
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 430 Session of
2019

INTRODUCED BY BENNINGHOFF, DUSH, GABLER, METCALFE, BERNSTINE,
GROVE, HERSHEY, JAMES, KEEFER, MILLARD, B. MILLER,
OBERLANDER, PICKETT, PYLE, ROTHMAN, RYAN, SAYLOR, STAATS,
WHEELAND AND ZIMMERMAN, FEBRUARY 11, 2019

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 11, 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 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.

16 * * *

17 (d) Upon receipt of the commission's order pursuant to
18 subsection (c.1) or at the expiration of the commission's review
19 period if the commission does not act on the regulation or does

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

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

27 (e) A committee may report a concurrent resolution to
28 initiate the repeal of any regulation currently in effect,
29 provided that the committee conducts a public hearing on the
30 matter prior to reporting the concurrent resolution. If the

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

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