

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2310 Session of 2018

INTRODUCED BY WHEATLEY, BULLOCK, SCHLOSSBERG, McCLINTON AND KINSEY, JUNE 18, 2018

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 18, 2018

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled,  
 2 as amended, "An act providing for and reorganizing the  
 3 conduct of the executive and administrative work of the  
 4 Commonwealth by the Executive Department thereof and the  
 5 administrative departments, boards, commissions, and officers  
 6 thereof, including the boards of trustees of State Normal  
 7 Schools, or Teachers Colleges; abolishing, creating,  
 8 reorganizing or authorizing the reorganization of certain  
 9 administrative departments, boards, and commissions; defining  
 10 the powers and duties of the Governor and other executive and  
 11 administrative officers, and of the several administrative  
 12 departments, boards, commissions, and officers; fixing the  
 13 salaries of the Governor, Lieutenant Governor, and certain  
 14 other executive and administrative officers; providing for  
 15 the appointment of certain administrative officers, and of  
 16 all deputies and other assistants and employes in certain  
 17 departments, boards, and commissions; providing for the  
 18 regulation of pari-mutuel thoroughbred horse racing and  
 19 harness horse racing activities, imposing certain taxes and  
 20 providing for the disposition of funds from pari-mutuel  
 21 tickets; and prescribing the manner in which the number and  
 22 compensation of the deputies and all other assistants and  
 23 employes of certain departments, boards and commissions shall  
 24 be determined," providing for social impact assessment  
 25 office.

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

28 Section 1. The act of April 9, 1929 (P.L.177, No.175), known  
 29 as The Administrative Code of 1929, is amended by adding an

1 article to read:

2 ARTICLE VI-C

3 SOCIAL IMPACT ASSESSMENT OFFICE

4 Section 601-C. Scope of article.

5 This article relates to social impact assessments.

6 Section 602-C. Definitions.

7 The following words and phrases when used in this article  
8 shall have the meanings given to them in this section unless the  
9 context clearly indicates otherwise:

10 "Executive director." The executive director of the office.

11 "Office." The Social Impact Assessment Office established in  
12 section 603-C.

13 "Selection and organization committee." The Social Impact  
14 Assessment Office Selection and Organization Committee  
15 established in section 604-C.

16 "Social impact." The intended and unintended social  
17 consequences, both positive and negative, of planned  
18 interventions.

19 Section 603-C. Office established.

20 There is established a nonpartisan Social Impact Assessment  
21 Office as an independent agency.

22 Section 604-C. Selection and organization committee.

23 (a) Establishment and purpose.--There is established the  
24 Social Impact Assessment Office Selection and Organization  
25 Committee to organize the office and appoint an executive  
26 director.

27 (b) Members.--The selection and organization committee shall  
28 consist of the following:

29 (1) The President pro tempore of the Senate.

30 (2) The Minority Leader of the Senate.

1           (3) The Speaker of the House of Representatives.

2           (4) The Minority Leader of the House of Representatives.

3 Section 605-C. Executive director.

4           (a) Appointment.--The selection and organization committee  
5 shall appoint an executive director as the head of the office.

6 The appointment shall be made:

7           (1) no later than July 1, 2019;

8           (2) without regard to political affiliation and solely  
9 on the basis of fitness to perform the duties of the office;  
10 and

11           (3) based on qualifications published by the selection  
12 and organization committee.

13           (b) Term.--

14           (1) Except as provided in paragraphs (2) and (3), the  
15 term of the executive director shall be six years.

16           (2) An individual appointed as the executive director to  
17 fill a vacancy in that position prior to the expiration of  
18 the six-year term shall serve only for the unexpired portion  
19 of that term.

20           (3) An individual serving as the executive director at  
21 the expiration of a six-year term may continue to serve until  
22 a successor executive director is appointed.

23           (c) Removal.--An executive director may be removed only by  
24 concurrent resolution passed by the Senate and House of  
25 Representatives.

26           (d) Deputy executive director.--The executive director shall  
27 appoint a deputy executive director, who shall:

28           (1) perform the duties as assigned by the executive  
29 director; and

30           (2) act as executive director during the absence or

1 incapacity of the executive director or as a result of the  
2 position of executive director becoming vacant.

3 (e) Personnel.--

4 (1) The executive director shall appoint and fix the  
5 compensation of personnel as necessary to carry out the  
6 duties and functions of the office.

7 (2) All personnel of the office shall be appointed  
8 without regard to political affiliation and solely on the  
9 basis of fitness to perform the duties of the office.

10 (f) Temporary or intermittent services.--In carrying out the  
11 duties and functions of the office, the executive director may  
12 by contract procure the temporary or intermittent services of  
13 attorneys, experts, consultants or other persons.

14 Section 606-C. Powers and duties of office.

15 (a) General powers and duties.--The office shall have the  
16 power and duty to:

17 (1) Adopt bylaws and procedures for the conduct of its  
18 official business.

19 (2) Conduct reviews under subsection (b).

20 (3) Respond to inquiries from members of the legislative  
21 and executive branch of government regarding the social  
22 impact of matters not specifically addressed under subsection  
23 (b).

24 (4) Prepare social impact assessments under section 608-  
25 C.

26 (5) Issue subpoenas to compel testimony or receive  
27 information reasonably necessary to carry out its powers and  
28 duties under this article.

29 (6) Issue an annual report that includes, but is not  
30 limited to, any applicable findings and recommendations and a

1 summary of its activities during the preceding year.

2 (7) Perform other appropriate functions as determined by  
3 the executive director.

4 (b) Review.--

5 (1) The office shall conduct a review of statutes,  
6 legislation, regulations, rules, policies, procedures and  
7 public policy information on the Federal, State and local  
8 levels associated with the following topics:

9 (i) Felony crimes committed by individuals who are  
10 18 years of age or older.

11 (ii) Felony crimes or misdemeanors committed by  
12 individuals who are under 18 years of age.

13 (iii) Public school finance.

14 (iv) The structure, mission or creation of  
15 institutions of higher education.

16 (2) As part of the review, the office shall:

17 (i) Formulate applicable principles and objectives.

18 (ii) Analyze the components under paragraph (1) on  
19 its own initiative or upon request from a member of the  
20 legislative or executive branch of government.

21 (iii) Recommend as it deems advisable any new  
22 components, or any amendments or improvements to existing  
23 components, under paragraph (1).

24 (iv) Cooperate with State and municipal entities on  
25 any matter applicable to the review.

26 (v) Analyze the relationship of legislation  
27 applicable to the review on public and private sector  
28 systems, other aspects of public policy and the effective  
29 operation of government.

30 (vi) Issue a report containing a summary of its

1 analyses under this paragraph and any findings and  
2 recommendations relevant to the review.

3 (c) Reports.--Each report under this section shall be  
4 transmitted to the Governor and the General Assembly in a timely  
5 manner and in electronic form or otherwise, as determined by the  
6 executive director.

7 (d) Priority.--In administering the office, the executive  
8 director shall prioritize as necessary, in light of limited time  
9 and resources, the duties associated with the office and review  
10 under this section.

11 Section 607-C. Records.

12 The office shall be a legislative agency for purpose of the  
13 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-  
14 Know Law.

15 Section 608-C. Social impact assessment.

16 (a) Mandatory nature.--Except as otherwise provided in  
17 subsection (b):

18 (1) If a bill or resolution authorizes or requires a  
19 change in the law regarding the topics under section 606-C(b)  
20 (1), the bill or resolution shall be accompanied by a social  
21 impact assessment from the office prior to a vote on the bill  
22 or resolution by a standing committee of the General  
23 Assembly. If a bill or resolution that would not otherwise  
24 require a social impact assessment is amended by a standing  
25 committee to include an amendment authorizing or requiring a  
26 change in the law regarding the topics under section 606-C(b)  
27 (1), a social impact assessment for the amended bill or  
28 resolution shall be required before the amended bill or  
29 resolution receives a vote by the standing committee.

30 (2) If a bill or resolution did not require a social

1 impact assessment under paragraph (1) but was subsequently  
2 amended to include an amendment authorizing or requiring a  
3 change in the law regarding the topics under section 606-C(b)  
4 (1), a social impact assessment for the amended bill or  
5 resolution shall be required before the amended bill or  
6 resolution receives a vote on final passage in the house that  
7 amended the bill or resolution.

8 (b) Preparation.--

9 (1) In preparing a social impact assessment, the office  
10 may use information or data from any department, agency,  
11 governmental unit, organization or other person that the  
12 executive director deems reliable. As part of the social  
13 impact assessment, the executive director:

14 (i) shall provide the source of the information or  
15 data; and

16 (ii) may state the extent to which the social impact  
17 assessment is based on the information or data.

18 (2) A required social impact assessment shall be  
19 prepared within seven legislative days after the executive  
20 director receives notice of the need for the social impact  
21 assessment, given the nature of the bill, resolution or  
22 amendment being considered.

23 (3) If, within seven legislative days after receiving  
24 notice under paragraph (2), the executive director determines  
25 that the office is unable to acquire or develop information  
26 or data necessary to prepare a social impact assessment  
27 explaining in sufficient detail the social impact of the  
28 bill, resolution or amendment, the executive director shall  
29 prepare a truncated version of a social impact assessment,  
30 which acknowledges and explains the lack of information or

1 data necessary to prepare a more detailed social impact  
2 assessment. The following apply:

3 (i) The executive director shall provide a more  
4 detailed social impact assessment for the bill,  
5 resolution or amendment if, during the legislative  
6 process, more information or data becomes available.

7 (ii) If the executive director determines during the  
8 legislative process that a more detailed social impact  
9 assessment cannot be prepared for the bill, resolution or  
10 amendment, the executive director shall notify the  
11 General Assembly.

12 (4) The executive director shall sign each required  
13 social impact assessment under this section.

14 (c) Transmittal.--

15 (1) A required social impact assessment shall be  
16 transmitted to the following:

17 (i) The chairperson and minority chairperson of the  
18 standing committee that is considering the bill or  
19 resolution.

20 (ii) The prime sponsor of the bill or resolution.

21 (iii) The member offering an amendment to a bill or  
22 resolution that results in a required social impact  
23 assessment.

24 (2) The required social impact assessment for a bill,  
25 resolution or amendment shall be available to members of the  
26 General Assembly prior to the vote under subsection (a).

27 (3) A required social impact assessment for a bill  
28 shall:

29 (i) be available throughout the entire legislative  
30 process; and



1                    (ii) accompany the bill if presented to the  
2                    Governor.

3            Section 2. The addition of section 608-C of the act shall  
4 apply to any bill or resolution, or any amendment to a bill or  
5 resolution, introduced after December 31, 2019.

6            Section 3. This act shall take effect as follows:

7            (1) The following shall take effect January 1, 2020:

8                    (i) The addition of section 606-C of the act.

9                    (ii) The addition of section 608-C of the act.

10           (2) The following shall take effect immediately:

11                    (i) This section.

12                    (ii) The remainder of this act.