

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1792 Session of 2017

INTRODUCED BY BENNINGHOFF, METCALFE, GABLER, SACCONI, DUSH, BAKER, BERNSTINE, BLOOM, CAUSER, CUTLER, DOWLING, EVERETT, FEE, GROVE, A. HARRIS, HELM, PHILLIPS-HILL, JAMES, KAUFFMAN, MACKENZIE, MALONEY, MILLARD, B. MILLER, RADER, RAPP, ROTHMAN, RYAN, SANKEY, SAYLOR, WARD, WHEELAND, ZIMMERMAN, IRVIN, ROAE, NELSON, SCHEMEL, GREINER, KLUNK AND MOUL, SEPTEMBER 18, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 30, 2018

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 procedures for subsequent
6 review of disapproved final-form or final-omitted
7 regulations.

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

10 Section 1. Section 7(d) of the act of June 25, 1982
11 (P.L.633, No.181), known as the Regulatory Review Act, is
12 amended and the section is amended by adding a subsection to
13 read:

14 Section 7. Procedures for subsequent review of disapproved
15 final-form or final-omitted regulations.

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17 (d) Upon receipt of the commission's order pursuant to
18 subsection (c.1) or at the expiration of the commission's review

1 period if the commission does not act on the regulation or does  
2 not deliver its order pursuant to subsection (c.1), one or both  
3 of the committees may, within 14 calendar days, report to the  
4 House of Representatives or Senate a concurrent resolution and  
5 notify the agency. During the 14-calendar-day period, the agency  
6 may not promulgate the final-form or final-omitted regulation.  
7 If, by the expiration of the 14-calendar-day period, neither  
8 committee reports a concurrent resolution, the committees shall  
9 be deemed to have approved the final-form or final-omitted  
10 regulation, and the agency may promulgate that regulation. If  
11 either committee reports a concurrent resolution before the  
12 expiration of the 14-day period, the Senate and the House of  
13 Representatives shall each have 30 calendar days or ten  
14 legislative days, whichever is longer, from the date on which  
15 the concurrent resolution has been reported, to adopt the  
16 concurrent resolution. If the General Assembly adopts the  
17 concurrent resolution by majority vote in both the Senate and  
18 the House of Representatives, the concurrent resolution shall be  
19 presented to the Governor in accordance with section 9 of  
20 Article III of the Constitution of Pennsylvania. If the Governor  
21 does not return the concurrent resolution to the General  
22 Assembly within ten calendar days after it is presented, the  
23 Governor shall be deemed to have approved the concurrent  
24 resolution. If the Governor vetoes the concurrent resolution,  
25 the General Assembly may override that veto by a two-thirds vote  
26 in each house. The Senate and the House of Representatives shall  
27 each have 30 calendar days or ten legislative days, whichever is  
28 longer, to override the veto. If the General Assembly does not  
29 adopt the concurrent resolution or override the veto in the time  
30 prescribed in this subsection, it shall be deemed to have

1 approved the final-form or final-omitted regulation. Notice as  
2 to any final disposition of a concurrent resolution considered  
3 in accordance with this section shall be published in the  
4 Pennsylvania Bulletin. The bar on promulgation of the final-form  
5 or final-omitted regulation shall continue until that regulation  
6 has been approved or deemed approved in accordance with this  
7 subsection. If the General Assembly adopts the concurrent  
8 resolution and the Governor approves or is deemed to have  
9 approved the concurrent resolution or if the General Assembly  
10 overrides the Governor's veto of the concurrent resolution, the  
11 agency shall be barred from promulgating the final-form or  
12 final-omitted regulation. An agency shall be prohibited from  
13 reissuing the same regulation in the future, or promulgating a  
14 regulation that is substantially similar, unless the new or  
15 revised regulation is specifically authorized by a law enacted  
16 after the date the concurrent resolution is approved or deemed  
17 to be approved by the Governor or after the date when the  
18 General Assembly overrides the Governor's veto of the concurrent  
19 resolution. If the General Assembly does not adopt the  
20 concurrent resolution or if the Governor vetoes the concurrent  
21 resolution and the General Assembly does not override the  
22 Governor's veto, the agency may promulgate the final-form or  
23 final-omitted regulation. The General Assembly may, at its  
24 discretion, adopt a concurrent resolution disapproving the  
25 final-form or final-omitted regulation to indicate the intent of  
26 the General Assembly but permit the agency to promulgate that  
27 regulation.

28 (e) A committee may report a concurrent resolution to  
29 initiate the repeal of any regulation currently in effect,  
30 PROVIDED THAT THE COMMITTEE CONDUCTS A PUBLIC HEARING ON THE

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1 MATTER PRIOR TO REPORTING THE CONCURRENT RESOLUTION. If the  
2 General Assembly adopts the concurrent resolution by majority  
3 vote in both the Senate and the House of Representatives, the  
4 concurrent resolution shall be presented to the Governor in  
5 accordance with section 9 of Article III of the Constitution of  
6 Pennsylvania. If the Governor does not return the concurrent  
7 resolution to the General Assembly within ten calendar days  
8 after it is presented, the Governor shall be deemed to have  
9 approved the concurrent resolution. If the Governor vetoes the  
10 concurrent resolution, the General Assembly may override that  
11 veto by a two-thirds vote in each house. The Senate and the  
12 House of Representatives shall each have 30 calendar days or ten  
13 legislative days, whichever is longer, to override the veto. If  
14 the General Assembly does not adopt the concurrent resolution or  
15 override the veto in the time prescribed in this subsection, the  
16 regulation shall remain in effect. An agency shall be prohibited  
17 from reissuing the same regulation in the future, or  
18 promulgating a regulation that is substantially similar, unless  
19 the new or revised regulation is specifically authorized by a  
20 law enacted after the date the concurrent resolution is approved  
21 or deemed to be approved by the Governor or after the date when  
22 the General Assembly overrides the Governor's veto of the  
23 concurrent resolution.

24 Section 2. This act shall take effect in 60 days.