



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 209

PRINTERS NO. 3162

PRIME SPONSOR: Phillips-Hill

COST / (SAVINGS)

| FUND | FY 2017/18 | FY 2018/19 |
|--------------|------------|------------|
| General Fund | \$0 | \$660,000 |

SUMMARY: House Bill 209, printer's number 3162, amends the act of June 25, 1982 (P.L. 633, No. 181), known as the Regulatory Review Act, to further provide for definitions and existing regulations, and establish the Independent Office of the Repealer and providing for its power and duties.

The effective date is immediately after enactment.

ANALYSIS: The bill amends Section 8.1 of the Regulatory Review Act by adding language to require that unless prohibited by the laws of the Commonwealth, at the time an agency promulgates a new regulation, the agency shall identify at least two existing regulations for repeal.

The bill adds a new section to the Regulatory Review Act to establish a nonpartisan Independent Office of the Repealer within the Independent Regulatory Review Commission. The Office shall have the power and duty to do the following:

- 1) adopt logical, quantitative and qualitative rules to determine whether an existing statute or regulation is unreasonable, unduly burdensome, detrimental to economic well-being, duplicative, or in conflict with another statute or regulation, or defies a common sense approach to government;
- 2) perform a systematic review of existing statutes and regulations in accordance with rules adopted for review under the Regulatory Review Act;
- 3) identify existing statutes and regulations which may be appropriate for modification, revision, or repeal;
- 4) establish a publicly accessible Internet website that allows the Office to receive comments and suggestions from citizens, businesses, government agencies or others; as well as reports on allegations of wasteful governmental practices;
- 5) determine and implement internal policies, standards and procedures necessary for the orderly and efficient execution of the mission of the Office;
- 6) implement a tracking system to follow all submissions and actions taken on a recommendation made by the director of the Office, which includes progress on modification, revision, or repeal of statutes and regulations; and

- 7) by June 30th of each year, issue a report to the General Assembly and the Governor on recommended changes to statutes and regulations, and changes to increase efficiency and eliminate wasteful practices.

A committee is established in the Office of the Repealer to select the director of the Office. The Committee shall consist of three members, with one appointed by the Governor, one member appointed by the President Pro Tempore of the Senate in consultation with the majority and minority leaders of the Senate, and one member appointed by the Speaker of the House of Representatives in consultation with the majority and minority leaders of the House. The committee shall publish qualifications of the director in the Pennsylvania Code and Bulletin within 90 days of the first meeting of the committee. The selection of the director shall occur no later than September 1, 2018. The director shall serve for a term of six years and may be removed by a concurrent resolution passed by the Senate and the House of Representatives. The director shall have the power and duty to determine and implement internal policies, standards and protocols to carry out the mission of the Office, and may procure the temporary or intermittent service of attorneys, experts, consultants or organizations by contract. The legislation also requires the director to appoint a deputy director to perform duties assigned by the director, and assume the role of the director during an absence or incapacity of the director. The director shall have the authority to hire and fix compensation.

When the Office of Repealer determines that a statute or regulation meets the standards set by the Office for modification, revision or repeal, the director shall make a recommendation to the General Assembly and the state department or agency that promulgated the regulation for such action. The recommendation from the Office shall include specific details why the statute or regulation is recommended to be modified, revised or repealed.

The act shall sunset on June 30, 2024.

FISCAL IMPACT: The enactment of this legislation will have estimated total first year costs of approximately \$660,000, including one-time costs of \$100,000 for furniture, equipment, and the development of the required website and tracking system. The first year costs include nine months of salary and benefit costs for the director, deputy director and one administrative support position. Costs in the second year are estimated to be \$722,000 and may be higher if the director of the Office of Repealer determines that additional staff positions are needed to carry out the functions of the Office.

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House Appropriations Committee (R)

DATE: May 1, 2018

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.