

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. Section 3 of the act of June 25, 1982 (P.L.633,
13 No.181), known as the Regulatory Review Act, is amended by
14 adding a definition to read:

15 Section 3. Definitions.

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

19 * * *

20 "Economically significant regulation." A regulation that, if
21 promulgated and implemented, may reasonably be expected to

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

4 * * *

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

7 Section 5. Proposed regulations; procedures for review.

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

15 * * *

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

26 * * *

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

29 * * *

30 (1) Except for emergency-certified regulations adopted under

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

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

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

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

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

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