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House of Representatives
Commonwealth of Pennsylvania

September 12, 2022

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STATE GOVERNMENT COMMITTEE

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Independent Regulatory Review Commission
333 Market Street
Harrisburg, PA 17101

Dear Commissioners:

On September 12, 2022, the members of the House State Government Committee considered and adopted this letter as a request for IRRC to conduct a review of certain regulations to which this committee has designated oversight and that have been in effect for at least three years. According to Section 8.1 of the Regulatory Review Act, "If a committee of the Senate or the House of Representatives requests a review of an existing regulation, the commission shall perform the review and shall assign it high priority."

The request for review is based in some respects on form/technical, and in others substance.

With respect to those relating to form, most of these regulations have been repealed and we question whether their continued maintenance is necessary. These include:

- Department of General Services #8-2 (IRRC# 2303): State Art Commission
- Department of General Services #8-3 (IRRC# 2304): General Conditions of Contract
- Department of General Services #8-4 (IRRC# 2305): Instructions to Bidders
- Department of State #16-14 (IRRC# 1837): Charitable Organizations

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- Department of State #16-16 (IRRC# 1906): Nonprofit Corporations
- Department of General Services #8-11 (IRRC# 2574): Distribution of Federally Donated Foods to Needy Households
- Department of General Services #8-21 (IRRC# 3191): Committee on Construction Contract Documents
- No. 3192 Department of General Services #8-22 (IRRC#3192): Selections Committee
- Department of General Services #8-23 (IRRC#3193): Emergency Construction Repairs
- Department of General Services #8-25 (IRRC#3194): Methods of Awarding Contracts

With respect to those relating to substance, we request review for the following reasons:

- Department of State #16-22 Campaign Finance Forms (IRRC# 2100)-this regulation requires the use of diskettes to submit campaign filers, and diskette usage may be out of date.
- Department of State #16-33 (IRRC#2407): Fees for Notary Services-given that this regulation was enacted seventeen years ago, it would not account for the implementation and impact of the enactment of remote notarization in Pennsylvania (Act 97 of 2020).
- Joint Committee on Documents #53-7 (IRRC#1532): Diskette Requirements-requires submission of a diskette, and diskette usage may be out of date.
- Joint Committee on Documents #53-9 (IRRC#2861) Preliminary Provisions; Definitions-review to ensure alignment with recently enacted Act 82 of 2021 (HB1452).
- IRRC#70-9 General Revisions (IRRC#3125)- this regulation updated IRRC's regulations (1 Pa Code Chapters 301- 315) to clarify definitions and procedures for delivery of regulations and to ensure consistency with the Regulatory Review Act. As this review was enacted almost 5 years ago, it would appear there are additional inconsistencies. For example, Section 8.1 of the Regulatory Review Act states: "The commission, on its motion or at the request of any person or member of the General Assembly, may review any existing regulation which has been in effect for at least three years. If a committee of the Senate or the House of Representatives requests a review of an existing regulation, the commission shall perform the review and shall assign it high priority." Section 315.1(a) of IRRC's regulations states: "The Commission, on its own motion or at the request of any person or member of the General Assembly, may review an existing regulation which has been in effect for at least 3 years, under section 8.1 of the act (71 P.S. § 745.8a). If a committee of the Senate or House of Representatives requests the review, the Commission will assign it high priority." The phrase in Section 8.1 of the Act requiring the Commission's performance of the review has been removed from Section 315.1 of the regulation. We request additional review of IRRC's regulations in order to determine whether further updates and revisions are necessary. ¹

¹ It is our understanding that pursuant to Section 11 of the Regulatory Review Act, the Joint Committee on Documents conducts the review of IRRC's regulations.

In addition to the above requested review, we also request additional information regarding certain regulations that have been in effect for at least 3 years but do not appear to have any corresponding information or documentation available on IRRC's website. Those regulations include:

- Department of State #16-1 (IRRC#49): Names, Trademarks and Service Marks
- Department of State #16-2 (IRRC#116): Notary Public Fee Schedule
- Department of State #16-4 (IRRC#877): Uniform Commercial Code
- Department of State #16-8 (IRRC#1245): General Revisions
- Joint Committee on Documents #53-1 (IRRC#102): Effective Date of Regulations
- Joint Committee on Documents #53-3 (IRRC#439): Statement of Policy
- Joint Committee on Documents #53-4 (IRRC#660): Distribution of Bound Volumes of Official Text
- Joint Committee on Documents #53-4 (IRRC#1213): Bulletin and Related Documents Charges
- Joint Committee on Documents #53-6 (IRRC#1510): Department of Banking: Automatic subscriptions
- Joint Committee on Documents #53-7 (IRRC#1532): Diskette Requirements²

Based on the above reasons, by a vote of 25 to 0, the Committee adopted this letter on September 12, 2022, to which I signed as Chairman of the Committee and am formally submitting to IRRC.

Sincerely,



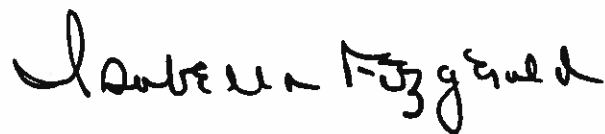
Seth Grove
Majority Chairman
House State Government Committee



Scott Conklin
Minority Chairman
House State Government Committee



Russ Diamond
Representative, 102nd Legislative District



Isabella Fitzgerald
Representative, 203rd Legislative District

² Please note that we include this regulation in both the section relating to substance as well as the regulations without documents. As we see it in a few of the regulations we reviewed, we question what other regulations still include them and the overall issue of whether diskettes are still in fact used.



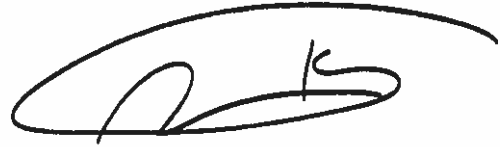
Matt Dowling
Representative, 51st Legislative District



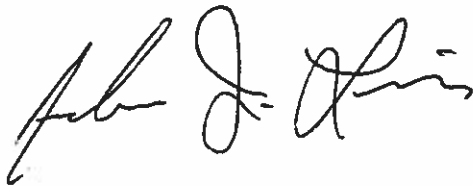
Kristine Howard
Representative, 167th Legislative District



Dawn Keefe
Representative, 92nd Legislative District



Malcolm Kenyatta
Representative, 181st Legislative District



Andrew Lewis
Representative, 105th Legislative District



Maureen Madden
Representative, 115th Legislative District



Ryan Mackenzie
Representative, 134th Legislative District




Benjamin Sanchez
Representative, 153rd Legislative District



Brett Miller
Representative, 41st Legislative District



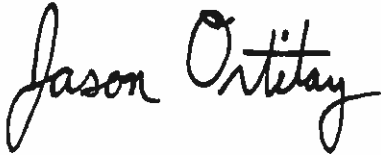
Brian Sims
Representative, 182nd Legislative District



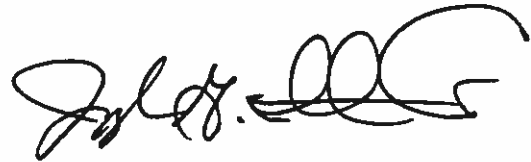
Eric Nelson
Representative, 57th Legislative District



Jared Solomon
Representative, 202nd Legislative District



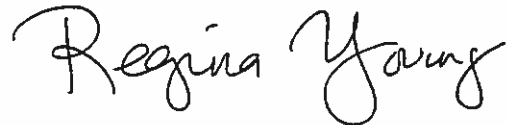
Jason Ortitay
Representative, 46th Legislative District



Joe Webster
Representative, 150th Legislative District



Clint Owlett
Representative, 68th Legislative District



Regina Young
Representative, 185th Legislative District



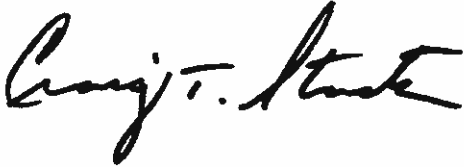
Frank Ryan
Representative, 101st Legislative District



Paul Schemel
Representative, 90th Legislative District



Louis Schmitt
Representative, 79th Legislative District



Craig Staats
Representative, 145th Legislative District



Jeff Wheeland
Representative, 83rd Legislative District

Cc: David Sumner, Executive Director, IRRC