

40:55D-136.3 et al.
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2016 **CHAPTER:** 14

NJSA: 40:55D-136.3 et al. (Extends expiration date of certain permits for one year in Superstorm Sandy-impacted counties.)

BILL NO: A3617 (Substituted for S2390)

SPONSOR(S) Green and others

DATE INTRODUCED: June 16, 2016

COMMITTEE: **ASSEMBLY:** Judiciary

SENATE: ---

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 27, 2016

SENATE: June 30, 2016

DATE OF APPROVAL: June 30, 2016

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted)

A3617

SPONSOR'S STATEMENT: (Begins on page 8 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: Yes
	SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	Yes

S2390

SPONSOR'S STATEMENT: (Begins on page 8 of introduced bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY: No
	SENATE: Yes
FLOOR AMENDMENT STATEMENT:	No
LEGISLATIVE FISCAL ESTIMATE:	Yes

(continued)

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: No

RWH/JA

P.L.2016, CHAPTER 14, *approved June 30, 2016*
Assembly, No. 3617 (*First Reprint*)

1 AN ACT concerning the extension of certain permits and approvals
2 affecting the physical development of property located in
3 Superstorm Sandy-impacted counties and amending P.L.2008,
4 c.78.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to
10 read as follows:

11 3. As used in P.L.2008, c.78 (C.40:55D-136.1 et seq.):

12 "Approval" means, except as otherwise provided in section 4 of
13 P.L.2008, c.78 (C.40:55D-136.4), any approval of a soil erosion and
14 sediment control plan granted by a local soil conservation district
15 under the authority conferred by R.S.4:24-22 et seq., waterfront
16 development permit issued pursuant to R.S.12:5-1 et seq., permit
17 issued pursuant to "The Wetlands Act of 1970," P.L.1970, c.272
18 (C.13:9A-1 et seq.), permit issued pursuant to the "Freshwater
19 Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et al.),
20 approval of an application for development granted by the Delaware
21 and Raritan Canal Commission pursuant to the "Delaware and
22 Raritan Canal State Park Law of 1974," P.L.1974, c.118 (C.13:13A-
23 1 et seq.), permit issued by the New Jersey Meadowlands
24 Commission pursuant to the "Hackensack Meadowlands
25 Reclamation and Development Act," P.L.1968, c.404 (C.13:17-1 et
26 al.), approval of an application for development granted by the
27 Pinelands Commission and determination of municipal and county
28 plan conformance pursuant to the "Pinelands Protection Act,"
29 P.L.1979, c.111 (C.13:18A-1 et seq.), permit issued and center
30 designations pursuant to the "Coastal Area Facility Review Act,"
31 P.L.1973, c.185 (C.13:19-1 et seq.), septic approval granted
32 pursuant to Title 26 of the Revised Statutes, permit granted
33 pursuant to R.S.27:7-1 et seq. or any supplement thereto, right-of-
34 way permit issued by the Department of Transportation pursuant to
35 paragraph (3) of subsection (h) of section 5 of P.L.1966, c.301
36 (C.27:1A-5), approval granted by a sewerage authority pursuant to
37 the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et
38 seq.), approval granted by a municipal authority pursuant to the
39 "municipal and county utilities authorities law," P.L.1957, c.183
40 (C.40:14B-1 et seq.), an agreement with a municipality, county,

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted June 20, 2016.

1 municipal authority, sewerage authority, or other governmental
2 authority for the use or reservation of sewerage capacity, approval
3 issued by a county planning board pursuant to chapter 27 of Title 40
4 of the Revised Statutes, preliminary and final approval granted in
5 connection with an application for development pursuant to the
6 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.),
7 permit granted pursuant to the "State Uniform Construction Code
8 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), plan endorsement
9 and center designations pursuant to the "State Planning Act,"
10 P.L.1985, c.398 (C.52:18A-196 et al.), permit or certification issued
11 pursuant to the "Water Supply Management Act," P.L.1981, c.262
12 (C.58:1A-1 et al.), permit granted authorizing the drilling of a well
13 pursuant to P.L.1947, c.377 (C.58:4A-5 et seq.), certification or
14 permit granted, exemption from a sewerage connection ban granted,
15 wastewater management plan approved, and pollution discharge
16 elimination system permit pursuant to the "Water Pollution Control
17 Act," P.L.1977, c.74 (C.58:10A-1 et seq.), certification granted
18 pursuant to "The Realty Improvement Sewerage and Facilities Act
19 (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), certification or
20 approval granted pursuant to P.L.1971, c.386 (C.58:11-25.1 et al.),
21 certification issued and water quality management plan approved
22 pursuant to the "Water Quality Planning Act," P.L.1977, c.75
23 (C.58:11A-1 et seq.), approval granted pursuant to the "Safe
24 Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.), permit
25 issued pursuant to the "Flood Hazard Area Control Act," P.L.1962,
26 c.19 (C.58:16A-50 et seq.), any municipal, county, regional, or
27 State approval or permit granted under the general authority
28 conferred by State law or rule or regulation, or any other
29 government authorization of any development application or any
30 permit related thereto whether that authorization is in the form of a
31 permit, approval, license, certification, permission, determination,
32 interpretation, exemption, variance, exception, waiver, letter of
33 interpretation, no further action letter, agreement or any other
34 executive or administrative decision which allows a development or
35 governmental project to proceed.

36 "Development" means the division of a parcel of land into two or
37 more parcels, the construction, reconstruction, conversion,
38 structural alteration, relocation or enlargement of any building or
39 other structure or facility, or of any grading, soil removal or
40 relocation, excavation or landfill or any use or change in the use of
41 any building or other structure or land or extension of the use of
42 land.

43 "Environmentally sensitive area" means an area designated
44 pursuant to the State Development and Redevelopment Plan
45 adopted, as of the effective date of P.L.2008, c.78 ¹(C.40:55D-
46 136.1 et seq.)¹, pursuant to P.L.1985, c.398 (C.52:18A-196 et al.) as
47 Planning Area 4B (Rural/Environmentally Sensitive), Planning

1 Area 5 (Environmentally Sensitive), or a critical environmental site,
2 but shall not include any extension area as defined in this section.

3 "Extension area" means an area designated pursuant to P.L.1985,
4 c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan),
5 Planning Area 2 (Suburban), Planning Area 3 (Fringe Planning
6 Area), Planning Area 4A (Rural Planning Area), a designated
7 center, or a designated growth center in an endorsed plan until June
8 30, 2013, or until the State Planning Commission revises and
9 readopts New Jersey's State Strategic Plan and adopts regulations to
10 refine this definition as it pertains to Statewide planning areas,
11 whichever is later; a smart growth area and planning area
12 designated in a master plan adopted by the New Jersey
13 Meadowlands Commission pursuant to subsection (i) of section 6 of
14 P.L.1968, c.404 (C.13:17-6); regional growth areas, villages, and
15 towns, designated in the comprehensive management plan prepared
16 and adopted by the Pinelands Commission pursuant to section 7 of
17 the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8); the
18 planning area of the Highlands Region as defined in section 3 of the
19 "Highlands Water Protection and Planning Act," P.L.2004, c.120
20 (C.13:20-3), and any Highlands center designated by the Highlands
21 Water Protection and Planning Council, established pursuant to
22 section 4 of P.L.2004, c.120 (C.13:20-4); an urban enterprise zone
23 designated pursuant to P.L.1983, c.303 (C.52:27H-60 et seq.) or
24 P.L.2001, c.347 (C.52:27H-66.2 et al.); an area determined to be in
25 need of redevelopment pursuant to sections 5 and 6 of P.L.1992,
26 c.79 (C.40A:12A-5 and 40A:12A-6) and as approved by the
27 Department of Community Affairs; or similar areas designated by
28 the Department of Environmental Protection. "Extension area"
29 shall not include an area designated pursuant to the State
30 Development and Redevelopment Plan adopted, as of the effective
31 date of P.L.2008, c.78, pursuant to P.L.1985, c.398 as Planning
32 Area 4B (Rural/Environmentally Sensitive) or Planning Area 5
33 (Environmentally Sensitive), except for any area within Planning
34 Area 4B or Planning Area 5 that is a designated center, or a
35 designated growth center in an endorsed plan.

36 "Extension period" means the period beginning January 1, 2007
37 and continuing through December 31, ~~2015~~ ¹2015; provided,
38 however, that the period in Superstorm Sandy-impacted counties
39 shall continue through December 31, ¹ 2016.

40 "Government" means any municipal, county, regional, or State
41 government, or any agency, department, commission or other
42 instrumentality thereof.

43 ¹"Superstorm Sandy-impacted counties" means Atlantic, Bergen,
44 Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and
45 Union counties, as identified by the United States Department of
46 Housing and Urban Development.¹

1 “Superstorm Sandy-impacted extension period” means the period
2 beginning January 1, 2016 and continuing through December 31,
3 2016.

4 (cf: P.L.2014, c.84, s.2)

5
6 2. Section 4 of P.L.2008, c.78 (C.40:55D-136.4) is amended to
7 read as follows:

8 4. a. (1) For any government approval in existence during the
9 extension period, the running of the period of approval is
10 automatically suspended for the extension period, except as
11 otherwise provided hereunder; however, the tolling provided for
12 herein shall not extend the government approval more than six
13 months beyond the conclusion of the extension period.

14 (2) For any government approval in existence ¹on December 31,
15 2015¹ concerning lands located entirely within one or more of the
16 ¹“nine most”¹ Superstorm Sandy-impacted counties, ¹“as identified
17 by the United States Department of Housing and Urban
18 Development”¹ as defined in section 3 of P.L.2008, c.78 (C.40:55D-
19 136.3)¹ , the running of the period of approval is automatically
20 suspended for the Superstorm Sandy-impacted extension period,
21 except as otherwise provided hereunder; however, the tolling
22 provided for herein shall not extend the government approval more
23 than six months beyond the conclusion of the Superstorm Sandy
24 impacted extension period. ¹“The nine most Superstorm Sandy
25 impacted counties are Atlantic, Bergen, Cape May, Essex, Hudson,
26 Middlesex, Monmouth, Ocean, and Union counties.”¹

27 (3) Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall
28 shorten the duration that any approval would have had in the
29 absence of P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹, nor shall
30 P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ prohibit the granting of
31 such additional extensions as are provided by law when the tolling
32 granted by P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ shall expire.
33 Notwithstanding any previously enacted provision of P.L.2008, c.78
34 ¹(C.40:55D-136.1 et seq.)¹, as amended and supplemented, the
35 running of the period of approval of all government approvals
36 which would have been extended pursuant to the definition of
37 "extension area," added by P.L.2012, c.48, shall be calculated,
38 using that definition, retroactive to the enactment of P.L.2008, c.78
39 ¹(C.40:55D-136.1 et seq.)¹.

40 b. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be
41 deemed to extend or purport to extend:

42 (1) any permit or approval issued by the government of the
43 United States or any agency or instrumentality thereof, or any
44 permit or approval by whatever authority issued of which the
45 duration of effect or the date or terms of its expiration are specified
46 or determined by or pursuant to law or regulation of the federal
47 government or any of its agencies or instrumentalities;

1 (2) any permit or approval issued pursuant to the "Pinelands
2 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) if the
3 extension would result in a violation of federal law, or any State
4 rule or regulation requiring approval by the Secretary of the Interior
5 pursuant to Pub.L.95-625 (16 U.S.C. s.471i);

6 (3) any permit or approval issued within an environmentally
7 sensitive area;

8 (4) any permit or approval within an environmentally sensitive
9 area issued pursuant to the "Highlands Water Protection and
10 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), or any permit or
11 approval issued within the preservation area of the Highlands
12 Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3);

13 (5) any permit or approval issued by the Department of
14 Transportation pursuant to Title 27 of the Revised Statutes or under
15 the general authority conferred by State law, other than a right-of-
16 way permit issued pursuant to paragraph (3) of subsection (h) of
17 section 5 of P.L.1966, c.301 (C.27:1A-5) or a permit granted
18 pursuant to R.S.27:7-1 et seq. or any supplement thereto;

19 (6) any permit or approval issued pursuant to the "Flood Hazard
20 Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), except (a)
21 where work has commenced, in any phase or section of the
22 development, on any site improvement as defined in paragraph (1)
23 of subsection a. of section 41 of the "Municipal Land Use Law,"
24 P.L.1975, c.291 (C.40:55D-53) or on any buildings or structures or
25 (b) where the permit or approval authorizes work on real property
26 owned by the government or the federal government;

27 (7) any coastal center designated pursuant to the "Coastal Area
28 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), that as of
29 March 15, 2007 (a) had not submitted an application for plan
30 endorsement to the State Planning Commission, and (b) was not in
31 compliance with the provisions of the Coastal Zone Management
32 Rules at N.J.A.C.7:7E-5B.6; or

33 (8) any permit or approval within the Highlands planning area
34 located in a municipality subject to the "Highlands Water Protection
35 and Planning Act," P.L.2004, c.120, that has adopted, as of May 1,
36 2012, in accordance with the Highlands Water Protection and
37 Planning Council conformance approval, a Highlands master plan
38 element, a Highlands land use ordinance, or an environmental
39 resource inventory, except that the provisions of this paragraph
40 shall not apply to any permit or approval within a Highlands center
41 designated by the Highlands Water Protection and Planning
42 Council, notwithstanding the adoption by the municipality of a
43 Highlands master plan element, a Highlands land use ordinance, or
44 an environmental resource inventory.

45 c. P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ shall not affect
46 any administrative consent order issued by the Department of
47 Environmental Protection in effect or issued during the extension
48 period, nor shall it be construed to extend any approval in

1 connection with a resource recovery facility as defined in section 2
2 of P.L.1985, c.38 (C.13:1E-137).

3 d. Nothing in P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ shall
4 affect the ability of the Commissioner of Environmental Protection
5 to revoke or modify a specific permit or approval, or extension
6 thereof pursuant to P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹, when
7 that specific permit or approval contains language authorizing the
8 modification or revocation of the permit or approval by the
9 department.

10 e. In the event that any approval tolled pursuant to P.L.2008,
11 c.78 ¹(C.40:55D-136.1 et seq.)¹ is based upon the connection to a
12 sanitary sewer system, the approval's extension shall be contingent
13 upon the availability of sufficient capacity, on the part of the
14 treatment facility, to accommodate the development whose approval
15 has been extended. If sufficient capacity is not available, those
16 permit holders whose approvals have been extended shall have
17 priority with regard to the further allocation of gallonage over those
18 approval holders who have not received approval of a hookup prior
19 to the date of enactment of P.L.2008, c.78 ¹(C.40:55D-136.1 et
20 seq.)¹. Priority regarding the distribution of further gallonage to
21 any permit holder who has received the extension of an approval
22 pursuant to P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ shall be
23 allocated in order of the granting of the original approval of the
24 connection.

25 f. P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ shall not toll any
26 approval issued under the "Municipal Land Use Law," P.L.1975,
27 c.291 (C.40:55D-1 et seq.) in connection with an application for
28 development involving a residential use where, subsequent to the
29 expiration of the permit but prior to January 1, 2007, an amendment
30 has been adopted to the master plan and the zoning ordinance to
31 rezone the property to industrial or commercial use when the permit
32 was issued for residential use.

33 g. Nothing in P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ shall
34 be construed or implemented in such a way as to modify any
35 requirement of law that is necessary to retain federal delegation to,
36 or assumption by, the State of the authority to implement a federal
37 law or program.

38 h. Nothing in P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ shall
39 be deemed to extend the obligation of any wastewater management
40 planning agency to submit a wastewater management plan or plan
41 update, or the obligation of a municipality to submit a wastewater
42 management plan or plan update, pursuant to the "Water Quality
43 Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.) and the Water
44 Quality Management Planning rules, N.J.A.C.7:15-1.1 et seq.,
45 adopted by the Department of Environmental Protection, effective
46 July 7, 2008.

47 i. All underlying municipal, county, and State permits or
48 approvals within the extension area as defined in section 3 of

1 P.L.2008, c.78 (C.40:55D-136.3), as amended, are extended in the
2 Pinelands Area as designated pursuant to the "Pinelands Protection
3 Act," P.L.1979, c.111 (C.13:18A-1 et seq.).
4 (cf: P.L.2012, c.48, s.3)

5

6 3. Section 5 of P.L.2008, c.78 (C.40:55D-136.5) is amended to
7 read as follows:

8 5. State agencies shall, within 30 days after the effective date
9 of P.L.2008, c.78 (C.40:55D-136.1 et seq.), and within 30 days after
10 the effective date of any subsequent amendment and supplement
11 thereto, place a notice in the New Jersey Register tolling **[all]**
12 approvals in the ¹**[nine most]**¹ Superstorm Sandy-impacted
13 counties, as ¹**[identified by the U.S. Department of Housing and**
14 Urban Development] defined in section 3 of P.L.2008, c.78
15 (C.40:55D-136.3)¹ in conformance with ¹**[this act]** P.L.2008, c.78
16 (C.40:55D-136.1 et seq.)¹.

17 (cf: P.L.2012, c.48, s.4)

18

19 4. This act shall take effect immediately and be retroactive to
20 January 1, 2016.

21

22

23

24

25 Extends expiration date of certain permits for one year in
26 Superstorm Sandy-impacted counties.

ASSEMBLY, No. 3617

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 16, 2016

Sponsored by:

Assemblyman JERRY GREEN

District 22 (Middlesex, Somerset and Union)

Assemblyman DAVID P. RIBLE

District 30 (Monmouth and Ocean)

SYNOPSIS

Extends expiration date of certain permits for one year in Superstorm Sandy-impacted counties.

CURRENT VERSION OF TEXT

As introduced.



A3617 GREEN, RIBLE

2

1 AN ACT concerning the extension of certain permits and approvals
2 affecting the physical development of property located in
3 Superstorm Sandy-impacted counties and amending P.L.2008,
4 c.78.

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14 sediment control plan granted by a local soil conservation district
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24 Commission pursuant to the "Hackensack Meadowlands
25 Reclamation and Development Act," P.L.1968, c.404 (C.13:17-1 et
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27 Pinelands Commission and determination of municipal and county
28 plan conformance pursuant to the "Pinelands Protection Act,"
29 P.L.1979, c.111 (C.13:18A-1 et seq.), permit issued and center
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35 paragraph (3) of subsection (h) of section 5 of P.L.1966, c.301
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38 seq.), approval granted by a municipal authority pursuant to the
39 "municipal and county utilities authorities law," P.L.1957, c.183
40 (C.40:14B-1 et seq.), an agreement with a municipality, county,
41 municipal authority, sewerage authority, or other governmental
42 authority for the use or reservation of sewerage capacity, approval
43 issued by a county planning board pursuant to chapter 27 of Title 40
44 of the Revised Statutes, preliminary and final approval granted in
45 connection with an application for development pursuant to the

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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23 conferred by State law or rule or regulation, or any other
24 government authorization of any development application or any
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26 permit, approval, license, certification, permission, determination,
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30 governmental project to proceed.

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32 more parcels, the construction, reconstruction, conversion,
33 structural alteration, relocation or enlargement of any building or
34 other structure or facility, or of any grading, soil removal or
35 relocation, excavation or landfill or any use or change in the use of
36 any building or other structure or land or extension of the use of
37 land.

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39 pursuant to the State Development and Redevelopment Plan
40 adopted, as of the effective date of P.L.2008, c.78, pursuant to
41 P.L.1985, c.398 (C.52:18A-196 et al.) as Planning Area 4B
42 (Rural/Environmentally Sensitive), Planning Area 5
43 (Environmentally Sensitive), or a critical environmental site, but
44 shall not include any extension area as defined in this section.

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47 Planning Area 2 (Suburban), Planning Area 3 (Fringe Planning
48 Area), Planning Area 4A (Rural Planning Area), a designated

1 center, or a designated growth center in an endorsed plan until June
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8 P.L.1968, c.404 (C.13:17-6); regional growth areas, villages, and
9 towns, designated in the comprehensive management plan prepared
10 and adopted by the Pinelands Commission pursuant to section 7 of
11 the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8); the
12 planning area of the Highlands Region as defined in section 3 of the
13 "Highlands Water Protection and Planning Act," P.L.2004, c.120
14 (C.13:20-3), and any Highlands center designated by the Highlands
15 Water Protection and Planning Council, established pursuant to
16 section 4 of P.L.2004, c.120 (C.13:20-4); an urban enterprise zone
17 designated pursuant to P.L.1983, c.303 (C.52:27H-60 et seq.) or
18 P.L.2001, c.347 (C.52:27H-66.2 et al.); an area determined to be in
19 need of redevelopment pursuant to sections 5 and 6 of P.L.1992,
20 c.79 (C.40A:12A-5 and 40A:12A-6) and as approved by the
21 Department of Community Affairs; or similar areas designated by
22 the Department of Environmental Protection. "Extension area"
23 shall not include an area designated pursuant to the State
24 Development and Redevelopment Plan adopted, as of the effective
25 date of P.L.2008, c.78, pursuant to P.L.1985, c.398 as Planning
26 Area 4B (Rural/Environmentally Sensitive) or Planning Area 5
27 (Environmentally Sensitive), except for any area within Planning
28 Area 4B or Planning Area 5 that is a designated center, or a
29 designated growth center in an endorsed plan.

30 "Extension period" means the period beginning January 1, 2007
31 and continuing through December 31, ~~2015~~ 2016.

32 "Government" means any municipal, county, regional, or State
33 government, or any agency, department, commission or other
34 instrumentality thereof.

35 "Superstorm Sandy-impacted extension period" means the period
36 beginning January 1, 2016 and continuing through December 31,
37 2016.

38 (cf: P.L.2014, c.84, s.2)

39

40 2. Section 4 of P.L.2008, c.78 (C.40:55D-136.4) is amended to
41 read as follows:

42 4. a. (1) For any government approval in existence during the
43 extension period, the running of the period of approval is
44 automatically suspended for the extension period, except as
45 otherwise provided hereunder; however, the tolling provided for
46 herein shall not extend the government approval more than six
47 months beyond the conclusion of the extension period.

1 (2) For any government approval in existence concerning lands
2 located entirely within one or more of the nine most Superstorm
3 Sandy-impacted counties, as identified by the United States
4 Department of Housing and Urban Development, the running of the
5 period of approval is automatically suspended for the Superstorm
6 Sandy-impacted extension period, except as otherwise provided
7 hereunder; however, the tolling provided for herein shall not extend
8 the government approval more than six months beyond the
9 conclusion of the Superstorm Sandy impacted extension period.
10 The nine most Superstorm Sandy impacted counties are Atlantic,
11 Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean,
12 and Union counties.

13 (3) Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall
14 shorten the duration that any approval would have had in the
15 absence of P.L.2008, c.78, nor shall P.L.2008, c.78 prohibit the
16 granting of such additional extensions as are provided by law when
17 the tolling granted by P.L.2008, c.78 shall expire. Notwithstanding
18 any previously enacted provision of P.L.2008, c.78, as amended and
19 supplemented, the running of the period of approval of all
20 government approvals which would have been extended pursuant to
21 the definition of "extension area," added by P.L.2012, c.48, shall be
22 calculated, using that definition, retroactive to the enactment of
23 P.L.2008, c.78.

24 b. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be
25 deemed to extend or purport to extend:

26 (1) any permit or approval issued by the government of the
27 United States or any agency or instrumentality thereof, or any
28 permit or approval by whatever authority issued of which the
29 duration of effect or the date or terms of its expiration are specified
30 or determined by or pursuant to law or regulation of the federal
31 government or any of its agencies or instrumentalities;

32 (2) any permit or approval issued pursuant to the "Pinelands
33 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) if the
34 extension would result in a violation of federal law, or any State
35 rule or regulation requiring approval by the Secretary of the Interior
36 pursuant to Pub.L.95-625 (16 U.S.C. s.471i);

37 (3) any permit or approval issued within an environmentally
38 sensitive area;

39 (4) any permit or approval within an environmentally sensitive
40 area issued pursuant to the "Highlands Water Protection and
41 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), or any permit or
42 approval issued within the preservation area of the Highlands
43 Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3);

44 (5) any permit or approval issued by the Department of
45 Transportation pursuant to Title 27 of the Revised Statutes or under
46 the general authority conferred by State law, other than a right-of-
47 way permit issued pursuant to paragraph (3) of subsection (h) of

1 section 5 of P.L.1966, c.301 (C.27:1A-5) or a permit granted
2 pursuant to R.S.27:7-1 et seq. or any supplement thereto;

3 (6) any permit or approval issued pursuant to the "Flood Hazard
4 Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), except (a)
5 where work has commenced, in any phase or section of the
6 development, on any site improvement as defined in paragraph (1)
7 of subsection a. of section 41 of the "Municipal Land Use Law,"
8 P.L.1975, c.291 (C.40:55D-53) or on any buildings or structures or
9 (b) where the permit or approval authorizes work on real property
10 owned by the government or the federal government;

11 (7) any coastal center designated pursuant to the "Coastal Area
12 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), that as of
13 March 15, 2007 (a) had not submitted an application for plan
14 endorsement to the State Planning Commission, and (b) was not in
15 compliance with the provisions of the Coastal Zone Management
16 Rules at N.J.A.C.7:7E-5B.6; or

17 (8) any permit or approval within the Highlands planning area
18 located in a municipality subject to the "Highlands Water Protection
19 and Planning Act," P.L.2004, c.120, that has adopted, as of May 1,
20 2012, in accordance with the Highlands Water Protection and
21 Planning Council conformance approval, a Highlands master plan
22 element, a Highlands land use ordinance, or an environmental
23 resource inventory, except that the provisions of this paragraph
24 shall not apply to any permit or approval within a Highlands center
25 designated by the Highlands Water Protection and Planning
26 Council, notwithstanding the adoption by the municipality of a
27 Highlands master plan element, a Highlands land use ordinance, or
28 an environmental resource inventory.

29 c. P.L.2008, c.78 shall not affect any administrative consent
30 order issued by the Department of Environmental Protection in
31 effect or issued during the extension period, nor shall it be
32 construed to extend any approval in connection with a resource
33 recovery facility as defined in section 2 of P.L.1985, c.38 (C.13:1E-
34 137).

35 d. Nothing in P.L.2008, c.78 shall affect the ability of the
36 Commissioner of Environmental Protection to revoke or modify a
37 specific permit or approval, or extension thereof pursuant to
38 P.L.2008, c.78, when that specific permit or approval contains
39 language authorizing the modification or revocation of the permit or
40 approval by the department.

41 e. In the event that any approval tolled pursuant to P.L.2008,
42 c.78 is based upon the connection to a sanitary sewer system, the
43 approval's extension shall be contingent upon the availability of
44 sufficient capacity, on the part of the treatment facility, to
45 accommodate the development whose approval has been extended.
46 If sufficient capacity is not available, those permit holders whose
47 approvals have been extended shall have priority with regard to the
48 further allocation of gallonage over those approval holders who

1 have not received approval of a hookup prior to the date of
2 enactment of P.L.2008, c.78. Priority regarding the distribution of
3 further gallonage to any permit holder who has received the
4 extension of an approval pursuant to P.L.2008, c.78 shall be
5 allocated in order of the granting of the original approval of the
6 connection.

7 f. P.L.2008, c.78 shall not toll any approval issued under the
8 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.)
9 in connection with an application for development involving a
10 residential use where, subsequent to the expiration of the permit but
11 prior to January 1, 2007, an amendment has been adopted to the
12 master plan and the zoning ordinance to rezone the property to
13 industrial or commercial use when the permit was issued for
14 residential use.

15 g. Nothing in P.L.2008, c.78 shall be construed or implemented
16 in such a way as to modify any requirement of law that is necessary
17 to retain federal delegation to, or assumption by, the State of the
18 authority to implement a federal law or program.

19 h. Nothing in P.L.2008, c.78 shall be deemed to extend the
20 obligation of any wastewater management planning agency to
21 submit a wastewater management plan or plan update, or the
22 obligation of a municipality to submit a wastewater management
23 plan or plan update, pursuant to the "Water Quality Planning Act,"
24 P.L.1977, c.75 (C.58:11A-1 et seq.) and the Water Quality
25 Management Planning rules, N.J.A.C.7:15-1.1 et seq., adopted by
26 the Department of Environmental Protection, effective July 7, 2008.

27 i. All underlying municipal, county, and State permits or
28 approvals within the extension area as defined in section 3 of
29 P.L.2008, c.78 (C.40:55D-136.3), as amended, are extended in the
30 Pinelands Area as designated pursuant to the "Pinelands Protection
31 Act," P.L.1979, c.111 (C.13:18A-1 et seq.).

32 (cf: P.L.2012, c.48, s.3)

33

34 3. Section 5 of P.L.2008, c.78 (C.40:55D-136.5) is amended to
35 read as follows:

36 5. State agencies shall, within 30 days after the effective date
37 of P.L.2008, c.78 (C.40:55D-136.1 et seq.), and within 30 days after
38 the effective date of any subsequent amendment and supplement
39 thereto, place a notice in the New Jersey Register tolling **[all]**
40 approvals in the nine most Superstorm Sandy-impacted counties, as
41 identified by the U.S. Department of Housing and Urban
42 Development in conformance with this act.

43 (cf: P.L.2012, c.48, s.4)

44

45 4. This act shall take effect immediately and be retroactive to
46 January 1, 2016.

STATEMENT

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This bill would further extend the "Permit Extension Act of 2008," P.L.2008, c.78 (C.40:55D-136.1 et seq.), for an additional one year in the nine most Superstorm Sandy-impacted counties as identified by the U.S. Department of Housing and Urban Development. The nine most Superstorm Sandy-impacted counties are Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and Union counties.

The "Permit Extension Act of 2008" originally suspended the running of certain government approvals until July 1, 2010. P.L.2009, c.336 extended the end date of the "extension period" to December 31, 2012, P.L.2012, c.48 extended the end date of the "extension period" to December 31, 2014 and P.L.2014, c.84 further extended the end date of the "extension period" to December 31, 2015. This bill would further extend the end date to December 31, 2016 in the nine most Superstorm Sandy-impacted counties. In accordance with the tolling provision provided in the "Permit Extension Act of 2008," no approval would be extended beyond six months after the conclusion of the extension period, or until June 30, 2017.

As a result of the most recent recession, once-approved permits are in danger of expiring or lapsing because gaining a permit extension is difficult and costly and developers do not have the resources to obtain extensions. The effects of Superstorm Sandy exacerbated this problem as areas in this State attempt to recover from the devastation caused by the storm. As permit approvals lapse, lenders must re-appraise and thereafter substantially lower real estate valuations established in conjunction with approved projects, thereby requiring the reclassification of numerous loans. This in turn affects the stability of the banking system and reduces the funds available for future lending, thus creating more severe restrictions on credit and leading to a vicious cycle of default.

Accordingly, this bill would extend permits which have been granted by State, regional, county, and municipal agencies for an additional one year in the nine most Superstorm Sandy-impacted counties in order to prevent a waste of public and private resources.

[First Reprint]
ASSEMBLY, No. 3617

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED JUNE 16, 2016

Sponsored by:

Assemblyman JERRY GREEN
District 22 (Middlesex, Somerset and Union)
Assemblyman DAVID P. RIBLE
District 30 (Monmouth and Ocean)
Assemblyman RAJ MUKHERJI
District 33 (Hudson)
Assemblyman ERIC HOUGHTALING
District 11 (Monmouth)
Assemblyman VINCENT MAZZEO
District 2 (Atlantic)
Senator PAUL A. SARLO
District 36 (Bergen and Passaic)
Senator JOSEPH M. KYRILLOS, JR.
District 13 (Monmouth)

Co-Sponsored by:

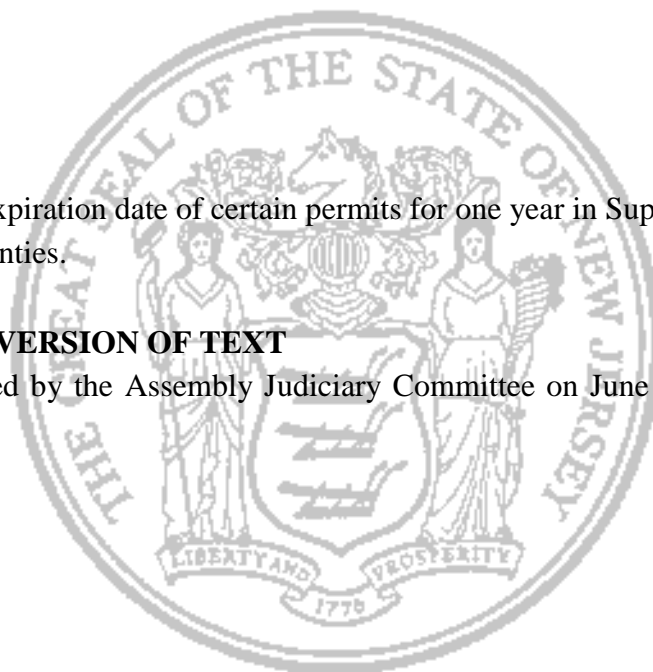
Assemblyman O'Scanlon, Assemblywoman Downey, Assemblyman Coughlin, Senators A.R.Bucco, Holzapfel and Singer

SYNOPSIS

Extends expiration date of certain permits for one year in Superstorm Sandy-impacted counties.

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on June 20, 2016, with amendments.



(Sponsorship Updated As Of: 7/1/2016)

1 AN ACT concerning the extension of certain permits and approvals
2 affecting the physical development of property located in
3 Superstorm Sandy-impacted counties and amending P.L.2008,
4 c.78.

5
6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8
9 1. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to
10 read as follows:

11 3. As used in P.L.2008, c.78 (C.40:55D-136.1 et seq.):

12 "Approval" means, except as otherwise provided in section 4 of
13 P.L.2008, c.78 (C.40:55D-136.4), any approval of a soil erosion and
14 sediment control plan granted by a local soil conservation district
15 under the authority conferred by R.S.4:24-22 et seq., waterfront
16 development permit issued pursuant to R.S.12:5-1 et seq., permit
17 issued pursuant to "The Wetlands Act of 1970," P.L.1970, c.272
18 (C.13:9A-1 et seq.), permit issued pursuant to the "Freshwater
19 Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et al.),
20 approval of an application for development granted by the Delaware
21 and Raritan Canal Commission pursuant to the "Delaware and
22 Raritan Canal State Park Law of 1974," P.L.1974, c.118 (C.13:13A-
23 1 et seq.), permit issued by the New Jersey Meadowlands
24 Commission pursuant to the "Hackensack Meadowlands
25 Reclamation and Development Act," P.L.1968, c.404 (C.13:17-1 et
26 al.), approval of an application for development granted by the
27 Pinelands Commission and determination of municipal and county
28 plan conformance pursuant to the "Pinelands Protection Act,"
29 P.L.1979, c.111 (C.13:18A-1 et seq.), permit issued and center
30 designations pursuant to the "Coastal Area Facility Review Act,"
31 P.L.1973, c.185 (C.13:19-1 et seq.), septic approval granted
32 pursuant to Title 26 of the Revised Statutes, permit granted
33 pursuant to R.S.27:7-1 et seq. or any supplement thereto, right-of-
34 way permit issued by the Department of Transportation pursuant to
35 paragraph (3) of subsection (h) of section 5 of P.L.1966, c.301
36 (C.27:1A-5), approval granted by a sewerage authority pursuant to
37 the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et
38 seq.), approval granted by a municipal authority pursuant to the
39 "municipal and county utilities authorities law," P.L.1957, c.183
40 (C.40:14B-1 et seq.), an agreement with a municipality, county,
41 municipal authority, sewerage authority, or other governmental
42 authority for the use or reservation of sewerage capacity, approval
43 issued by a county planning board pursuant to chapter 27 of Title 40
44 of the Revised Statutes, preliminary and final approval granted in
45 connection with an application for development pursuant to the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted June 20, 2016.

1 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.),
2 permit granted pursuant to the "State Uniform Construction Code
3 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), plan endorsement
4 and center designations pursuant to the "State Planning Act,"
5 P.L.1985, c.398 (C.52:18A-196 et al.), permit or certification issued
6 pursuant to the "Water Supply Management Act," P.L.1981, c.262
7 (C.58:1A-1 et al.), permit granted authorizing the drilling of a well
8 pursuant to P.L.1947, c.377 (C.58:4A-5 et seq.), certification or
9 permit granted, exemption from a sewerage connection ban granted,
10 wastewater management plan approved, and pollution discharge
11 elimination system permit pursuant to the "Water Pollution Control
12 Act," P.L.1977, c.74 (C.58:10A-1 et seq.), certification granted
13 pursuant to "The Realty Improvement Sewerage and Facilities Act
14 (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), certification or
15 approval granted pursuant to P.L.1971, c.386 (C.58:11-25.1 et al.),
16 certification issued and water quality management plan approved
17 pursuant to the "Water Quality Planning Act," P.L.1977, c.75
18 (C.58:11A-1 et seq.), approval granted pursuant to the "Safe
19 Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.), permit
20 issued pursuant to the "Flood Hazard Area Control Act," P.L.1962,
21 c.19 (C.58:16A-50 et seq.), any municipal, county, regional, or
22 State approval or permit granted under the general authority
23 conferred by State law or rule or regulation, or any other
24 government authorization of any development application or any
25 permit related thereto whether that authorization is in the form of a
26 permit, approval, license, certification, permission, determination,
27 interpretation, exemption, variance, exception, waiver, letter of
28 interpretation, no further action letter, agreement or any other
29 executive or administrative decision which allows a development or
30 governmental project to proceed.

31 "Development" means the division of a parcel of land into two or
32 more parcels, the construction, reconstruction, conversion,
33 structural alteration, relocation or enlargement of any building or
34 other structure or facility, or of any grading, soil removal or
35 relocation, excavation or landfill or any use or change in the use of
36 any building or other structure or land or extension of the use of
37 land.

38 "Environmentally sensitive area" means an area designated
39 pursuant to the State Development and Redevelopment Plan
40 adopted, as of the effective date of P.L.2008, c.78 ¹(C.40:55D-
41 136.1 et seq.)¹, pursuant to P.L.1985, c.398 (C.52:18A-196 et al.) as
42 Planning Area 4B (Rural/Environmentally Sensitive), Planning
43 Area 5 (Environmentally Sensitive), or a critical environmental site,
44 but shall not include any extension area as defined in this section.

45 "Extension area" means an area designated pursuant to P.L.1985,
46 c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan),
47 Planning Area 2 (Suburban), Planning Area 3 (Fringe Planning
48 Area), Planning Area 4A (Rural Planning Area), a designated

1 center, or a designated growth center in an endorsed plan until June
2 30, 2013, or until the State Planning Commission revises and
3 readopts New Jersey's State Strategic Plan and adopts regulations to
4 refine this definition as it pertains to Statewide planning areas,
5 whichever is later; a smart growth area and planning area
6 designated in a master plan adopted by the New Jersey
7 Meadowlands Commission pursuant to subsection (i) of section 6 of
8 P.L.1968, c.404 (C.13:17-6); regional growth areas, villages, and
9 towns, designated in the comprehensive management plan prepared
10 and adopted by the Pinelands Commission pursuant to section 7 of
11 the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8); the
12 planning area of the Highlands Region as defined in section 3 of the
13 "Highlands Water Protection and Planning Act," P.L.2004, c.120
14 (C.13:20-3), and any Highlands center designated by the Highlands
15 Water Protection and Planning Council, established pursuant to
16 section 4 of P.L.2004, c.120 (C.13:20-4); an urban enterprise zone
17 designated pursuant to P.L.1983, c.303 (C.52:27H-60 et seq.) or
18 P.L.2001, c.347 (C.52:27H-66.2 et al.); an area determined to be in
19 need of redevelopment pursuant to sections 5 and 6 of P.L.1992,
20 c.79 (C.40A:12A-5 and 40A:12A-6) and as approved by the
21 Department of Community Affairs; or similar areas designated by
22 the Department of Environmental Protection. "Extension area"
23 shall not include an area designated pursuant to the State
24 Development and Redevelopment Plan adopted, as of the effective
25 date of P.L.2008, c.78, pursuant to P.L.1985, c.398 as Planning
26 Area 4B (Rural/Environmentally Sensitive) or Planning Area 5
27 (Environmentally Sensitive), except for any area within Planning
28 Area 4B or Planning Area 5 that is a designated center, or a
29 designated growth center in an endorsed plan.

30 "Extension period" means the period beginning January 1, 2007
31 and continuing through December 31, ~~2015~~ ¹2015; provided,
32 however, that the period in Superstorm Sandy-impacted counties
33 shall continue through December 31, ¹ 2016.

34 "Government" means any municipal, county, regional, or State
35 government, or any agency, department, commission or other
36 instrumentality thereof.

37 ¹"Superstorm Sandy-impacted counties" means Atlantic, Bergen,
38 Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and
39 Union counties, as identified by the United States Department of
40 Housing and Urban Development. ¹

41 "Superstorm Sandy-impacted extension period" means the period
42 beginning January 1, 2016 and continuing through December 31,
43 2016.

44 (cf: P.L.2014, c.84, s.2)

45

46 2. Section 4 of P.L.2008, c.78 (C.40:55D-136.4) is amended to
47 read as follows:

1 4. a. (1) For any government approval in existence during the
2 extension period, the running of the period of approval is
3 automatically suspended for the extension period, except as
4 otherwise provided hereunder; however, the tolling provided for
5 herein shall not extend the government approval more than six
6 months beyond the conclusion of the extension period.

7 (2) For any government approval in existence ¹on December 31,
8 2015¹ concerning lands located entirely within one or more of the
9 ¹[nine most]¹ Superstorm Sandy-impacted counties, ¹[as identified
10 by the United States Department of Housing and Urban
11 Development] as defined in section 3 of P.L.2008, c.78 (C.40:55D-
12 136.3)¹ , the running of the period of approval is automatically
13 suspended for the Superstorm Sandy-impacted extension period,
14 except as otherwise provided hereunder; however, the tolling
15 provided for herein shall not extend the government approval more
16 than six months beyond the conclusion of the Superstorm Sandy
17 impacted extension period. ¹[The nine most Superstorm Sandy
18 impacted counties are Atlantic, Bergen, Cape May, Essex, Hudson,
19 Middlesex, Monmouth, Ocean, and Union counties.]¹

20 (3) Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall
21 shorten the duration that any approval would have had in the
22 absence of P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹, nor shall
23 P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ prohibit the granting of
24 such additional extensions as are provided by law when the tolling
25 granted by P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ shall expire.
26 Notwithstanding any previously enacted provision of P.L.2008, c.78
27 ¹(C.40:55D-136.1 et seq.)¹, as amended and supplemented, the
28 running of the period of approval of all government approvals
29 which would have been extended pursuant to the definition of
30 "extension area," added by P.L.2012, c.48, shall be calculated,
31 using that definition, retroactive to the enactment of P.L.2008, c.78
32 ¹(C.40:55D-136.1 et seq.)¹.

33 b. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be
34 deemed to extend or purport to extend:

35 (1) any permit or approval issued by the government of the
36 United States or any agency or instrumentality thereof, or any
37 permit or approval by whatever authority issued of which the
38 duration of effect or the date or terms of its expiration are specified
39 or determined by or pursuant to law or regulation of the federal
40 government or any of its agencies or instrumentalities;

41 (2) any permit or approval issued pursuant to the "Pinelands
42 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) if the
43 extension would result in a violation of federal law, or any State
44 rule or regulation requiring approval by the Secretary of the Interior
45 pursuant to Pub.L.95-625 (16 U.S.C. s.471i);

46 (3) any permit or approval issued within an environmentally
47 sensitive area;

- 1 (4) any permit or approval within an environmentally sensitive
2 area issued pursuant to the "Highlands Water Protection and
3 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), or any permit or
4 approval issued within the preservation area of the Highlands
5 Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3);
- 6 (5) any permit or approval issued by the Department of
7 Transportation pursuant to Title 27 of the Revised Statutes or under
8 the general authority conferred by State law, other than a right-of-
9 way permit issued pursuant to paragraph (3) of subsection (h) of
10 section 5 of P.L.1966, c.301 (C.27:1A-5) or a permit granted
11 pursuant to R.S.27:7-1 et seq. or any supplement thereto;
- 12 (6) any permit or approval issued pursuant to the "Flood Hazard
13 Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), except (a)
14 where work has commenced, in any phase or section of the
15 development, on any site improvement as defined in paragraph (1)
16 of subsection a. of section 41 of the "Municipal Land Use Law,"
17 P.L.1975, c.291 (C.40:55D-53) or on any buildings or structures or
18 (b) where the permit or approval authorizes work on real property
19 owned by the government or the federal government;
- 20 (7) any coastal center designated pursuant to the "Coastal Area
21 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), that as of
22 March 15, 2007 (a) had not submitted an application for plan
23 endorsement to the State Planning Commission, and (b) was not in
24 compliance with the provisions of the Coastal Zone Management
25 Rules at N.J.A.C.7:7E-5B.6; or
- 26 (8) any permit or approval within the Highlands planning area
27 located in a municipality subject to the "Highlands Water Protection
28 and Planning Act," P.L.2004, c.120, that has adopted, as of May 1,
29 2012, in accordance with the Highlands Water Protection and
30 Planning Council conformance approval, a Highlands master plan
31 element, a Highlands land use ordinance, or an environmental
32 resource inventory, except that the provisions of this paragraph
33 shall not apply to any permit or approval within a Highlands center
34 designated by the Highlands Water Protection and Planning
35 Council, notwithstanding the adoption by the municipality of a
36 Highlands master plan element, a Highlands land use ordinance, or
37 an environmental resource inventory.
- 38 c. P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ shall not affect
39 any administrative consent order issued by the Department of
40 Environmental Protection in effect or issued during the extension
41 period, nor shall it be construed to extend any approval in
42 connection with a resource recovery facility as defined in section 2
43 of P.L.1985, c.38 (C.13:1E-137).
- 44 d. Nothing in P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ shall
45 affect the ability of the Commissioner of Environmental Protection
46 to revoke or modify a specific permit or approval, or extension
47 thereof pursuant to P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹, when
48 that specific permit or approval contains language authorizing the

1 modification or revocation of the permit or approval by the
2 department.

3 e. In the event that any approval tolled pursuant to P.L.2008,
4 c.78 ¹(C.40:55D-136.1 et seq.)¹ is based upon the connection to a
5 sanitary sewer system, the approval's extension shall be contingent
6 upon the availability of sufficient capacity, on the part of the
7 treatment facility, to accommodate the development whose approval
8 has been extended. If sufficient capacity is not available, those
9 permit holders whose approvals have been extended shall have
10 priority with regard to the further allocation of gallonage over those
11 approval holders who have not received approval of a hookup prior
12 to the date of enactment of P.L.2008, c.78 ¹(C.40:55D-136.1 et
13 seq.)¹. Priority regarding the distribution of further gallonage to
14 any permit holder who has received the extension of an approval
15 pursuant to P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ shall be
16 allocated in order of the granting of the original approval of the
17 connection.

18 f. P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ shall not toll any
19 approval issued under the "Municipal Land Use Law," P.L.1975,
20 c.291 (C.40:55D-1 et seq.) in connection with an application for
21 development involving a residential use where, subsequent to the
22 expiration of the permit but prior to January 1, 2007, an amendment
23 has been adopted to the master plan and the zoning ordinance to
24 rezone the property to industrial or commercial use when the permit
25 was issued for residential use.

26 g. Nothing in P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ shall
27 be construed or implemented in such a way as to modify any
28 requirement of law that is necessary to retain federal delegation to,
29 or assumption by, the State of the authority to implement a federal
30 law or program.

31 h. Nothing in P.L.2008, c.78 ¹(C.40:55D-136.1 et seq.)¹ shall
32 be deemed to extend the obligation of any wastewater management
33 planning agency to submit a wastewater management plan or plan
34 update, or the obligation of a municipality to submit a wastewater
35 management plan or plan update, pursuant to the "Water Quality
36 Planning Act," P.L.1977, c.75 (C.58:11A-1 et seq.) and the Water
37 Quality Management Planning rules, N.J.A.C.7:15-1.1 et seq.,
38 adopted by the Department of Environmental Protection, effective
39 July 7, 2008.

40 i. All underlying municipal, county, and State permits or
41 approvals within the extension area as defined in section 3 of
42 P.L.2008, c.78 (C.40:55D-136.3), as amended, are extended in the
43 Pinelands Area as designated pursuant to the "Pinelands Protection
44 Act," P.L.1979, c.111 (C.13:18A-1 et seq.).

45 (cf: P.L.2012, c.48, s.3)

46

47 3. Section 5 of P.L.2008, c.78 (C.40:55D-136.5) is amended to
48 read as follows:

1 5. State agencies shall, within 30 days after the effective date
2 of P.L.2008, c.78 (C.40:55D-136.1 et seq.), and within 30 days after
3 the effective date of any subsequent amendment and supplement
4 thereto, place a notice in the New Jersey Register tolling **all**
5 approvals in the **nine most** Superstorm Sandy-impacted
6 counties, as **identified by the U.S. Department of Housing and**
7 **Urban Development** defined in section 3 of P.L.2008, c.78
8 (C.40:55D-136.3)¹ in conformance with **this act** P.L.2008, c.78
9 (C.40:55D-136.1 et seq.)¹.
10 (cf: P.L.2012, c.48, s.4)

11
12 4. This act shall take effect immediately and be retroactive to
13 January 1, 2016.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3617

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 20, 2016

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 3617.

This bill, as amended by the committee, would further extend the "Permit Extension Act of 2008," P.L.2008, c.78 (C.40:55D-136.1 et seq.), for an additional one year in the Superstorm Sandy-impacted counties. The nine Superstorm Sandy-impacted counties are defined as Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and Union counties.

The "Permit Extension Act of 2008" originally suspended the running of certain government approvals until July 1, 2010. P.L.2009, c.336 extended the end date of the "extension period" to December 31, 2012, P.L.2012, c.48 extended the end date of the "extension period" to December 31, 2014 and P.L.2014, c.84 further extended the end date of the "extension period" to December 31, 2015. This bill would further suspend the running of certain government approvals concerning land located in the Superstorm Sandy-impacted counties until December 31, 2016. However, no approval would be extended beyond six months after the conclusion of the extension period, or until June 30, 2017.

Once-approved permits are in danger of expiring or lapsing because gaining a permit extension is difficult and costly and developers do not have the resources to obtain extensions. The effects of Superstorm Sandy exacerbated this problem as areas in this State attempt to recover from the devastation caused by the storm. As permit approvals lapse, lenders must re-appraise and thereafter substantially lower real estate valuations established in conjunction with approved projects, thereby requiring the reclassification of numerous loans. This in turn affects the stability of the banking system and reduces the funds available for future lending, thus creating more severe restrictions on credit and leading to a vicious cycle of default.

Accordingly, this bill would extend permits which have been granted by State, regional, county, and municipal agencies for an additional one year in the Superstorm Sandy-impacted counties in order to prevent a waste of public and private resources.

COMMITTEE AMENDMENTS

The committee amendments:

-clarify that the bill would have no impact in any county other than the nine counties impacted by Superstorm Sandy, identified by the federal Department of Housing and Urban Development as Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and Union counties.

-create a definition of “Superstorm Sandy-impacted county” for technical drafting purposes.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 3617

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 28, 2016

SUMMARY

- Synopsis:** Extends expiration date of certain permits for one year in Superstorm Sandy-impacted counties.
- Type of Impact:** Potential loss of permit fee revenue to the State General Fund and local governments.
- Agencies Affected:** Department of Environmental Protection, Department of Community Affairs, Department of Transportation, State commissions, counties and municipalities authorized to approve certain State or local permits.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	Indeterminate Loss – See comments below		
Local Revenue	Indeterminate Loss – See comments below		

- The Office of Legislative Services (OLS) estimates an indeterminate loss of State and local permit fee revenues as a result of the extension of the “extension period” for certain approvals authorized by the bill. The bill defines the “Superstorm Sandy-impacted extension period” to be the period beginning January 1, 2016 and continuing through December 31, 2016.
- The OLS notes that there are fees associated with the renewal of certain types of permits. State and local entities would not collect these fees for permits that would otherwise need to be renewed during the extension period.
- Some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers, and the avoidance of permit review fees that otherwise would have been paid by the business community.
- Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of outstanding environmental and land use permits having

approval periods that would be suspended by this bill that would otherwise need to be renewed during the extension period set forth in the bill.

BILL DESCRIPTION

Assembly Bill No. 3617 (1R) of 2016 further extends the “Permit Extension Act of 2008,” P.L.2008, c.78 (C.40:55D-136.1 et seq.), for an additional one year in the Superstorm Sandy-impacted counties. The nine Superstorm Sandy-impacted counties are defined as Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and Union counties.

The “Permit Extension Act of 2008,” P.L.2008, c.78 (C.40:55D-136.1 et seq.), originally suspended the running of certain government approvals until July 1, 2010. P.L. 2009, c.339 extended the date of the “extension period” to December 31, 2014 and P.L.2014, c.84 further extended the end date of the “extension period” to December 31, 2015. This bill would further suspend the running of certain government approvals concerning land located in the Superstorm Sandy-impacted counties until December 31, 2016. No approval would be extended beyond six months after the conclusion of the extension period, or until June 30, 2017.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates an indeterminate loss of State and local permit fee revenues due to the proposed lengthening of the extension period for certain approvals authorized by this bill. The estimate is based on the assumption that, absent this bill, the holders of expiring permits would eventually reapply for the same or similar permits, and in doing so, would make additional permit fee payments. For a certain delimited time period in certain cases the bill obviates the need to renew a permit or approval, and thus would allow permit holders to continue their projects without re-obtaining permits and paying related permit fees. Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of approvals that would be extended by the bill.

The OLS notes that some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers, and the avoidance of presumably costly permit review fees that otherwise would be been paid by the business community. The bill extends the validity of certain approvals issued by the State and local government units within the nine Superstorm Sandy-impacted counties beginning January 1, 2007 and continuing through December 31, 2016. In accordance with the tolling provision provided under the bill, no approval would be extended beyond the six months after the conclusion of the extension period, or until June 30, 2017.

Section: Local Government

*Analyst: Scott A. Brodsky
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

SENATE, No. 2390

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED JUNE 20, 2016

Sponsored by:

Senator PAUL A. SARLO

District 36 (Bergen and Passaic)

Senator JOSEPH M. KYRILLOS, JR.

District 13 (Monmouth)

Co-Sponsored by:

Senator A.R.Bucco

SYNOPSIS

Extends expiration date of certain permits for one year in Superstorm Sandy-impacted counties.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/24/2016)

S2390 SARLO, KYRILLOS

2

1 AN ACT concerning the extension of certain permits and approvals
2 affecting the physical development of property located in
3 Superstorm Sandy-impacted counties and amending P.L.2008,
4 c.78.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to
10 read as follows:

11 3. As used in P.L.2008, c.78 (C.40:55D-136.1 et seq.):

12 "Approval" means, except as otherwise provided in section 4 of
13 P.L.2008, c.78 (C.40:55D-136.4), any approval of a soil erosion and
14 sediment control plan granted by a local soil conservation district
15 under the authority conferred by R.S.4:24-22 et seq., waterfront
16 development permit issued pursuant to R.S.12:5-1 et seq., permit
17 issued pursuant to "The Wetlands Act of 1970," P.L.1970, c.272
18 (C.13:9A-1 et seq.), permit issued pursuant to the "Freshwater
19 Wetlands Protection Act," P.L.1987, c.156 (C.13:9B-1 et al.),
20 approval of an application for development granted by the Delaware
21 and Raritan Canal Commission pursuant to the "Delaware and
22 Raritan Canal State Park Law of 1974," P.L.1974, c.118 (C.13:13A-
23 1 et seq.), permit issued by the New Jersey Meadowlands
24 Commission pursuant to the "Hackensack Meadowlands
25 Reclamation and Development Act," P.L.1968, c.404 (C.13:17-1 et
26 al.), approval of an application for development granted by the
27 Pinelands Commission and determination of municipal and county
28 plan conformance pursuant to the "Pinelands Protection Act,"
29 P.L.1979, c.111 (C.13:18A-1 et seq.), permit issued and center
30 designations pursuant to the "Coastal Area Facility Review Act,"
31 P.L.1973, c.185 (C.13:19-1 et seq.), septic approval granted
32 pursuant to Title 26 of the Revised Statutes, permit granted
33 pursuant to R.S.27:7-1 et seq. or any supplement thereto, right-of-
34 way permit issued by the Department of Transportation pursuant to
35 paragraph (3) of subsection (h) of section 5 of P.L.1966, c.301
36 (C.27:1A-5), approval granted by a sewerage authority pursuant to
37 the "sewerage authorities law," P.L.1946, c.138 (C.40:14A-1 et
38 seq.), approval granted by a municipal authority pursuant to the
39 "municipal and county utilities authorities law," P.L.1957, c.183
40 (C.40:14B-1 et seq.), an agreement with a municipality, county,
41 municipal authority, sewerage authority, or other governmental
42 authority for the use or reservation of sewerage capacity, approval
43 issued by a county planning board pursuant to chapter 27 of Title 40
44 of the Revised Statutes, preliminary and final approval granted in
45 connection with an application for development pursuant to the

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.),
2 permit granted pursuant to the "State Uniform Construction Code
3 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), plan endorsement
4 and center designations pursuant to the "State Planning Act,"
5 P.L.1985, c.398 (C.52:18A-196 et al.), permit or certification issued
6 pursuant to the "Water Supply Management Act," P.L.1981, c.262
7 (C.58:1A-1 et al.), permit granted authorizing the drilling of a well
8 pursuant to P.L.1947, c.377 (C.58:4A-5 et seq.), certification or
9 permit granted, exemption from a sewerage connection ban granted,
10 wastewater management plan approved, and pollution discharge
11 elimination system permit pursuant to the "Water Pollution Control
12 Act," P.L.1977, c.74 (C.58:10A-1 et seq.), certification granted
13 pursuant to "The Realty Improvement Sewerage and Facilities Act
14 (1954)," P.L.1954, c.199 (C.58:11-23 et seq.), certification or
15 approval granted pursuant to P.L.1971, c.386 (C.58:11-25.1 et al.),
16 certification issued and water quality management plan approved
17 pursuant to the "Water Quality Planning Act," P.L.1977, c.75
18 (C.58:11A-1 et seq.), approval granted pursuant to the "Safe
19 Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.), permit
20 issued pursuant to the "Flood Hazard Area Control Act," P.L.1962,
21 c.19 (C.58:16A-50 et seq.), any municipal, county, regional, or
22 State approval or permit granted under the general authority
23 conferred by State law or rule or regulation, or any other
24 government authorization of any development application or any
25 permit related thereto whether that authorization is in the form of a
26 permit, approval, license, certification, permission, determination,
27 interpretation, exemption, variance, exception, waiver, letter of
28 interpretation, no further action letter, agreement or any other
29 executive or administrative decision which allows a development or
30 governmental project to proceed.

31 "Development" means the division of a parcel of land into two or
32 more parcels, the construction, reconstruction, conversion,
33 structural alteration, relocation or enlargement of any building or
34 other structure or facility, or of any grading, soil removal or
35 relocation, excavation or landfill or any use or change in the use of
36 any building or other structure or land or extension of the use of
37 land.

38 "Environmentally sensitive area" means an area designated
39 pursuant to the State Development and Redevelopment Plan
40 adopted, as of the effective date of P.L.2008, c.78, pursuant to
41 P.L.1985, c.398 (C.52:18A-196 et al.) as Planning Area 4B
42 (Rural/Environmentally Sensitive), Planning Area 5
43 (Environmentally Sensitive), or a critical environmental site, but
44 shall not include any extension area as defined in this section.

45 "Extension area" means an area designated pursuant to P.L.1985,
46 c.398 (C.52:18A-196 et seq.) as Planning Area 1 (Metropolitan),
47 Planning Area 2 (Suburban), Planning Area 3 (Fringe Planning
48 Area), Planning Area 4A (Rural Planning Area), a designated

1 center, or a designated growth center in an endorsed plan until June
2 30, 2013, or until the State Planning Commission revises and
3 readopts New Jersey's State Strategic Plan and adopts regulations to
4 refine this definition as it pertains to Statewide planning areas,
5 whichever is later; a smart growth area and planning area
6 designated in a master plan adopted by the New Jersey
7 Meadowlands Commission pursuant to subsection (i) of section 6 of
8 P.L.1968, c.404 (C.13:17-6); regional growth areas, villages, and
9 towns, designated in the comprehensive management plan prepared
10 and adopted by the Pinelands Commission pursuant to section 7 of
11 the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8); the
12 planning area of the Highlands Region as defined in section 3 of the
13 "Highlands Water Protection and Planning Act," P.L.2004, c.120
14 (C.13:20-3), and any Highlands center designated by the Highlands
15 Water Protection and Planning Council, established pursuant to
16 section 4 of P.L.2004, c.120 (C.13:20-4); an urban enterprise zone
17 designated pursuant to P.L.1983, c.303 (C.52:27H-60 et seq.) or
18 P.L.2001, c.347 (C.52:27H-66.2 et al.); an area determined to be in
19 need of redevelopment pursuant to sections 5 and 6 of P.L.1992,
20 c.79 (C.40A:12A-5 and 40A:12A-6) and as approved by the
21 Department of Community Affairs; or similar areas designated by
22 the Department of Environmental Protection. "Extension area"
23 shall not include an area designated pursuant to the State
24 Development and Redevelopment Plan adopted, as of the effective
25 date of P.L.2008, c.78, pursuant to P.L.1985, c.398 as Planning
26 Area 4B (Rural/Environmentally Sensitive) or Planning Area 5
27 (Environmentally Sensitive), except for any area within Planning
28 Area 4B or Planning Area 5 that is a designated center, or a
29 designated growth center in an endorsed plan.

30 "Extension period" means the period beginning January 1, 2007
31 and continuing through December 31, ~~2015~~ 2016.

32 "Government" means any municipal, county, regional, or State
33 government, or any agency, department, commission or other
34 instrumentality thereof.

35 "Superstorm Sandy-impacted extension period" means the period
36 beginning January 1, 2016 and continuing through December 31,
37 2016.

38 (cf: P.L.2014, c.84, s.2)

39

40 2. Section 4 of P.L.2008, c.78 (C.40:55D-136.4) is amended to
41 read as follows:

42 4. a. (1) For any government approval in existence during the
43 extension period, the running of the period of approval is
44 automatically suspended for the extension period, except as
45 otherwise provided hereunder; however, the tolling provided for
46 herein shall not extend the government approval more than six
47 months beyond the conclusion of the extension period.

1 (2) For any government approval in existence concerning lands
2 located entirely within one or more of the nine most Superstorm
3 Sandy-impacted counties, as identified by the United States
4 Department of Housing and Urban Development, the running of the
5 period of approval is automatically suspended for the Superstorm
6 Sandy-impacted extension period, except as otherwise provided
7 hereunder; however, the tolling provided for herein shall not extend
8 the government approval more than six months beyond the
9 conclusion of the Superstorm Sandy impacted extension period.
10 The nine most Superstorm Sandy impacted counties are Atlantic,
11 Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean,
12 and Union counties.

13 (3) Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall
14 shorten the duration that any approval would have had in the
15 absence of P.L.2008, c.78, nor shall P.L.2008, c.78 prohibit the
16 granting of such additional extensions as are provided by law when
17 the tolling granted by P.L.2008, c.78 shall expire. Notwithstanding
18 any previously enacted provision of P.L.2008, c.78, as amended and
19 supplemented, the running of the period of approval of all
20 government approvals which would have been extended pursuant to
21 the definition of "extension area," added by P.L.2012, c.48, shall be
22 calculated, using that definition, retroactive to the enactment of
23 P.L.2008, c.78.

24 b. Nothing in P.L.2008, c.78 (C.40:55D-136.1 et seq.) shall be
25 deemed to extend or purport to extend:

26 (1) any permit or approval issued by the government of the
27 United States or any agency or instrumentality thereof, or any
28 permit or approval by whatever authority issued of which the
29 duration of effect or the date or terms of its expiration are specified
30 or determined by or pursuant to law or regulation of the federal
31 government or any of its agencies or instrumentalities;

32 (2) any permit or approval issued pursuant to the "Pinelands
33 Protection Act," P.L.1979, c.111 (C.13:18A-1 et seq.) if the
34 extension would result in a violation of federal law, or any State
35 rule or regulation requiring approval by the Secretary of the Interior
36 pursuant to Pub.L.95-625 (16 U.S.C. s.471i);

37 (3) any permit or approval issued within an environmentally
38 sensitive area;

39 (4) any permit or approval within an environmentally sensitive
40 area issued pursuant to the "Highlands Water Protection and
41 Planning Act," P.L.2004, c.120 (C.13:20-1 et al.), or any permit or
42 approval issued within the preservation area of the Highlands
43 Region as defined in section 3 of P.L.2004, c.120 (C.13:20-3);

44 (5) any permit or approval issued by the Department of
45 Transportation pursuant to Title 27 of the Revised Statutes or under
46 the general authority conferred by State law, other than a right-of-
47 way permit issued pursuant to paragraph (3) of subsection (h) of

1 section 5 of P.L.1966, c.301 (C.27:1A-5) or a permit granted
2 pursuant to R.S.27:7-1 et seq. or any supplement thereto;

3 (6) any permit or approval issued pursuant to the "Flood Hazard
4 Area Control Act," P.L.1962, c.19 (C.58:16A-50 et seq.), except (a)
5 where work has commenced, in any phase or section of the
6 development, on any site improvement as defined in paragraph (1)
7 of subsection a. of section 41 of the "Municipal Land Use Law,"
8 P.L.1975, c.291 (C.40:55D-53) or on any buildings or structures or
9 (b) where the permit or approval authorizes work on real property
10 owned by the government or the federal government;

11 (7) any coastal center designated pursuant to the "Coastal Area
12 Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.), that as of
13 March 15, 2007 (a) had not submitted an application for plan
14 endorsement to the State Planning Commission, and (b) was not in
15 compliance with the provisions of the Coastal Zone Management
16 Rules at N.J.A.C.7:7E-5B.6; or

17 (8) any permit or approval within the Highlands planning area
18 located in a municipality subject to the "Highlands Water Protection
19 and Planning Act," P.L.2004, c.120, that has adopted, as of May 1,
20 2012, in accordance with the Highlands Water Protection and
21 Planning Council conformance approval, a Highlands master plan
22 element, a Highlands land use ordinance, or an environmental
23 resource inventory, except that the provisions of this paragraph
24 shall not apply to any permit or approval within a Highlands center
25 designated by the Highlands Water Protection and Planning
26 Council, notwithstanding the adoption by the municipality of a
27 Highlands master plan element, a Highlands land use ordinance, or
28 an environmental resource inventory.

29 c. P.L.2008, c.78 shall not affect any administrative consent
30 order issued by the Department of Environmental Protection in
31 effect or issued during the extension period, nor shall it be
32 construed to extend any approval in connection with a resource
33 recovery facility as defined in section 2 of P.L.1985, c.38 (C.13:1E-
34 137).

35 d. Nothing in P.L.2008, c.78 shall affect the ability of the
36 Commissioner of Environmental Protection to revoke or modify a
37 specific permit or approval, or extension thereof pursuant to
38 P.L.2008, c.78, when that specific permit or approval contains
39 language authorizing the modification or revocation of the permit or
40 approval by the department.

41 e. In the event that any approval tolled pursuant to P.L.2008,
42 c.78 is based upon the connection to a sanitary sewer system, the
43 approval's extension shall be contingent upon the availability of
44 sufficient capacity, on the part of the treatment facility, to
45 accommodate the development whose approval has been extended.
46 If sufficient capacity is not available, those permit holders whose
47 approvals have been extended shall have priority with regard to the
48 further allocation of gallonage over those approval holders who

1 have not received approval of a hookup prior to the date of
2 enactment of P.L.2008, c.78. Priority regarding the distribution of
3 further gallonage to any permit holder who has received the
4 extension of an approval pursuant to P.L.2008, c.78 shall be
5 allocated in order of the granting of the original approval of the
6 connection.

7 f. P.L.2008, c.78 shall not toll any approval issued under the
8 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.)
9 in connection with an application for development involving a
10 residential use where, subsequent to the expiration of the permit but
11 prior to January 1, 2007, an amendment has been adopted to the
12 master plan and the zoning ordinance to rezone the property to
13 industrial or commercial use when the permit was issued for
14 residential use.

15 g. Nothing in P.L.2008, c.78 shall be construed or implemented
16 in such a way as to modify any requirement of law that is necessary
17 to retain federal delegation to, or assumption by, the State of the
18 authority to implement a federal law or program.

19 h. Nothing in P.L.2008, c.78 shall be deemed to extend the
20 obligation of any wastewater management planning agency to
21 submit a wastewater management plan or plan update, or the
22 obligation of a municipality to submit a wastewater management
23 plan or plan update, pursuant to the "Water Quality Planning Act,"
24 P.L.1977, c.75 (C.58:11A-1 et seq.) and the Water Quality
25 Management Planning rules, N.J.A.C.7:15-1.1 et seq., adopted by
26 the Department of Environmental Protection, effective July 7, 2008.

27 i. All underlying municipal, county, and State permits or
28 approvals within the extension area as defined in section 3 of
29 P.L.2008, c.78 (C.40:55D-136.3), as amended, are extended in the
30 Pinelands Area as designated pursuant to the "Pinelands Protection
31 Act," P.L.1979, c.111 (C.13:18A-1 et seq.).

32 (cf: P.L.2012, c.48, s.3)

33

34 3. Section 5 of P.L.2008, c.78 (C.40:55D-136.5) is amended to
35 read as follows:

36 5. State agencies shall, within 30 days after the effective date
37 of P.L.2008, c.78 (C.40:55D-136.1 et seq.), and within 30 days after
38 the effective date of any subsequent amendment and supplement
39 thereto, place a notice in the New Jersey Register tolling **[all]**
40 approvals in the nine most Superstorm Sandy-impacted counties, as
41 identified by the U.S. Department of Housing and Urban
42 Development in conformance with this act.

43 (cf: P.L.2012, c.48, s.4)

44

45 4. This act shall take effect immediately and be retroactive to
46 January 1, 2016.

STATEMENT

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This bill would further extend the "Permit Extension Act of 2008," P.L.2008, c.78 (C.40:55D-136.1 et seq.), for an additional one year in the nine most Superstorm Sandy-impacted counties as identified by the U.S. Department of Housing and Urban Development. The nine most Superstorm Sandy-impacted counties are Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and Union counties.

The "Permit Extension Act of 2008" originally suspended the running of certain government approvals until July 1, 2010. P.L.2009, c.336 extended the end date of the "extension period" to December 31, 2012, P.L.2012, c.48 extended the end date of the "extension period" to December 31, 2014 and P.L.2014, c.84 further extended the end date of the "extension period" to December 31, 2015. This bill would further extend the end date to December 31, 2016 in the nine most Superstorm Sandy-impacted counties. In accordance with the tolling provision provided in the "Permit Extension Act of 2008," no approval would be extended beyond six months after the conclusion of the extension period, or until June 30, 2017.

As a result of the most recent recession, once-approved permits are in danger of expiring or lapsing because gaining a permit extension is difficult and costly and developers do not have the resources to obtain extensions. The effects of Superstorm Sandy exacerbated this problem as areas in this State attempt to recover from the devastation caused by the storm. As permit approvals lapse, lenders must re-appraise and thereafter substantially lower real estate valuations established in conjunction with approved projects, thereby requiring the reclassification of numerous loans. This in turn affects the stability of the banking system and reduces the funds available for future lending, thus creating more severe restrictions on credit and leading to a vicious cycle of default.

Accordingly, this bill would extend permits which have been granted by State, regional, county, and municipal agencies for an additional one year in the nine most Superstorm Sandy-impacted counties in order to prevent a waste of public and private resources.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2390

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 23, 2016

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2390, with committee amendments.

As amended, this bill further extends the "Permit Extension Act of 2008," for an additional one year in the Superstorm Sandy-impacted counties. The nine Superstorm Sandy-impacted counties are defined as Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and Union counties.

The "Permit Extension Act of 2008" suspended the running of certain government approvals until July 1, 2010. P.L.2009, c.336 extended the end date of the "extension period" to December 31, 2012, P.L.2012, c.48 extended the end date of the "extension period" to December 31, 2014, and P.L.2014, c.84 further extended the end date of the "extension period" to December 31, 2015. This bill further suspends the running of certain government approvals concerning land located in the Superstorm Sandy-impacted counties until December 31, 2016. However, no approval will be extended beyond six months after the conclusion of the extension period, or until June 30, 2017.

Once-approved permits are in danger of expiring or lapsing because gaining a permit extension is difficult and costly and developers do not have the resources to obtain extensions. The effects of Superstorm Sandy exacerbated this problem as areas in this State attempt to recover from the devastation caused by the storm. As permit approvals lapse, lenders must re-appraise and thereafter substantially lower real estate valuations established in conjunction with approved projects, thereby requiring the reclassification of numerous loans. This affects the stability of the banking system and reduces the funds available for future lending, thus creating more severe restrictions on credit and leading to a cycle of default.

Accordingly, this bill extends permits which have been granted by State, regional, county, and municipal agencies for an additional one year in the Superstorm Sandy-impacted counties to prevent a waste of public and private resources.

The bill takes effect immediately and is retroactive to January 1, 2016.

COMMITTEE AMENDMENTS:

The amendments:

-- clarify that the bill will not impact any county other than the nine counties impacted by Superstorm Sandy, identified by the federal Department of Housing and Urban Development as Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and Union counties; and

-- create a definition of “Superstorm Sandy-impacted county” for purposes of the bill.

FISCAL IMPACT:

The Office of Legislative Services (OLS) estimates an indeterminate loss of State and local permit fee revenues as a result of lengthening the extension period of certain approvals authorized by this bill. This estimate is based on the assumption that, absent this bill, the holders of certain expiring permits would eventually reapply for the same or similar permits, and in doing so would make additional permit fee payments. For the time period from January 1, 2016 through December 31, 2016, the bill allows permit holders in the nine Superstorm Sandy-impacted counties to continue their projects without re-obtaining permits and paying related permit fees. Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of approvals extended by the bill. The OLS notes that some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers, and the avoidance of permit review fees that otherwise would have been paid by the business community.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2390

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 28, 2016

SUMMARY

- Synopsis:** Extends expiration date of certain permits for one year in Superstorm Sandy-impacted counties.
- Type of Impact:** Potential loss of permit fee revenue to the State General Fund and local governments.
- Agencies Affected:** Department of Environmental Protection, Department of Community Affairs, Department of Transportation, State commissions, counties, and municipalities authorized to approve certain State or local permits.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Revenue	Indeterminate Loss – See comments below		
Local Revenue	Indeterminate Loss – See comments below		

- The Office of Legislative Services (OLS) estimates an indeterminate loss of State and local permit fee revenues as a result of the extension of the “extension period” for certain approvals authorized by the bill. The bill defines the “Superstorm Sandy-impacted extension period” to be the period beginning January 1, 2016 and continuing through December 31, 2016.
- The OLS notes that there are fees associated with the renewal of certain types of permits. State and local entities would not collect these fees for permits that would otherwise need to be renewed during the extension period.
- Some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers, and the avoidance of permit review fees that otherwise would have been paid by the business community.
- Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of outstanding environmental and land use permits having approval periods that would be suspended by this bill that would otherwise need to be renewed during the extension period set forth in the bill.

BILL DESCRIPTION

Senate Bill No. 2390 (1R) of 2016 further extends the “Permit Extension Act of 2008,” P.L.2008, c.78 (C.40:55D-136.1 et seq.), for an additional one year in the Superstorm Sandy-impacted counties. The nine Superstorm Sandy-impacted counties are defined as Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and Union counties.

The “Permit Extension Act of 2008,” P.L.2008, c.78 (C.40:55D-136.1 et seq.), originally suspended the running of certain government approvals until July 1, 2010. P.L. 2009, c.339 extended the date of the “extension period” to December 31, 2014 and P.L.2014, c.84 further extended the end date of the “extension period” to December 31, 2015. This bill would further suspend the running of certain government approvals concerning land located in the Superstorm Sandy-impacted counties until December 31, 2016. No approval would be extended beyond six months after the conclusion of the extension period, or until June 30, 2017.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates an indeterminate loss of State and local permit fee revenues due to the proposed lengthening of the extension period for certain approvals authorized by this bill. The estimate is based on the assumption that, absent this bill, the holders of expiring permits would eventually reapply for the same or similar permits, and in doing so, would make additional permit fee payments. For a certain delimited time period in certain cases the bill obviates the need to renew a permit or approval, and thus would allow permit holders to continue their projects without re-obtaining permits and paying related permit fees. Specific estimates cannot be quantified because the OLS is unable to obtain reliable information regarding the number of approvals that would be extended by the bill.

The OLS notes that some benefits to the State and local economies could be realized from the preservation of existing approvals for property owners and developers, and the avoidance of presumably costly permit review fees that otherwise would be been paid by the business community. The bill extends the validity of certain approvals issued by the State and local government units within the nine Superstorm Sandy-impacted counties beginning January 1, 2007 and continuing through December 31, 2016. In accordance with the tolling provision provided under the bill, no approval would be extended beyond the six months after the conclusion of the extension period, or until June 30, 2017.

Section: Local Government

Analyst: Scott A. Brodsky
Senior Fiscal Analyst

Approved: Frank W. Haines III
Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

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Governor Christie Signs 7th Consecutive Budget Without Raising Taxes On New Jersey Families

Thursday, June 30, 2016

Tags: [Budget and Spending](#)

Continues Commitment To Fiscal Responsibility

Through the use of his veto pen, Governor Christie today signed a seventh consecutive balanced budget that protects taxpayers and critical services through the responsible management of state resources while making the difficult choices to prioritize and fund the essential services on which New Jersey's residents rely.

For Fiscal Year 2017, Assembly and Senate Democrats once again presented an irresponsible spending plan that favors increasing expenditures for select programs without any meaningful and intellectual consideration for how the state will fund their proposals. But this year they have become uniquely reckless and deceptive, relying on phantom finances, irresponsible gimmicks and unrealistic assumptions to fund hundreds of millions of dollars of new spending.

- Their plan is based on impractical expectations that the State will collect **\$129 million** in additional revenues than projected in the Governor's revised May budget recommendations and **\$301 million** more than the May revenue projections prepared by their own Office of Legislative Services.

Additionally, the legislative majority wants to thoughtlessly spend down the State's surplus by \$160 million. Worse, however, is their shameless inclusion of a **\$250 million** savings in public employee and retiree health care costs which the Governor called for in February, but which the Legislature did absolutely nothing to embrace, negotiate or achieve. As it stands, the savings is penciled in on paper, but completely nonexistent.

Rather than enact responsible policies to continue New Jersey's economic recovery, Democrat leaders remain committed to an unsustainable path designed to protect special interests instead of hardworking New Jerseyans. The taxpayers of this State cannot afford it. Real leadership requires confronting problems and making difficult decisions. It is time to focus on the real issues, like school funding reform and providing real property tax relief. It is time to adopt a transportation spending plan that protects our infrastructure without continuing to overburden our overtaxed residents. It is time for politicians to work for their citizens and not special interest groups.

Governor Christie's Fiscal Year 2017 Budget:

Governor Christie's budget includes **\$34.5 billion** in State appropriations, a **2.1%** increase over the fiscal year 2016 budget. This will accommodate the reasonable spending necessary to provide stability for New Jersey's economy while meeting the state's fiscal obligations.

- Contains **\$2.3 billion less in discretionary spending** than the fiscal year 2008 budget and no new taxes or tax increases.
- Includes the largest pension payment in New Jersey history with a **\$1.9 billion** contribution to the State's defined benefit funds.
 - o This will bring total contributions by the Christie Administration to **\$6.3 billion**.
 - o That will be nearly double the total contributions of every other governor combined since 1995.

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- Includes a sixth consecutive year of the highest amount of School Aid supporting Pre-K - 12 education in New Jersey history. The fiscal year 2017 budget proposes spending more than **\$13.3 billion** on education, an increase of **\$526 million** from fiscal year 2016.
- Continues the Governor's commitment to higher education in New Jersey. Overall, higher education funding is maintained at a total of **\$2.2 billion** in fiscal year 2017.

Providing Tax Relief For Our Citizens. Governor Christie has fought for and won tax relief that is making New Jersey more competitive as a place to live and work.

- **Over \$3 Billion in Business Tax Cuts and Reforms** – Beginning with the fiscal 2012 budget, Governor Christie tackled New Jersey's business tax climate with tax cuts and reforms that had stalled in Trenton for years. Among the tax reforms included were: long-awaited changes to a single sales factor formula that incentivizes businesses to invest in New Jersey; income/loss netting and loss carry-forward reform; a 25% reduction in the minimum tax on S-corporations, which is how many small businesses file their taxes; research and development incentives; and elimination of the Transitional Energy Facility Assessment.
- The Governor's Fiscal Year 2017 Budget continues to provide this essential tax relief for New Jersey businesses of all sizes, fully phased in and unchanged.
- **Increase in the Earned Income Tax Credit** – In the summer of 2015, Governor Christie proposed and enacted into law an increase in the Earned Income Tax Credit from 20% to 30% of the federal benefit. Approximately 500,000 Garden State households will benefit from this tax relief, with the credit for an average working family rising by 50% from approximately \$420 to \$630. The Governor's Fiscal Year 2017 Budget continues this critical tax relief for working families at this expanded level.

Historic Higher Education Funding. Maintains the Governor's commitment to higher education in New Jersey. Overall, higher education funding is maintained at a total of **\$2.2 billion** in fiscal year 2017. Among Governor Christie's highest priorities has been strengthening New Jersey's higher education community.

- **Tuition Assistance Grant Program (TAG)** – To ensure an affordable in-state college education is available to all, TAG grants are available at 56 public and private institutions across New Jersey. Since taking office, Governor Christie has increased State funding for the TAG program by over 60%, to a total of \$403.6 million in fiscal year 2017. Approximately 68,000 students, or one-third of all full-time undergraduate students attending school in New Jersey, will receive support from TAG.
- **Governor's Urban Scholarship** – The Governor's Urban Scholarship program will add a fifth class, and will now support an estimated 635 scholars in targeted school districts.
- **College Readiness Now** – Funded at \$1 million in fiscal year 2017, this program will help students prepare for college level course work before they graduate high school. Funding will fully support partnerships between the county colleges and at least 60 high schools throughout the state, with at least one in each county.

Preserving Vital Programs For Our Most Needy And Vulnerable Populations. Advances the Governor's efforts to take a smarter and more effective approach to how the State supports individuals with mental health and substance use disorders. Governor Christie has consistently advocated for the need to change the way society views drug addiction and the misconceptions about who it impacts, how it affects lives, and how we deal with it. In the fiscal year 2017 budget, Governor Christie continues to provide unprecedented leadership on this issue by taking concrete actions to build on this commitment by providing an additional \$6 million for statewide post-incarceration services through reentry and recidivism programs.

- **\$127 Million Investment In Substance Use & Mental Health Treatment** – The Governor is making a historic financial commitment to raise reimbursement rates and increase access to substance use and mental health treatment. A combined State and federal investment in fiscal year 2017 of more than **\$127 million**, will expand access to high quality health care providers for individuals with substance use and behavioral health needs.
- **Inmate Drug Treatment Program** – Continuing his commitment to help all individuals with substance use disorders, Governor Christie is investing **\$2 million** to re-open Mid-State Correctional Facility in 2017 as an institution dedicated to the treatment of inmates. The new Mid-State Correctional Facility substance use disorder treatment program will be licensed by the Division of Mental Health and Addiction Services (DMHAS).
- **Focusing On Treatment** – Governor Christie has followed through on his commitment to take a smarter and more effective approach focused on treating drug-addicted offenders by signing into law landmark legislation to put in place a statewide, mandatory Drug Court Program. The fiscal year 2017 budget includes nearly **\$64 million** in funding to support the Drug Court program.
- **Recovery Coach Program** – As a direct result of the Facing Addiction Task Force's work, the Recovery Coach program launched in Monmouth, Ocean, Camden, Essex and Passaic counties. In fiscal year 2017, the budget provides an additional **\$1.7 million** in funding to expand this program into six more counties.

Fundamentally changing the way services and programs to support individuals with developmental disabilities and their families. Governor Christie is committed to moving away from a system that has historically focused on institutionalization to one that emphasizes home and community-based services and supports. To this end, resources have been refocused to provide people with intellectual and developmental disabilities with the ability to live as independently as possible with the proper supports. Governor Christie's determination to provide services in the

community includes funds to develop additional community placements and services that divert admissions to developmental centers.

- The fiscal year 2017 budget provides **\$48.8 million** of new State and federal funding to create community placements and services, including Olmstead.
- Further, included in the fiscal year 2017 budget is a one-time community provider increase for a combined State and federal investment of **\$10 million**. These funds will allow providers that serve individuals with developmental disabilities to make the infrastructure improvements necessary to transition to fee-for-service.

BILLS SIGNED:

S-993wGR/A-2777 (Vitale, Pou, Gordon/Wimberly, Vainieri Huttie, Sumter, Oliver) – Permits DHS to request waiver of time limits for certain Supplemental Nutrition Assistance Program recipients under certain circumstances

S-2377/A-4001 (Sarlo/Schaer) - Makes fiscal year 2016 State supplemental appropriations and amends language provisions

S-2456/A-4017 (Smith, Bateman/Andrzejczak, McKeon, Spencer, Pintor Marin, Dancer) - Revises State's open space, farmland, and historic preservation programs; implements 2014 constitutional dedication of CBT revenues for certain environmental purposes

A-3417wGR/S-1462 (Pintor Marin/Ruiz) - Designates portion of State Highway Route No. 21 as "Roberto Clemente Memorial Highway"

A-3617/S-2390 (Green, Rible, Mukherji, Houghtaling Mazzeo/Sarlo, Kyrillos) - Extends expiration date of certain permits for one year in Superstorm Sandy-impacted counties

A-4002 (Schaer) – Revises priority schedule for issuance of converted tax credits under Business Employment Incentive Program

BILLS VETOED:

S-17/A-4000 (Sarlo/Schaer) – LINE ITEM - Appropriates \$34,800,995,000 in State funds and \$15,706,712,000 in federal funds for the State budget for fiscal year 2016-2017

S-1017/A-1963 (Weinberg, Greenstein/Pintor Marin, Lagana, Jasey, Mukherji, Downey) – ABSOLUTE - Provides Medicaid coverage for family planning services to individuals with incomes up to 200 percent of the federal poverty level

A-30/S-1829 (Prieto, Muoio, Oliver, Schaer, Holley, Mukherji, Quijano/Vitale, Whelan) – ABSOLUTE - Increases amount of benefits under Work First New Jersey program

A-1657/S-2168 (Schaer, Vainieri Huttie, Lampitt, Mosquera, Sumter, Wimberly/ Cruz-Perez, Turner) – ABSOLUTE - Establishes "breakfast after the bell" incentive fund

A-3410/S-1854 (Muoio, Vainieri Huttie, Mukherji, Oliver, Gusclora/Vitale, Rice) – ABSOLUTE - Repeals family cap in Work First New Jersey program

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Governor Christie Signs Seventh Balanced Budget With No Tax Increases

Thursday, June 30, 2016

Tags: [Budget and Spending](#)

Trenton, NJ - Governor Chris Christie today signed into law his seventh balanced budget that provides stability for the New Jersey economy and meets the State's fiscal obligations. The Governor's Fiscal Year 2017 State Budget is also his seventh consecutive with no new taxes or tax increases and includes \$2.3 billion less in discretionary spending than the fiscal year 2008 budget. This \$34.5 billion budget continues for a sixth consecutive year the highest amount of aid for public schools and includes the largest pension payment in New Jersey history.

"Once again, for Fiscal Year 2017, the legislative majority has presented me with an irresponsible spending plan. Their unrealistic budget makes no hard choices, relying instead on gimmicks and assumptions to fund hundreds of millions of dollars in new spending while confirming beyond all doubt that they are untrustworthy stewards of the State's finances," said Governor Christie. "It anticipates \$129 million more in additional State revenue collections than my revised May budget recommendations and \$301 million more than the May revenue projections prepared by their own Office of Legislative Services. Because the Legislature's proposal is unsound, I must again object."

The budget recommendations submitted by Governor Christie to the Legislature in February, and updated in May, included a surplus as well as a modest assumption for health benefit reforms that called for \$250 million in savings to offset anticipated growth. This represents a small down payment on the \$2 billion in reforms recommended by the bipartisan New Jersey Pension and Health Benefit Study Commission. However, the Fiscal Year 2017 budget passed by the Legislature fails either to budget responsibly for the projected health benefits growth or to provide any assurance of actual, substantive reforms.

"In contrast to the legislative majority's fiscal irresponsibility, my budget framework provides stability for New Jersey's economy. It accommodates reasonable spending, while responsibly meeting the State's fiscal obligations. The Fiscal Year 2017 pension contribution is the largest in State history and continues the strong foundation for the State moving forward. Moreover, my budget ensures funding for our students, protects the public safety, provides property tax relief for our citizens, and preserves vital programs for our most needy and vulnerable populations," added Governor Christie.

Key Priorities Delivered by Governor Christie's Fiscal Year 2017 Budget:

- Includes the largest pension payment in New Jersey history with a \$1.9 billion contribution to the State's defined benefit funds.
- This will bring total contributions by the Christie Administration to \$6.3 billion, nearly doubling the total contributions of every other governor combined since 1995.
- Maintains the Governor's commitment to higher education in New Jersey to the tune of \$2.2 billion in fiscal year 2017.
- Continues a sixth consecutive year of record-high funding for Pre-K through 12 public education. The fiscal year 2017 budget will spend more than \$13.3 billion on education, an increase of \$526 million from fiscal year 2016.
- Advances the Governor's smarter and more effective approach to how the State supports individuals with mental health and substance use disorders.

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To address the legislature's disturbing spending plan, the Governor issued an executive order placing millions of dollars in budget appropriations in fiscal reserve. Additionally, Governor Christie again protected taxpayers today by vetoing millions of dollars in reckless spending bills passed by legislative Democrats outside of the state budget. Among the bills vetoed were two supplemental spending bills that would have cost over \$17 million:

S-2413/A-4003 (Ruiz, Rice/Pinto Marin, Muoio, Mukherji) – ABSOLUTE - Makes supplemental appropriations totaling \$9,563,415 to DOH for grants of \$7,765,325 to Newark Beth Israel Hospital and \$1,798,090 to St. Francis Medical Center to implement improved health outcomes and sustainable transformation of healthcare delivery

A-3492/S-2277 (Mazzeo, Mosquera, Lampitt, Vainieri Huttie, Jones, Jimenez, Downey/Weinberg, Sweeney) – ABSOLUTE - Makes FY 2017 supplemental appropriation of \$7,453,000 to DOH for family planning services

The Governor also acted today on other pending legislation:

BILLS SIGNED:

S-993wGR/A-2777 (Vitale, Pou, Gordon/Wimberly, Vainieri Huttie, Sumter, Oliver) – Permits DHS to request waiver of time limits for certain Supplemental Nutrition Assistance Program recipients under certain circumstances

S-2377/A-4001 (Sarlo/Schaer) - Makes fiscal year 2016 State supplemental appropriations and amends language provisions

S-2456/A-4017 (Smith, Bateman/Andrzejczak, McKeon, Spencer, Pintor Marin, Dancer) - Revises State's open space, farmland, and historic preservation programs; implements 2014 constitutional dedication of CBT revenues for certain environmental purposes

A-3417wGR/S-1462 (Pintor Marin/Ruiz) - Designates portion of State Highway Route No. 21 as "Roberto Clemente Memorial Highway"

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A-4002 (Schaer) – Revises priority schedule for issuance of converted tax credits under Business Employment Incentive Program

BILLS VETOED:

S-17/A-4000 (Sarlo/Schaer) – LINE ITEM - Appropriates \$34,800,995,000 in State funds and \$15,706,712,000 in federal funds for the State budget for fiscal year 2016-2017

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A-1657/S-2168 (Schaer, Vainieri Huttie, Lampitt, Mosquera, Sumter, Wimberly/ Cruz-Perez, Turner) – ABSOLUTE - Establishes "breakfast after the bell" incentive fund

A-3410/S-1854 (Muoio, Vainieri Huttie, Mukherji, Oliver, Gusciora/Vitale, Rice) – ABSOLUTE - Repeals family cap in Work First New Jersey program

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