

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2649 Session of
2022

INTRODUCED BY GROVE, RYAN, CAUSER, GLEIM, KAUFFMAN, BERNSTINE,
TOPPER, MILLARD, SMITH, ECKER, KEEFER, MOUL, JAMES, HERSHEY,
HAMM, JONES AND WARNER, JUNE 8, 2022

REFERRED TO COMMITTEE ON STATE GOVERNMENT, JUNE 8, 2022

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

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

10 * * *

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

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

21 * * *

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

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

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

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

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

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

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

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

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

18 (ii) Section 2 of this act.

19 (iii) This section.

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