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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1231 Session of  
2018

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INTRODUCED BY BROOKS, AUMENT, FOLMER, HUTCHINSON, RESCHENTHALER,  
VOGEL, VULAKOVICH AND WARD, AUGUST 9, 2018

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REFERRED TO RULES AND EXECUTIVE NOMINATIONS, AUGUST 9, 2018

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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 and for existing  
6 regulations.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 3 of the act of June 25, 1982 (P.L.633,  
10 No.181), known as the Regulatory Review Act, is amended by  
11 adding a definition to read:

12 Section 3. Definitions.

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

16 \* \* \*

17 "Economically significant regulation." A regulation that, if  
18 promulgated and implemented, may reasonably be expected to  
19 result in direct or indirect cost to the Commonwealth, to its  
20 political subdivisions and to the private sector in excess of

1 \$1,000,000 on an annual basis.

2 \* \* \*

3 Section 2. Section 8.1 of the act is amended to read:

4 Section 8.1. Existing regulations.

5 (a) The commission, on its motion or at the request of any  
6 person or member of the General Assembly, may review any  
7 existing regulation which has been in effect for at least three  
8 years. If a committee of the Senate or the House of  
9 Representatives requests a review of an existing regulation, the  
10 commission shall perform the review and shall assign it high  
11 priority. The commission may submit recommendations to an agency  
12 recommending changes in existing regulations if it finds the  
13 existing regulations to be contrary to the public interest under  
14 the criteria established in section 5.2. The commission may also  
15 make recommendations to the General Assembly and the Governor  
16 for statutory changes if the commission finds that any existing  
17 regulation may be contrary to the public interest.

18 (b) After an economically significant regulation has been in  
19 effect for three years, the agency shall report to the  
20 commission the status of the regulation, the impact of the  
21 regulation on the regulated community and the direct and  
22 indirect cost to the Commonwealth of the regulation. The  
23 following apply:

24 (1) The agency's report shall include:

25 (i) The status of implementation of the regulation.

26 (ii) The nature of complaints or comments received  
27 from the public concerning the regulation.

28 (iii) Whether the regulation has had the intended  
29 effect.

30 (iv) The estimated direct and indirect cost to the

1 regulated community and the economy of the regulation and  
2 whether the estimated anticipated fiscal impact was  
3 underestimated or overestimated on the fiscal note  
4 provided in section 5(a)(4).

5 (v) What the agency has done to implement the  
6 regulation in the most efficient manner to reduce  
7 paperwork and decrease costs to government and the  
8 private sector.

9 (vi) Whether subsequent changes in the law or  
10 related laws require the regulation to be repealed or  
11 amended.

12 (vii) Whether there is a continued need for the  
13 regulation and whether the agency is considering  
14 promulgating changes to the regulation.

15 (2) On the same day that the agency submits the report  
16 to the commission, the agency shall submit to the Legislative  
17 Reference Bureau and the committees a copy of the report. The  
18 commission shall collect comment from the public on the  
19 regulation during a public comment period which shall  
20 commence with the publication of the notice in the  
21 Pennsylvania Bulletin of the report and shall continue for  
22 not less than 30 days.

23 (3) Within 30 days of the close of public comments, the  
24 commission shall report to the agency and committees, after  
25 consideration of the agency's report and public comments,  
26 whether the regulation continues to meet the criteria for  
27 remaining in the public interest as provided by section 5.2  
28 and whether statutory changes should be considered.

29 Section 3. The amendment or addition of the following  
30 provisions shall apply to regulations promulgated on or after

1 the effective date of this section:

2 (1) The definition of "economically significant  
3 regulation" in section 3 of the act.

4 (2) Section 8.1 of the act.

5 Section 4. This act shall take effect immediately.