

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 209 Session of 2017

INTRODUCED BY PHILLIPS-HILL, BARRAR, BLOOM, BOBACK, GABLER, GILLEN, GROVE, IRVIN, KAUFFMAN, MACKENZIE, MENTZER, ROTHMAN, RYAN, SACCONI, WARD, ZIMMERMAN, DUSH, METCALFE, ROAE, NELSON, SCHEMEL, CUTLER, GREINER AND KLUNK, JANUARY 25, 2017

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 13, 2018

AN ACT

1 ~~Establishing the Independent Office of the Repealer and~~ <--
2 ~~providing for its power and duties.~~

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

12 ~~Section 1. Short title.~~ <--

13 ~~This act shall be known and may be cited as the Independent~~
14 ~~Office of the Repealer Act.~~

15 ~~Section 2. Definitions.~~

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

19 ~~"Committee." The Selection and Organization Committee in the~~
20 ~~office.~~

1 ~~"Director." The director of the office.~~

2 ~~"Office." The Independent Office of the Repealer.~~

3 ~~Section 3. Establishment.~~

4 ~~There is established a nonpartisan Independent Office of the~~
5 ~~Repealer. The office shall be an independent agency.~~

6 ~~Section 4. Powers and duties of office.~~

7 ~~The office shall have the following powers and duty to:~~

8 ~~(1) Adopt logical, quantitative and qualitative rules to~~
9 ~~determine whether an existing statute or regulation of the~~
10 ~~Commonwealth is:~~

11 ~~(i) Unreasonable, unduly burdensome, detrimental to~~
12 ~~economic well being, duplicative, onerous, defective or~~
13 ~~in conflict with another statute or regulation.~~

14 ~~(ii) Defying a common sense approach to government.~~

15 ~~(2) Perform a systemic review of existing statutes and~~
16 ~~regulations of this Commonwealth in accordance with the rules~~
17 ~~adopted for review under this act.~~

18 ~~(3) Identify existing statutes and regulations which may~~
19 ~~be appropriate for legislative and executive agency~~
20 ~~modification, revision or repeal.~~

21 ~~(4) Establish as soon as practical a system with a~~
22 ~~publicly accessible Internet website that allows the office~~
23 ~~to receive:~~

24 ~~(i) Suggestions and comments, along with supporting~~
25 ~~documentation, for modification, revision or repeal from~~
26 ~~citizens, businesses, government agencies or others.~~

27 ~~(ii) Reports on allegations of wasteful governmental~~
28 ~~practices.~~

29 ~~(5) Determine and implement internal policies, standards~~
30 ~~and procedures as may be necessary for the orderly and~~

1 ~~efficient execution of the mission of the office.~~

2 ~~(6) Implement a tracking system to follow all~~
3 ~~submissions and actions taken on a recommendation made by the~~
4 ~~director which includes progress of modification, revision or~~
5 ~~repeal.~~

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

8 ~~(i) Recommended changes to statutes and regulations.~~

9 ~~(ii) Recommended changes to increase efficiency and~~
10 ~~eliminate wasteful practices.~~

11 ~~(iii) Progress of the revision, repeal or abrogation~~
12 ~~of statutes and regulations.~~

13 ~~Section 5. Membership and appointments.~~

14 ~~(a) Committee. The committee established in the office~~
15 ~~shall:~~

16 ~~(1) Consist of the following members:~~

17 ~~(i) One member appointed by the Governor.~~

18 ~~(ii) One member appointed by the President pro~~
19 ~~tempore of the Senate in consultation with the Majority~~
20 ~~Leader and the Minority Leader of the Senate.~~

21 ~~(iii) One member appointed by the Speaker of the~~
22 ~~House of Representatives in consultation with the~~
23 ~~Majority Leader and the Minority Leader of the House of~~
24 ~~Representatives.~~

25 ~~(2) Select the director of the office in accordance with~~
26 ~~the following:~~

27 ~~(i) The committee shall publish qualifications of~~
28 ~~the director in the Pennsylvania Code and Bulletin within~~
29 ~~90 days of the first meeting of the committee.~~

30 ~~(ii) The appointment may not be made on the basis of~~

1 ~~political affiliation.~~

2 ~~(iii) The appointment shall be made on the basis of~~
3 ~~the fitness to perform the duties of the office based on~~
4 ~~the published qualifications.~~

5 ~~(b) Director. The director shall serve in accordance with~~
6 ~~the following:~~

7 ~~(1) The selection of the director shall occur no later~~
8 ~~than July 1, 2018.~~

9 ~~(2) The director shall serve for a term of six years.~~

10 ~~(3) An individual appointed as director to fill a~~
11 ~~vacancy prior to the expiration of a term shall only serve~~
12 ~~for the unexpired portion of the term.~~

13 ~~(c) Deputy director. The director shall appoint a deputy~~
14 ~~director who shall have the following duties:~~

15 ~~(1) Perform assigned duties from the director.~~

16 ~~(2) Assume the role of the director:~~

17 ~~(i) during an absence or incapacity of the director;~~

18 ~~or~~

19 ~~(ii) if a vacancy occurs in the position of director~~
20 ~~until a successor director is appointed.~~

21 ~~(d) Removal. The director may be removed by a concurrent~~
22 ~~resolution passed by the Senate and the House of~~
23 ~~Representatives.~~

24 ~~Section 6. Director.~~

25 ~~The director shall have the following powers and duties:~~

26 ~~(1) The authority to:~~

27 ~~(i) Determine and implement internal policies,~~
28 ~~standards and protocols to orderly and efficiently carry~~
29 ~~out the mission of the office under this act.~~

30 ~~(ii) Procure the temporary or intermittent service~~

1 of attorneys, experts, consultants or organizations by
2 contract.

3 ~~(2) Hire and fix compensation in accordance with the~~
4 following:

5 ~~(i) The hiring and appointments shall be made on the~~
6 ~~basis of the duties of the office and the performance of~~
7 ~~the functions of the office.~~

8 ~~(ii) All personnel shall be hired or appointed~~
9 ~~without regard to political affiliation.~~

10 ~~(iii) Hiring and appointments shall be based on~~
11 ~~fitness to perform the necessary duties.~~

12 Section 7. Notice.

13 ~~(a) Transmittal of notice. When the office determines that~~
14 ~~a statute or regulation meets the standards set under this act~~
15 ~~and as set by the director for modification, revision or repeal,~~
16 ~~the director shall recommend the action to:~~

17 ~~(1) The General Assembly if a statute needs to be~~
18 ~~modified, revised or repealed.~~

19 ~~(2) The State department or agency which created the~~
20 ~~regulation that needs to be modified, revised or repealed.~~

21 ~~(b) Details. A recommendation from the office shall provide~~
22 ~~specific details why the office is recommending that the statute~~
23 ~~or regulation needs to be modified, revised or repealed.~~

24 Section 8. Records.

25 ~~The office shall be a legislative agency for the purposes of~~
26 ~~the act of February 14, 2008 (P.L.6, No.3), known as the Right~~
27 ~~to Know Law.~~

28 Section 9. Sunset.

29 ~~This act shall expire June 30, 2024.~~

30 Section 10. Effective date.

1 ~~This act shall take effect immediately.~~

2 SECTION 1. SECTION 3 OF THE ACT OF JUNE 25, 1982 (P.L.633, <--
3 NO.181), KNOWN AS THE REGULATORY REVIEW ACT, IS AMENDED BY
4 ADDING DEFINITIONS TO READ:

5 SECTION 3. DEFINITIONS.

6 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
7 HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
8 MEANINGS GIVEN TO THEM IN THIS SECTION:

9 * * *

10 "DIRECTOR." THE DIRECTOR OF THE OFFICE.

11 * * *

12 "OFFICE." THE INDEPENDENT OFFICE OF THE REPEALER.

13 * * *

14 "SELECTION COMMITTEE." THE SELECTION AND ORGANIZATION
15 COMMITTEE IN THE OFFICE.

16 * * *

17 SECTION 2. SECTION 8.1 OF THE ACT IS AMENDED TO READ:
18 SECTION 8.1. EXISTING REGULATIONS.

19 THE COMMISSION, ON ITS MOTION OR AT THE REQUEST OF ANY PERSON
20 OR MEMBER OF THE GENERAL ASSEMBLY, MAY REVIEW ANY EXISTING
21 REGULATION WHICH HAS BEEN IN EFFECT FOR AT LEAST THREE YEARS. IF
22 A COMMITTEE OF THE SENATE OR THE HOUSE OF REPRESENTATIVES
23 REQUESTS A REVIEW OF AN EXISTING REGULATION, THE COMMISSION
24 SHALL PERFORM THE REVIEW AND SHALL ASSIGN IT HIGH PRIORITY. THE
25 COMMISSION MAY SUBMIT RECOMMENDATIONS TO AN AGENCY RECOMMENDING
26 CHANGES IN EXISTING REGULATIONS IF IT FINDS THE EXISTING
27 REGULATIONS TO BE CONTRARY TO THE PUBLIC INTEREST UNDER THE
28 CRITERIA ESTABLISHED IN SECTION 5.2. THE COMMISSION MAY ALSO
29 MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY AND THE GOVERNOR
30 FOR STATUTORY CHANGES IF THE COMMISSION FINDS THAT ANY EXISTING

1 REGULATION MAY BE CONTRARY TO THE PUBLIC INTEREST. UNLESS
2 PROHIBITED BY THE LAWS OF THIS COMMONWEALTH, AT THE TIME AN
3 AGENCY PROMULGATES A NEW REGULATION, THE AGENCY SHALL IDENTIFY
4 AT LEAST TWO EXISTING REGULATIONS FOR REPEAL.

5 SECTION 3. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
6 SECTION 12.2. INDEPENDENT OFFICE OF THE REPEALER.

7 (A) THERE IS ESTABLISHED A NONPARTISAN INDEPENDENT OFFICE OF
8 THE REPEALER WITHIN THE INDEPENDENT REGULATORY REVIEW
9 COMMISSION.

10 (B) THE OFFICE SHALL HAVE THE FOLLOWING POWERS AND DUTY TO:

11 (1) ADOPT LOGICAL, QUANTITATIVE AND QUALITATIVE RULES TO
12 DETERMINE WHETHER AN EXISTING STATUTE OR REGULATION OF THE
13 COMMONWEALTH IS:

14 (I) UNREASONABLE, UNDULY BURDENSOME, DETRIMENTAL TO
15 ECONOMIC WELL-BEING, DUPLICATIVE, ONEROUS, DEFECTIVE OR
16 IN CONFLICT WITH ANOTHER STATUTE OR REGULATION.

17 (II) DEFYING A COMMON SENSE APPROACH TO GOVERNMENT.

18 (2) PERFORM A SYSTEMATIC REVIEW OF EXISTING STATUTES AND
19 REGULATIONS OF THIS COMMONWEALTH IN ACCORDANCE WITH THE RULES
20 ADOPTED FOR REVIEW UNDER THIS ACT.

21 (3) IDENTIFY EXISTING STATUTES AND REGULATIONS WHICH MAY
22 BE APPROPRIATE FOR LEGISLATIVE AND EXECUTIVE AGENCY
23 MODIFICATION, REVISION OR REPEAL.

24 (4) ESTABLISH AS SOON AS PRACTICAL A SYSTEM WITH A
25 PUBLICLY ACCESSIBLE INTERNET WEBSITE THAT ALLOWS THE OFFICE
26 TO RECEIVE:

27 (I) SUGGESTIONS AND COMMENTS, ALONG WITH SUPPORTING
28 DOCUMENTATION, FOR MODIFICATION, REVISION OR REPEAL FROM
29 CITIZENS, BUSINESSES, GOVERNMENT AGENCIES OR OTHERS.

30 (II) REPORTS ON ALLEGATIONS OF WASTEFUL GOVERNMENTAL

1 PRACTICES.

2 (5) DETERMINE AND IMPLEMENT INTERNAL POLICIES, STANDARDS
3 AND PROCEDURES AS MAY BE NECESSARY FOR THE ORDERLY AND
4 EFFICIENT EXECUTION OF THE MISSION OF THE OFFICE.

5 (6) IMPLEMENT A TRACKING SYSTEM TO FOLLOW ALL
6 SUBMISSIONS AND ACTIONS TAKEN ON A RECOMMENDATION MADE BY THE
7 DIRECTOR WHICH INCLUDES PROGRESS OF MODIFICATION, REVISION OR
8 REPEAL.

9 (7) BY JUNE 30 OF EACH YEAR, REPORT TO THE GENERAL
10 ASSEMBLY AND THE GOVERNOR ON:

11 (I) RECOMMENDED CHANGES TO STATUTES AND REGULATIONS.

12 (II) RECOMMENDED CHANGES TO INCREASE EFFICIENCY AND
13 ELIMINATE WASTEFUL PRACTICES.

14 (III) PROGRESS OF THE REVISION, REPEAL OR ABROGATION
15 OF STATUTES AND REGULATIONS.

16 (C) THE COMMITTEE ESTABLISHED IN THE OFFICE SHALL:

17 (1) CONSIST OF THE FOLLOWING MEMBERS:

18 (I) ONE MEMBER APPOINTED BY THE GOVERNOR.

19 (II) ONE MEMBER APPOINTED BY THE PRESIDENT PRO
20 TEMPORE OF THE SENATE IN CONSULTATION WITH THE MAJORITY
21 LEADER AND THE MINORITY LEADER OF THE SENATE.

22 (III) ONE MEMBER APPOINTED BY THE SPEAKER OF THE
23 HOUSE OF REPRESENTATIVES IN CONSULTATION WITH THE
24 MAJORITY LEADER AND THE MINORITY LEADER OF THE HOUSE OF
25 REPRESENTATIVES.

26 (2) SELECT THE DIRECTOR OF THE OFFICE IN ACCORDANCE WITH
27 THE FOLLOWING:

28 (I) THE COMMITTEE SHALL PUBLISH QUALIFICATIONS OF
29 THE DIRECTOR IN THE PENNSYLVANIA CODE AND BULLETIN WITHIN
30 90 DAYS OF THE FIRST MEETING OF THE COMMITTEE.

1 (II) THE APPOINTMENT MAY NOT BE MADE ON THE BASIS OF
2 POLITICAL AFFILIATION.

3 (III) THE APPOINTMENT SHALL BE MADE ON THE BASIS OF
4 THE FITNESS TO PERFORM THE DUTIES OF THE OFFICE BASED ON
5 THE PUBLISHED QUALIFICATIONS.

6 (D) THE DIRECTOR SHALL SERVE IN ACCORDANCE WITH THE
7 FOLLOWING:

8 (1) THE SELECTION OF THE DIRECTOR SHALL OCCUR NO LATER
9 THAN SEPTEMBER 1, 2018.

10 (2) THE DIRECTOR SHALL SERVE FOR A TERM OF SIX YEARS.

11 (3) AN INDIVIDUAL APPOINTED AS DIRECTOR TO FILL A
12 VACANCY PRIOR TO THE EXPIRATION OF A TERM SHALL ONLY SERVE
13 FOR THE UNEXPIRED PORTION OF THE TERM.

14 (E) THE DIRECTOR SHALL APPOINT A DEPUTY DIRECTOR WHO SHALL
15 HAVE THE FOLLOWING DUTIES:

16 (1) PERFORM ASSIGNED DUTIES FROM THE DIRECTOR.

17 (2) ASSUME THE ROLE OF THE DIRECTOR:

18 (I) DURING AN ABSENCE OR INCAPACITY OF THE DIRECTOR;

19 OR

20 (II) IF A VACANCY OCCURS IN THE POSITION OF DIRECTOR
21 UNTIL A SUCCESSOR DIRECTOR IS APPOINTED.

22 (F) THE DIRECTOR MAY BE REMOVED BY A CONCURRENT RESOLUTION
23 PASSED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES.

24 (G) THE DIRECTOR SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

25 (1) THE AUTHORITY TO:

26 (I) DETERMINE AND IMPLEMENT INTERNAL POLICIES,
27 STANDARDS AND PROTOCOLS TO ORDERLY AND EFFICIENTLY CARRY
28 OUT THE MISSION OF THE OFFICE UNDER THIS SECTION.

29 (II) PROCURE THE TEMPORARY OR INTERMITTENT SERVICE
30 OF ATTORNEYS, EXPERTS, CONSULTANTS OR ORGANIZATIONS BY

1 CONTRACT.

2 (2) HIRE AND FIX COMPENSATION IN ACCORDANCE WITH THE
3 FOLLOWING:

4 (I) THE HIRING AND APPOINTMENTS SHALL BE MADE ON THE
5 BASIS OF THE DUTIES OF THE OFFICE AND THE PERFORMANCE OF
6 THE FUNCTIONS OF THE OFFICE.

7 (II) ALL PERSONNEL SHALL BE HIRED OR APPOINTED
8 WITHOUT REGARD TO POLITICAL AFFILIATION.

9 (III) HIRING AND APPOINTMENTS SHALL BE BASED ON
10 FITNESS TO PERFORM THE NECESSARY DUTIES.

11 (H) (1) WHEN THE OFFICE DETERMINES THAT A STATUTE OR
12 REGULATION MEETS THE STANDARDS SET UNDER THIS SECTION AND AS
13 SET BY THE DIRECTOR FOR MODIFICATION, REVISION OR REPEAL, THE
14 DIRECTOR SHALL RECOMMEND THE ACTION TO:

15 (I) THE GENERAL ASSEMBLY IF A STATUTE NEEDS TO BE
16 MODIFIED, REVISED OR REPEALED.

17 (II) THE STATE DEPARTMENT OR AGENCY THAT PROMULGATED
18 THE REGULATION THAT NEEDS TO BE MODIFIED, REVISED OR
19 REPEALED.

20 (2) A RECOMMENDATION FROM THE OFFICE SHALL PROVIDE
21 SPECIFIC DETAILS WHY THE OFFICE IS RECOMMENDING THAT THE
22 STATUTE OR REGULATION NEEDS TO BE MODIFIED, REVISED OR
23 REPEALED.

24 (I) THE OFFICE SHALL BE A COMMONWEALTH AGENCY FOR THE
25 PURPOSES OF THE ACT OF FEBRUARY 14, 2008 (P.L.6, NO.3), KNOWN AS
26 THE "RIGHT-TO-KNOW LAW."

27 (J) THIS ACT SHALL EXPIRE JUNE 30, 2024.

28 SECTION 4. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.