

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 352 Session of  
1993

INTRODUCED BY LESCOVITZ, COLAIZZO, FARGO, MARKOSEK, FAIRCHILD,  
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E. Z. TAYLOR, GODSHALL, ARMSTRONG AND VAN HORNE,  
FEBRUARY 10, 1993

REFERRED TO BUSINESS AND ECONOMIC DEVELOPMENT FEBRUARY 10, 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, 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.

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

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

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

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

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

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

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

18 Section 3. General functions and duties.

19 The department shall have the following powers and duties:

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

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

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

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

1 Section 4. Comprehensive permit information.

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

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

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

26 Section 5. Master application procedure.

27 (a) Primary form.--The department may develop and implement  
28 a master application procedure to expedite the identification  
29 and processing of all or some permits for small business  
30 undertakings, projects and activities if in its discretion, it

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

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

21 (c) Notification of State agencies.--Upon receipt of a  
22 master application, if such 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 any  
2 master application. The response shall specify the permits which  
3 in the opinion of the agency are or may be required, if any, and  
4 shall 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 forms are to be completed and submitted to  
12 the interested State agencies; or

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

#### 17 Section 6. Preapplication conference.

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

#### 28 Section 7. Consolidated hearings.

29 (a) Requests for hearings.--Any applicant or any State  
30 agency having jurisdiction of the required permits may request

1 the department to coordinate any public hearings. The department  
2 may consolidate hearings insofar as may be feasible.

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

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

#### 20 Section 8. Federal and local government participation.

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

28 (b) Advising applicants.--The department shall, so far as is  
29 practicable, advise applicants of Federal and local agency  
30 permit requirements and shall maintain an information file on

1 permits for which the State has delegated issuance authority to  
2 local government agencies.

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

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

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

15 Section 10. Department rules provided.

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

20 Section 11. Permit authority retained.

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

27 Section 12. Assistance of State agencies.

28 To effectuate the purposes of this article, the secretary may  
29 request and shall be entitled to receive from any State agency,  
30 and the same are authorized to provide, such assistance,

1 services, facilities and data as will enable the office to carry  
2 out its functions, powers and duties, and such temporarily  
3 assigned personnel as the director of the budget may approve.

4 Section 13. Program responsibilities.

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

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

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

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

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

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

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

30 (c) Department reports to Governor and General Assembly.--



1 The department shall make an annual report to the Governor and  
2 the General Assembly on its activities in accordance with this  
3 act.

4 Section 14. Effective date.

5 This act shall take effect in 180 days.