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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 939 Session of  
2021

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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 AND ZIMMERMAN, MARCH 17, 2021

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REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 17, 2021

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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

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

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4 modified, revised or repealed.

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7 repealed.

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11 repealed.

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

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

16 Section 4. This act shall take effect immediately.