
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, FRANKEL, BURGOS AND ECKER, APRIL 5, 2019

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 5, 2019

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. 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 of this Commonwealth who want to
13 enter the workforce in an occupation requiring a license.

14 § 4402. Definitions.

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

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

19 "Pilot agencies." The following entities:

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

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

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

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

1 agency. The term shall also include actions of the Pennsylvania
2 Liquor Control Board that have an effect on the discount rate
3 for retail licensees.

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

8 "Secretary." The Secretary of the Budget.
9 § 4403. Establishment.

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

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

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

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

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

28 (d) Catalog data report to office.--The catalog data shall
29 be reported to the office in a manner specified by the office
30 and transferred to the Legislative Reference Bureau for

1 publication in the Pennsylvania Bulletin.

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

9 § 4404. Reporting by pilot agencies.

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

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

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

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

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

27 (2) Initiation of any reforms, through a rulemaking or
28 nonregulatory action, that produce a reduction of the
29 equivalent of 15% of the regulations and regulatory
30 requirements contained in the pilot agencies baseline

1 regulatory catalog.

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

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

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

13 (d) Failure to meet reduction goal.--If a pilot agency is
14 unable to reach any of the reduction goals under subsection (a),
15 (b) or (c), the pilot agency shall provide a separate report to
16 the Governor, the General Assembly and the secretary stating the
17 reasons for not meeting the goal.

18 § 4405. Reporting.

19 (a) Annual report.--The secretary shall report annually to
20 the President pro tempore of the Senate and the Speaker of the
21 House of Representatives no later than October 1, 2021, and
22 October 1, 2022, on the progress of the regulatory reduction
23 pilot program established under this section.

24 (b) Failure to meet reduction percentage.--If, by July 1,
25 2022, the regulatory reduction pilot program has achieved less
26 than a 15% total reduction in regulatory requirements across
27 both pilot agencies, either by initiating rulemaking actions or
28 other streamlining actions, the secretary shall include the
29 reasons for not meeting the target reduction in the next
30 available annual report to the President pro tempore of the

1 Senate and the Speaker of the House of Representatives.

2 (c) Secretary report.--The secretary shall report by August
3 15, 2023, to the President pro tempore of the Senate and the
4 Speaker of the House of Representatives the following
5 information:

6 (1) The progress towards identifying the 25% reduction
7 goal.

8 (2) Recommendations for expanding the program to other
9 agencies.

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

13 § 4406. Report required.

14 (a) Report on failure to achieve program goal.--If, by
15 October 1, 2023, the program has achieved less than the 25%
16 total reduction in regulations and regulatory requirements
17 across the pilot agencies under section 4403(b) (relating to
18 establishment), either by initiating rulemaking actions or other
19 streamlining actions, the secretary shall direct pilot agencies
20 to report on the factors leading to why the pilot agency could
21 not meet the 25% reduction goal in regulations and regulatory
22 requirements across the pilot agencies under section 4403(b) and
23 provide recommendations for policy and legislative changes
24 required in order for the pilot agency to achieve the intent of
25 section 4401 (relating to legislative intent) and goal under
26 section 4403(b). No report shall be required under this
27 subsection if the program has achieved a 25% or greater
28 reduction in regulations or regulatory requirements across the
29 pilot agencies.

30 (b) Permitted budgetary review of pilot agencies.--The

1 President pro tempore of the Senate and the Speaker of the House
2 of Representatives may also direct the Legislative Budget and
3 Finance Committee to initiate a budgetary review of pilot
4 agencies. The review shall assess what obstacles exist to
5 meeting the 25% reduction goal under section 4403(b).

6 (c) Legislative Budget and Finance Committee review.--The
7 President pro tempore of the Senate and the Speaker of the House
8 of Representatives shall direct the Legislative Budget and
9 Finance Committee to review the regulatory reduction efforts of
10 pilot agencies as part of the pilot program and report to the
11 General Assembly any findings and recommendations regarding:

12 (1) Whether the reduction goals are reasonable and
13 achievable.

14 (2) Policies, practices and methods that may be adopted
15 by agencies to successfully achieve the reduction goals.

16 § 4407. Regulatory catalogs of executive agencies.

17 By July 1, 2022, all executive branch agencies, boards and
18 commissions under the policy jurisdiction of the Governor shall
19 develop a baseline regulatory catalog and report their catalog
20 data to the office, including:

21 (1) Any specific Federal or State mandates.

22 (2) The statutory authority that requires the
23 regulations and associated regulatory requirements.

24 § 4408. Agency tracking of regulations.

25 (a) Tracking and reporting agency compliance.--The office
26 shall track and report on the extent to which agencies comply
27 with existing requirements to periodically review all
28 regulations every four years and report the office's findings to
29 the Governor, the General Assembly and the Independent Fiscal
30 Office.

1 (b) Agency schedule of review.--Agencies shall provide to
2 the office a schedule listing each regulation that shall be
3 reviewed in each of the four years, to be transmitted to the
4 Legislative Reference Bureau for publication in the Pennsylvania
5 Bulletin.

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