

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 AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, MAY 4, 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 2. The act is amended by adding a section to read: <--

22 Section 12.2. Independent Office of the Repealer.

23 (a) The nonpartisan Independent Office of the Repealer is  
24 established within the Joint State Government Commission.

25 (b) The following shall apply to the director of the office:

26 (1) The director of the office shall serve in accordance  
27 with the following:

28 ~~(i) The selection of the director by the Selection <--~~  
29 ~~and Organization Committee under subsection (c) shall~~  
30 ~~occur no later than September 1, 2021.~~

1           ~~(ii)~~ (I) The director shall serve for a term of six <--  
2           years.

3           ~~(iii)~~ (II) An individual appointed as director to <--  
4           fill a vacancy prior to the expiration of a term shall  
5           only serve for the unexpired portion of the term.

6           (III) THE DIRECTOR SHALL REPORT TO THE DIRECTOR OF <--  
7           THE JOINT STATE GOVERNMENT COMMISSION.

8           (2) The director shall appoint a deputy director who  
9           shall have the following duties:

10           (i) Perform assigned duties from the director.

11           (ii) Assume the role of the director:

12                   (A) during an absence or incapacity of the  
13                   director; or

14                   (B) if a vacancy occurs in the position of  
15                   director until a successor director is appointed.

16           ~~(3) The director may be removed by a concurrent~~ <--  
17           ~~resolution passed by the Senate and the House of~~  
18           ~~Representatives.~~

19           ~~(4)~~ (3) The director shall have the following powers and <--  
20           duties:

21           (i) The authority to:

22                   (A) Determine and implement internal policies,  
23                   standards and protocols to orderly and efficiently  
24                   carry out the mission of the office under this  
25                   section.

26                   (B) Procure the temporary or intermittent  
27                   service of attorneys, experts, consultants or  
28                   organizations by contract.

29           (ii) Hire and fix compensation in accordance with <--  
30           the following:

1           (A) The hiring and appointments shall be made on  
2           the basis of the duties of the office and the  
3           performance of the functions of the office.

4           (B) All personnel shall be hired or appointed  
5           without regard to political affiliation AND APPROVED <--  
6           BY THE DIRECTOR OF THE JOINT STATE GOVERNMENT  
7           COMMISSION.

8           (C) Hiring and appointments shall be based on  
9           fitness to perform the necessary duties.

10          (iii) When the office determines that a statute or  
11          regulation meets the standards set under this section and  
12          as set by the director for modification, revision or  
13          repeal, the director shall recommend the action to:

14           (A) The General Assembly if a statute needs to  
15           be modified, revised or repealed.

16           (B) The Department of State or other agency that  
17           promulgated the regulation that needs to be modified,  
18           revised or repealed.

19          (iv) A recommendation from the director shall  
20          provide specific details of why the office is  
21          recommending that the statute or regulation needs to be  
22          modified, revised or repealed.

23          (4) THE DIRECTOR SHALL NOT HAVE THE POWER AND AUTHORITY <--

24          TO:

25           (I) FIX COMPENSATION.

26           (II) DICTATE THE EXPENDITURE OF FUNDS.

27          (c) The office shall have the following powers and duties:

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

1           (i) unreasonable, unduly burdensome, detrimental to  
2           economic well-being, duplicative, onerous, defective or  
3           in conflict with another statute or regulation; or

4           (ii) defying a common sense approach to government.

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

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

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

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

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

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

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

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

28           (i) Recommended changes to statutes and regulations.

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

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

3            (d) The office shall be a Commonwealth agency for the <--  
4 purposes of SUBJECT TO the act of February 14, 2008 (P.L.6, <--  
5 No.3), known as the "Right-to-Know Law."

6            (e) The Selection and Organization Committee is established <--  
7 within the office for the purposes under this subsection. The  
8 following shall apply:

9            (1) The Selection and Organization Committee shall be  
10 comprised of the following members:

11            (i) One member appointed by the Governor.

12            (ii) One member appointed by the President pro  
13 tempore of the Senate in consultation with the Majority  
14 Leader and the Minority Leader of the Senate.

15            (iii) One member appointed by the Speaker of the  
16 House of Representatives in consultation with the  
17 Majority Leader and the Minority Leader of the House of  
18 Representatives.

19            (2) The Selection and Organization Committee shall  
20 select the director of the office in accordance with the  
21 following:

22            (i) The committee shall transmit notice of the  
23 qualifications of the director to the Legislative  
24 Reference Bureau for publication in the Pennsylvania  
25 Bulletin within 90 days of the first meeting of the  
26 Selection and Organization Committee.

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

29            (iii) The appointment shall be made on the basis of  
30 the fitness to perform the duties of the office based on

1           ~~the published qualifications.~~

2           Section 4 3. This act shall take effect immediately.

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