
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 5 Session of
2019

INTRODUCED BY DiSANTO, BROOKS, SCARNATI, BROWNE, GORDNER,
AUMENT, BARTOLOTTA, FOLMER, HUTCHINSON, LANGERHOLC, MARTIN,
PHILLIPS-HILL, REGAN, STEFANO, K. WARD AND WHITE,
FEBRUARY 1, 2019

REFERRED TO INTERGOVERNMENTAL OPERATIONS, FEBRUARY 1, 2019

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 as set
14 forth in section 7(b) or (c), the agency shall submit a copy of
15 the order and, if applicable, the agency response to the
16 commission and to the Senate and the House of Representatives
17 and shall request a concurrent resolution approving the order or
18 regulation. The Senate and the House of Representatives shall
19 each have 30 calendar days or 10 legislative days, whichever is
20 longer, from the date on which the agency requested the
21 concurrent resolution to adopt the concurrent resolution. If the
22 General Assembly does not adopt the concurrent resolution in the
23 time prescribed in this subsection, the final-form regulation or
24 final-omitted regulation shall be deemed not approved and such
25 regulation shall not take effect.

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

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

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