

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1055 Session of
2019

INTRODUCED BY KLUNK, RYAN, PICKETT, KEEFER, SCHLEGEL CULVER,
COX, B. MILLER, BERNSTINE, IRVIN, ROTHMAN, ZIMMERMAN,
MIZGORSKI, GROVE, MACKENZIE, GABLER, SCHEMEL, METCALFE, DUSH,
GREINER, HERSHEY AND OBERLANDER, APRIL 15, 2019

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
APRIL 15, 2019

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 "Selection committee." The Selection and Organization

4 Committee in the office.

5 * * *

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

7 Section 8.1. Existing regulations.

8 The commission, on its motion or at the request of any person

9 or member of the General Assembly, may review any existing

10 regulation which has been in effect for at least three years. If

11 a committee of the Senate or the House of Representatives

12 requests a review of an existing regulation, the commission

13 shall perform the review and shall assign it high priority. The

14 commission may submit recommendations to an agency recommending

15 changes in existing regulations if it finds the existing

16 regulations to be contrary to the public interest under the

17 criteria established in section 5.2. The commission may also

18 make recommendations to the General Assembly and the Governor

19 for statutory changes if the commission finds that any existing

20 regulation may be contrary to the public interest. Unless

21 prohibited by the laws of this Commonwealth, at the time an

22 agency promulgates a new regulation, the agency shall identify

23 at least two existing regulations for repeal.

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

25 Section 12.2. Independent Office of the Repealer.

26 (a) There is established a nonpartisan Independent Office of

27 the Repealer within the Independent Regulatory Review

28 Commission.

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

30 (1) Adopt logical, quantitative and qualitative rules to

1 determine whether an existing statute or regulation of the
2 Commonwealth is:

3 (i) Unreasonable, unduly burdensome, detrimental to
4 economic well-being, duplicative, onerous, defective or
5 in conflict with another statute or regulation.

6 (ii) Defying a common sense approach to government.

7 (2) Perform a systematic review of existing statutes and
8 regulations of this Commonwealth in accordance with the rules
9 adopted for review under this act.

10 (3) Identify existing statutes and regulations which may
11 be appropriate for legislative and executive agency
12 modification, revision or repeal.

13 (4) Establish as soon as practical a system with a
14 publicly accessible Internet website that allows the office
15 to receive:

16 (i) Suggestions and comments, along with supporting
17 documentation, for modification, revision or repeal from
18 citizens, businesses, government agencies or others.

19 (ii) Reports on allegations of wasteful governmental
20 practices.

21 (5) Determine and implement internal policies, standards
22 and procedures as may be necessary for the orderly and
23 efficient execution of the mission of the office.

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

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

30 (i) Recommended changes to statutes and regulations.

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

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

(c) The committee established in the office shall:

(1) Consist of the following members:

(i) One member appointed by the Governor.

(ii) One member appointed by the President pro

tempore of the Senate in consultation with the Majority Leader and the Minority Leader of the Senate.

(iii) One member appointed by the Speaker of the

House of Representatives in consultation with the

Majority Leader and the Minority Leader of the House of Representatives.

(2) Select the director of the office in accordance with

the following:

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

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

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

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

(1) The selection of the director shall occur no later than September 1, 2019.

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

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

(e) The director shall appoint a deputy director who shall

6 have the following duties:

(1) Perform assigned duties from the director.

(2) Assume the role of the director:

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

or

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

(f) The director may be removed by a concurrent resolution

4 passed by the Senate and the House of Representatives.

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

(1) The authority to:

(i) Determine and implement internal policies,

standards and protocols to orderly and efficiently carry out the mission of the office under this section.

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

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

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

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

(iii) Hiring and appointments shall be based on

fitness to perform the necessary duties.

(h) (1) When the office determines that a statute or 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.

Section 4. This act shall take effect immediately.