

FISCAL NOTE

November 9, 2021

Bill No:	HB 139	Printer's No:	104	Sponsor:	Rothman
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COST / (SAVINGS)

Fund (s)	2020-21	2021-22
General Fund	See Fiscal Impact	See Fiscal Impact
Federal Funds	See Fiscal Impact	See Fiscal Impact

SUMMARY: HB 139 establishes the Permit Administration Act.

ANALYSIS: HB 139 lays out duties and timeframes for State agencies (defined as any office, department, authority, board or commission of the executive branch which issues permits): within 60 days after the effective date of this act, review the agency's permit decisions and permit decision delays during the immediately preceding calendar year and submit a report to the General Assembly; within 90 days, an agency shall compile, maintain and make available a complete list of all types of permits issued by the agency and submit to the Legislative Reference Bureau for publication in the PA Bulletin and shall be posted on the agency's website; within 180 days, agencies shall establish, maintain and make available a secure tracking system for applicants to track the status of applications on their website, including permit processing times and the statute or regulation establishing them, dates associated with receipt of each permit, completeness review, technical review, elevated review if necessary and final permit decision, estimated time remaining for each incomplete phase of the permit approval process and contact information for agency employees assigned to answer questions; and within 180 days of the effective date, agencies shall establish a permit program to review permit decision delays and resolve issues causing permit decision delays and contract with a third-party professional to administer this program who will be paid from fees collected from applications subject to a permit decision delay.

Delayed applications will be sent to the third party for review and resolution no later than three business days after the application becomes subject to permit decision delay. The applications will then be transmitted to the agency for issuance of the permit. Within five business days after receiving an application, agencies shall notify an applicant of the receipt of the application and provide information on the tracking system.

Applicants will be made aware of incomplete applications within 10 business days and of the information necessary for completion if an application is determined to be incomplete. If the application is determined to be technically deficient, the agency shall notify them within 20 business days after the conclusion of a completeness review. Permit holders will be notified 60 days before a permit's expiration and any change to statute, regulation or permit fees. Permits issued prior to the effective date of a statute or regulation shall remain valid under the provisions by which the permit was granted. No later than January 31 of each year, each State agency shall submit a report to the General Assembly on permit application data.

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This act shall take effect in 60 days.

FISCAL IMPACT:

Agency	Current FY IT	Current FY Personnel	Next FY IT	Next FY Personnel	Total
Environmental Protection	\$1.7 Million	\$12.8 Million	\$1.8 Million	\$ 13.8 Million	\$30.1 Million
PennDOT	\$5.6 Million	\$11.1 Million		\$11.1 Million	\$27.8 Million
Labor and Industry	\$1.6 Million	\$745 Thousand	\$1.6 Million	\$745 Thousand	\$4.7 Million
Human Services	\$5.0 Million				\$5 Million
Agricultural	\$0	\$25.8 Million	\$2 Million	\$31.5 Million	\$59.3 Million
Health	\$1.7 Million	\$2.9 Million	\$2 Million	\$2.9 Million	\$9.5 Million
Total	\$15.6 Million	\$53.3 Million	\$7.4 Million	\$60.0 Million	\$134.4 Million

This legislation would lead to significant costs for agencies (which could be a high number, as the definition of “permit” is vague) in personnel, IT systems and contracts with third-party professionals for review of delayed applications, as well as turning over permit fees for review to the third-party. This could also compromise the commonwealth’s role as the primary enforcer of federal regulation and thus could affect federal funding. This is due to the fact that this bill would effectively eliminate public participation, leaves inadequate timeframes for review, the third-party contractor provisions, which inappropriately delegate essential governmental functions, and language regarding mandatory issuance after third party review.