

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 561 Session of 2017

INTRODUCED BY DiSANTO, SCARNATI, CORMAN, AUMENT, EICHELBERGER, FOLMER, HUTCHINSON, MARTIN, RAFFERTY, RESCHENTHALER, SCAVELLO, STEFANO, WAGNER, WARD, WHITE AND BROOKS, MARCH 28, 2017

AS AMENDED ON SECOND CONSIDERATION, MAY 24, 2017

AN ACT

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

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

13 Section 1. Section 3 of the act of June 25, 1982 (P.L.633,
14 No.181), known as the Regulatory Review Act, is amended by
15 adding a definition 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 Section 2. Sections 5(a)(4) and 5.1(1) of the act are  
7 amended to read:

8 Section 5. Proposed regulations; procedures for review.

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

16 \* \* \*

17 (4) Estimates of the direct and indirect costs to the  
18 Commonwealth, to its political subdivisions and to the  
19 private sector. [Insofar as the proposed regulation relates  
20 to costs to the Commonwealth, the agency may submit in lieu  
21 of its own statement the fiscal note prepared by the Office  
22 of the Budget pursuant to section 612 of the act of April 9,  
23 1929 (P.L.177, No.175), known as "The Administrative Code of  
24 1929."] The estimates shall be verified by the Independent  
25 Fiscal Office prior to the agency submitting them to the  
26 commission.

27 \* \* \*

28 Section 5.1. Final-form regulations and final-omitted  
29 regulations; procedures for review.

30 \* \* \*

1 (1) Except for emergency-certified regulations adopted under  
2 section 6(d), an agency may not promulgate a regulation until  
3 completion of the review provided for in this act[.] and, if the  
4 regulation is an economically significant regulation, the  
5 General Assembly adopts a concurrent resolution under section  
6 7.2.

7 Section 3. The act is amended by adding a section to read:  
8 Section 7.2. Concurrent resolution required for economically  
9 significant regulations.

10 (a) If the commission issues an order to approve a final-  
11 form regulation or final-omitted regulation that is an  
12 economically significant regulation or if the agency decides to  
13 proceed with a regulation the commission disapproved AS SET <--  
14 FORTH IN SECTION 7(B) OR (C), the agency shall submit a copy of  
15 the order and, if applicable, the agency response to THE <--  
16 COMMISSION AND TO the Senate and the House of Representatives  
17 and shall request a concurrent resolution approving the order OR <--  
18 REGULATION. The Senate and the House of Representatives shall  
19 each have 30 calendar days or 10 legislative days, whichever is  
20 longer, from the date on which the agency requested the  
21 concurrent resolution TO ADOPT THE CONCURRENT RESOLUTION. If the <--  
22 General Assembly does not adopt the concurrent resolution in the  
23 time prescribed in this subsection, the final-form regulation or  
24 final-omitted regulation shall be deemed not approved and such  
25 regulation shall not take effect.

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

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

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