

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2377 Session of
1992

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PISTELLA AND NAILOR, FEBRUARY 3, 1992

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE, FEBRUARY 3, 1992

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, requiring the presence of
6 appropriate State agencies at those hearings; providing for
7 the cooperation of State agencies with licensing power over
8 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.

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

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

6 "Department." The Department of Commerce of the
7 Commonwealth.

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

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

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

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

21 Section 3. General functions and duties.

22 The department shall have the following powers and duties:

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

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

30 (3) To consolidate hearings required pursuant to permit

1 applications when feasible and advantageous.

2 (4) To encourage and facilitate the participation of
3 Federal and local government agencies in permit coordination.

4 Section 4. Comprehensive permit information.

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

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

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

29 Section 5. Master application procedure.

30 (a) Primary form.--The department may develop and implement

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

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

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

30 (d) Permits specified.--Each State agency so notified shall

1 respond to the department within 15 days of receipt of the
2 notice and shall advise the office whether one or more permits
3 under its jurisdiction are or may be required for the small
4 business undertaking, project or activity described in any such
5 master application. The response shall specify the permits which
6 in the opinion of the agency are or may be required, if any, and
7 shall indicate the fees to be charged.

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

14 (1) that all such forms are to be completed and
15 submitted to the interested State agencies; or

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

21 Section 6. Preapplication conference.

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

1 at the discretion of the department.

2 Section 7. Consolidated hearings.

3 (a) Requests for hearings.--Any applicant or any State
4 agency having jurisdiction of the required permits, may request
5 the department to coordinate any public hearings. The department
6 may consolidate such hearings insofar as may be feasible.

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

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

24 Section 8. Federal and local government participation.

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

1 the provisions of this act.

2 (b) Advising applicants.--The department shall, so far as is
3 practicable, advise applicants of Federal and local agency
4 permit requirements and shall maintain an information file on
5 permits for which the State has delegated issuance authority to
6 local government agencies.

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

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

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

19 Section 10. Department rules provided.

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

24 Section 11. Permit authority retained.

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

1 Section 12. Assistance of State agencies.

2 To effectuate the purposes of this article, the secretary may
3 request and shall be entitled to receive from any State agency,
4 and the same are authorized to provide, such assistance,
5 services, facilities and data as will enable the office to carry
6 out its functions, powers and duties, and such temporarily
7 assigned personnel as the director of the budget may approve.

8 Section 13. Program responsibilities.

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

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

24 (1) eliminate unnecessary or antiquated permit
25 requirements;

26 (2) consolidate duplicative or overlapping permit
27 requirements;

28 (3) simplify overly complex or lengthy application
29 procedures;

30 (4) expedite time consuming agency review and approval

1 procedures; or

2 (5) otherwise improve permitting processes in this
3 Commonwealth.

4 (c) Department reports to Governor and General Assembly.--
5 The department shall make an annual report to the Governor and
6 the General Assembly on its activities in accordance with this
7 act.

8 Section 14. Effective date.

9 This act shall take effect in 180 days.