
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 809 Session of
2021

INTRODUCED BY DUSH, ARGALL, SCAVELLO, STEFANO AND PITTMAN,
JULY 7, 2021

REFERRED TO INTERGOVERNMENTAL OPERATIONS, JULY 7, 2021

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
20 not deliver its order pursuant to subsection (c.1), one or both

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

1 in accordance with this section shall be published in the
2 Pennsylvania Bulletin. The bar on promulgation of the final-form
3 or final-omitted regulation shall continue until that regulation
4 has been approved or deemed approved in accordance with this
5 subsection. If the General Assembly adopts the concurrent
6 resolution and the Governor approves or is deemed to have
7 approved the concurrent resolution or if the General Assembly
8 overrides the Governor's veto of the concurrent resolution, the
9 agency shall be barred from promulgating the final-form or
10 final-omitted regulation. An agency shall be prohibited from
11 reissuing the same regulation in the future, or promulgating a
12 regulation that is substantially similar, unless the new or
13 revised regulation is specifically authorized by a law enacted
14 after the date the concurrent resolution is approved or deemed
15 to be approved by the Governor or after the date when the
16 General Assembly overrides the Governor's veto of the concurrent
17 resolution. 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 initiate the repeal of any regulation currently in effect,
28 provided that the committee conducts a public hearing on the
29 matter prior to reporting the concurrent resolution. If the
30 General Assembly adopts the concurrent resolution by majority

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

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