

AMENDMENTS TO HOUSE BILL NO. 209

Sponsor: REPRESENTATIVE PHILLIPS-HILL

Printer's No. 176

1 Amend Bill, page 1, lines 1 and 2, by striking out all of
2 said lines and inserting
3 Amending the act of June 25, 1982 (P.L.633, No.181), entitled
4 "An act providing for independent oversight and review of
5 regulations, creating an Independent Regulatory Review
6 Commission, providing for its powers and duties and making
7 repeals," further providing for definitions and for existing
8 regulations; and establishing the Independent Office of the
9 Repealer and providing for its power and duties.

10 Amend Bill, page 1, lines 5 through 17; pages 2 through 4,
11 lines 1 through 30; page 5, lines 1 through 27; by striking out
12 all of said lines on said pages and inserting

13 Section 1. Section 3 of the act of June 25, 1982 (P.L.633,
14 No.181), known as the Regulatory Review Act, is amended by
15 adding definitions to read:

16 Section 3. Definitions.

17 The following words and phrases when used in this act shall
18 have, unless the context clearly indicates otherwise, the
19 meanings given to them in this section:

20 * * *

21 "Director." The director of the office.

22 * * *

23 "Office." The Independent Office of the Repealer.

24 * * *

25 "Selection committee." The Selection and Organization
26 Committee in the office.

27 * * *

28 Section 2. Section 8.1 of the act is amended to read:
29 Section 8.1. Existing regulations.

30 The commission, on its motion or at the request of any person
31 or member of the General Assembly, may review any existing
32 regulation which has been in effect for at least three years. If
33 a committee of the Senate or the House of Representatives
34 requests a review of an existing regulation, the commission
35 shall perform the review and shall assign it high priority. The

1 commission may submit recommendations to an agency recommending
2 changes in existing regulations if it finds the existing
3 regulations to be contrary to the public interest under the
4 criteria established in section 5.2. The commission may also
5 make recommendations to the General Assembly and the Governor
6 for statutory changes if the commission finds that any existing
7 regulation may be contrary to the public interest. Unless
8 prohibited by the laws of this Commonwealth, at the time an
9 agency promulgates a new regulation, the agency shall identify
10 at least two existing regulations for repeal.

11 Section 3. The act is amended by adding a section to read:
12 Section 12.2. Independent Office of the Repealer.

13 (a) There is established a nonpartisan Independent Office of
14 the Repealer within the Independent Regulatory Review
15 Commission.

16 (b) The office shall have the following powers and duty to:

17 (1) Adopt logical, quantitative and qualitative rules to
18 determine whether an existing statute or regulation of the
19 Commonwealth is:

20 (i) Unreasonable, unduly burdensome, detrimental to
21 economic well-being, duplicative, onerous, defective or
22 in conflict with another statute or regulation.

23 (ii) Defying a common sense approach to government.

24 (2) Perform a systematic review of existing statutes and
25 regulations of this Commonwealth in accordance with the rules
26 adopted for review under this act.

27 (3) Identify existing statutes and regulations which may
28 be appropriate for legislative and executive agency
29 modification, revision or repeal.

30 (4) Establish as soon as practical a system with a
31 publicly accessible Internet website that allows the office
32 to receive:

33 (i) Suggestions and comments, along with supporting
34 documentation, for modification, revision or repeal from
35 citizens, businesses, government agencies or others.

36 (ii) Reports on allegations of wasteful governmental
37 practices.

38 (5) Determine and implement internal policies, standards
39 and procedures as may be necessary for the orderly and
40 efficient execution of the mission of the office.

41 (6) Implement a tracking system to follow all
42 submissions and actions taken on a recommendation made by the
43 director which includes progress of modification, revision or
44 repeal.

45 (7) By June 30 of each year, report to the General
46 Assembly and the Governor on:

47 (i) Recommended changes to statutes and regulations.

48 (ii) Recommended changes to increase efficiency and
49 eliminate wasteful practices.

50 (iii) Progress of the revision, repeal or abrogation
51 of statutes and regulations.

1 (c) The committee established in the office shall:
2 (1) Consist of the following members:
3 (i) One member appointed by the Governor.
4 (ii) One member appointed by the President pro
5 tempore of the Senate in consultation with the Majority
6 Leader and the Minority Leader of the Senate.
7 (iii) One member appointed by the Speaker of the
8 House of Representatives in consultation with the
9 Majority Leader and the Minority Leader of the House of
10 Representatives.
11 (2) Select the director of the office in accordance with
12 the following:
13 (i) The committee shall publish qualifications of
14 the director in the Pennsylvania Code and Bulletin within
15 90 days of the first meeting of the committee.
16 (ii) The appointment may not be made on the basis of
17 political affiliation.
18 (iii) The appointment shall be made on the basis of
19 the fitness to perform the duties of the office based on
20 the published qualifications.
21 (d) The director shall serve in accordance with the
22 following:
23 (1) The selection of the director shall occur no later
24 than September 1, 2018.
25 (2) The director shall serve for a term of six years.
26 (3) An individual appointed as director to fill a
27 vacancy prior to the expiration of a term shall only serve
28 for the unexpired portion of the term.
29 (e) The director shall appoint a deputy director who shall
30 have the following duties:
31 (1) Perform assigned duties from the director.
32 (2) Assume the role of the director:
33 (i) during an absence or incapacity of the director;
34 or
35 (ii) if a vacancy occurs in the position of director
36 until a successor director is appointed.
37 (f) The director may be removed by a concurrent resolution
38 passed by the Senate and the House of Representatives.
39 (g) The director shall have the following powers and duties:
40 (1) The authority to:
41 (i) Determine and implement internal policies,
42 standards and protocols to orderly and efficiently carry
43 out the mission of the office under this section.
44 (ii) Procure the temporary or intermittent service
45 of attorneys, experts, consultants or organizations by
46 contract.
47 (2) Hire and fix compensation in accordance with the
48 following:
49 (i) The hiring and appointments shall be made on the
50 basis of the duties of the office and the performance of
51 the functions of the office.

1 (ii) All personnel shall be hired or appointed
2 without regard to political affiliation.

3 (iii) Hiring and appointments shall be based on
4 fitness to perform the necessary duties.

5 (h) (1) When the office determines that a statute or
6 regulation meets the standards set under this section and as set
7 by the director for modification, revision or repeal, the
8 director shall recommend the action to:

9 (i) The General Assembly if a statute needs to be
10 modified, revised or repealed.

11 (ii) The State department or agency that promulgated
12 the regulation that needs to be modified, revised or
13 repealed.

14 (2) A recommendation from the office shall provide
15 specific details why the office is recommending that the
16 statute or regulation needs to be modified, revised or
17 repealed.

18 (i) The office shall be a Commonwealth agency for the
19 purposes of the act of February 14, 2008 (P.L.6, No.3), known as
20 the "Right-to-Know Law."

21 (j) This act shall expire June 30, 2024.

22 Section 4. This act shall take effect immediately.