

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1081 Session of
2022

INTRODUCED BY MASTRIANO, BARTOLOTTA AND J. WARD,
FEBRUARY 24, 2022

REFERRED TO INTERGOVERNMENTAL OPERATIONS, FEBRUARY 24, 2022

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

18 Sec.

19 4401. Legislative intent.

1 4402. Definitions.

2 4403. Establishment.

3 4404. Reporting by pilot agencies.

4 4405. Reporting.

5 4406. Report required.

6 4407. Regulatory catalogs of executive agencies.

7 4408. Agency tracking of regulations.

8 § 4401. Legislative intent.

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

13 § 4402. Definitions.

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

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

18 "Pilot agencies." The following entities:

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

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

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

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

1 "Regulatory requirement." An action required to be taken or
2 information required to be provided in accordance with a statute
3 or regulation in order to access government services or operate
4 and conduct business by a regulated entity.

5 "Secretary." The Secretary of the Budget.
6 \$ 4403. Establishment.

7 (a) Direction and duration of program.--The office shall be
8 under the direction of the secretary, who shall administer a
9 three-year regulatory reduction pilot program beginning July 1,
10 2022, and ending July 1, 2025, for pilot agencies.

11 (b) Program focus and reduction.--The program shall focus on
12 regulations promulgated and administered by pilot agencies. The
13 stated goal of the program shall be to reduce unnecessary
14 regulatory requirements, compliance costs and regulatory burden
15 across pilot agencies by July 1, 2025.

16 (c) Baseline regulatory catalog.--The secretary shall ensure
17 pilot agencies develop a baseline regulatory catalog by October
18 1, 2022, that identifies:

19 (1) The total number and type of regulations and
20 regulatory requirements currently promulgated or administered
21 by the pilot agencies.

22 (2) Any specific Federal or State mandates or statutory
23 authority that requires the regulations and associated
24 requirements.

25 (d) Catalog data report to office.--The catalog data shall
26 be reported to the office in a manner specified by the office
27 and transmitted to the Legislative Reference Bureau for
28 publication in the Pennsylvania Bulletin.

29 (e) Reduction.--A reduction under subsection (b) shall be
30 based on the total number of regulations and regulatory

requirements as provided by the baseline regulatory catalog. A
reduction under subsection (b) shall be measured by the number
of regulations and regulatory requirements that are either
eliminated or streamlined through regulatory or other action.

§ 4404. Reporting by pilot agencies.

(a) Initial report.--The pilot agencies shall report all
regulations and regulatory requirements initially identified for
elimination, amendment or streamlining to the office, the
Governor and the General Assembly by July 1, 2023, including:

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

(2) Initiation of any reforms, through a rulemaking or
nonregulatory action, that produce a reduction of the
regulations and regulatory requirements contained in the
pilot agencies baseline regulatory catalog.

(b) Follow-up report.--The pilot agencies shall report all
regulations and regulatory requirements initially identified for
elimination, amendment or streamlining to the office by July 1,
2024, including:

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

(2) Initiation of any reforms, through a rulemaking or
nonregulatory action, that produce a reduction of the
regulations and regulatory requirements contained in the
pilot agencies baseline regulatory catalog.

(c) Final report.--The pilot agencies shall report all
regulations and regulatory requirements initially identified for
elimination, amendment or streamlining to the office by July 1,
2025, including:

(1) Any regulation proposed for elimination or

1 modification that requires a change in State law.

2 (2) Initiation of any reforms, through a rulemaking or
3 nonregulatory action, that produce a reduction of the
4 regulations and regulatory requirements contained in the
5 pilot agencies baseline regulatory catalog.

6 (d) Failure to meet reduction.--If a pilot agency is unable
7 to produce a reduction of the regulations and regulatory
8 requirements under subsection (a), (b) or (c), the pilot agency
9 shall provide a separate report to the Governor, the General
10 Assembly and the secretary stating the reasons for not producing
11 a reduction.

12 § 4405. Reporting.

13 (a) Annual report.--The secretary shall submit a report
14 annually to the President pro tempore of the Senate and the
15 Speaker of the House of Representatives no later than October 1,
16 2023, and October 1, 2024, on the progress of the regulatory
17 reduction pilot program established under this section. The
18 report shall include recommendations on the elimination or
19 modification of regulations.

20 (b) Failure to meet reduction.--If, by July 1, 2024, the
21 regulatory reduction pilot program has not achieved a reduction
22 in regulatory requirements across both pilot agencies, either by
23 initiating rulemaking actions or other streamlining actions, the
24 secretary shall include the reasons for not achieving a
25 reduction in the next available annual report to the President
26 pro tempore of the Senate and the Speaker of the House of
27 Representatives.

28 (c) Secretary report.--The secretary shall report by August
29 15, 2025, to the President pro tempore of the Senate and the
30 Speaker of the House of Representatives the following

1 information:

2 (1) The progress towards achieving a reduction in
3 regulations and regulatory requirements.

4 (2) Recommendations for expanding the program to other
5 agencies.

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

9 § 4406. Report required.

10 (a) Report on failure to achieve program reduction.--If, by
11 October 1, 2025, the program has not achieved a reduction in
12 regulations and regulatory requirements across the pilot
13 agencies under section 4403(b) (relating to establishment),
14 either by initiating rulemaking actions or other streamlining
15 actions, the secretary shall direct pilot agencies to report on
16 the factors leading to why the pilot agency could not achieve a
17 reduction in regulations and regulatory requirements across the
18 pilot agencies under section 4403(b) and provide recommendations
19 for policy and legislative changes required in order for the
20 pilot agency to achieve the intent of section 4401 (relating to
21 legislative intent).

22 (b) Permitted budgetary review of pilot agencies.--The
23 President pro tempore of the Senate and the Speaker of the House
24 of Representatives may also direct the Legislative Budget and
25 Finance Committee to initiate a budgetary review of pilot
26 agencies. The review shall assess what obstacles exist to
27 achieving a reduction under section 4403(b).

28 (c) Legislative Budget and Finance Committee review.--The
29 President pro tempore of the Senate and the Speaker of the House
30 of Representatives shall direct the Legislative Budget and

1 Finance Committee to review the regulatory reduction efforts of
2 pilot agencies as part of the pilot program and report to the
3 General Assembly any findings and recommendations regarding:

4 (1) Whether a reduction in regulations and regulatory
5 requirements are reasonable and achievable.

6 (2) Policies, practices and methods that may be adopted
7 by agencies to successfully achieve a reduction in
8 regulations and regulatory requirements.

9 § 4407. Regulatory catalogs of executive agencies.

10 By July 1, 2024, all executive branch agencies, boards and
11 commissions under the policy jurisdiction of the Governor shall
12 develop a baseline regulatory catalog and report their catalog
13 data to the office, including:

14 (1) Any specific Federal or State mandates.

15 (2) The statutory authority that requires the
16 regulations and associated regulatory requirements.

17 § 4408. Agency tracking of regulations.

18 (a) Tracking and reporting agency compliance.--The office
19 shall track and report on the extent to which agencies comply
20 with existing requirements to periodically review all
21 regulations every four years and report the office's findings to
22 the Governor, the General Assembly and the Independent Fiscal
23 Office.

24 (b) Agency schedule of review.--Agencies shall provide to
25 the office a schedule listing each regulation that shall be
26 reviewed in each of the four years and transmitted to the
27 Legislative Reference Bureau for publication in the Pennsylvania
28 Bulletin.

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