulation  
 Final Regulation with Notice of Proposed Rulemaking Omitted  
 120-day Emergency Certification of the Attorney General  
 120-day Emergency Certification of the Governor  
 Delivery of Tolled Regulation  
 a. With Revisions                      b. Without Revisions

2011 MAR 22 P 3:00  
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**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
3/21		HOUSE STATE GOVERNMENT COMMITTEE <i>KAH Kim Hillman</i>
3/21		MAJORITY CHAIRMAN <u>Rep. Daryl D. Metcalfe</u> <i>AS 3/22/11</i>
3/21		SENATE RULES AND EXECUTIVE NOMINATIONS COMMITTEE <i>psr 3/22/11</i>
3/21		MAJORITY CHAIRMAN <u>Senator Dominic Pileggi</u> <i>MSPK 3/22/11</i>
3/21/11		INDEPENDENT REGULATORY REVIEW COMMISSION <i>KAC 3/22/11</i>
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)