

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 995 Session of 2019

INTRODUCED BY LEWIS, KENYATTA, GROVE, ROTHMAN, RYAN, STRUZZI, BERNSTINE, OTTEN, McNEILL, KEEFER, McCLINTON, HILL-EVANS, NEILSON, HERSHEY, FITZGERALD, CEPHAS, MULLINS, O'MARA, MERSKI, HOHENSTEIN, BURGOS, ECKER, TOBASH, ULLMAN, WHEELAND, GABLER AND ROWE, APRIL 5, 2019

AS REPORTED FROM COMMITTEE ON STATE GOVERNMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 6, 2020

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, providing for regulatory review and
3 for regulatory reduction pilot program; and making an
4 editorial change.

5 This act shall be referred to as the Fighting Chance Act.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. The heading of Part V of Title 71 of the
9 Pennsylvania Consolidated Statutes is amended to read:

10 PART V

11 BOARDS, COMMISSIONS AND OFFICES

12 Section 2. Title 71 is amended by adding chapters to read:

13 CHAPTER 42

14 PRELIMINARY PROVISIONS

15 (Reserved)

16 CHAPTER 44

17 REGULATORY REVIEW

1 Sec.
2 4401. Legislative intent.
3 4402. Definitions.
4 4403. Establishment.
5 4404. Reporting by pilot agencies.
6 4405. Reporting.
7 4406. Report required.
8 4407. Regulatory catalogs of executive agencies.
9 4408. Agency tracking of regulations.

10 § 4401. Legislative intent.

11 It is the intent of the General Assembly through this
12 legislation to reduce barriers for small business owners,
13 workers and returning residents of this Commonwealth who want to
14 enter the workforce in an occupation requiring a license.

15 § 4402. Definitions.

16 The following words and phrases when used in this chapter
17 shall have the meanings given to them in this section unless the
18 context clearly indicates otherwise:

19 "Office." The Governor's Office of the Budget.

20 "Pilot agencies." The following entities:

21 (1) The Bureau of Professional and Occupational Affairs
22 in the Department of State of the Commonwealth.

23 (2) The Pennsylvania Board of Probation and Parole.

24 "Program." The regulatory reduction pilot program under
25 section 4403 (relating to establishment).

26 "Regulation." Any rule or regulation, or order in the nature
27 of a rule or regulation, promulgated by an agency under
28 statutory authority in the administration of any statute
29 administered by or relating to the agency or amending, revising
30 or otherwise altering the terms and provisions of an existing

1 regulation, or prescribing the practice or procedure before the
2 agency. ~~The term shall also include actions of the Pennsylvania~~ <--
3 Liquor Control Board that have an effect on the discount rate
4 for retail licensees.

5 "Regulatory requirement." An action required to be taken or
6 information required to be provided in accordance with a statute
7 or regulation in order to access government services or operate
8 and conduct business by a regulated entity.

9 "Secretary." The Secretary of the Budget.

10 § 4403. Establishment.

11 (a) Direction and duration of program.--The office shall be
12 under the direction of the secretary, who shall administer a
13 three-year regulatory reduction pilot program beginning July 1,
14 2020, and ending July 1, 2023, for pilot agencies.

15 (b) Program focus and reduction goal.--The program shall <--
16 focus on regulations promulgated and administered by pilot
17 agencies. The stated goal of the program shall be to reduce
18 UNNECESSARY regulatory requirements, compliance costs and <--
19 regulatory burden across pilot agencies by 25% by July 1, 2023. <--

20 (c) Baseline regulatory catalog.--The secretary shall ensure
21 pilot agencies develop a baseline regulatory catalog by October
22 1, 2020, that identifies:

23 (1) The total number and type of regulations and
24 regulatory requirements currently promulgated or administered
25 by the pilot agencies.

26 (2) Any specific Federal or State mandates or statutory
27 authority that requires the regulations and associated
28 requirements.

29 (d) Catalog data report to office.--The catalog data shall
30 be reported to the office in a manner specified by the office

1 and transferred to the Legislative Reference Bureau for
2 publication in the Pennsylvania Bulletin.

3 (e) Reduction goal.--The 25% A reduction goal under <--
4 subsection (b) shall be based on the total number of regulations
5 and regulatory requirements as provided by the baseline
6 regulatory catalog. Progress towards the stated goal A REDUCTION <--
7 UNDER SUBSECTION (B) shall be measured by the number of
8 regulations and regulatory requirements that are either
9 eliminated or streamlined through regulatory or other action.

10 § 4404. Reporting by pilot agencies.

11 (a) Initial report.--The pilot agencies shall report all
12 regulations and regulatory requirements initially identified for
13 elimination, amendment or streamlining to the office, the
14 Governor and the General Assembly by July 1, 2021, including:

15 (1) Any regulation proposed for elimination or
16 modification that requires a change in State law.

17 (2) Initiation of any reforms, through a rulemaking or
18 nonregulatory action, that produce a reduction of the <--
19 equivalent of 7.5% of the regulations and regulatory
20 requirements contained in the pilot agencies baseline
21 regulatory catalog.

22 (b) Follow-up report.--The pilot agencies shall report all
23 regulations and regulatory requirements initially identified for
24 elimination, amendment or streamlining to the office by July 1,
25 2022, including:

26 (1) Any regulation proposed for elimination or
27 modification that requires a change in State law.

28 (2) Initiation of any reforms, through a rulemaking or
29 nonregulatory action, that produce a reduction of the
30 equivalent of 15% of the regulations and regulatory <--

1 requirements contained in the pilot agencies baseline
2 regulatory catalog.

3 (c) Final report.--The pilot agencies shall report all
4 regulations and regulatory requirements initially identified for
5 elimination, amendment or streamlining to the office by July 1,
6 2023, including:

7 (1) Any regulation proposed for elimination or
8 modification that requires a change in State law.

9 (2) Initiation of any reforms, through a rulemaking or
10 nonregulatory action, that produce a reduction of the <--
11 equivalent of 25% of the regulations and regulatory
12 requirements contained in the pilot agencies baseline
13 regulatory catalog.

14 (d) Failure to meet reduction goal.--If a pilot agency is <--
15 unable to reach any of the reduction goals PRODUCE A REDUCTION <--
16 OF THE REGULATIONS AND REGULATORY REQUIREMENTS under subsection
17 (a), (b) or (c), the pilot agency shall provide a separate
18 report to the Governor, the General Assembly and the secretary
19 stating the reasons for not meeting the goal PRODUCING A <--
20 REDUCTION.

21 § 4405. Reporting.

22 (a) Annual report.--The secretary shall SUBMIT A report <--
23 annually to the President pro tempore of the Senate and the
24 Speaker of the House of Representatives no later than October 1,
25 2021, and October 1, 2022, on the progress of the regulatory
26 reduction pilot program established under this section. THE <--
27 REPORT SHALL INCLUDE RECOMMENDATIONS ON THE ELIMINATION OR
28 MODIFICATION OF REGULATIONS.

29 (b) Failure to meet reduction percentage.--If, by July 1, <--
30 2022, the regulatory reduction pilot program has NOT achieved <--

1 ~~less than a 15% total~~ A reduction in regulatory requirements <--
2 across both pilot agencies, either by initiating rulemaking
3 actions or other streamlining actions, the secretary shall
4 include the reasons for not meeting the target ACHIEVING A <--
5 reduction in the next available annual report to the President
6 pro tempore of the Senate and the Speaker of the House of
7 Representatives.

8 (c) Secretary report.--The secretary shall report by August
9 15, 2023, to the President pro tempore of the Senate and the
10 Speaker of the House of Representatives the following
11 information:

12 (1) The progress towards identifying the 25% ACHIEVING A <--
13 reduction goal IN REGULATIONS AND REGULATORY REQUIREMENTS. <--

14 (2) Recommendations for expanding the program to other
15 agencies.

16 (3) Any additional information the secretary determines
17 may be helpful to support the General Assembly's regulatory
18 reduction and reform efforts.

19 § 4406. Report required.

20 (a) Report on failure to achieve program goal REDUCTION.-- <--
21 If, by October 1, 2023, the program has NOT achieved less than <--
22 the 25% total A reduction in regulations and regulatory <--
23 requirements across the pilot agencies under section 4403(b)
24 (relating to establishment), either by initiating rulemaking
25 actions or other streamlining actions, the secretary shall
26 direct pilot agencies to report on the factors leading to why
27 the pilot agency could not meet the 25% ACHIEVE A reduction goal <--
28 in regulations and regulatory requirements across the pilot
29 agencies under section 4403(b) and provide recommendations for
30 policy and legislative changes required in order for the pilot

1 agency to achieve the intent of section 4401 (relating to
2 legislative intent) and goal under section 4403(b). No report <--
3 shall be required under this subsection if the program has
4 achieved a 25% or greater reduction in regulations or regulatory
5 requirements across the pilot agencies.

6 (b) Permitted budgetary review of pilot agencies.--The
7 President pro tempore of the Senate and the Speaker of the House
8 of Representatives may also direct the Legislative Budget and
9 Finance Committee to initiate a budgetary review of pilot
10 agencies. The review shall assess what obstacles exist to
11 meeting the 25% ACHIEVING A reduction goal under section <--
12 4403(b).

13 (c) Legislative Budget and Finance Committee review.--The
14 President pro tempore of the Senate and the Speaker of the House
15 of Representatives shall direct the Legislative Budget and
16 Finance Committee to review the regulatory reduction efforts of
17 pilot agencies as part of the pilot program and report to the
18 General Assembly any findings and recommendations regarding:

19 (1) Whether the A reduction goals IN REGULATIONS AND <--
20 REGULATORY REQUIREMENTS are reasonable and achievable.

21 (2) Policies, practices and methods that may be adopted
22 by agencies to successfully achieve the A reduction goals IN <--
23 REGULATIONS AND REGULATORY REQUIREMENTS.

24 § 4407. Regulatory catalogs of executive agencies.

25 By July 1, 2022, all executive branch agencies, boards and
26 commissions under the policy jurisdiction of the Governor shall
27 develop a baseline regulatory catalog and report their catalog
28 data to the office, including:

29 (1) Any specific Federal or State mandates.

30 (2) The statutory authority that requires the

1 regulations and associated regulatory requirements.

2 § 4408. Agency tracking of regulations.

3 (a) Tracking and reporting agency compliance.--The office
4 shall track and report on the extent to which agencies comply
5 with existing requirements to periodically review all
6 regulations every four years and report the office's findings to
7 the Governor, the General Assembly and the Independent Fiscal
8 Office.

9 (b) Agency schedule of review.--Agencies shall provide to
10 the office a schedule listing each regulation that shall be
11 reviewed in each of the four years, to be transmitted to the
12 Legislative Reference Bureau for publication in the Pennsylvania
13 Bulletin.

14 Section 3. This act shall take effect in 60 days.