
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1090 Session of
2022

INTRODUCED BY MASTRIANO, MARCH 3, 2022

REFERRED TO INTERGOVERNMENTAL OPERATIONS, MARCH 3, 2022

AN ACT

1 Amending Title 71 (State Government) of the Pennsylvania
2 Consolidated Statutes, in boards and offices, establishing
3 the Department of Business, Tourism and Workforce Development
4 and transferring specific powers and duties from the
5 Department of Labor and Industry, the Department of Community
6 and Economic Development and the Department of State to the
7 Department of Business, Tourism and Workforce Development.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Part V of Title 71 of the Pennsylvania
11 Consolidated Statutes is amended by adding a chapter to read:

12 CHAPTER 45

13 DEPARTMENT OF BUSINESS, TOURISM

14 AND WORKFORCE DEVELOPMENT

15 Subchapter

16 A. General Provisions

17 B. Departmental Administration

18 SUBCHAPTER A

19 GENERAL PROVISIONS

20 Sec.

21 4501. Scope of chapter.

1 4502. Definitions.

2 § 4501. Scope of chapter.

3 This chapter relates to the Department of Business, Tourism
4 and Workforce Development.

5 § 4502. Definitions.

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

9 "Administrative Code of 1929." The act of April 9, 1929
10 (P.L.177, No.175), known as The Administrative Code of 1929.

11 "Continuous improvement process system." A management
12 methodology system that combines tools to improve process speed
13 and reduce waste with data-driven project analysis to provide
14 products and services with improved quality at a lower cost. The
15 term may involve any of the following strategies:

16 (1) Developing a process map that describes the lean
17 government principles or another widely accepted business
18 process improvement system by which an executive agency
19 engages in specific activities that have the purpose of
20 increasing efficiency and eliminating waste in the processes
21 used to deliver goods and services to taxpayers and customers
22 of this Commonwealth. This strategy includes the measurement
23 of the outcomes regarding increased efficiency and the
24 elimination of waste and procedures by which the executive
25 agency produces goods or serves its customers.

26 (2) Engaging in specific activities to rapidly improve
27 an executive agency's processes that will increase value or
28 decrease staff time, inventory, defects, overproduction,
29 complexity, delays or excessive movement.

30 (3) Involving executive agency employees at all levels

1 to map the executive agency's processes and recommend
2 improvements, with specific importance placed on the
3 involvement of executive agency employees closest to the
4 customer or end user of the State government product or
5 service.

6 (4) Providing the means to measure each process in order
7 to demonstrate the effectiveness of each process or process
8 improvement.

9 (5) Training executive agency employees to mentor and
10 train other executive agency employees in continuous
11 improvement process systems.

12 "Department." The Department of Business, Tourism and
13 Workforce Development established under section 4511 (relating
14 to establishment of department).

15 "Executive agency." Any of the following:

16 (1) The Governor's Office.

17 (2) A department, board, commission, authority or other
18 agency of the Commonwealth that is subject to the policy
19 supervision and control of the Governor.

20 (3) The Office of Lieutenant Governor.

21 (4) An independent department.

22 (5) An independent agency.

23 "Independent agency." A board, commission, authority or
24 other agency of the Commonwealth that is not subject to the
25 policy supervision and control of the Governor. The term does
26 not include:

27 (1) A court or agency of the unified judicial system.

28 (2) The General Assembly or an agency of the General
29 Assembly.

30 "Independent department." Any of the following:

- 1 (1) The Department of the Auditor General.
2 (2) The Treasury Department.
3 (3) The Office of Attorney General.
4 (4) A board or commission of an entity under paragraph
5 (1), (2) or (3).

6 "Job creator." As the term "entity" is defined in 15 Pa.C.S.
7 § 102(a) (relating to definitions).

8 "Office." The Office of Business Consultant established
9 under section 4518 (relating to Office of Business Consultant).

10 "Secretary." The Secretary of Business, Tourism and
11 Workforce Development.

12 SUBCHAPTER B

13 DEPARTMENTAL ADMINISTRATION

14 Sec.

15 4511. Establishment of department.

16 4512. Organization of department.

17 4513. General duties of department and transfer provisions.

18 4514. Redesignation.

19 4515. (Reserved).

20 4516. Secretary.

21 4517. Strategic plan.

22 4518. Office of Business Consultant.

23 § 4511. Establishment of department.

24 The Department of Business, Tourism and Workforce Development
25 is established as an administrative department within the
26 executive branch of the government of this Commonwealth.

27 § 4512. Organization of department.

28 (a) Division of responsibilities.--The department shall be
29 divided into the following:

30 (1) The Bureau of Marketing and Tourism.

- 1 (2) The Bureau of Licensing.
- 2 (3) The Bureau of Safety and Labor-Management Relations.
- 3 (4) The Bureau of Occupational and Vocational
- 4 Rehabilitation.
- 5 (5) The Bureau of Trust Fund Management.
- 6 (6) The Bureau of Business Finance and Workforce
- 7 Development.
- 8 (7) The Office of Business Consultant.

9 (b) Supervision.--

10 (1) Each bureau of the department shall be headed by an

11 executive director appointed by the secretary.

12 (2) Each executive director shall be under the

13 supervision of the secretary.

14 § 4513. General duties of department and transfer provisions.

15 (a) Authority.--The department shall exercise the authority

16 and perform the duties of the following Commonwealth agencies as

17 specified in this chapter:

18 (1) The Department of Labor and Industry.

19 (2) The Department of Community and Economic

20 Development. The powers and duties transferred from the

21 Department of Community and Economic Development shall be

22 limited to a bureau or program which pertains to the

23 following:

24 (i) Statewide tax credits and grant programs.

25 (ii) Job training.

26 (iii) International business trade, investments and

27 development.

28 (iv) Business and workforce development and the

29 Pennsylvania Industrial Development Authority.

30 (v) Marketing and tourism initiatives.

1 (vi) Technology investments and strategic
2 partnerships.

3 (3) The Department of State. The powers and duties
4 transferred from the Department of State shall be limited to
5 the following:

6 (i) The Bureau of Corporations and Charitable
7 Organizations.

8 (ii) The Bureau of Professional and Occupational
9 Affairs.

10 (iii) Any administrative board or commission under
11 the Department of State which oversees and issues a
12 professional or occupational license.

13 (b) Transfer of powers and duties.--

14 (1) The powers and duties vested in the Secretary of
15 Labor and Industry, the Secretary of Community and Economic
16 Development and the Secretary of the Commonwealth as
17 specified in this chapter are transferred to the secretary,
18 who shall exercise the powers and perform the duties that
19 those secretaries exercised or performed prior to the
20 effective date of this section. Any reference to the
21 Secretary of Labor and Industry, the Secretary of Community
22 and Economic Development or the Secretary of the Commonwealth
23 under a statute or regulation which was in effect before the
24 effective date of this section and which concerns the powers
25 or duties specified in this chapter shall be deemed a
26 reference to the secretary.

27 (2) The following are transferred to the department:

28 (i) All bureaus, organizations and divisions in the
29 Department of Labor and Industry, the Department of
30 Community and Economic Development and the Department of

1 State responsible for the functions specified in this
2 chapter.

3 (ii) All personnel, allocations, appropriations,
4 equipment, files, records, contracts, agreements,
5 obligations and other materials which are used, employed
6 or expended by the Department of Labor and Industry, the
7 Department of Community and Economic Development and the
8 Department of State in connection with the functions
9 transferred by this chapter to the department in the
10 first instance and as if these contracts, agreements and
11 obligations had been incurred or entered into by the
12 department.

13 (c) Apportionment.--The personnel, appropriations, equipment
14 and other items and material transferred to the department by
15 this section shall include an appropriate portion of the general
16 administrative, overhead and supporting personnel,
17 appropriations, equipment and other material of the Department
18 of Labor and Industry, the Department of Community and Economic
19 Development or the Department of State and shall also include,
20 where applicable, Federal grants and funds and other benefits
21 from any Federal program.

22 (d) Status of employees.--All personnel transferred under
23 this chapter shall retain any civil service employment status
24 assigned to the personnel.

25 § 4514. Redesignation.

26 (a) Department of Labor and Industry.--For those powers and
27 duties transferred under this chapter:

28 (1) The Department of Labor and Industry shall be known
29 as the Bureau of Safety and Labor-Management Relations, the
30 Bureau of Occupation and Vocational Rehabilitation, the

1 Bureau of Trust Fund Management or the Bureau of Business
2 Finance and Workforce Development. The following shall apply:

3 (i) The powers and duties of the Department of Labor
4 and Industry transferred to the department shall be
5 divided among the Bureau of Safety and Labor-Management
6 Relations, the Bureau of Occupational and Vocational
7 Rehabilitation, the Bureau of Trust Fund Management and
8 the Bureau of Business Finance and Workforce Development.

9 (ii) The strategic plan under section 4517 (relating
10 to strategic plan) shall provide a clear division of the
11 powers and duties transferred from the Department of
12 Labor and Industry to the department and the bureaus
13 specified under this subsection.

14 (2) A reference to the Department of Labor and Industry
15 in a statute or regulation shall be deemed a reference to the
16 department.

17 (3) To provide an efficient and cost-minimizing
18 transition, licenses, contracts, deeds and other official
19 actions of the department or any bureau specified in this
20 subsection shall not be affected by the use of the
21 designation as the Department of Labor and Industry. The
22 department may continue to use the name "Department of Labor
23 and Industry" on badges, licenses, contracts, deeds,
24 stationery and other official documents until existing
25 supplies are exhausted. The department may substitute the
26 title "Department of Business, Tourism and Workforce
27 Development" for "Department of Labor and Industry" on its
28 documents and materials on a schedule that is deemed
29 appropriate.

30 (4) The department shall not replace existing signage at

1 its locations with the redesignated name until the signs are
2 worn and in need of replacement. This transition shall be
3 coordinated with changes in administration.

4 (5) The department shall continue to use the name
5 "Department of Labor and Industry" on its computer systems
6 until the time of routine upgrades in each computer system in
7 the department. The change in name shall be made at the time
8 of the routine upgrade to the computer systems.

9 (b) Department of Community and Economic Development.--For
10 those powers and duties transferred under this chapter:

11 (1) The Department of Community and Economic Development
12 shall be known as the Bureau of Business Finance and
13 Workforce Development or the Bureau of Marketing and Tourism.
14 The following shall apply:

15 (i) The powers and duties of the Department of
16 Community and Economic Development transferred to the
17 department shall be divided between the Bureau of
18 Business Finance and Workforce Development and the Bureau
19 of Marketing and Tourism.

20 (ii) The strategic plan under section 4517 shall
21 provide a clear division of the powers and duties
22 transferred from the Department of Community and Economic
23 Development to the department and the bureaus specified
24 under this subsection.

25 (2) A reference to the Department of Community and
26 Economic Development in a statute or regulation shall be
27 deemed a reference to the department.

28 (3) To provide an efficient and cost-minimizing
29 transition, licenses, contracts, deeds and other official
30 actions of the department or any bureau specified in this

1 subsection shall not be affected by the use of the
2 designation as the Department of Community and Economic
3 Development. The department may continue to use the name
4 "Department of Community and Economic Development" on badges,
5 licenses, contracts, deeds, stationery and other official
6 documents until existing supplies are exhausted. The
7 department may substitute the title "Department of Business,
8 Tourism and Workforce Development" for "Department of
9 Community and Economic Development" on its documents and
10 materials on a schedule that is deemed appropriate.

11 (4) The department shall not replace existing signage at
12 its locations with the redesignated name until the signs are
13 worn and in need of replacement. This transition shall be
14 coordinated with changes in administration.

15 (5) The department shall continue to use the name
16 "Department of Community and Economic Development" on its
17 computer systems until the time of routine upgrades in each
18 computer system in the department. The change in name shall
19 be made at the time of the routine upgrade to the computer
20 systems.

21 (c) Department of State.--For those powers and duties
22 transferred under this chapter:

23 (1) The Department of State shall be known as the Bureau
24 of Licensing.

25 (2) A reference to the Department of State in a statute
26 or regulation shall be deemed a reference to the department.

27 (3) To provide an efficient and cost-minimizing
28 transition, licenses, contracts, deeds and other official
29 actions of the department or Bureau of Licensing shall not be
30 affected by the use of the designation as the Department of

1 State. The department may continue to use the name
2 "Department of State" on badges, licenses, contracts, deeds,
3 stationery and other official documents until existing
4 supplies are exhausted. The department may substitute the
5 title "Department of Business, Tourism and Workforce
6 Development" for "Department of State," for those
7 responsibilities and duties involving licensing, on its
8 documents and materials on a schedule that is deemed
9 appropriate.

10 (4) The department shall not replace existing signage at
11 its locations with the redesignated name until the signs are
12 worn and in need of replacement. This transition shall be
13 coordinated with changes in administration.

14 (5) The department shall continue to use the name
15 "Department of State" on its computer systems until the time
16 of routine upgrades in each computer system in the
17 department. The change in name shall be made at the time of
18 the routine upgrade to the computer systems.

19 § 4515. (Reserved).

20 § 4516. Secretary.

21 (a) Nomination.--No later than 30 days after the submittal
22 of the strategic plan under section 4517 (relating to strategic
23 plan), the Governor shall nominate an individual to serve as
24 acting secretary until the individual or another individual is
25 confirmed as secretary by the Senate under section 8 of Article
26 IV of the Constitution of Pennsylvania. The acting secretary
27 shall have the same authority as the secretary.

28 (b) Appointments.--The secretary shall appoint the deputy
29 secretaries. Each deputy secretary shall possess appropriate
30 qualifications to serve in that capacity.

1 § 4517. Strategic plan.

2 (a) Development.--Within 60 days of the effective date of
3 this section, the Governor shall:

4 (1) subject to subsection (b), contract with a qualified
5 third party to develop a strategic plan under this section;
6 or

7 (2) execute a memorandum of understanding with the Joint
8 State Government Commission to develop a strategic plan under
9 this section.

10 (b) Third-party contract.--The Governor may enter into a
11 contract with a qualified third-party organization under this
12 section if the organization:

13 (1) has experience with large corporate mergers of a
14 company which has more than 500 employees;

15 (2) has experience assisting in the merging of
16 government agencies in other states; and

17 (3) utilizes continuous improvement process systems to
18 strengthen the efficiency and delivery of service of agencies
19 or corporations undergoing a merger.

20 (c) Parameters.--The strategic plan under this section shall
21 detail the merger of the Department of Labor and Industry, the
22 Department of Community and Economic Development and the
23 Department of State, in accordance with the provisions of this
24 chapter, and shall provide for:

25 (1) A 20% reduction in administrative costs.

26 (2) The identification and consolidation of:

27 (i) redundant programs administered by the
28 Department of Labor and Industry, the Department of
29 Community and Economic Development and the Department of
30 State, whose functions are transferred to the department;

1 and

2 (ii) redundant regulations promulgated by the
3 Department of Labor and Industry, the Department of
4 Community and Economic Development and the Department of
5 State, whose functions are transferred to the department.

6 (3) Strategies to improve job training and economic
7 development in this Commonwealth.

8 (4) Strategies to improve and assist in compliance for
9 the regulations promulgated by the Department of Labor and
10 Industry, the Department of Community and Economic
11 Development and the Department of State prior to the
12 effective date of this section.

13 (5) The identification of options for consolidating the
14 administration of business-related permitting under the
15 department.

16 (6) The development of clear management directives for
17 workforce development and business-related tax credits.

18 (7) The detailed development of an online portal for
19 tracking the status of permit applications for agencies under
20 the Governor's jurisdiction.

21 (8) The apportionment of personnel, appropriations,
22 equipment and other items and material transferred to the
23 department under section 4513(c) (relating to general duties
24 of department and transfer provisions).

25 (d) Submittal.--No later than 210 days after the effective
26 date of this section, the strategic plan under this section
27 shall be submitted to the General Assembly for review and any
28 hearings deemed necessary.

29 § 4518. Office of Business Consultant.

30 (a) Establishment.--The Office of Business Consultant is

1 established within the department.

2 (b) Executive director.--The office shall be headed by an
3 executive director who shall be appointed by the secretary and
4 who shall report to the secretary.

5 (c) Support services.--The department shall provide all
6 support services and staff for the office.

7 (d) Powers and duties.--The office shall:

8 (1) Assist job creators in complying with regulations
9 promulgated by the department or an executive agency.

10 (2) Assist job creators in complying with the
11 requirements for the application process for a permit of an
12 executive agency.

13 (3) Assist job creators, upon request, with any site
14 development for a corporation which chooses to expand or
15 locates operations in this Commonwealth.

16 (4) Develop strategies and relationships to attract job
17 creators to locate operations in this Commonwealth.

18 (5) Assist residents of this Commonwealth as much as
19 practicable in the formation of new small business
20 opportunities.

21 (e) Cooperation by executive agencies.--

22 (1) All executive agencies shall cooperate with the
23 office.

24 (2) Executive agency heads shall identify key staff to
25 form business compliance teams. The following shall apply:

26 (i) Each compliance team shall work with the office
27 to assist corporations in complying with regulations
28 promulgated by the executive agency.

29 (ii) Each compliance team shall work with the office
30 to assist corporations in complying with rules and

1 requirements of the executive agency for the application
2 for a permit required to conduct business activities
3 overseen by the executive agency.

4 Section 2. All acts or parts of acts are repealed insofar as
5 they are inconsistent with this act.

6 Section 3. Except as otherwise provided in 71 Pa.C.S. Ch.
7 45, all activities regarding the powers and duties under 71
8 Pa.C.S. Ch. 45 which were initiated under the Department of
9 Labor and Industry, the Department of Community and Economic
10 Development or the Department of State shall continue and remain
11 in full force and effect and may be completed under 71 Pa.C.S.
12 Ch. 45. Orders, regulations, rules and decisions which were made
13 under the authority of the Department of Labor and Industry, the
14 Department of Community and Economic Development or the
15 Department of State regarding the powers and duties under 71
16 Pa.C.S. Ch. 45 and which are in effect on the effective date of
17 71 Pa.C.S. Ch. 45 shall remain in full force and effect until
18 revoked, vacated or modified under 71 Pa.C.S. Ch. 45. Contracts,
19 obligations and collective bargaining agreements entered into
20 under the authority of the Department of Labor and Industry, the
21 Department of Community and Economic Development or the
22 Department of State are not affected nor impaired by the
23 transfer of powers and duties under 71 Pa.C.S. Ch. 45.

24 Section 4. Any expenditures needed to implement this act
25 shall be paid using encumbered funds of the respective executive
26 agency.

27 Section 5. Within 10 days of the nomination under 71 Pa.C.S.
28 § 4516(a), the Secretary of the Commonwealth shall provide
29 notice of the nomination to the Legislative Reference Bureau,
30 which shall publish the notice in the Pennsylvania Bulletin.

1 Section 6. This act shall take effect as follows:

2 (1) The following shall take effect immediately:

3 (i) This section and section 5 of this act.

4 (ii) The addition of 71 Pa.C.S. §§ 4501, 4502, 4516
5 and 4517.

6 (2) The remainder of this act shall take effect 30 days
7 after publication in the Pennsylvania Bulletin of the notice
8 under section 5 of this act.