

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2285 Session of 2020

INTRODUCED BY MIHALEK, MILLARD, RYAN, PICKETT, HERSHEY, MOUL AND REESE, FEBRUARY 18, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 18, 2020

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 final regulations and
 6 procedures for postpromulgation review.

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

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

12 Section 7.2 Postpromulgation review.

13 (a) Within 180 days of the effective date of a final-form
 14 regulation and in direct consultation with individuals,
 15 businesses, organizations and other persons in the public and
 16 private sectors that are affected by the regulation, an agency
 17 shall do the following:

18 (1) Commence an evaluation of actual or potential gains
 19 or losses in employment attributable to the implementation
 20 and enforcement of the final-form regulation.

1 (2) Commence a review of the actual costs of compliance
2 with the final-form regulation by the public and private
3 sectors. The review shall include a solicitation by the
4 agency of compliance cost data from affected individuals,
5 businesses, organizations and other persons in the public and
6 private sectors.

7 (3) Identify specific outreach, education, training
8 opportunities and other measures undertaken by the agency to
9 assist the public and private sectors in their compliance
10 obligations with the final-form regulation.

11 (4) Education of the agency's employees to ensure
12 accurate and consistent implementation of the final-form
13 regulation.

14 (b) Within two years of the effective date of a final-form
15 regulation, an agency shall compile a report outlining its
16 findings with respect to subsection (a) and submit the report to
17 the agency's designated standing committees of the Senate and
18 House of Representatives.

19 (c) If the actual costs of compliance with the final-form
20 regulation identified under subsection (a) (2) exceed by 33% or
21 more the estimated direct and indirect costs of compliance
22 identified in the applicable regulatory analysis form under
23 section 5(a) (4), the agency shall immediately commence efforts
24 to adopt a final-omitted regulation that reduces regulatory
25 burdens and compliance costs in an amount projected to equal or
26 exceed the amount of excessive costs of compliance calculated by
27 the agency. A final-omitted regulation initiated under this
28 subsection shall be promulgated no later than 180 days after
29 delivery of the report required under subsection (b).

30 (d) The provisions of this section shall apply to final-form

1 regulations with estimated direct and indirect costs of
2 compliance of \$1,000,000 or more, as identified in the
3 applicable regulatory analysis form under section 5(a)(4).

4 Section 2. This act shall apply to final-form regulations
5 that take effect after the effective date of this section.

6 Section 3. This act shall take effect in 60 days.