

FISCAL NOTE

May 9, 2023

Bill No:	SB 188	Printer's No:	86	Sponsor:	DiSanto
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COST / (SAVINGS)

Fund (s)	2022-23	2023-24
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY: SB 188 amends the Regulatory Review Act to require legislative approval for regulations which carry a significant fiscal impact.

ANALYSIS: SB 188 amends the Regulatory Review Act to state that if the Independent Regulatory Review Commission (IRRC) approves a final or final-omitted regulation that is economically significant (defined as expected to result in direct or indirect cost to the Commonwealth, its political subdivisions, or the private sector in excess of \$1 million annually; also amends the act to have these estimates verified by the Independent Fiscal Office) or if the agency decides to proceed with a regulation that IRRC has disapproved, the agency shall submit a copy of the General Assembly and request a concurrent resolution approving the regulation.

The General Assembly shall have 30 calendar days or ten legislative days (whichever is longer) to adopt the concurrent resolution. If the resolution is not adopted by these deadlines, the regulation shall be deemed not approved and not take effect.

SB 188 also amends the definition of "regulation" to include revisions to general permits issued by the Department of Environmental Protection.

This act shall take effect in 60 days.

FISCAL IMPACT: The bill has the potential to jeopardize agencies' ability to raise revenue through regulatory action or enforce federal regulation and thus lose funding.

The Department of Human Services has indicated that this bill would impede the department's ability to promulgate regulations for the administration of federal programs in accordance with federal law and could be subject to fiscal penalties imposed by federal agencies.

In prior fiscal years, the Independent Fiscal Office has indicated that it will likely require additional analytical staff to verify the estimates of the direct and indirect costs of proposed regulations to the Commonwealth, its political subdivisions and to the private sector. Salary, benefits and operating costs for two analysts are estimated at approximately \$280,000.

The Governor's Budget Office and agency fiscal offices should not require additional personnel to comply with the act.