

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 939 Session of 2021

INTRODUCED BY KLUNK, DUNBAR, FEE, GROVE, HAMM, HERSHEY, KAUFFMAN, R. MACKENZIE, MENTZER, METCALFE, B. MILLER, MIZGORSKI, MOUL, PICKETT, ROAE, ROTHMAN, ROWE, RYAN, SANKEY, STAMBAUGH, STRUZZI, ZIMMERMAN AND KEEFER, MARCH 17, 2021

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 20, 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 definitions and for existing
6 regulations; and establishing the Independent Office of the
7 Repealer and providing for its power and duties.

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

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

13 Section 3. Definitions.

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

17 * * *

18 "Director." The director of the office.

19 * * *

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

2 * * *

3 Section 2. Section 8.1 of the act is amended to read:

4 Section 8.1. Existing regulations.

5 The commission, on its motion or at the request of any person
6 or member of the General Assembly, may review any existing
7 regulation which has been in effect for at least three years. If
8 a committee of the Senate or the House of Representatives
9 requests a review of an existing regulation, the commission
10 shall perform the review and shall assign it high priority. The
11 commission may submit recommendations to an agency recommending
12 changes in existing regulations if it finds the existing
13 regulations to be contrary to the public interest under the
14 criteria established in section 5.2. The commission may also
15 make recommendations to the General Assembly and the Governor
16 for statutory changes if the commission finds that any existing
17 regulation may be contrary to the public interest. Unless
18 prohibited by the laws of this Commonwealth, at the time an
19 agency promulgates a new regulation, the agency shall identify
20 at least two existing regulations for repeal.

21 Section 3. The act is amended by adding a section to read:

22 Section 12.2. Independent Office of the Repealer.

23 ~~(a) There is established a nonpartisan Independent Office of~~ <--
24 ~~the Repealer within the Independent Regulatory Review~~
25 ~~Commission.~~

26 ~~(b) The office shall have the following powers and duties:~~

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

30 ~~(i) Unreasonable, unduly burdensome, detrimental to~~

1 ~~economic well being, duplicative, onerous, defective or~~
2 ~~in conflict with another statute or regulation.~~

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

4 ~~(2) Perform a systematic review of existing statutes and~~
5 ~~regulations of this Commonwealth in accordance with the rules~~
6 ~~adopted for review under this act.~~

7 ~~(3) Identify existing statutes and regulations which may~~
8 ~~be appropriate for legislative and executive agency~~
9 ~~modification, revision or repeal.~~

10 ~~(4) Establish as soon as practical a system with a~~
11 ~~publicly accessible Internet website that allows the office~~
12 ~~to receive:~~

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

16 ~~(ii) Reports on allegations of wasteful governmental~~
17 ~~practices.~~

18 ~~(5) Determine and implement internal policies, standards~~
19 ~~and procedures as may be necessary for the orderly and~~
20 ~~efficient execution of the mission of the office.~~

21 ~~(6) Implement a tracking system to follow all~~
22 ~~submissions and actions taken on a recommendation made by the~~
23 ~~director which includes progress of modification, revision or~~
24 ~~repeal.~~

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

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

28 ~~(ii) Recommended changes to increase efficiency and~~
29 ~~eliminate wasteful practices.~~

30 ~~(iii) Progress of the revision, repeal or abrogation~~

1 ~~of statutes and regulations.~~

2 ~~(c) The committee established in the office shall:~~

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

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

5 ~~(ii) One member appointed by the President pro~~
6 ~~tempore of the Senate in consultation with the Majority~~
7 ~~Leader and the Minority Leader of the Senate.~~

8 ~~(iii) One member appointed by the Speaker of the~~
9 ~~House of Representatives in consultation with the~~
10 ~~Majority Leader and the Minority Leader of the House of~~
11 ~~Representatives.~~

12 ~~(2) Select the director of the office in accordance with~~
13 ~~the following:~~

14 ~~(i) The committee shall transmit notice of the~~
15 ~~qualifications of the director to the Legislative~~
16 ~~Reference Bureau for publication in the Pennsylvania~~
17 ~~Bulletin within 90 days of the first meeting of the~~
18 ~~committee.~~

19 ~~(ii) The appointment may not be made on the basis of~~
20 ~~political affiliation.~~

21 ~~(iii) The appointment shall be made on the basis of~~
22 ~~the fitness to perform the duties of the office based on~~
23 ~~the published qualifications.~~

24 ~~(d) The director shall serve in accordance with the~~
25 ~~following:~~

26 ~~(1) The selection of the director shall occur no later~~
27 ~~than September 1, 2021.~~

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

29 ~~(3) An individual appointed as director to fill a~~
30 ~~vacancy prior to the expiration of a term shall only serve~~

1 ~~for the unexpired portion of the term.~~

2 ~~(e) The director shall appoint a deputy director who shall~~
3 ~~have the following duties:~~

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

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

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

7 ~~or~~

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

10 ~~(f) The director may be removed by a concurrent resolution~~
11 ~~passed by the Senate and the House of Representatives.~~

12 ~~(g) The director shall have the following powers and duties:~~

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

14 ~~(i) Determine and implement internal policies,~~
15 ~~standards and protocols to orderly and efficiently carry~~
16 ~~out the mission of the office under this section.~~

17 ~~(ii) Procure the temporary or intermittent service~~
18 ~~of attorneys, experts, consultants or organizations by~~
19 ~~contract.~~

20 ~~(2) Hire and fix compensation in accordance with the~~
21 ~~following:~~

22 ~~(i) The hiring and appointments shall be made on the~~
23 ~~basis of the duties of the office and the performance of~~
24 ~~the functions of the office.~~

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

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

29 ~~(h) (1) When the office determines that a statute or~~
30 ~~regulation meets the standards set under this section and as~~

~~set by the director for modification, revision or repeal, the director shall recommend the action to:~~

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

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

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

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

~~(j) This act shall expire June 30, 2025.~~

~~(A) THE NONPARTISAN INDEPENDENT OFFICE OF THE REPEALER IS ESTABLISHED WITHIN THE JOINT STATE GOVERNMENT COMMISSION. <--~~

~~(B) THE FOLLOWING SHALL APPLY TO THE DIRECTOR OF THE OFFICE:~~

~~(1) THE DIRECTOR OF THE OFFICE SHALL SERVE IN ACCORDANCE WITH THE FOLLOWING:~~

~~(I) THE SELECTION OF THE DIRECTOR BY THE SELECTION AND ORGANIZATION COMMITTEE UNDER SUBSECTION (E) SHALL OCCUR NO LATER THAN SEPTEMBER 1, 2021.~~

~~(II) THE DIRECTOR SHALL SERVE FOR A TERM OF SIX YEARS.~~

~~(III) AN INDIVIDUAL APPOINTED AS DIRECTOR TO FILL A VACANCY PRIOR TO THE EXPIRATION OF A TERM SHALL ONLY SERVE FOR THE UNEXPIRED PORTION OF THE TERM.~~

~~(2) THE DIRECTOR SHALL APPOINT A DEPUTY DIRECTOR WHO SHALL HAVE THE FOLLOWING DUTIES:~~

1 (I) PERFORM ASSIGNED DUTIES FROM THE DIRECTOR.

2 (II) ASSUME THE ROLE OF THE DIRECTOR:

3 (A) DURING AN ABSENCE OR INCAPACITY OF THE
4 DIRECTOR; OR

5 (B) IF A VACANCY OCCURS IN THE POSITION OF
6 DIRECTOR UNTIL A SUCCESSOR DIRECTOR IS APPOINTED.

7 (3) THE DIRECTOR MAY BE REMOVED BY A CONCURRENT
8 RESOLUTION PASSED BY THE SENATE AND THE HOUSE OF
9 REPRESENTATIVES.

10 (4) THE DIRECTOR SHALL HAVE THE FOLLOWING POWERS AND
11 DUTIES:

12 (I) THE AUTHORITY TO:

13 (A) DETERMINE AND IMPLEMENT INTERNAL POLICIES,
14 STANDARDS AND PROTOCOLS TO ORDERLY AND EFFICIENTLY
15 CARRY OUT THE MISSION OF THE OFFICE UNDER THIS
16 SECTION.

17 (B) PROCURE THE TEMPORARY OR INTERMITTENT
18 SERVICE OF ATTORNEYS, EXPERTS, CONSULTANTS OR
19 ORGANIZATIONS BY CONTRACT.

20 (II) HIRE AND FIX COMPENSATION IN ACCORDANCE WITH
21 THE FOLLOWING:

22 (A) THE HIRING AND APPOINTMENTS SHALL BE MADE ON
23 THE BASIS OF THE DUTIES OF THE OFFICE AND THE
24 PERFORMANCE OF THE FUNCTIONS OF THE OFFICE.

25 (B) ALL PERSONNEL SHALL BE HIRED OR APPOINTED
26 WITHOUT REGARD TO POLITICAL AFFILIATION.

27 (C) HIRING AND APPOINTMENTS SHALL BE BASED ON
28 FITNESS TO PERFORM THE NECESSARY DUTIES.

29 (III) WHEN THE OFFICE DETERMINES THAT A STATUTE OR
30 REGULATION MEETS THE STANDARDS SET UNDER THIS SECTION AND

1 AS SET BY THE DIRECTOR FOR MODIFICATION, REVISION OR
2 REPEAL, THE DIRECTOR SHALL RECOMMEND THE ACTION TO:

3 (A) THE GENERAL ASSEMBLY IF A STATUTE NEEDS TO
4 BE MODIFIED, REVISED OR REPEALED.

5 (B) THE DEPARTMENT OF STATE OR OTHER AGENCY THAT
6 PROMULGATED THE REGULATION THAT NEEDS TO BE MODIFIED,
7 REVISED OR REPEALED.

8 (IV) A RECOMMENDATION FROM THE DIRECTOR SHALL
9 PROVIDE SPECIFIC DETAILS OF WHY THE OFFICE IS
10 RECOMMENDING THAT THE STATUTE OR REGULATION NEEDS TO BE
11 MODIFIED, REVISED OR REPEALED.

12 (C) THE OFFICE SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

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

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

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

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

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

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

29 (I) SUGGESTIONS AND COMMENTS, ALONG WITH SUPPORTING
30 DOCUMENTATION, FOR MODIFICATION, REVISION OR REPEAL FROM

1 CITIZENS, BUSINESSES, GOVERNMENT AGENCIES OR OTHERS.

2 (II) REPORTS ON ALLEGATIONS OF WASTEFUL GOVERNMENTAL
3 PRACTICES.

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

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

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

13 (I) RECOMMENDED CHANGES TO STATUTES AND REGULATIONS.

14 (II) RECOMMENDED CHANGES TO INCREASE EFFICIENCY AND
15 ELIMINATE WASTEFUL PRACTICES.

16 (III) PROGRESS OF THE REVISION, REPEAL OR ABROGATION
17 OF STATUTES AND REGULATIONS.

18 (D) 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 (E) THE SELECTION AND ORGANIZATION COMMITTEE IS ESTABLISHED
22 WITHIN THE OFFICE FOR THE PURPOSES UNDER THIS SUBSECTION. THE
23 FOLLOWING SHALL APPLY:

24 (1) THE SELECTION AND ORGANIZATION COMMITTEE SHALL BE
25 COMPRISED OF THE FOLLOWING MEMBERS:

26 (I) ONE MEMBER APPOINTED BY THE GOVERNOR.

27 (II) ONE MEMBER APPOINTED BY THE PRESIDENT PRO
28 TEMPORE OF THE SENATE IN CONSULTATION WITH THE MAJORITY
29 LEADER AND THE MINORITY LEADER OF THE SENATE.

30 (III) ONE MEMBER APPOINTED BY THE SPEAKER OF THE

1 HOUSE OF REPRESENTATIVES IN CONSULTATION WITH THE
2 MAJORITY LEADER AND THE MINORITY LEADER OF THE HOUSE OF
3 REPRESENTATIVES.

4 (2) THE SELECTION AND ORGANIZATION COMMITTEE SHALL
5 SELECT THE DIRECTOR OF THE OFFICE IN ACCORDANCE WITH THE
6 FOLLOWING:

7 (I) THE COMMITTEE SHALL TRANSMIT NOTICE OF THE
8 QUALIFICATIONS OF THE DIRECTOR TO THE LEGISLATIVE
9 REFERENCE BUREAU FOR PUBLICATION IN THE PENNSYLVANIA
10 BULLETIN WITHIN 90 DAYS OF THE FIRST MEETING OF THE
11 SELECTION AND ORGANIZATION COMMITTEE.

12 (II) THE APPOINTMENT MAY NOT BE MADE ON THE BASIS OF
13 POLITICAL AFFILIATION.

14 (III) THE APPOINTMENT SHALL BE MADE ON THE BASIS OF
15 THE FITNESS TO PERFORM THE DUTIES OF THE OFFICE BASED ON
16 THE PUBLISHED QUALIFICATIONS.

17 Section 4. This act shall take effect immediately.