

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 350 Session of 2023

INTRODUCED BY PHILLIPS-HILL, ROTHMAN, MARTIN, STEFANO, DUSH, J. WARD, MASTRIANO, AUMENT, HUTCHINSON AND BROOKS, FEBRUARY 2, 2023

SENATOR DUSH, INTERGOVERNMENTAL OPERATIONS, AS AMENDED, MAY 8, 2023

AN ACT

1 Providing for the administration of permits by State agencies,
2 for a tracking system for permit applications, for the
3 establishment of permit programs, for third-party review of
4 permit decision delays and for annual reports; ESTABLISHING <--
5 THE PENNSYLVANIA OFFICE OF TRANSFORMATION AND OPPORTUNITY AND
6 THE ECONOMIC DEVELOPMENT STRATEGY GROUP; AND PROVIDING FOR
7 THEIR POWERS AND DUTIES.

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

10 Section 1. Short title.

11 This act shall be known and may be cited as the Permit
12 Administration AND ECONOMIC DEVELOPMENT Act. <--

13 Section 2. Definitions.

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

17 "Applicant." A person, corporation, municipality, municipal
18 authority, political subdivision, State agency or an agency of
19 the Federal Government, which submits an application for a

1 permit to a State agency.

2 "Application." A submission to a State agency by an
3 applicant which seeks any of the following:

- 4 (1) A new permit.
- 5 (2) A permit renewal.
- 6 (3) A permit amendment.
- 7 (4) A permit modification.
- 8 (5) A permit transfer.
- 9 (6) A change of ownership of a permit.

10 "Completeness review." The process by which a State agency's
11 staff reviews an application to determine if the application
12 satisfies all of the applicable statutory and regulatory
13 requirements.

14 "Incomplete application." An application which does not
15 include all required documents and information necessary to
16 perform a completeness review.

17 "OFFICE." THE PENNSYLVANIA OFFICE OF TRANSFORMATION AND <--
18 OPPORTUNITY ESTABLISHED UNDER SECTION 11(A).

19 "Permit." For the purposes of this act, an authorization
20 issued by a State agency which approves the performance of a
21 regulated activity. The term includes authorization permits,
22 certificates of public convenience, plan approvals and
23 registrations under a general permit. ~~The term does not include~~ <--
24 ~~the following:~~

25 ~~(1) A certification, license or permit issued to an~~
26 ~~individual for personal use.~~

27 ~~(2) A certification, license or permit issued by the~~
28 ~~Pennsylvania Game Commission.~~

29 "Permit decision." The issuance or denial of a permit.

30 "Permit decision delay." The failure of a State agency to

1 issue a permit decision within:

2 (1) the time period specified by statute or regulation,
3 including the time period specified under 4 Pa. Code Ch. 7a
4 Subch. H (relating to permit decision guarantee for the
5 Department of Environmental Protection); or

6 (2) 30 days after the submission of the permit
7 application if there is no time period specified by statute
8 or regulation, including 4 Pa. Code Ch. 7a Subch. H.

9 "Permit program." The program designed for the operation and
10 management of permits which are subject to permit decision
11 delays.

12 "Processing time." Beginning when the permit satisfies the
13 completeness review, the total number of business days allowed
14 by statute, regulation or State agency policy before a State
15 agency must take final action on a permit decision.

16 "State agency." Any office, department, independent agency,
17 authority, board or commission of the executive branch which
18 issues permits.

19 "STRATEGY GROUP." THE ECONOMIC DEVELOPMENT STRATEGY GROUP <--
20 ESTABLISHED UNDER SECTION 12(A).

21 "Technical review." A review of the technical aspects of an
22 application to determine if the application satisfies all of the
23 applicable statutory and regulatory requirements for permit
24 issuance.

25 "Technically deficient application." An application that
26 does not include all necessary documents and information in
27 sufficient detail to perform a technical review.

28 "Third-party professional." An individual in this
29 Commonwealth who possesses all of the requisite certifications
30 and qualifications of an occupation relating to a permit

1 administered by a State agency.

2 Section 3. Initial review of permits by State agencies.

3 Within 60 days after the effective date of this section, a
4 State agency shall review the State agency's permit decisions
5 and permit decision delays during the immediately preceding
6 calendar year and submit a report of findings to the General
7 Assembly.

8 Section 4. Compilation of permits.

9 (a) List of permits.--A State agency shall compile, maintain
10 and make available a complete list of all types of permits
11 issued by the State agency. The list, including any revisions to
12 the list, shall be transmitted to the Legislative Reference
13 Bureau for publication in the Pennsylvania Bulletin and shall be
14 posted on the State agency's publicly accessible Internet
15 website. The list shall include, but not be limited to, the
16 following information:

17 (1) The program under which each permit is issued.

18 (2) The statutory and regulatory authority for each
19 permit.

20 (3) The time frame when the State agency must issue each
21 permit.

22 (4) The average time frame within which each permit is
23 actually issued.

24 (b) Time limit.--A State agency shall have 90 days from the
25 effective date of this subsection to complete the initial list
26 required under subsection (a).

27 Section 5. Tracking system for permit application.

28 (a) Establishment.--A State agency shall establish, maintain
29 and make available a secure tracking system for applicants to
30 track the status of applications on the State agency's publicly

1 accessible Internet website within 180 days of the effective
2 date of this subsection.

3 (b) Notice.--Within five business days after receiving an
4 application, a State agency shall notify an applicant in writing
5 or by electronic means of the receipt and provide information
6 instructing the applicant in the utilization of the tracking
7 system established under subsection (a).

8 (c) System contents.--The tracking system shall include all
9 of the following:

10 (1) The processing time for each permit, the statutory
11 and regulatory authority and State agency policy establishing
12 the processing time.

13 (2) The dates associated with the receipt of each
14 permit, completeness review, technical review, elevated
15 review, if necessary, and the final permit decision.

16 (3) The estimated time remaining for each incomplete
17 phase of the permit approval process.

18 (4) The identity and contact information for the State
19 agency employee assigned to answer questions about the
20 application process.

21 Section 6. Notice of incomplete and technically deficient
22 applications.

23 (a) Notice.--If a State agency finds an incomplete
24 application or technically deficient application, the State
25 agency shall notify the applicant in writing or by electronic
26 means of all of the following:

27 (1) The statute or regulation which requires a
28 correction or additional information within the application.

29 (2) The reasons why the application is not in
30 conformance with the statute or regulation specified under

1 paragraph (1) in clear language that is readily
2 understandable by a layperson.

3 (3) The correction or additional information needed for
4 the State agency to issue the permit.

5 (4) The procedure an applicant is required to employ to
6 initiate an appeal of an adverse State agency decision.

7 (b) Time limit.--The following apply:

8 (1) If an application is determined to be incomplete,
9 the State agency shall notify the applicant of the
10 determination within 10 business days of receipt of the
11 application.

12 (2) If an application is determined to be technically
13 deficient, the State agency shall notify the applicant of the
14 determination within 20 business days after the conclusion of
15 a completeness review.

16 (C) TOLLING PERIOD.--IF THE STATE AGENCY DETERMINES THAT <--
17 THE STATE AGENCY IS UNABLE TO ISSUE A DETERMINATION ON THE
18 APPLICATION, THE STATE AGENCY SHALL SPECIFY THE INFORMATION THAT
19 IS NECESSARY FOR THE APPLICANT TO RESUBMIT THE APPLICATION. THE
20 DEADLINES UNDER SUBSECTION (B) SHALL TOLL DURING THE TIME PERIOD
21 COMMENCING ON THE DATE WHEN THE APPLICANT RECEIVES THE NOTICE
22 THAT THE APPLICATION IS AN INCOMPLETE APPLICATION OR TECHNICALLY
23 DEFICIENT APPLICATION AND THE DATE WHEN THE STATE AGENCY
24 RECEIVES THE APPLICANT'S RESUBMITTED APPLICATION. UPON RECEIPT
25 OF THE APPLICANT'S RESUBMITTED APPLICATION, THE STATE AGENCY
26 SHALL APPROVE OR DENY THE RESUBMITTED APPLICATION WITHIN THE
27 NUMBER OF BUSINESS DAYS REMAINING IN THE TOLLED TIME PERIOD.

28 Section 7. Notice of permit changes and expiration.

29 A State agency shall notify a permit holder in writing or by
30 electronic means of any of the following:

1 (1) The expiration date of a permit 60 days before the
2 permit's expiration date.

3 (2) A change to a statute or regulation which may affect
4 the permit.

5 (3) A change in permit fees which may affect the renewal
6 of the permit.

7 Section 8. Validity of permits.

8 A permit issued prior to the effective date of a statute or
9 regulation altering the requirements for the permit shall remain
10 valid under the provisions by which the permit was granted,
11 unless otherwise agreed to by all parties.

12 Section 9. Third-party review of permit decision delays.

13 (a) Establishment.--Within 180 days of the effective date of
14 this subsection, a State agency shall establish a program to
15 review permit decision delays and resolve issues causing permit
16 decision delays.

17 (b) Third-party.--If a State agency has not established an
18 internal process for an on-the-record, quasi-judicial review of
19 the State agency's determinations, the State agency shall
20 contract with a third-party professional to administer a program
21 established under subsection (a) in accordance with 62 Pa.C.S.
22 Pt. I (relating to Commonwealth procurement code). Payments to a
23 third-party professional under this subsection shall consist of
24 the remittance of any fees collected by a State agency from
25 applicants whose applications are subject to a permit decision
26 delay.

27 (c) Review.--A State agency shall, immediately after
28 establishing a program under subsection (a), refer applications
29 that have been submitted to the State agency and are subject to
30 permit decision delay to a third-party professional for review

1 and resolution. A permit application that becomes subject to
2 permit decision delay after the establishment of a program under
3 subsection (a) shall be submitted by the State agency to a
4 third-party professional for review and resolution no later than
5 three business days after the application becomes subject to
6 permit decision delay.

7 (d) Issuance.--After a third-party professional's review of
8 an application which is subject to a permit decision delay and
9 the resolution of all issues causing the delay, the third-party
10 professional shall transmit the application to the State agency
11 for issuance of the permit.

12 (E) DEEMED APPROVAL OF PERMIT.--IF A STATE AGENCY RECEIVES A <--
13 COMPLETED APPLICATION, A PERMIT DECISION DELAY OCCURS AND THE
14 APPLICATION HAS NOT BEEN SUBMITTED TO A THIRD-PARTY PROFESSIONAL
15 REVIEW AS REQUIRED UNDER SUBSECTION (C), THE APPLICATION SHALL
16 BE DEEMED APPROVED AND THE STATE AGENCY SHALL ISSUE THE PERMIT.
17 Section 10. Annual reports.

18 No later than January 31 of each year, a State agency shall
19 submit a report to the General Assembly that, at a minimum,
20 shall contain the following information from the immediately
21 preceding calendar year:

22 (1) The number of applications received.

23 (2) The number of applications reviewed by the State
24 agency that received a decision without being referred to a
25 third-party professional.

26 (3) The average time frame for permit decisions from the
27 State agency on applications that received a decision without
28 being referred to a third-party professional.

29 (4) The number of applications reviewed by third-party
30 professionals.

1 (5) The average time frame for contracted third-party
2 professionals to complete an application review.

3 (6) The number of State agency employees reviewing
4 permit applications as organized by each regional office of
5 the State agency, if applicable, and the number of
6 applications each State employee reviewed.

7 SECTION 11. PENNSYLVANIA OFFICE OF TRANSFORMATION AND
8 OPPORTUNITY. <--

9 (A) ESTABLISHMENT.--THE PENNSYLVANIA OFFICE OF
10 TRANSFORMATION AND OPPORTUNITY IS ESTABLISHED WITHIN THE
11 GOVERNOR'S OFFICE. THE OFFICE SHALL FACILITATE THE
12 IMPLEMENTATION OF TRANSFORMATIONAL ECONOMIC DEVELOPMENT
13 PROJECTS, WHICH WILL RESULT IN SUBSTANTIAL QUALITY JOB
14 OPPORTUNITIES AND CAPITAL INVESTMENT IN THIS COMMONWEALTH BY:

15 (1) COORDINATING AND EXPEDITING INTERAGENCY COOPERATION;

16 (2) MARSHALING FEDERAL AND STATE RESOURCES TO MAXIMIZE
17 ECONOMIC DEVELOPMENT OPPORTUNITIES FOR THIS COMMONWEALTH TO
18 COMPETE, GROW AND THRIVE IN A GLOBAL ECONOMY; AND

19 (3) LEVERAGING THE ROLE OF THE GOVERNOR TO ENGAGE THE
20 GLOBAL BUSINESS COMMUNITY ON BEHALF OF THE COMMONWEALTH.

21 (B) DUTIES.--THE OFFICE SHALL:

22 (1) CREATE A SYSTEMATIC PROCESS FOR MANAGING ECONOMIC
23 DEVELOPMENT PROJECTS INVOLVING THE RESOURCES OF MULTIPLE
24 STATE AGENCIES TO FACILITATE PROJECT MANAGEMENT.

25 (2) ESTABLISH AND MONITOR THE PROGRESS OF ADDITIONAL
26 AREAS OF ECONOMIC DEVELOPMENT PROJECT SUPPORT, INCLUDING
27 SERVING AS A ONE-STOP SHOP FOR COORDINATION OF STATE
28 AGENCIES, EXPEDITING STATE AGENCY PERMIT AND LICENSE REVIEWS
29 AND ENSURING SPEED OF BUSINESS REVIEW AND APPROVAL OF
30 COMMONWEALTH ECONOMIC INCENTIVE PROGRAMS.

1 (3) WORK IN PARTNERSHIP WITH THE DEPARTMENT OF COMMUNITY
2 AND ECONOMIC DEVELOPMENT AND ALL RELEVANT STATE AGENCIES IN
3 REVIEWING FEDERAL AND STATE FUNDING APPLICATIONS TO ENSURE
4 THAT THEY MAXIMIZE THE OPPORTUNITY TO ATTRACT
5 TRANSFORMATIONAL ECONOMIC DEVELOPMENT PROJECTS.

6 (4) ESTABLISH OBJECTIVES AND TARGETS FOR THE
7 IMPLEMENTATION OF TRANSFORMATIVE ECONOMIC DEVELOPMENT
8 PROJECTS PRIORITIZED BY THE GOVERNOR FOR THIS COMMONWEALTH.

9 (5) ESTABLISH AND MONITOR TIME-BASED STANDARDS FOR
10 COMPLETION OF EACH PHASE OF A TRANSFORMATIVE ECONOMIC
11 DEVELOPMENT PROJECT.

12 (6) WORK IN PARTNERSHIP WITH THE DEPARTMENT OF COMMUNITY
13 AND ECONOMIC DEVELOPMENT AND ALL RELEVANT STATE AGENCIES AND
14 COORDINATE WITH THE GOVERNOR'S ACTION TEAM TO ENSURE THAT
15 THOROUGH DUE DILIGENCE IS PERFORMED FOR PRIORITIZED PROJECTS,
16 WHICH SHALL INCLUDE:

17 (I) OVERALL ECONOMIC IMPACT OF THE PROJECT.

18 (II) THE VALIDITY OF ITS BUSINESS MODEL AND
19 LIKELIHOOD OF POSITIVE IMPACT ON AN IDENTIFIED PRIORITY
20 INDUSTRY OR SECTOR.

21 (III) THE IMPACT ON COMMUNITIES THAT HAVE BEEN
22 DISADVANTAGED AND UNDERSERVED.

23 (IV) THE STRENGTH OF COMMITMENTS FOR PRIVATE
24 FINANCING OF THE PROJECT.

25 (7) WORK IN PARTNERSHIP WITH THE DEPARTMENT OF COMMUNITY
26 AND ECONOMIC DEVELOPMENT, ALL RELEVANT STATE AGENCIES AND THE
27 GOVERNOR TO DEVELOP AN OVERALL ECONOMIC DEVELOPMENT BLUEPRINT
28 AND STRATEGY FOR THIS COMMONWEALTH IN IDENTIFYING KEY
29 INDUSTRY AND SECTORS WHERE THIS COMMONWEALTH HAS COMPETITIVE
30 ADVANTAGES.

1 (C) STAFFING AND ADMINISTRATION.--

2 (1) THE GOVERNOR SHALL APPOINT A CHIEF TRANSFORMATION
3 AND OPPORTUNITY OFFICER OF THE OFFICE WHO SHALL SERVE AT THE
4 PLEASURE OF THE GOVERNOR AND COORDINATE THE IMPLEMENTATION
5 AND DEVELOPMENT OF THE DUTIES SPECIFIED IN THIS SECTION.

6 (2) THE CHIEF TRANSFORMATION AND OPPORTUNITY OFFICER MAY
7 HIRE STAFF, INCLUDING ECONOMIC DEVELOPMENT SPECIALISTS, TO
8 PERFORM THE DUTIES SPECIFIED IN THIS SECTION.

9 (3) THE CHIEF TRANSFORMATION AND OPPORTUNITY OFFICER
10 SHALL REPORT DIRECTLY TO THE GOVERNOR AND THE OFFICE SHALL
11 OPERATE FROM THE GOVERNOR'S OFFICE.

12 (D) REPORTS.--THE OFFICE SHALL PREPARE AND ISSUE AN ANNUAL
13 REPORT TO THE GOVERNOR WITH THE FIRST ANNUAL REPORT DUE DECEMBER
14 31, 2023, AND SUBSEQUENT REPORTS DUE DECEMBER 31 OF EACH
15 SUCCEEDING YEAR. THE ANNUAL REPORT SHALL INCLUDE AN ANALYSIS AND
16 EXAMINATION OF SIGNIFICANT ECONOMIC DEVELOPMENT OPPORTUNITIES
17 GAINED AND LOST BY THIS COMMONWEALTH WITHIN AN IDENTIFIED TIME
18 PERIOD AND RECOMMENDATIONS FOR IMPROVEMENT. THE REPORT SHALL BE
19 DELIVERED TO THE GOVERNOR OR THE GOVERNOR'S DESIGNEE.
20 SECTION 12. ECONOMIC DEVELOPMENT STRATEGY GROUP.

21 (A) ESTABLISHMENT.--THE ECONOMIC DEVELOPMENT STRATEGY GROUP
22 IS ESTABLISHED WITHIN THE GOVERNOR'S OFFICE.

23 (B) DUTY.--THE STRATEGY GROUP SHALL ADVISE THE GOVERNOR ON
24 ECONOMIC DEVELOPMENT PROJECTS AND PROCESSES TO ATTRACT AND
25 RETAIN EMPLOYERS, RECRUIT LEADERS OF INNOVATION AND CREATE
26 QUALITY JOBS IN THIS COMMONWEALTH.

27 (C) MEMBERSHIP.--

28 (1) THE STRATEGY GROUP SHALL BE CHAIRED BY THE GOVERNOR
29 OR, IN THE GOVERNOR'S ABSENCE, BY THE CHIEF TRANSFORMATION
30 AND OPPORTUNITY OFFICER.

1 (2) THE STRATEGY GROUP SHALL CONSIST OF THE FOLLOWING:

2 (I) THE SECRETARY OF AGRICULTURE.

3 (II) THE SECRETARY OF COMMUNITY AND ECONOMIC
4 DEVELOPMENT.

5 (III) THE SECRETARY OF EDUCATION.

6 (IV) THE SECRETARY OF ENVIRONMENTAL PROTECTION.

7 (V) THE SECRETARY OF LABOR AND INDUSTRY.

8 (VI) THE SECRETARY OF TRANSPORTATION.

9 (VII) OTHER MEMBERS OF THE GOVERNOR'S CABINET,
10 APPOINTED, ON AN INDIVIDUAL PROJECT BASIS, AT THE
11 DISCRETION OF THE GOVERNOR.

12 (D) COMPENSATION PROHIBITED.--MEMBERS OF THE STRATEGY GROUP
13 MAY NOT RECEIVE COMPENSATION FOR PERFORMANCE OF THEIR DUTIES ON
14 THE STRATEGY GROUP.

15 Section ~~11~~ 13. Construction.

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16 Nothing in this act shall be construed to limit or otherwise
17 alter a State agency's authority to revoke a permit for failure
18 to comply with the laws of this Commonwealth.

19 Section ~~12~~ 14. Effective date.

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20 This act shall take effect in 60 days.