
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 AND WHITE, MARCH 28, 2017

REFERRED TO RULES AND EXECUTIVE NOMINATIONS, MARCH 28, 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, 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 such 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.