AN ACT

1 Providing for regulatory compliance.
2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:
4 Section 1. Short title.
5 This act shall be known and may be cited as the State Agency
6 Regulatory Compliance Officer Act.
7 Section 2. Findings and declarations.
8 The General Assembly finds and declares as follows:
9 (1) It is the purpose of this act for agencies to work
10 collaboratively with, instead of acting punitively towards,
11 regulated communities.
12 (2) Agencies should strive to make the regulations which
13 the agencies administer and enforce as clear and easily
14 navigable as possible for regulated communities.
15 (3) In administering a regulation, an agency's primary
16 goal should be to ensure compliance rather than to exact
17 punishment.
Section 3. Definitions.

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


Section 4. Powers and duties.

Each agency shall have the following powers and duties:

1. To designate an employee as the agency's regulatory compliance officer.

2. To empower the regulatory compliance officer under paragraph (1) to develop agency policies and initiatives to further the purpose of this act, including, but not limited to, the following:

   (i) educating the regulated community regarding the implementation of new or amended statutes and regulations prior to the effective date of implementation, to the extent practicable and during implementation;

   (ii) establishing clear channels of communication through which members of regulated communities can contact the agency with questions or concerns regarding regulations;

   (iii) working with regulated communities to resolve noncompliance issues before imposing penalties; and

   (iv) providing a detailed explanation of each regulatory requirement under the agency's jurisdiction, including expectations for compliance, guidelines for measuring compliance and the primary benefit of each requirement.

3. To empower the regulatory compliance officer to
issue to any person, upon the person's request, an opinion
with respect to the person's duties under a regulation of the
agency. The opinion shall be provided within 20 business days
of the request, provided that the time may be extended for
good cause. The opinion, or the agency's failure to provide
an opinion upon request, shall be a complete defense in any
enforcement proceeding initiated by the agency and evidence
of good faith conduct in any other civil or criminal
proceeding if the requester, at least 20 business days prior
to the alleged violation, requested written advice from the
agency's regulatory compliance officer in good faith,
disclosed truthfully all the material facts and committed the
acts complained of either in reliance on the advice, or
because of the failure of the agency to provide advice within
20 business days, or any later extended time, of the request.

(4) To empower the regulatory compliance officer to
establish guidelines for waiving any fines or penalties that
the officer's agency would be authorized to impose on a
regulated entity for a violation of a statute or regulation
that the agency enforces if the entity reports a violation to
the regulatory compliance officer before a fine or penalty is
imposed on the entity. In order to be eligible for a waiver
of fines or penalties, the regulated entity must report to
the regulatory compliance officer the steps it has taken or
will take to remedy the violation.

(5) To empower the regulatory compliance officer to
request and obtain any information or advice from other staff
of the agency that the officer may need to fulfill the duties
of the compliance officer position.

(6) To establish clear channels of communication through
which businesses seeking to become members of regulated
communities can contact the agency with questions or concerns
relating to starting a business and future compliance with
regulations.

Section 5. Annual report.
No later than January 31 of each year, each agency shall
submit to the General Assembly an annual report detailing all of
the following:

(1) The progress made by the agency and the regulatory
    compliance officer in the preceding calendar year towards
    compliance with this act.

(2) The number of regulated communities served.

(3) The type of regulated communities served.

Section 6. Effective date.
This act shall take effect in 60 days.