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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 188 Session of  
2023

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INTRODUCED BY DiSANTO, MARTIN, AUMENT, PHILLIPS-HILL,  
BARTOLOTTA, LANGERHOLC, STEFANO, MASTRIANO, ROTHMAN AND  
HUTCHINSON, JANUARY 19, 2023

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REFERRED TO INTERGOVERNMENTAL OPERATIONS, JANUARY 19, 2023

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AN ACT

1 Amending the act of June 25, 1982 (P.L.633, No.181), entitled  
2 "An act providing for independent oversight and review of  
3 regulations, creating an Independent Regulatory Review  
4 Commission, providing for its powers and duties and making  
5 repeals," further providing for definitions, for proposed  
6 regulations and procedures for review and for final-form  
7 regulations and final-omitted regulations and procedures for  
8 review; and providing for concurrent resolution required for  
9 economically significant regulations.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. The definition of "regulation" in section 3 of  
13 the act of June 25, 1982 (P.L.633, No.181), known as the  
14 Regulatory Review Act, is amended and the section is amended by  
15 adding definitions to read:

16 Section 3. Definitions.

17 The following words and phrases when used in this act shall  
18 have, unless the context clearly indicates otherwise, the  
19 meanings given to them in this section:

20 \* \* \*

21 "Economically significant regulation." A regulation that, if

1 promulgated and implemented, may reasonably be expected to  
2 result in direct or indirect cost to the Commonwealth, to its  
3 political subdivisions and to the private sector in excess of  
4 \$1,000,000 on an annual basis.

5 \* \* \*

6 "General permit." A permit issued by the Department of  
7 Environmental Protection in accordance with the provisions of 33  
8 U.S.C. Ch. 26 Subch. I (relating to research and related  
9 programs), sections 1905-A, 1917-A and 1920-A of the act of  
10 April 9, 1929 (P.L.177, No.175), known as The Administrative  
11 Code of 1929, the act of June 22, 1937 (P.L.1987, No.394), known  
12 as The Clean Streams Law, the act of July 7, 1980 (P.L.380,  
13 No.97), known as the Solid Waste Management Act, and the act of  
14 July 28, 1988 (P.L.556, No.101), known as the Municipal Waste  
15 Planning, Recycling and Waste Reduction Act.

16 \* \* \*

17 "Regulation." Any rule or regulation, or order in the nature  
18 of a rule or regulation, promulgated by an agency under  
19 statutory authority in the administration of any statute  
20 administered by or relating to the agency or amending, revising  
21 or otherwise altering the terms and provisions of an existing  
22 regulation, or prescribing the practice or procedure before such  
23 agency. The term shall also include actions of the Liquor  
24 Control Board which have an effect on the discount rate for  
25 retail licensees. The term shall not include a proclamation,  
26 executive order, directive or similar document issued by the  
27 Governor, but shall include a regulation which may be  
28 promulgated by an agency, only with the approval of the  
29 Governor. The term includes revision to a general permit.

30 \* \* \*

1 Section 2. Sections 5(a)(4) and 5.1(1) of the act are  
2 amended to read:

3 Section 5. Proposed regulations; procedures for review.

4 (a) On the same date that an agency submits a proposed  
5 regulation to the Legislative Reference Bureau for publication  
6 of notice of proposed rulemaking in the Pennsylvania Bulletin as  
7 required by the Commonwealth Documents Law, the agency shall  
8 submit to the commission and the committees a copy of the  
9 proposed regulation and a regulatory analysis form which  
10 includes the following:

11 \* \* \*

12 (4) Estimates of the direct and indirect costs to the  
13 Commonwealth, to its political subdivisions and to the  
14 private sector. [Insofar as the proposed regulation relates  
15 to costs to the Commonwealth, the agency may submit in lieu  
16 of its own statement the fiscal note prepared by the Office  
17 of the Budget pursuant to section 612 of the act of April 9,  
18 1929 (P.L.177, No.175), known as "The Administrative Code of  
19 1929."] The estimates shall be verified by the Independent  
20 Fiscal Office prior to the agency submitting them to the  
21 commission.

22 \* \* \*

23 Section 5.1. Final-form regulations and final-omitted  
24 regulations; procedures for review.

25 \* \* \*

26 (1) Except for emergency-certified regulations adopted under  
27 section 6(d), an agency may not promulgate a regulation until  
28 completion of the review provided for in this act[.] and, if the  
29 regulation is an economically significant regulation, the  
30 General Assembly adopts a concurrent resolution under section

1 7.2.

2 Section 3. The act is amended by adding a section to read:

3 Section 7.2. Concurrent resolution required for economically  
4 significant regulations.

5 (a) If the commission issues an order to approve a final-  
6 form regulation or final-omitted regulation that is an  
7 economically significant regulation or if the agency decides to  
8 proceed with a regulation the commission disapproved as  
9 specified in section 7(b) or (c), the agency shall submit a copy  
10 of the order and, if applicable, the agency response to the  
11 commission and to the Senate and the House of Representatives  
12 and shall request a concurrent resolution approving the order or  
13 regulation. The Senate and the House of Representatives shall  
14 each have 30 calendar days or 10 legislative days, whichever is  
15 longer, from the date on which the agency requested the  
16 concurrent resolution to adopt the concurrent resolution. If the  
17 General Assembly does not adopt the concurrent resolution in the  
18 time prescribed in this subsection, the final-form regulation or  
19 final-omitted regulation shall be deemed not approved and such  
20 regulation shall not take effect.

21 (b) This section shall not apply to emergency-certified  
22 regulations adopted under section 6(d).

23 Section 4. This act shall apply to any regulation prepared  
24 in final form on or after the effective date of this section.

25 Section 5. This act shall take effect in 60 days.