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LAW/RWH

P.L.2015, CHAPTER 88, *approved August 10, 2015*
Senate, No. 1813 (*Second Reprint*)

1 AN ACT concerning permits issued by State agencies, and amending
2 P.L.2011, c.34.

3

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

6

7 1. Section 2 of P.L.2011, c.34 (C.52:14B-27) is amended to
8 read as follows:

9 2. a. Consistent with the requirements of applicable statutes,
10 **every** the head of each State agency shall periodically conduct a
11 comprehensive written review **those** of all permits issued by the
12 State agency **issues** , in order to identify **permits that**:

13 **Can** (1) those permits that can be administered through an
14 expedited process **,** such as developing procedures for the
15 electronic submission of permit applications **;** **or**

16 **May be** (2) those permits that are obsolete, **are** ²are² no
17 longer necessary, or cost more to administer than the benefits they
18 provide, and thus should be eliminated so long as the public health,
19 safety, or general welfare is not endangered ;

20 (3) those permits that can have their period of validity extended
21 ²one or more years² beyond the scheduled termination date
22 without significant disruption to the efficiency or work of the State
23 agency ², so long as the public health, safety, or general welfare is
24 not endangered² ; and

25 (4) those permitting procedures that can be better facilitated
26 through the increased incorporation of computer-based technology,
27 such as the Internet, or that can be completed online.

28 b. The head of each State agency shall include, as part of the
29 comprehensive written review required by subsection a. of this
30 section:

31 (1) a description of ²those permits identified pursuant to
32 subsection a. of this section;

33 (2) a description of² the recent actions ²that have been² taken
34 by the State agency to:

35 (a) eliminate obsolete permits;

36 (b) extend the period of validity associated with non-obsolete
37 permits;

38 (c) expedite the State agency's permitting procedures;

39 (d) facilitate the enhanced use of computer-based and Internet
40 technology in such procedures; ¹and¹ ²and²

41 (e) ²increase the number of permitting procedures that can be
42 completed online; ¹and

1 (f)]² reduce the number of permits that are backlogged;¹

2 ²[(2) recommendations and explanations as to which of the
3 State agency's remaining permits should be eliminated on the basis
4 of their obsolescence, and which of the State agency's remaining
5 permits should have their period of validity extended beyond their
6 scheduled termination date;]²

7 (3) recommendations and explanations as to which of the State
8 agency's remaining permitting procedures should be revised or
9 simplified in order to further expedite the issuance of permits by the
10 State agency and increase the use of computer-based technology,
11 such as the Internet, in the State agency's permitting procedures;
12 ²and²

13 (4) ²[an assessment identifying the probable impact that each of
14 the changes recommended pursuant to paragraphs (2) and (3) of this
15 subsection would have on the State agency, and on businesses,
16 commercial enterprises, and the general public, including impacts
17 on public health, safety, and the general welfare; and

18 (5)]² the identification of those rules, regulations, and statutes
19 administered by the State agency that would need to be revised or
20 eliminated in order to effectuate the changes recommended pursuant
21 to ²[paragraphs (2) and] paragraph² (3) of this subsection.

22 [Each] c. Upon completion of the comprehensive written
23 review pursuant to subsection a. of this section, the head of each
24 State agency shall [provide notice] submit the review to the
25 Secretary of State or other State officer or employee designated by
26 the Governor pursuant to section 3 of P.L.2011, c.34 (C.52:14B-28)
27 [of its identification of permits that can be administered through an
28 expedited process or may be obsolete, and its actions taken or
29 recommended to be taken to expedite permitting and its actions
30 taken or recommended to be taken to eliminate obsolete permits].

31 (cf: P.L.2011, c.34, s.2)

32

33 2. Section 5 of P.L.2011, c.34 (C.52:14B-30) is amended to
34 read as follows:

35 5. a. [The] ²[On or before March 1 of each year, the] The²
36 Secretary of State , or other State officer or employee designated by
37 the Governor pursuant to section 3 of P.L.2011, c.34 (C.52:14B-
38 28), shall submit ², no less than biennially,² a report [annually ,
39 or before March 1] to the Governor and [to the Legislature] ,
40 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1),
41 [concerning] to the Legislature, summarizing the information
42 contained in the comprehensive written reviews that have been
43 submitted by the various State agencies pursuant to section 2 of
44 P.L.2011, c.34 (C.52:14B-27). In particular, each ²[annual]² report
45 shall include :

1 (1) **Permits identified pursuant to section 2 of P.L.2011, c.34**
 2 **(C.52:14B-27) as either being able to be administered through an**
 3 **expedited process or obsolete, and** a summary of the actions ²[that
 4 have been]² taken [or recommended to be taken to implement
 5 expedited processes or] by each State agency during the preceding
 6 ²[year] period² to:

- 7 (a) eliminate obsolete permits ;
 8 (b) extend the period of validity associated with non-obsolete
 9 permits;
 10 (c) expedite the State agency's permitting procedures;
 11 (d) facilitate the enhanced use of computer-based and Internet
 12 technology in such procedures; ¹[and]¹ ²and²
 13 (e) ²[increase the number of permitting procedures that can be
 14 completed online ; ¹and
 15 (f)]² reduce the number of permits that are backlogged;¹

16 (2) **The** a description of the remaining permits that each State
 17 agency has identified as being obsolete and conducive to
 18 elimination;

19 (3) a description of the remaining permits that each State agency
 20 has indicated could have their period of validity extended beyond
 21 the scheduled termination date;

22 (4) a description of the remaining permitting procedures that
 23 each State agency has identified as being conducive to revision,
 24 simplification, or the greater incorporation of computer-based
 25 technology, such as the Internet;

26 (5) the identification, by name, of the counties and
 27 municipalities that are participating in cooperative and
 28 contemporaneous handling of business permits and approvals
 29 pursuant to section 3 of P.L.2011, c.34 (C.52:14B-28);

30 **(3) The** (6) the identification, by name and project, of the
 31 specific employees ²[that have been]² assigned as designated
 32 contact persons to specific projects [, by project,] pursuant to
 33 section 4 of P.L.2011, c.34 (C.52:14B-29), as well as a summary of
 34 actions ²[that have been]² taken on behalf of each project, and
 35 **[outcomes]** a description of the outcome of each project that was
 36 completed during the preceding ²[year] period² ; and

37 **(4) Other** (7) any information pertaining to other matters as
 38 the Secretary of State or the Governor's designee may find material.

39 b. The ²[annual]² report required by subsection a. of this
 40 section shall be posted on the Department of State web site.

41 c. After due consideration of the ²[annual]² report submitted
 42 in accordance with subsection a. of this section, the Governor
 43 ²[shall] may² ;

44 (1) direct the head of each State agency to make such changes to
 45 the State agency's permitting systems as may be appropriate,
 46 pursuant to current rules, regulations, and statutes, in order to

1 effectuate those parts of the report the Governor deems necessary;
2 ²and²

3 (2) ²[issue such Executive Orders as the Governor believes
4 appropriate in order to effectuate those parts of the report the
5 Governor deems necessary; and

6 (3) ² seek from the Legislature changes in the statutory law,
7 including the amendment, repeal, or supplementation of various
8 statutes as the Governor believes appropriate, in order to effectuate
9 those parts of the report the Governor deems necessary.

10 d. The head of each State agency shall adopt such rules and
11 regulations, pursuant to the “Administrative Procedure Act,”
12 P.L.1968, c.410 (C.52:14B-1 et seq.), and perform such duties, as
13 the head of the State agency may deem necessary, in order to
14 effectuate the ²regulatory² changes ²[that are sought by the
15 Governor pursuant to subsection c. of this section] identified in
16 section 2 of P.L.2011, c.34 (C.52:14B-27) and this section² .

17 (cf: P.L.2011, c.34, s.5)

18

19 3. This act shall take effect immediately.

20

21

22

23

24 Requires each State agency to review permits issued by agency
25 and make necessary changes to expedite and facilitate permitting.

SENATE, No. 1813

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MARCH 24, 2014

Sponsored by:

Senator JIM WHELAN

District 2 (Atlantic)

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

SYNOPSIS

Requires each State agency to review permits issued by agency and make necessary changes to expedite and facilitate permitting.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/28/2014)

1 AN ACT concerning permits issued by State agencies, and amending
2 P.L.2011, c.34.

3

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

6

7 1. Section 2 of P.L.2011, c.34 (C.52:14B-27) is amended to
8 read as follows:

9 2. a. Consistent with the requirements of applicable statutes,
10 **[every]** the head of each State agency shall periodically conduct a
11 comprehensive written review [those] of all permits issued by the
12 State agency [issues] , in order to identify [permits that]:

13 **[a. Can]** (1) those permits that can be administered through an
14 expedited process [, such as developing procedures for the
15 electronic submission of permit applications] ; [or

16 b. May be] (2) those permits that are obsolete, [are] no longer
17 necessary, or cost more to administer than the benefits they provide,
18 and thus should be eliminated so long as the public health, safety, or
19 general welfare is not endangered ;

20 (3) those permits that can have their period of validity extended
21 one or more years beyond the scheduled termination date without
22 significant disruption to the efficiency or work of the State agency;
23 and

24 (4) those permitting procedures that can be better facilitated
25 through the increased incorporation of computer-based technology,
26 such as the Internet, or that can be completed online.

27 b. The head of each State agency shall include, as part of the
28 comprehensive written review required by subsection a. of this
29 section:

30 (1) a description of the recent actions that have been taken by
31 the State agency to:

32 (a) eliminate obsolete permits;

33 (b) extend the period of validity associated with non-obsolete
34 permits;

35 (c) expedite the State agency's permitting procedures;

36 (d) facilitate the enhanced use of computer-based and Internet
37 technology in such procedures; and

38 (e) increase the number of permitting procedures that can be
39 completed online;

40 (2) recommendations and explanations as to which of the State
41 agency's remaining permits should be eliminated on the basis of
42 their obsolescence, and which of the State agency's remaining
43 permits should have their period of validity extended beyond their
44 scheduled termination date;

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 (3) recommendations and explanations as to which of the State
2 agency's remaining permitting procedures should be revised or
3 simplified in order to further expedite the issuance of permits by the
4 State agency and increase the use of computer-based technology,
5 such as the Internet, in the State agency's permitting procedures;

6 (4) an assessment identifying the probable impact that each of
7 the changes recommended pursuant to paragraphs (2) and (3) of this
8 subsection would have on the State agency, and on businesses,
9 commercial enterprises, and the general public, including impacts
10 on public health, safety, and the general welfare; and

11 (5) the identification of those rules, regulations, and statutes
12 administered by the State agency that would need to be revised or
13 eliminated in order to effectuate the changes recommended pursuant
14 to paragraphs (2) and (3) of this subsection .

15 **【Each】** c. Upon completion of the comprehensive written
16 review pursuant to subsection a. of this section, the head of each
17 State agency shall **【provide notice】** submit the review to the
18 Secretary of State or other State officer or employee designated by
19 the Governor pursuant to section 3 of P.L.2011, c.34 (C.52:14B-28)
20 **【of its identification of permits that can be administered through an**
21 expedited process or may be obsolete, and its actions taken or
22 recommended to be taken to expedite permitting and its actions
23 taken or recommended to be taken to eliminate obsolete permits**】.**

24 (cf: P.L.2011, c.34, s.2)

25

26 2. Section 5 of P.L.2011, c.34 (C.52:14B-30) is amended to
27 read as follows:

28 5. a. **【The】** On or before March 1 of each year, the
29 Secretary of State , or other State officer or employee designated by the
30 Governor pursuant to section 3 of P.L.2011, c.34 (C.52:14B-28) ,
31 shall submit a report **【annually , on or before March 1】** to the
32 Governor and **【to the Legislature】** , pursuant to section 2 of
33 P.L.1991, c.164 (C.52:14-19.1), **【concerning】** to the Legislature,
34 summarizing the information contained in the comprehensive
35 written reviews that have been submitted by the various State
36 agencies pursuant to section 2 of P.L.2011, c.34 (C.52:14B-27). In
37 particular, each annual report shall include :

38 (1) **【Permits identified pursuant to section 2 of P.L.2011, c.34**
39 **(C.52:14B-27) as either being able to be administered through an**
40 **expedited process or obsolete, and**】** a summary of the actions that
41 have been taken **【or recommended to be taken to implement**
42 expedited processes or**】** by each State agency during the preceding
43 year to:**

44 (a) eliminate obsolete permits ;

45 (b) extend the period of validity associated with non-obsolete
46 permits;

47 (c) expedite the State agency's permitting procedures;

- 1 (d) facilitate the enhanced use of computer-based and Internet
2 technology in such procedures; and
- 3 (e) increase the number of permitting procedures that can be
4 completed online ;
- 5 (2) **【The】** a description of the remaining permits that each State
6 agency has identified as being obsolete and conducive to
7 elimination;
- 8 (3) a description of the remaining permits that each State agency
9 has indicated could have their period of validity extended beyond
10 the scheduled termination date;
- 11 (4) a description of the remaining permitting procedures that
12 each State agency has identified as being conducive to revision,
13 simplification, or the greater incorporation of computer-based
14 technology, such as the Internet;
- 15 (5) the identification, by name, of the counties and
16 municipalities that are participating in cooperative and
17 contemporaneous handling of business permits and approvals
18 pursuant to section 3 of P.L.2011, c.34 (C.52:14B-28);
- 19 **【(3)The】** (6) the identification, by name and project, of the
20 specific employees that have been assigned as designated contact
21 persons to specific projects [, by project,] pursuant to section 4 of
22 P.L.2011, c.34 (C.52:14B-29), as well as a summary of actions that
23 have been taken on behalf of each project, and 【outcomes】 a
24 description of the outcome of each project that was completed
25 during the preceding year; and
- 26 **【(4) Other】** (7) any information pertaining to other matters as
27 the Secretary of State or the Governor's designee may find material.
- 28 b. The annual report required by subsection a. of this section
29 shall be posted on the Department of State web site.
- 30 c. After due consideration of the annual report submitted in
31 accordance with subsection a. of this section, the Governor shall:
- 32 (1) direct the head of each State agency to make such changes to
33 the State agency's permitting systems as may be appropriate,
34 pursuant to current rules, regulations, and statutes, in order to
35 effectuate those parts of the report the Governor deems necessary;
- 36 (2) issue such Executive Orders as the Governor believes
37 appropriate in order to effectuate those parts of the report the
38 Governor deems necessary; and
- 39 (3) seek from the Legislature changes in the statutory law,
40 including the amendment, repeal, or supplementation of various
41 statutes as the Governor believes appropriate, in order to effectuate
42 those parts of the report the Governor deems necessary.
- 43 d. The head of each State agency shall adopt such rules and
44 regulations, pursuant to the "Administrative Procedure Act,"
45 P.L.1968, c.410 (C.52:14B-1 et seq.), and perform such duties, as
46 the head of the State agency may deem necessary, in order to
47 effectuate the changes that are sought by the Governor

1 pursuant to subsection c. of this section.

2 (cf: P.L.2011, c.34, s.5)

3

4 3. This act shall take effect immediately.

5

6

7

STATEMENT

8

9 This bill would expand and strengthen the provisions of
10 P.L.2011, c.34 (C.52:14B-26 et seq.), which currently requires each
11 State agency to undertake a periodic review of permits issued by
12 these agencies, in order to identify permits that are obsolete or that
13 could be administered through an expedited procedure.

14 The bill would require the head of each State agency, in
15 conducting a periodic comprehensive written review of the permits
16 issued by that agency, to identify:

17 (1) those permits that can be administered through an expedited
18 process;

19 (2) those permits that are obsolete, are no longer necessary, or
20 cost more to administer than the benefits they provide, and thus
21 should be eliminated so long as the public health, safety, or general
22 welfare is not endangered;

23 (3) those permits that can have their period of validity extended
24 one or more years beyond the scheduled termination date without
25 significant disruption to the efficiency or work of the State agency;
26 and

27 (4) those permitting procedures that can be better facilitated
28 through the increased incorporation of computer-based technology,
29 such as the Internet, or that can be completed online.

30 The bill would further specify that the head of each State agency
31 must include, as part of each comprehensive written review:

32 (1) a description of the recent actions that have been taken by
33 the State agency to: (a) eliminate obsolete permits; (b) extend the
34 period of validity associated with non-obsolete permits; (c) expedite
35 the State agency's permitting procedures; (d) facilitate the enhanced
36 use of computer-based and Internet technology in such procedures;
37 and (e) increase the number of permitting procedures that can be
38 completed online;

39 (2) recommendations and explanations as to which of the State
40 agency's remaining permits should be eliminated on the basis of
41 their obsolescence, and which should have their period of validity
42 extended beyond their scheduled termination date;

43 (3) recommendations and explanations as to which of the State
44 agency's remaining permitting procedures should be revised or
45 eliminated in order to further expedite the issuance of permits by
46 the State agency and increase the use of computer-based
47 technology, such as the Internet, in the State agency's permitting
48 procedures;

S1813 WHELAN, OROHO

6

1 (4) an assessment identifying the probable impact that each of
2 the recommended changes would have on the State agency, and on
3 businesses, commercial enterprises, and the general public; and

4 (5) the identification of those rules, regulations, and statutes
5 administered by the State agency that would need to be revised or
6 eliminated in order to effectuate the recommended changes.

7 The bill would require the Secretary of State, or other State
8 officer or employee designated by the Governor, to post on its
9 Internet website and submit to the Governor and the Legislature, by
10 March 1 of each year, a report that summarizes the information
11 contained in the various State agency comprehensive written
12 reviews. The bill would also require the Governor, after due
13 consideration of the annual report, to: (1) direct the head of each
14 State agency to make such changes to the State agency's permitting
15 systems as may be appropriate, pursuant to current rules,
16 regulations and statutes, in order to effectuate those parts of the
17 report the Governor deems necessary; (2) issue such Executive
18 Orders as the Governor believes appropriate in order to effectuate
19 those parts of the report the Governor deems necessary; and (3)
20 seek from the Legislature changes in the statutory law, including
21 the amendment, repeal, or supplementation of various statutes as the
22 Governor believes appropriate, in order to effectuate those parts of
23 the report the Governor deems necessary. Lastly, the head of each
24 State agency would be authorized to adopt rules and regulations as
25 necessary to effectuate the changes sought by the Governor.

SENATE STATE GOVERNMENT, WAGERING, TOURISM &
HISTORIC PRESERVATION COMMITTEE

STATEMENT TO
SENATE, No. 1813

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 2, 2014

The Senate State Government, Wagering, Tourism & Historic Preservation Committee reports favorably and with committee amendments Senate Bill No. 1813.

This bill would expand and strengthen the provisions of P.L.2011, c.34 (C.52:14B-26 et seq.), which currently requires each State agency to undertake a periodic review of permits issued by these agencies, in order to identify permits that are obsolete or that could be administered through an expedited procedure.

The bill would require the head of each State agency, in conducting a periodic comprehensive written review of the permits issued by that agency, to identify:

(1) those permits that can be administered through an expedited process;

(2) those permits that are obsolete, are no longer necessary, or cost more to administer than the benefits they provide, and thus should be eliminated so long as the public health, safety, or general welfare is not endangered;

(3) those permits that can have their period of validity extended one or more years beyond the scheduled termination date without significant disruption to the efficiency or work of the State agency; and

(4) those permitting procedures that can be better facilitated through the increased incorporation of computer-based technology, such as the Internet, or that can be completed online.

The bill would further specify that the head of each State agency must include, as part of each comprehensive written review:

(1) a description of the recent actions that have been taken by the State agency to: (a) eliminate obsolete permits; (b) extend the period of validity associated with non-obsolete permits; (c) expedite the State agency's permitting procedures; (d) facilitate the enhanced use of computer-based and Internet technology in such procedures; (e) increase the number of permitting procedures that can be completed online; and (f) reduce the number of permits that are backlogged;

(2) recommendations and explanations as to which of the State agency's remaining permits should be eliminated on the basis of their obsolescence, and which should have their period of validity extended beyond their scheduled termination date;

(3) recommendations and explanations as to which of the State agency's remaining permitting procedures should be revised or eliminated in order to further expedite the issuance of permits by the State agency and increase the use of computer-based technology, such as the Internet, in the State agency's permitting procedures;

(4) an assessment identifying the probable impact that each of the recommended changes would have on the State agency, and on businesses, commercial enterprises, and the general public; and

(5) the identification of those rules, regulations, and statutes administered by the State agency that would need to be revised or eliminated in order to effectuate the recommended changes.

The bill would require the Secretary of State, or other State officer or employee designated by the Governor, to post on its Internet website and submit to the Governor and the Legislature, by March 1 of each year, a report that summarizes the information contained in the various State agency comprehensive written reviews. The bill would also require the Governor, after due consideration of the annual report, to: (1) direct the head of each State agency to make such changes to the State agency's permitting systems as may be appropriate, pursuant to current rules, regulations and statutes, in order to effectuate those parts of the report the Governor deems necessary; (2) issue such Executive Orders as the Governor believes appropriate in order to effectuate those parts of the report the Governor deems necessary; and (3) seek from the Legislature changes in the statutory law, including the amendment, repeal, or supplementation of various statutes as the Governor believes appropriate, in order to effectuate those parts of the report the Governor deems necessary. Lastly, the head of each State agency would be authorized to adopt rules and regulations as necessary to effectuate the changes sought by the Governor.

COMMITTEE AMENDMENTS

The committee amended the bill to establish as an additional requirement for the head of each State agency to include in the comprehensive written report required by the bill a description of the recent actions taken by the State agency to reduce the number of permits that are backlogged.

STATEMENT TO
[First Reprint]
SENATE, No. 1813

with Senate Floor Amendments
(Proposed by Senator WHELAN)

ADOPTED: JUNE 12, 2014

These floor amendments revise the type of permits to be identified and the information to be included in the comprehensive written review of permits required to be undertaken by the head of each State agency. The amendments delete the provisions of the comprehensive written review concerning: (1) increasing the number of permits that can be completed online; (2) requiring recommendations regarding which remaining permits should be eliminated on the basis of their obsolescence, and which of a State agency's remaining permits should have their period of validity extended beyond their scheduled termination date; and (3) an assessment of the probable impact of certain aspects of the review on the State agency, and on businesses, commercial enterprises, and the general public, including impacts on public health, safety, and the general welfare.

The amendments also would revise the requirements of the report, to be provided to the Governor and the Legislature, by the Secretary of State, or other State officer or employee designated by the Governor pursuant to law. The amendments would require the report to be submitted no less than biennially, as opposed to annually on or before March 1, as required by current law.

Lastly, the amendments revise the provisions of the bill directing the Governor to take certain actions concerning the report. The amendments provide that the Governor may, rather than shall, direct the head of each State agency to make any changes to the State agency's permitting systems as may be appropriate, pursuant to current rules, regulations, and statutes, and seek from the Legislature changes in the statutory law, in order to effectuate those parts of the report the Governor deems necessary. The amendments also delete the language directing the Governor to issue Executive Orders.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO

[Second Reprint]
SENATE, No. 1813

STATE OF NEW JERSEY

DATED: OCTOBER 2, 2014

The Assembly Commerce and Economic Development Committee reports favorably Senate Bill No. 1813 (2R).

This bill revises the law that requires each State agency to periodically review the permits it issues in order to further streamline State permitting procedures and requirements. The bill refines current review requirements that are designed to identify permits that can be administered through an expedited process and permits that are obsolete, are no longer necessary, or cost more to administer than the benefits they provide, and thus should be eliminated. The bill will require State agency reviews to identify: permits that can have their period of validity extended beyond the scheduled termination date without significant disruption to the efficiency or work of the State agency, so long as the public health, safety, or general welfare is not endangered; and permitting procedures that can be better facilitated through the increased incorporation of computer-based technology, such as the Internet, or that can be completed online.

The bill specifically requires the head of each State agency to include, as part of each comprehensive written review:

- (1) a description of the permits;
- (2) a description of recent actions it has taken to:
 - (a) eliminate obsolete permits;
 - (b) extend the period of validity associated with non-obsolete permits;
 - (c) expedite the State agency's permitting procedures;
 - (d) facilitate the enhanced use of computer-based and Internet technology in such procedures; and
 - (e) reduce the number of permits that are backlogged;
- (3) recommendations and explanations as to which of the State agency's remaining permitting procedures should be revised or eliminated in order to further expedite the issuance of permits by the State agency and increase the use of computer-based technology, such as the Internet, in the State agency's permitting procedures; and

(4) identification of rules, regulations, and statutes administered by the State agency that need to be revised or eliminated in order to effectuate the recommended changes.

The bill revises the reporting requirements set forth in current law. The bill would require the Secretary of State, or other State officer or employee designated by the Governor pursuant to law, to report to the Governor and the Legislature, no less than biennially, summarizing the information set forth in each State agency review. Current law requires annual reports.

The bill amends current law by authorizing, rather than directing, the Governor to take certain actions concerning the report. Under the bill, the Governor may direct the head of each State agency to make any changes to the State agency's permitting systems as may be appropriate, pursuant to current rules, regulations, and statutes, and seek from the Legislature changes in the statutory law, in order to effectuate those parts of the report the Governor deems necessary.

This bill is identical to Assembly, No. 3123, as amended by the committee this day.

ASSEMBLY, No. 3123

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED MAY 8, 2014

Sponsored by:

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblyman TIMOTHY J. EUSTACE

District 38 (Bergen and Passaic)

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman VINCENT MAZZEO

District 2 (Atlantic)

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Co-Sponsored by:

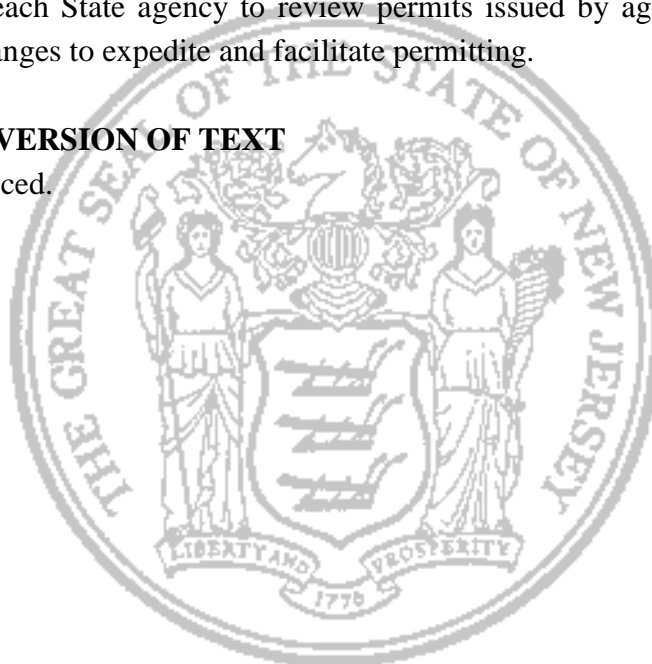
Assemblywoman McHose and Assemblyman Space

SYNOPSIS

Requires each State agency to review permits issued by agency and make necessary changes to expedite and facilitate permitting.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/17/2014)

1 AN ACT concerning permits issued by State agencies, and amending
2 P.L.2011, c.34.

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

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7 1. Section 2 of P.L.2011, c.34 (C.52:14B-27) is amended to
8 read as follows:

9 2. a. Consistent with the requirements of applicable statutes,
10 **every** the head of each State agency shall periodically conduct a
11 comprehensive written review **those** of all permits issued by the
12 State agency **issues** , in order to identify **permits that**:

13 **Can** (1) those permits that can be administered through an
14 expedited process **,** such as developing procedures for the
15 electronic submission of permit applications **;** **or**

16 **May be** (2) those permits that are obsolete, **are** no longer
17 necessary, or cost more to administer than the benefits they provide,
18 and thus should be eliminated so long as the public health, safety, or
19 general welfare is not endangered ;

20 (3) those permits that can have their period of validity extended
21 one or more years beyond the scheduled termination date without
22 significant disruption to the efficiency or work of the State agency;
23 and

24 (4) those permitting procedures that can be better facilitated
25 through the increased incorporation of computer-based technology,
26 such as the Internet, or that can be completed online.

27 b. The head of each State agency shall include, as part of the
28 comprehensive written review required by subsection a. of this
29 section:

30 (1) a description of the recent actions that have been taken by
31 the State agency to:

32 (a) eliminate obsolete permits;

33 (b) extend the period of validity associated with non-obsolete
34 permits;

35 (c) expedite the State agency's permitting procedures;

36 (d) facilitate the enhanced use of computer-based and Internet
37 technology in such procedures; and

38 (e) increase the number of permitting procedures that can be
39 completed online;

40 (2) recommendations and explanations as to which of the State
41 agency's remaining permits should be eliminated on the basis of
42 their obsolescence, and which of the State agency's remaining
43 permits should have their period of validity extended beyond their
44 scheduled termination date;

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 (3) recommendations and explanations as to which of the State
2 agency's remaining permitting procedures should be revised or
3 simplified in order to further expedite the issuance of permits by the
4 State agency and increase the use of computer-based technology,
5 such as the Internet, in the State agency's permitting procedures;

6 (4) an assessment identifying the probable impact that each of
7 the changes recommended pursuant to paragraphs (2) and (3) of this
8 subsection would have on the State agency, and on businesses,
9 commercial enterprises, and the general public, including impacts
10 on public health, safety, and the general welfare; and

11 (5) the identification of those rules, regulations, and statutes
12 administered by the State agency that would need to be revised or
13 eliminated in order to effectuate the changes recommended pursuant
14 to paragraphs (2) and (3) of this subsection .

15 **【Each】** c. Upon completion of the comprehensive written
16 review pursuant to subsection a. of this section, the head of each
17 State agency shall **【provide notice】** submit the review to the
18 Secretary of State or other State officer or employee designated by
19 the Governor pursuant to section 3 of P.L.2011, c.34 (C.52:14B-28)
20 **【of its identification of permits that can be administered through an**
21 expedited process or may be obsolete, and its actions taken or
22 recommended to be taken to expedite permitting and its actions
23 taken or recommended to be taken to eliminate obsolete permits**】.**

24 (cf: P.L.2011, c.34, s.2)

25
26 2. Section 5 of P.L.2011, c.34 (C.52:14B-30) is amended to
27 read as follows:

28 5. a. **【The】** On or before March 1 of each year, the
29 Secretary of State , or other State officer or employee designated by the
30 Governor pursuant to section 3 of P.L.2011, c.34 (C.52:14B-28) ,
31 shall submit a report **【annually , on or before March 1】** to the
32 Governor and **【to the Legislature】** , pursuant to section 2 of
33 P.L.1991, c.164 (C.52:14-19.1), **【concerning】** to the Legislature,
34 summarizing the information contained in the comprehensive
35 written reviews that have been submitted by the various State
36 agencies pursuant to section 2 of P.L.2011, c.34 (C.52:14B-27). In
37 particular, each annual report shall include :

38 (1) **【Permits identified pursuant to section 2 of P.L.2011, c.34**
39 **(C.52:14B-27) as either being able to be administered through an**
40 **expedited process or obsolete, and**】** a summary of the actions that
41 have been taken **【or recommended to be taken to implement**
42 expedited processes or**】** by each State agency during the preceding
43 year to:**

44 (a) eliminate obsolete permits ;

45 (b) extend the period of validity associated with non-obsolete
46 permits;

47 (c) expedite the State agency's permitting procedures;

1 (d) facilitate the enhanced use of computer-based and Internet
2 technology in such procedures; and

3 (e) increase the number of permitting procedures that can be
4 completed online ;

5 (2) **【The】** a description of the remaining permits that each State
6 agency has identified as being obsolete and conducive to
7 elimination;

8 (3) a description of the remaining permits that each State agency
9 has indicated could have their period of validity extended beyond
10 the scheduled termination date;

11 (4) a description of the remaining permitting procedures that
12 each State agency has identified as being conducive to revision,
13 simplification, or the greater incorporation of computer-based
14 technology, such as the Internet;

15 (5) the identification, by name, of the counties and
16 municipalities that are participating in cooperative and
17 contemporaneous handling of business permits and approvals
18 pursuant to section 3 of P.L.2011, c.34 (C.52:14B-28);

19 **【(3)The】** (6) the identification, by name and project, of the
20 specific employees that have been assigned as designated contact
21 persons to specific projects [, by project,] pursuant to section 4 of
22 P.L.2011, c.34 (C.52:14B-29), as well as a summary of actions that
23 have been taken on behalf of each project, and **【outcomes】** a
24 description of the outcome of each project that was completed
25 during the preceding year; and

26 **【(4) Other】** (7) any information pertaining to other matters as
27 the Secretary of State or the Governor's designee may find material.

28 b. The annual report required by subsection a. of this section
29 shall be posted on the Department of State web site.

30 c. After due consideration of the annual report submitted in
31 accordance with subsection a. of this section, the Governor shall:

32 (1) direct the head of each State agency to make such changes to
33 the State agency's permitting systems as may be appropriate,
34 pursuant to current rules, regulations, and statutes, in order to
35 effectuate those parts of the report the Governor deems necessary;

36 (2) issue such Executive Orders as the Governor believes
37 appropriate in order to effectuate those parts of the report the
38 Governor deems necessary; and

39 (3) seek from the Legislature changes in the statutory law,
40 including the amendment, repeal, or supplementation of various
41 statutes as the Governor believes appropriate, in order to effectuate
42 those parts of the report the Governor deems necessary.

43 d. The head of each State agency shall adopt such rules and
44 regulations, pursuant to the "Administrative Procedure Act,"
45 P.L.1968, c.410 (C.52:14B-1 et seq.), and perform such duties, as
46 the head of the State agency may deem necessary, in order to
47 effectuate the changes that are sought by the Governor pursuant to

1 subsection c. of this section.

2 (cf: P.L.2011, c.34, s.5)

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4 3. This act shall take effect immediately.

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STATEMENT

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9 This bill would expand and strengthen the provisions of
10 P.L.2011, c.34 (C.52:14B-26 et seq.), which currently requires each
11 State agency to undertake a periodic review of permits issued by
12 these agencies, in order to identify permits that are obsolete or that
13 could be administered through an expedited procedure.

14 The bill would require the head of each State agency, in
15 conducting a periodic comprehensive written review of the permits
16 issued by that agency, to identify:

17 (1) those permits that can be administered through an expedited
18 process;

19 (2) those permits that are obsolete, are no longer necessary, or
20 cost more to administer than the benefits they provide, and thus
21 should be eliminated so long as the public health, safety, or general
22 welfare is not endangered;

23 (3) those permits that can have their period of validity extended
24 one or more years beyond the scheduled termination date without
25 significant disruption to the efficiency or work of the State agency;
26 and

27 (4) those permitting procedures that can be better facilitated
28 through the increased incorporation of computer-based technology,
29 such as the Internet, or that can be completed online.

30 The bill would further specify that the head of each State agency
31 must include, as part of each comprehensive written review:

32 (1) a description of the recent actions that have been taken by
33 the State agency to: (a) eliminate obsolete permits; (b) extend the
34 period of validity associated with non-obsolete permits; (c) expedite
35 the State agency's permitting procedures; (d) facilitate the enhanced
36 use of computer-based and Internet technology in such procedures;
37 and (e) increase the number of permitting procedures that can be
38 completed online;

39 (2) recommendations and explanations as to which of the State
40 agency's remaining permits should be eliminated on the basis of
41 their obsolescence, and which should have their period of validity
42 extended beyond their scheduled termination date;

43 (3) recommendations and explanations as to which of the State
44 agency's remaining permitting procedures should be revised or
45 eliminated in order to further expedite the issuance of permits by
46 the State agency and increase the use of computer-based
47 technology, such as the Internet, in the State agency's permitting
48 procedures;

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1 (4) an assessment identifying the probable impact that each of
2 the recommended changes would have on the State agency, and on
3 businesses, commercial enterprises, and the general public; and

4 (5) the identification of those rules, regulations, and statutes
5 administered by the State agency that would need to be revised or
6 eliminated in order to effectuate the recommended changes.

7 The bill would require the Secretary of State, or other State
8 officer or employee designated by the Governor, to post on its
9 Internet website and submit to the Governor and the Legislature, by
10 March 1 of each year, a report that summarizes the information
11 contained in the various State agency comprehensive written
12 reviews. The bill would also require the Governor, after due
13 consideration of the annual report, to: (1) direct the head of each
14 State agency to make such changes to the State agency's permitting
15 systems as may be appropriate, pursuant to current rules,
16 regulations and statutes, in order to effectuate those parts of the
17 report the Governor deems necessary; (2) issue such Executive
18 Orders as the Governor believes appropriate in order to effectuate
19 those parts of the report the Governor deems necessary; and (3)
20 seek from the Legislature changes in the statutory law, including
21 the amendment, repeal, or supplementation of various statutes as the
22 Governor believes appropriate, in order to effectuate those parts of
23 the report the Governor deems necessary. Lastly, the head of each
24 State agency would be authorized to adopt rules and regulations as
25 necessary to effectuate the changes sought by the Governor.

ASSEMBLY COMMERCE AND ECONOMIC DEVELOPMENT
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 3123

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 2, 2014

The Assembly Commerce and Economic Development Committee reports favorably and with committee amendments Assembly Bill No. 3123.

This bill, as amended, revises the law that requires each State agency to periodically review the permits it issues in order to further streamline State permitting procedures and requirements. The bill refines current review requirements that are designed to identify permits that can be administered through an expedited process and permits that are obsolete, are no longer necessary, or cost more to administer than the benefits they provide, and thus should be eliminated. The bill will require State agency reviews to identify: permits that can have their period of validity extended beyond the scheduled termination date without significant disruption to the efficiency or work of the State agency, so long as the public health, safety, or general welfare is not endangered; and permitting procedures that can be better facilitated through the increased incorporation of computer-based technology, such as the Internet, or that can be completed online.

The bill specifically requires the head of each State agency to include, as part of each comprehensive written review:

- (1) a description of the permits;
- (2) a description of recent actions it has taken to:
 - (a) eliminate obsolete permits;
 - (b) extend the period of validity associated with non-obsolete permits;
 - (c) expedite the State agency's permitting procedures;
 - (d) facilitate the enhanced use of computer-based and Internet technology in such procedures; and
 - (e) reduce the number of permits that are backlogged;
- (3) recommendations and explanations as to which of the State agency's remaining permitting procedures should be revised or eliminated in order to further expedite the issuance of permits by the State agency and increase the use of computer-based technology, such as the Internet, in the State agency's permitting procedures; and

(4) identification of rules, regulations, and statutes administered by the State agency that need to be revised or eliminated in order to effectuate the recommended changes.

The bill revises the reporting requirements set forth in current law. The bill would require the Secretary of State, or other State officer or employee designated by the Governor pursuant to law, to report to the Governor and the Legislature, no less than biennially, summarizing the information set forth in each State agency review. Current law requires annual reports.

The bill amends current law by authorizing, rather than directing, the Governor to take certain actions concerning the report. Under the bill, the Governor may direct the head of each State agency to make any changes to the State agency's permitting systems as may be appropriate, pursuant to current rules, regulations, and statutes, and seek from the Legislature changes in the statutory law, in order to effectuate those parts of the report the Governor deems necessary.

COMMITTEE AMENDMENTS:

The committee amendments make this bill identical to Senate, No. 1813 (2R). The amendments delete provisions of the comprehensive written review concerning: (1) increasing the number of permits that can be completed online; (2) requiring recommendations regarding which remaining permits should be eliminated on the basis of their obsolescence, and which of a State agency's remaining permits should have their period of validity extended beyond their scheduled termination date; and (3) an assessment of the probable impact of certain aspects of the review on the State agency, and on businesses, commercial enterprises, and the general public, including impacts on public health, safety, and the general welfare.

The amendments also would revise the requirements of the report, to be provided to the Governor and the Legislature by the Secretary of State, or other State officer or employee designated by the Governor pursuant to law. The amendments would require the report to be submitted no less than biennially, as opposed to annually on or before March 1, as required by current law.

The amendments revise the provisions of the bill directing the Governor to take certain actions concerning the report. The amendments provide that the Governor may, rather than shall, direct the head of each State agency to make any changes to the State agency's permitting systems as may be appropriate, pursuant to current rules, regulations, and statutes, and seek from the Legislature changes in the statutory law, in order to effectuate those parts of the report the Governor deems necessary. The amendments also delete the language directing the Governor to issue Executive Orders.