

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 259 Session of 2023

INTRODUCED BY MASTRIANO, BARTOLOTTA AND ROTHMAN, JANUARY 31, 2023

SENATOR COLEMAN, INTERGOVERNMENTAL OPERATIONS, AS AMENDED, NOVEMBER 13, 2023

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.

1 4401. Legislative intent.

2 4402. Definitions.

3 4403. Establishment.

4 4404. Reporting by pilot agencies.

5 4405. Reporting.

6 ~~4406. Report required.~~ <--

7 ~~4407. Regulatory catalogs of executive agencies.~~

8 ~~4408. 4406. Agency tracking of regulations.~~ <--

9 § 4401. Legislative intent.

10 It is the intent of the General Assembly through this
11 legislation to reduce barriers for small business owners,
12 workers and ~~returning residents~~ FORMERLY INCARCERATED <--
13 INDIVIDUALS of this Commonwealth who want to enter the workforce
14 in an occupation requiring a license AS A CONDITION OF <--
15 EMPLOYMENT.

16 § 4402. Definitions.

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

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

21 "Pilot agencies." The following entities:

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

24 (2) The Pennsylvania Parole Board.

25 (3) THE DEPARTMENT OF CORRECTIONS OF THE COMMONWEALTH. <--

26 "Program." The regulatory reduction pilot program
27 established under section 4403 (relating to establishment).

28 "Regulation." Any rule or regulation, or order in the nature
29 of a rule or regulation, promulgated by an agency under
30 statutory authority in the administration of any statute

1 administered by or relating to the agency or amending, revising
2 or otherwise altering the terms and provisions of an existing
3 regulation, or prescribing the practice or procedure before the
4 agency. THE TERM SHALL NOT INCLUDE A PROCLAMATION, EXECUTIVE <--
5 ORDER, DIRECTIVE OR SIMILAR DOCUMENT ISSUED BY THE GOVERNOR, BUT
6 SHALL INCLUDE A REGULATION WHICH MAY BE PROMULGATED BY AN
7 AGENCY, ONLY WITH THE APPROVAL OF THE GOVERNOR.

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

12 "Secretary." The Secretary of the Budget.
13 § 4403. Establishment.

14 (a) Direction and duration of program.--The office shall be
15 under the direction of the secretary, who shall administer a
16 three-year regulatory reduction pilot program beginning July 1, <--
17 2023, and ending July 1, 2026, for pilot agencies. AFTER THE <--
18 EFFECTIVE DATE OF THIS SUBSECTION AND ENDING 36 MONTHS AFTER THE
19 EFFECTIVE DATE OF THIS SUBSECTION.

20 (b) Program focus and reduction.--The program shall focus on
21 regulations promulgated and administered by pilot agencies. The
22 stated goal of the program shall be to reduce unnecessary
23 regulatory requirements, compliance costs and regulatory burden
24 across pilot agencies by July 1, 2026 25% WITHIN 36 MONTHS. <--

25 (c) Baseline regulatory catalog.--The secretary shall ensure
26 that pilot agencies develop a baseline regulatory catalog by <--
27 October 1, 2023, NO LATER THAN SIX MONTHS AFTER THE EFFECTIVE <--
28 DATE OF THIS SUBSECTION that identifies:

29 (1) The total number and type of regulations and
30 regulatory requirements currently promulgated or administered

1 by the pilot agencies- WITH A SPECIFIC FOCUS OF REGULATIONS <--
2 THAT AFFECT SMALL BUSINESS OWNERS, WORKERS AND FORMERLY
3 INCARCERATED INDIVIDUALS OF THIS COMMONWEALTH WHO WANT TO
4 ENTER THE WORKFORCE IN AN OCCUPATION REQUIRING A LICENSE AS A
5 CONDITION OF EMPLOYMENT.

6 (2) Any specific Federal or State mandates or statutory
7 authority that requires the regulations and associated
8 requirements.

9 (d) Catalog data report to office.--The catalog data shall
10 be reported to the office in a manner specified by the office
11 and transmitted to the Legislative Reference Bureau for
12 publication in the NEXT AVAILABLE ISSUE OF THE Pennsylvania <--
13 Bulletin.

14 (e) Reduction.--A THE 25% reduction GOAL under subsection <--
15 (b) shall be based on the total number of regulations and
16 regulatory requirements as provided by the baseline regulatory
17 catalog. A reduction under subsection (b) shall be measured by
18 the number of regulations and regulatory requirements that are
19 either eliminated or streamlined through regulatory or other
20 action.

21 § 4404. Reporting by pilot agencies.

22 (a) Initial report.--The pilot agencies shall report all
23 regulations and regulatory requirements initially identified for
24 elimination, amendment or streamlining to the office, the
25 Governor and the General Assembly by July 1, 2024 NO LATER THAN <--
26 12 MONTHS AFTER THE EFFECTIVE DATE OF THIS SUBSECTION,
27 including:

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

30 (2) Initiation of any reforms, through a rulemaking or

1 nonregulatory action, that produce a reduction of the
2 regulations and regulatory requirements contained in the
3 pilot agencies baseline regulatory catalog.

4 ~~(b) Follow up report. The pilot agencies shall report all~~ <--
5 ~~regulations and regulatory requirements initially identified for~~
6 ~~elimination, amendment or streamlining to the office by July 1,~~
7 ~~2025, including:~~

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

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

14 ~~(c) (B) Final report.--The pilot agencies shall report all~~ <--
15 ~~regulations and regulatory requirements initially identified for~~
16 ~~elimination, amendment or streamlining to the office by July 1,~~ <--
17 ~~2026 NO LATER THAN 36 MONTHS AFTER THE EFFECTIVE DATE OF THIS~~ <--
18 ~~SUBSECTION, including:~~

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

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

25 ~~(d) Failure to meet reduction.--If a pilot agency is unable~~
26 ~~to produce a reduction of the regulations and regulatory~~
27 ~~requirements under subsection (a), OR (b) or (c), the pilot~~ <--
28 ~~agency shall provide a separate report to the Governor, the~~
29 ~~General Assembly and the secretary stating the reasons for not~~
30 ~~producing a reduction.~~

1 § 4405. Reporting.

2 (a) Annual report.--The secretary shall submit a report
3 annually to the President pro tempore of the Senate and the
4 Speaker of the House of Representatives no later than ~~October 1,~~<--
5 ~~2024, and October 1, 2025,~~ 12 MONTHS AND 24 MONTHS AFTER THE <--
6 EFFECTIVE DATE OF THIS SUBSECTION on the progress of the
7 program. The report shall include recommendations on the
8 elimination or modification of regulations.

9 ~~(b) Failure to meet reduction. If, by July 1, 2025, the <--~~
10 ~~program has not achieved a reduction in regulatory requirements~~
11 ~~across both pilot agencies, either by initiating rulemaking~~
12 ~~actions or other streamlining actions, the secretary shall~~
13 ~~include the reasons for not achieving a reduction in the next~~
14 ~~available annual report to the President pro tempore of the~~
15 ~~Senate and the Speaker of the House of Representatives.~~

16 ~~(c) (B) Secretary report.--The secretary shall report by <--~~
17 ~~August 15, 2026, NO LATER THAN 36 MONTHS AFTER THE EFFECTIVE <--~~
18 ~~DATE OF THIS SUBSECTION to the President pro tempore of the~~
19 ~~Senate and the Speaker of the House of Representatives the~~
20 ~~following information:~~

21 ~~(1) The progress towards achieving a reduction in~~
22 ~~regulations and regulatory requirements.~~

23 ~~(2) Recommendations for expanding the program to other~~
24 ~~agencies.~~

25 ~~(3) Any additional information that the secretary~~
26 ~~determines may be helpful to support the General Assembly's~~
27 ~~regulatory reduction and reform efforts.~~

28 ~~§ 4406. Report required. <--~~

29 ~~(a) Report on failure to achieve program reduction. If, by~~
30 ~~October 1, 2026, the program has not achieved a reduction in~~

~~1 regulations and regulatory requirements across the pilot
2 agencies under section 4403(b) (relating to establishment),
3 either by initiating rulemaking actions or other streamlining
4 actions, the secretary shall direct pilot agencies to report on
5 the factors leading to why the pilot agency could not achieve a
6 reduction in regulations and regulatory requirements across the
7 pilot agencies under section 4403(b) and provide recommendations
8 for policy and legislative changes required in order for the
9 pilot agency to achieve the intent of section 4401 (relating to
10 legislative intent).~~

~~11 (b) Permitted budgetary review of pilot agencies. The
12 President pro tempore of the Senate and the Speaker of the House
13 of Representatives may also direct the Legislative Budget and
14 Finance Committee to initiate a budgetary review of pilot
15 agencies. The review shall assess what obstacles exist to
16 achieving a reduction under section 4403(b).~~

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

~~23 (1) Whether a reduction in regulations and regulatory
24 requirements are reasonable and achievable.~~

~~25 (2) Policies, practices and methods that may be adopted
26 by agencies to successfully achieve a reduction in
27 regulations and regulatory requirements.~~

~~28 § 4407. Regulatory catalogs of executive agencies.~~

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~~29 By July 1, 2025, all executive branch agencies, boards and
30 commissions under the policy jurisdiction of the Governor shall~~

1 ~~develop a baseline regulatory catalog and report their catalog~~
2 ~~data to the office, including:~~

3 ~~(1) Any specific Federal or State mandates.~~

4 ~~(2) The statutory authority that requires the~~
5 ~~regulations and associated regulatory requirements.~~

6 ~~§ 4408 4406. Agency tracking of regulations.~~ <--

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

13 ~~(b) Agency schedule of review.--Agencies shall provide to~~
14 ~~the office a schedule listing each regulation that shall be~~
15 ~~reviewed in each of the four years and transmitted to the~~
16 ~~Legislative Reference Bureau for publication in the NEXT~~ <--
17 ~~AVAILABLE ISSUE OF THE Pennsylvania Bulletin.~~

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