
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1571 Session of
2017

INTRODUCED BY ELLIS, MILLARD, BLOOM, JAMES, KAUFFMAN, GROVE,
DUNBAR, A. HARRIS, ORTITAY, PICKETT AND HEFFLEY,
JUNE 22, 2017

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 22, 2017

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8 review; providing for regulations deemed withdrawn; and
9 further providing for existing 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 "Legislative day." A day when both houses of the General
21 Assembly are in voting session.

1 * * *

2 Section 2. Section 5(a) of the act is amended by adding a
3 paragraph and the section is amended by adding a subsection to
4 read:

5 Section 5. Proposed regulations; procedures for review.

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

13 * * *

14 (1.2) In the case of a citation of State statutory
15 authority under paragraph (1.1), a citation of a provision of
16 a statute that explicitly states that the agency may
17 promulgate regulations for the specific purpose cited in the
18 statement of need for the regulation under paragraph (3).

19 * * *

20 (d.1) The committees shall, during the public comment
21 period, conduct a public hearing to receive comments regarding a
22 proposed regulation for which cost estimates included in the
23 regulatory analysis form, as required under subsection (a)(4),
24 exceed \$1,000,000. The agency shall appear at the hearing if
25 requested to do so by the chair of the committee.

26 * * *

27 Section 3. Section 5.1(j.2) and (j.3) of the act are amended
28 to read:

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

1 * * *

2 (j.2) (1) At any time during the commission's review period
3 up to 24 hours prior to the opening of the commission's
4 public meeting, a committee may notify the commission and the
5 agency that it has approved or disapproved a final-form or
6 final-omitted regulation or that it intends to review the
7 regulation.

8 (2) If the committee notifies the commission that it
9 intends to review a regulation under paragraph (1), the
10 committee may include the following in its review:

11 (i) An assessment of whether:

12 (A) the regulation is in the public interest;

13 (B) the agency has the statutory authority to
14 promulgate the regulation; and

15 (C) the regulation conforms to the intention of
16 the General Assembly in the enactment of the statute
17 upon which the regulation is based.

18 (ii) Consideration of any of the factors enumerated
19 in section 5.2(b).

20 (3) If the commission approves a regulation and a
21 committee has not notified the commission and the agency that
22 it has disapproved the regulation or that it intends to
23 review the regulation, the agency may promulgate the
24 regulation. If the commission approves a regulation and a
25 committee has notified the commission and the agency that it
26 has disapproved the regulation or that it intends to review
27 the regulation, the agency may not promulgate the regulation
28 for 14 days or six legislative days, whichever is longer,
29 after the committee has received the commission's approval
30 order.

1 (4) During [this 14-day period] the period established
2 under paragraph (3), the committee may take action on the
3 regulation pursuant to section 7(d). If at the expiration of
4 the [14-day] period established under paragraph (3) the
5 committee has not taken action on the regulation pursuant to
6 section 7(d), the agency may promulgate the regulation.

7 (j.3) If the committees are prevented from completing their
8 [14-day] review during the period established under subsection
9 (j.2)(3) because of adjournment sine die or expiration of the
10 legislative session in an even-numbered year, their review of
11 the final-form or final-omitted regulation shall automatically
12 be suspended until the fourth Monday in January of the next
13 year. On that date, the agency shall resubmit the final-form or
14 final-omitted regulation and required material to the committees
15 and the commission. If either committee has not been designated
16 by the fourth Monday in January, the agency may not deliver the
17 final-form or final-omitted regulation and required material to
18 the committees and the commission until both committees are
19 designated. If the agency does not deliver the final-form or
20 final-omitted regulation and required material to the commission
21 and the committees by the second Monday after the date by which
22 both committee designations have been published in the
23 Pennsylvania Bulletin, the agency shall be deemed to have
24 withdrawn the final-form or final-omitted regulation. In
25 determining the remaining time for committee review, the number
26 of days in which the committees have had the final-form or the
27 final-omitted regulation under review as of the adjournment sine
28 die or expiration of the prior session shall be subtracted from
29 the [14-day] committee review period established under
30 subsection (j.2)(3), but the committee review period in the next

1 succeeding legislative session shall not be less than ten days.
2 An agency may not submit a final-form or final-omitted
3 regulation to the commission or the committees for review during
4 the period from the adjournment sine die or expiration of the
5 legislative session of an even-numbered year to the date by
6 which both committees have been designated in the next
7 succeeding legislative session. This subsection shall not apply
8 to emergency-certified regulations adopted pursuant to the
9 provisions of section 6(d).

10 * * *

11 Section 4. The act is amended by adding a section to read:

12 Section 5.3. Regulations deemed withdrawn.

13 A regulation shall be deemed withdrawn if there is no
14 provision of a State statute which explicitly states that the
15 agency may promulgate regulations for the specific purpose cited
16 in the statement of need for the regulation under section 5(a)
17 (3) and the regulatory analysis form submitted for the
18 regulation does not comply with the requirements of section 5(a)
19 (1.2).

20 Section 5. Section 8.1 of the act is amended to read:

21 Section 8.1. Existing regulations.

22 (a) The commission, on its motion or at the request of any
23 person or member of the General Assembly, may review any
24 existing regulation which has been in effect for at least three
25 years. If a committee of the Senate or the House of
26 Representatives requests a review of an existing regulation, the
27 commission shall perform the review and shall assign it high
28 priority. The commission may submit recommendations to an agency
29 recommending changes in existing regulations if it finds the
30 existing regulations to be contrary to the public interest under

1 the criteria established in section 5.2. The commission may also
2 make recommendations to the General Assembly and the Governor
3 for statutory changes if the commission finds that any existing
4 regulation may be contrary to the public interest.

5 (b) The commission shall post on its publicly accessible
6 Internet website a link to the Pennsylvania Code.

7 (c) Each agency shall post on its publicly accessible
8 Internet website a link to a searchable compilation of the text
9 of all existing regulations that have been promulgated by the
10 agency.

11 (d) The commission shall post on its publicly accessible
12 Internet website a link through which members of the public may
13 submit a request for the commission to review an existing
14 regulation as provided under subsection (a). If the commission
15 receives a request from a member of the public for the review of
16 a regulation, the commission shall transmit a copy of the
17 request to the appropriate standing committees of the Senate and
18 the House of Representatives.

19 (e) Each agency head shall develop and implement an ongoing
20 program to review its existing regulations. Each agency must
21 submit a plan for its program, including a proposed timeline, to
22 the commission and the appropriate standing committees of the
23 Senate and House of Representatives within six months of the
24 effective date of this subsection. Each agency program shall do
25 the following:

26 (1) Provide for the review of all agency regulations
27 over a three-year period and for the continuous review of
28 existing regulations over subsequent three-year periods.

29 (2) Provide for the review of existing regulations for
30 consistency with the following principles:

1 (i) Regulations shall address a compelling public
2 interest.

3 (ii) Costs of regulations shall not outweigh their
4 benefits.

5 (iii) Regulations shall be written in clear, concise
6 and, when possible, nontechnical language.

7 (iv) Regulations shall address definable public
8 health, safety or environmental risks.

9 (v) If Federal regulations exist, State regulations
10 shall not exceed Federal standards unless justified by a
11 compelling public interest or unless required by State
12 law.

13 (vi) Compliance shall be the goal of all
14 regulations.

15 (vii) If viable nonregulatory alternatives exist,
16 the alternatives shall be preferred over regulations.

17 (viii) Regulations shall not hamper the
18 Commonwealth's ability to compete effectively with other
19 states.

20 (3) Include a process through which the agency
21 identifies regulations that the agency recommends for repeal.
22 Each recommendation for repeal shall include a justification
23 for the recommended repeal, a proposed schedule for repeal
24 and any costs or savings associated with the repeal.

25 (4) Include a goal for the agency's reduction of the
26 number of regulations or the number of pages of regulations
27 during each three-year period.

28 (5) Include a process through which the agency submits
29 its review of each regulation to the appropriate standing
30 committee and whereby the agency shall, upon the request of

1 the standing committee, appear before the committee in a
2 public hearing to provide additional information and answer
3 questions regarding the regulation.

4 Section 6. This act shall take effect in 60 days.