
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 188 Session of
2023

INTRODUCED BY DiSANTO, MARTIN, AUMENT, PHILLIPS-HILL,
BARTOLOTTA, LANGERHOLC, STEFANO, MASTRIANO, ROTHMAN AND
HUTCHINSON, JANUARY 19, 2023

REFERRED TO INTERGOVERNMENTAL OPERATIONS, JANUARY 19, 2023

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. The definition of "regulation" in section 3 of
13 the act of June 25, 1982 (P.L.633, No.181), known as the
14 Regulatory Review Act, is amended and the section is amended by
15 adding definitions 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 "General permit." A permit issued by the Department of
7 Environmental Protection in accordance with the provisions of 33
8 U.S.C. Ch. 26 Subch. I (relating to research and related
9 programs), sections 1905-A, 1917-A and 1920-A of the act of
10 April 9, 1929 (P.L.177, No.175), known as The Administrative
11 Code of 1929, the act of June 22, 1937 (P.L.1987, No.394), known
12 as The Clean Streams Law, the act of July 7, 1980 (P.L.380,
13 No.97), known as the Solid Waste Management Act, and the act of
14 July 28, 1988 (P.L.556, No.101), known as the Municipal Waste
15 Planning, Recycling and Waste Reduction Act.

16 * * *

17 "Regulation." Any rule or regulation, or order in the nature
18 of a rule or regulation, promulgated by an agency under
19 statutory authority in the administration of any statute
20 administered by or relating to the agency or amending, revising
21 or otherwise altering the terms and provisions of an existing
22 regulation, or prescribing the practice or procedure before such
23 agency. The term shall also include actions of the Liquor
24 Control Board which have an effect on the discount rate for
25 retail licensees. The term shall not include a proclamation,
26 executive order, directive or similar document issued by the
27 Governor, but shall include a regulation which may be
28 promulgated by an agency, only with the approval of the
29 Governor. The term includes revision to a general permit.

30 * * *

1 Section 2. Sections 5(a)(4) and 5.1(1) of the act are
2 amended to read:

3 Section 5. Proposed regulations; procedures for review.

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

11 * * *

12 (4) Estimates of the direct and indirect costs to the
13 Commonwealth, to its political subdivisions and to the
14 private sector. [Insofar as the proposed regulation relates
15 to costs to the Commonwealth, the agency may submit in lieu
16 of its own statement the fiscal note prepared by the Office
17 of the Budget pursuant to section 612 of the act of April 9,
18 1929 (P.L.177, No.175), known as "The Administrative Code of
19 1929."] The estimates shall be verified by the Independent
20 Fiscal Office prior to the agency submitting them to the
21 commission.

22 * * *

23 Section 5.1. Final-form regulations and final-omitted
24 regulations; procedures for review.

25 * * *

26 (1) Except for emergency-certified regulations adopted under
27 section 6(d), an agency may not promulgate a regulation until
28 completion of the review provided for in this act[.] and, if the
29 regulation is an economically significant regulation, the
30 General Assembly adopts a concurrent resolution under section

1 7.2.

2 Section 3. The act is amended by adding a section to read:

3 Section 7.2. Concurrent resolution required for economically
4 significant regulations.

5 (a) If the commission issues an order to approve a final-
6 form regulation or final-omitted regulation that is an
7 economically significant regulation or if the agency decides to
8 proceed with a regulation the commission disapproved as
9 specified in section 7(b) or (c), the agency shall submit a copy
10 of the order and, if applicable, the agency response to the
11 commission and to the Senate and the House of Representatives
12 and shall request a concurrent resolution approving the order or
13 regulation. The Senate and the House of Representatives shall
14 each have 30 calendar days or 10 legislative days, whichever is
15 longer, from the date on which the agency requested the
16 concurrent resolution to adopt the concurrent resolution. If the
17 General Assembly does not adopt the concurrent resolution in the
18 time prescribed in this subsection, the final-form regulation or
19 final-omitted regulation shall be deemed not approved and such
20 regulation shall not take effect.

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

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

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