

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 888 Session of 2023

INTRODUCED BY GROVE, GREINER, CAUSER, HAMM, ZIMMERMAN, KEEFER, PICKETT, MOUL, ROWE AND GLEIM, APRIL 10, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 10, 2023

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 composition of commission,
 6 membership, compensation, vacancies and removal and for
 7 procedures for subsequent review of disapproved final-form or
 8 final-omitted regulations.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Sections 4(a) and (i) and 7(c.1) and (d) of the
 12 act of June 25, 1982 (P.L.633, No.181), known as the Regulatory
 13 Review Act, are amended to read:

14 Section 4. Composition of commission; membership, compensation;
 15 vacancies; removal.

16 (a) The Independent Regulatory Review Commission shall
 17 consist of [~~five~~] seven members to be known as commissioners.
 18 One commissioner shall be appointed by the Governor to serve at
 19 the Governor's pleasure, one by the President pro tempore of the
 20 Senate, one by the Speaker of the House of Representatives, one
 21 by the Majority Leader of the Senate, one by the Majority Leader

1 of the House of Representatives, one by the Minority Leader of
2 the Senate and one by the Minority Leader of the House of
3 Representatives. A member of the General Assembly or any other
4 officer or employee of State Government may not serve as a
5 commissioner; but a commissioner may serve on advisory boards
6 and commissions, or on other boards and commissions which do not
7 promulgate any rules and regulations which may come before the
8 commission for review pursuant to this act.

9 * * *

10 (i) For purposes of conducting official business, a quorum
11 consists of [three] a majority of the commissioners. A
12 commissioner must be physically present to be counted toward the
13 quorum. If the commission is unable to conduct business for lack
14 of a quorum, the deadline for the commission to take action on a
15 regulation in accordance with this act shall be postponed for 30
16 days or until the next meeting at which a quorum is in
17 attendance, whichever first occurs.

18 Section 7. Procedures for subsequent review of disapproved
19 final-form or final-omitted regulations.

20 * * *

21 (c.1) The commission may have until its next scheduled
22 meeting, which occurs no less than 15 days from receipt of the
23 agency's report to approve or disapprove the agency's report.
24 The commission shall deliver its approval or disapproval order
25 to the committees for consideration by the General Assembly
26 pursuant to subsection (d). If the commission is prevented from
27 delivering its order to the committees within the time period
28 provided for in this subsection because of the adjournment sine
29 die or expiration of the legislative session in an even-numbered
30 year, the commission shall deliver its order on the fourth

1 Monday of January of the next year. If either committee has not
2 been designated by the fourth Monday in January, the commission
3 may not deliver its order to the committees until both
4 committees are designated, but the commission shall deliver its
5 order no later than the second Monday after the date by which
6 both committee designations have been published in the
7 Pennsylvania Bulletin. If the commission disapproves the
8 agency's report, the agency shall be barred from promulgating
9 the final-form or final-omitted regulation. If the commission
10 does not deliver its order disapproving the agency's report and
11 revised final-form or final-omitted regulation in the time
12 prescribed by this subsection, the commission shall be deemed to
13 have approved the agency's report and the revised final-form or
14 final-omitted regulation.

15 (d) Upon receipt of the commission's order approving the
16 agency's report pursuant to subsection (c.1) or at the
17 expiration of the commission's review period if the commission
18 does not act on the regulation or does not deliver its order
19 pursuant to subsection (c.1), one or both of the committees may,
20 within 14 calendar days, report to the House of Representatives
21 or Senate a concurrent resolution and notify the agency. During
22 the 14-calendar-day period, the agency may not promulgate the
23 final-form or final-omitted regulation. If, by the expiration of
24 the 14-calendar-day period, neither committee reports a
25 concurrent resolution, the committees shall be deemed to have
26 approved the final-form or final-omitted regulation, and the
27 agency may promulgate that regulation. If either committee
28 reports a concurrent resolution before the expiration of the 14-
29 day period, the Senate and the House of Representatives shall
30 each have 30 calendar days or ten legislative days, whichever is

1 longer, from the date on which the concurrent resolution has
2 been reported, to adopt the concurrent resolution. If the
3 General Assembly adopts the concurrent resolution by majority
4 vote in both the Senate and the House of Representatives, the
5 concurrent resolution shall be presented to the Governor in
6 accordance with section 9 of Article III of the Constitution of
7 Pennsylvania. If the Governor does not return the concurrent
8 resolution to the General Assembly within ten calendar days
9 after it is presented, the Governor shall be deemed to have
10 approved the concurrent resolution. If the Governor vetoes the
11 concurrent resolution, the General Assembly may override that
12 veto by a two-thirds vote in each house. The Senate and the
13 House of Representatives shall each have 30 calendar days or ten
14 legislative days, whichever is longer, to override the veto. If
15 the General Assembly does not adopt the concurrent resolution or
16 override the veto in the time prescribed in this subsection, it
17 shall be deemed to have approved the final-form or final-omitted
18 regulation. Notice as to any final disposition of a concurrent
19 resolution considered in accordance with this section shall be
20 published in the Pennsylvania Bulletin. The bar on promulgation
21 of the final-form or final-omitted regulation shall continue
22 until that regulation has been approved or deemed approved in
23 accordance with this subsection. If the General Assembly adopts
24 the concurrent resolution and the Governor approves or is deemed
25 to have approved the concurrent resolution or if the General
26 Assembly overrides the Governor's veto of the concurrent
27 resolution, the agency shall be barred from promulgating the
28 final-form or final-omitted regulation. If the General Assembly
29 does not adopt the concurrent resolution or if the Governor
30 vetoes the concurrent resolution and the General Assembly does

1 not override the Governor's veto, the agency may promulgate the
2 final-form or final-omitted regulation. The General Assembly
3 may, at its discretion, adopt a concurrent resolution
4 disapproving the final-form or final-omitted regulation to
5 indicate the intent of the General Assembly but permit the
6 agency to promulgate that regulation.

7 Section 2. The amendment of section 7(c.1) and (d) of the
8 act shall apply to final-form or final-omitted regulations
9 submitted to the Independent Regulatory Review Commission after
10 the effective date of the amendment of section 7(c.1) and (d) of
11 the act.

12 Section 3. This act shall take effect as follows:

13 (1) The following provisions shall take effect
14 immediately:

15 (i) The amendment of section 4(a) and (i) of the
16 act.

17 (ii) Section 2 of this act.

18 (iii) This section.

19 (2) The remainder of this act shall take effect in 60
20 days.