

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 644 Session of 1993

INTRODUCED BY PESCI, BUSH, TIGUE, MARKOSEK, ARMSTRONG, FARGO, ROBERTS, WOZNIAK, HASAY, VAN HORNE, RUBLEY, GORDNER, HERMAN, FLICK, BAKER, RAYMOND, BELFANTI, BATTISTO, VEON, PHILLIPS, SCHEETZ, ARGALL, GEIST, E. Z. TAYLOR, KENNEY, FAJT, STEIGHNER, SERAFINI, TRELLO, KING, PISTELLA, TOMLINSON, STURLA, PERZEL, HECKLER, FREEMAN, LEE, ROONEY, D. W. SNYDER, HARLEY, KIRKLAND AND SAURMAN, MARCH 22, 1993

REFERRED TO COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT, MARCH 22, 1993

AN ACT

1 Providing for the consolidation of permit applications for small
2 businesses by the Department of Commerce; requiring the
3 department to provide master applications for small
4 businesses, empowering the department to conduct hearings on
5 the topic of license applications and requiring the presence
6 of appropriate State agencies at those hearings; providing
7 for the cooperation of State agencies with licensing power
8 over the small businesses of this Commonwealth; allowing
9 preapplication conferences between applicants and the
10 appropriate State licensing agencies; and encouraging Federal
11 and local government cooperation in the department's license
12 consolidation effort.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Short title.

16 This act shall be known and may be cited as the Small
17 Business Licensure and Regulatory Assistance Act.

18 Section 2. Definitions.

19 The following words and phrases when used in this act shall
20 have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Applicant." A small business which intends to or has filed
3 an application for the purpose of securing a permit.

4 "Department." The Department of Commerce of the
5 Commonwealth.

6 "Permit." The whole or part of any State agency permit,
7 license, certificate, approval, registration, charter or similar
8 form of permission required by law or by State agency rules and
9 regulations having the force and effect of law.

10 "Secretary." The Secretary of Commerce of the Commonwealth.

11 "Small business." An individual, partnership, association,
12 cooperative or for-profit corporation engaged in or seeking to
13 engage in a business activity and which employs 250 or fewer
14 employees.

15 "State agency." A department, board, bureau, commission,
16 division, office, council or agency of the Commonwealth, or a
17 public benefit corporation or public authority at least one of
18 whose members is appointed by the Governor.

19 Section 3. General functions and duties.

20 The department shall have the following powers and duties:

21 (1) To provide comprehensive information on permits
22 required for small business undertakings, projects and
23 activities in this Commonwealth and to make this information
24 available to applicants.

25 (2) To arrange conferences between applicants and State
26 agencies to clarify the nature and scope of application forms
27 required by State agencies.

28 (3) To consolidate hearings required pursuant to permit
29 applications when feasible and advantageous.

30 (4) To encourage and facilitate the participation of

Federal and local government agencies in permit coordination.

Section 4. Comprehensive permit information.

(a) Report to department.--Not later than 90 days from the effective date of this act, each State agency required to review, approve or grant permits for small business undertakings, projects and activities shall report to the department in a form prescribed by the department on each and every type of review, approval and permit administered by the State agency. Application forms, applicable agency rules and the estimated time period necessary for permit application consideration based on experience and statutory or regulatory requirements shall accompany each State agency report.

(b) Subsequent permits.--Each State agency required to review, approve or grant permits for small business undertakings, projects and activities shall, subsequent to its report under subsection (a), provide the department with a report of any new permit or modification of any existing permit, together with applicable forms, rules and information required under subsection (a) regarding the new or modified permit.

(c) Information file.--The department shall prepare an information file on State agency permit requirements upon receipt of the State agency reports and shall develop methods for its maintenance, revision, updating and ready access. The information file shall serve the convenience of applicants by consolidating information regarding permit requirements affecting small businesses.

Section 5. Master application procedure.

(a) Primary form.--The department may develop and implement a master application procedure to expedite the identification and processing of all or some permits for small business

1 undertakings, projects and activities if in its discretion, it
2 deems the master application procedure to be feasible. A master
3 application shall be made on a form prescribed by the
4 department, the form to be designed primarily for the
5 convenience of applicants confronting requirements for multiple
6 permits from one or more State agencies, and shall provide for
7 concise and specific information necessary to a determination of
8 those permits which are or may be required for the undertaking,
9 project or activity. If the department implements a master
10 application procedure, it shall include a procedure wherein a
11 small business may provide the information required in the
12 master application by means of telephonic communication.

13 (b) Option of applicant.--If the department implements a
14 master application procedure, use of the procedure shall be at
15 the option of any person proposing a small business undertaking,
16 project or activity. The department shall assist any person upon
17 request in preparing a master application, if it is developed
18 and implemented by the department, describe the procedures
19 involved and provide any information from the comprehensive
20 permit information file as may be helpful or necessary.

21 (c) Notification of State agencies.--Upon receipt of a
22 master application, if it is developed and implemented by the
23 department, the department shall immediately notify in writing
24 each State agency having a possible interest in the proposed
25 business undertaking, project or activity with respect to
26 permits which are or may be required.

27 (d) Permits specified.--Each State agency so notified shall
28 respond to the department within 15 days of receipt of the
29 notice and shall advise the office whether one or more permits
30 under its jurisdiction are or may be required for the small

1 business undertaking, project or activity described in a master
2 application. The response shall specify the permits which in the
3 opinion of the agency are or may be required, if any, and shall
4 indicate the fees to be charged.

5 (e) Notification of applicant.--If the department develops
6 and implements a master application procedure, it shall,
7 following the 15-day notice and response period, promptly
8 provide the applicant with application forms and related
9 information for all permits specified by the interested State
10 agencies and shall advise the applicant:

11 (1) that all the forms are to be completed and submitted
12 to the interested State agencies; or

13 (2) at the option of the applicant, the department will
14 receive all the forms as a package with the fees to be
15 charged, if any, and that the office will immediately
16 separate and submit the forms and fees to the interested
17 State agencies.

18 Section 6. Preapplication conference.

19 The department, at the request of an applicant, may conduct a
20 preapplication conference, pending the submission of application
21 forms, in which the interested State agencies shall participate
22 in order to clarify the nature and scope of their interest and
23 provide guidance to the person in relation to permit application
24 review processes and in order to coordinate agency actions and
25 data compilation or submission regarding permit requirements.
26 Other State agencies having responsibilities for business
27 promotion and regulation may participate in a conference at the
28 discretion of the department.

29 Section 7. Consolidated hearings.

30 (a) Requests for hearings.--Any applicant or any State

1 agency having jurisdiction of the required permits, may request
2 the department to coordinate any public hearings. The department
3 may consolidate the hearings insofar as may be feasible.

4 (b) Conduct of hearings.--A consolidated hearing shall be
5 conducted in a manner consistent with 2 Pa.C.S. (relating to
6 administrative law and procedure). The secretary or his designee
7 shall be presiding officer and shall establish an agenda for,
8 and regulate, the course of the hearing. A representative of
9 each State agency within whose jurisdiction a specific
10 application lies shall conduct that portion of the hearing
11 pertaining to the submission of information and data relating to
12 the application. The hearing may be continued by the presiding
13 officer when appropriate and shall be recorded in a suitable
14 manner.

15 (c) Prehearing conference.--The department, with the consent
16 of the State agencies having permit jurisdiction, may provide
17 for a prehearing conference to assist in the disposition of the
18 type, time, place and parties of the consolidated hearing, the
19 simplification of the issues, the stipulations as to agreed
20 facts and necessary documents and any other relevant matters.

21 Section 8. Federal and local government participation.

22 (a) Agency cooperation.--Federal and local government
23 agencies shall be encouraged to participate in the business
24 permit information, coordination and assistance services of the
25 department and to make information available to applicants
26 through the department with respect to any business undertaking,
27 project or activity which is referred to the department under
28 the provisions of this act.

29 (b) Advising applicants.--The department shall, so far as is
30 practicable, advise applicants of Federal and local agency

1 permit requirements and shall maintain an information file on
2 permits for which the State has delegated issuance authority to
3 local government agencies.

4 (c) Consultation.--The secretary shall consult with local
5 government officials with respect to cooperation in coordinating
6 State and local permit application and review procedures and
7 shall recommend to the Governor and the General Assembly any
8 actions which would facilitate such coordination.

9 Section 9. No fee for department's service.

10 Services rendered by the department shall be made available
11 without charge, provided that nothing contained herein shall
12 relieve an applicant of any part of the fees or charges
13 established for the review and approval of permit applications
14 or relieve an applicant of any of the apportioned costs of a
15 consolidated hearing conducted under section 7.

16 Section 10. Department rules provided.

17 If the department develops a master application procedure, it
18 shall be implemented by regulation issued by the department
19 which shall specify the permits to which the master application
20 procedure is applicable.

21 Section 11. Permit authority retained.

22 Each State agency having jurisdiction to approve or deny a
23 permit shall have the continuing power heretofore or hereafter
24 vested in it to make such determinations. The provisions of this
25 act shall not lessen or reduce the powers and shall modify the
26 procedures followed in carrying out the powers only to the
27 extent provided herein.

28 Section 12. Assistance of State agencies.

29 To effectuate the purposes of this article, the secretary may
30 request and shall be entitled to receive from any State agency,

1 and the same are authorized to provide, assistance, services,
2 facilities and data which will enable the office to carry out
3 its functions, powers and duties, and those temporarily assigned
4 personnel as the director of the budget may approve.

5 Section 13. Program responsibilities.

6 (a) Statistical data.--The department shall obtain and keep
7 on an annual basis appropriate statistical data regarding the
8 number of permits issued, the amount of time necessary for
9 permits to be issued, the cost of obtaining permits, the types
10 of projects for which specific permits are issued, a geographic
11 distribution of permits issued and other pertinent data. The
12 department shall analyze such data by type of permit and by
13 issuing agency and make its findings available to the public.

14 (b) Review of permit requirements.--The department shall
15 conduct or cause to be conducted a thorough review of permit
16 requirements and the need for all permits. The department shall
17 draw on the review, on its direct experience and its statistical
18 analyses, to prepare recommendations from time to time for the
19 appropriate agencies, the Governor and the General Assembly
20 regarding how to:

21 (1) eliminate unnecessary or antiquated permit
22 requirements;

23 (2) consolidate duplicative or overlapping permit
24 requirements;

25 (3) simplify overly complex or lengthy application
26 procedures;

27 (4) expedite time consuming agency review and approval
28 procedures; or

29 (5) otherwise improve permitting processes in this
30 Commonwealth.

1 (c) Department reports to Governor and General Assembly.--
2 The department shall make an annual report to the Governor and
3 the General Assembly on its activities in accordance with this
4 act.
5 Section 14. Effective date.
6 This act shall take effect in 180 days.