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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1237 Session of  
2017

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INTRODUCED BY KEEFER, BLOOM, SACCONI, RYAN, HEFFLEY, DIAMOND,  
BARRAR, MACKENZIE, BAKER, MILLARD, MCGINNIS, ORTITAY, DUNBAR,  
KAUFFMAN, IRVIN, DOWLING, ZIMMERMAN, PICKETT, ROE, EVERETT,  
M. QUINN, SCHEMEL, W. KELLER, SAYLOR, WARD, HELM, RAPP,  
CAUSER, WHEELAND, MAHER AND RADER, APRIL 17, 2017

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REFERRED TO COMMITTEE ON COMMERCE, APRIL 17, 2017

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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. 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

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, the agency  
14 shall submit a copy of the order and, if applicable, the agency  
15 response to the Senate and the House of Representatives and  
16 shall request a concurrent resolution approving the order. The  
17 Senate and the House of Representatives shall each have 30  
18 calendar days or 10 legislative days, whichever is longer, from  
19 the date on which the agency requested the concurrent  
20 resolution. If the General Assembly does not adopt the  
21 concurrent resolution in the time prescribed in this subsection,  
22 the final-form regulation or final-omitted regulation shall be  
23 deemed not approved and the regulation shall not take effect.

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

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

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