

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.