

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 190 Session of 2023

INTRODUCED BY BROOKS, DUSH, PHILLIPS-HILL, STEFANO, MASTRIANO, MARTIN, ROTHMAN, HUTCHINSON AND AUMENT, 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 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 a copy of the
17 report to the committees and transmit notice of the report to
18 the Legislative Reference Bureau for publication in the
19 Pennsylvania Bulletin. The commission shall collect comment
20 from the public on the regulation during a public comment
21 period which shall commence with the publication of the
22 notice in the Pennsylvania Bulletin of the report and shall
23 continue for not less than 30 days.

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

30 Section 3. The amendment or addition of the following

1 provisions shall apply to regulations promulgated on or after
2 the effective date of this section:

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

5 (2) Section 8.1 of the act.

6 Section 4. This act shall take effect immediately.