THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1792 Session of 2017

INTRODUCED BY BENNINGHOFF, METCALFE, GABLER, SACCONE, 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

REFERRED TO COMMITTEE ON STATE GOVERNMENT, SEPTEMBER 18, 2017

AN ACT

Amending the act of June 25, 1982 (P.L.633, No.181), entitled "An act providing for independent oversight and review of regulations, creating an Independent Regulatory Review 3 Commission, providing for its powers and duties and making repeals," further providing for procedures for subsequent review of disapproved final-form or final-omitted regulations. 7 8 The General Assembly of the Commonwealth of Pennsylvania 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 amended and the section is amended by adding a subsection to 12 13 read: Section 7. Procedures for subsequent review of disapproved 14 15 final-form or final-omitted regulations. 16 Upon receipt of the commission's order pursuant to 17 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 of the concurrent resolution disapproving the
- 17 original review. If the General Assembly does not adopt the
- 18 concurrent resolution or if the Governor vetoes the concurrent
- 19 resolution and the General Assembly does not override the
- 20 Governor's veto, the agency may promulgate the final-form or
- 21 final-omitted regulation. The General Assembly may, at its
- 22 discretion, adopt a concurrent resolution disapproving the
- 23 final-form or final-omitted regulation to indicate the intent of
- 24 the General Assembly but permit the agency to promulgate that
- 25 regulation.
- 26 (e) A committee may report a concurrent resolution to
- 27 <u>initiate the repeal of any regulation currently in effect. If</u>
- 28 the General Assembly adopts the concurrent resolution by
- 29 <u>majority vote in both the Senate and the House of</u>
- 30 Representatives, the concurrent resolution shall be presented to

- 1 the Governor in accordance with section 9 of Article III of the
- 2 <u>Constitution of Pennsylvania. If the Governor does not return</u>
- 3 the concurrent resolution to the General Assembly within ten
- 4 <u>calendar days after it is presented, the Governor shall be</u>
- 5 <u>deemed to have approved the concurrent resolution. If the</u>
- 6 Governor vetoes the concurrent resolution, the General Assembly
- 7 may override that veto by a two-thirds vote in each house. The
- 8 <u>Senate and the House of Representatives shall each have 30</u>
- 9 <u>calendar days or ten legislative days, whichever is longer, to</u>
- 10 override the veto. If the General Assembly does not adopt the
- 11 concurrent resolution or override the veto in the time
- 12 prescribed in this subsection, the regulation shall remain in
- 13 <u>effect. An agency shall be prohibited from reissuing the same</u>
- 14 regulation in the future, or promulgating a regulation that is
- 15 substantially similar, unless the new or revised regulation is
- 16 specifically authorized by a law enacted after the date of the
- 17 concurrent resolution disapproving the original review.
- 18 Section 2. This act shall take effect in 60 days.