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**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

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LAW/RWH

# ASSEMBLY, No. 4347

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED DECEMBER 14, 2009

**Sponsored by:**

**Assemblyman LOUIS D. GREENWALD**

**District 6 (Camden)**

**Assemblyman JOSEPH R. MALONE, III**

**District 30 (Burlington, Mercer, Monmouth and Ocean)**

**Co-Sponsored by:**

**Senator Sarlo**

**SYNOPSIS**

Extends expiration date of certain permits pursuant to “Permit Extension Act of 2008.”

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 1/12/2010)**

1 AN ACT concerning the extension of certain permits and approvals  
2 affecting the physical development of property located within the  
3 State of New Jersey, and amending P.L.2008, c.78.

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

7  
8 1. Section 3 of P.L.2008, c.78 (C.40:55D-136.3) is amended to  
9 read as follows:

10 3. As used in this act:

11 "Approval" means, except as otherwise provided in section 4 of  
12 this act, any approval of a soil erosion and sediment control plan  
13 granted by a local soil conservation district under the authority  
14 conferred by R.S.4:24-22 et seq., waterfront development permit  
15 issued pursuant to R.S.12:5-1 et seq., permit issued pursuant to  
16 "The Wetlands Act of 1970," P.L.1970, c.272 (C.13:9A-1 et seq.),  
17 permit issued pursuant to the "Freshwater Wetlands Protection  
18 Act," P.L.1987, c.156 (C.13:9B-1 et al.), approval of an application  
19 for development granted by the Delaware and Raritan Canal  
20 Commission pursuant to the "Delaware and Raritan Canal State  
21 Park Law of 1974," P.L.1974, c.118 (C.13:13A-1 et seq.), permit  
22 issued by the New Jersey Meadowlands Commission pursuant to  
23 the "Hackensack Meadowlands Reclamation and Development  
24 Act," P.L.1968, c.404 (C.13:17-1 et al.), approval of an application  
25 for development granted by the Pinelands Commission and  
26 determination of municipal and county plan conformance pursuant  
27 to the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-1 et  
28 seq.), permit issued and center designations pursuant to the "Coastal  
29 Area Facility Review Act," P.L.1973, c.185 (C.13:19-1 et seq.),  
30 septic approval granted pursuant to Title 26 of the Revised Statutes,  
31 permit granted pursuant to R.S.27:7-1 et seq. or any supplement  
32 thereto, right-of-way permit issued by the Department of  
33 Transportation pursuant to paragraph (3) of subsection (h) of  
34 section 5 of P.L.1966, c.301 (C.27:1A-5), approval granted by a  
35 sewerage authority pursuant to the "sewerage authorities law,"  
36 P.L.1946, c.138 (C.40:14A-1 et seq.), approval granted by a  
37 municipal authority pursuant to the "municipal and county utilities  
38 authorities law," P.L.1957, c.183 (C.40:14B-1 et seq.), approval  
39 issued by a county planning board pursuant to chapter 27 of Title 40  
40 of the Revised Statutes, preliminary and final approval granted in  
41 connection with an application for development pursuant to the  
42 "Municipal Land Use Law," P.L.1975, c.291 (C.40:55D-1 et seq.),  
43 permit granted pursuant to the "State Uniform Construction Code  
44 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), plan endorsement  
45 and center designations pursuant to the "State Planning Act,"

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

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

35 "Environmentally sensitive area" means an area designated  
36 pursuant to the State Development and Redevelopment Plan  
37 adopted, as of the effective date of this act, pursuant to P.L.1985,  
38 c.398 (C.52:18A-196 et al.) as Planning Area 4B  
39 (Rural/Environmentally Sensitive), Planning Area 5  
40 (Environmentally Sensitive), or a critical environmental site; the  
41 Highlands Region as defined in section 3 of P.L.2004, c.120  
42 (C.13:20-3) but shall not include any area designated for growth in  
43 the Highlands regional master plan adopted by the Highlands Water  
44 Protection and Planning Council pursuant to P.L.2004, c.120  
45 (C.13:20-1 et al.); and the pinelands area designated in section 10 of  
46 P.L.1979, c.111 (C.13:18A-11) but shall not include any growth  
47 area designated in the comprehensive management plan prepared

1 and adopted by the Pinelands Commission pursuant to section 7 of  
2 the "Pinelands Protection Act," P.L.1979, c.111 (C.13:18A-8).

3 "Extension period" means the period beginning January 1, 2007  
4 and continuing through **July 1, 2010** December 31, 2012 .

5 "Government" means any municipal, county, regional, or State  
6 government, or any agency, department, commission or other  
7 instrumentality thereof.

8 (cf: P.L.2008, c.78, s.3)

9

10 2. This act shall take effect immediately.

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#### STATEMENT

14

15 Under this bill, the "extension period," as defined in the "Permit  
16 Extension Act of 2008," P.L.2008, c.78 (C.40:55D-136.1 et seq.),  
17 would be extended until December 31, 2012, rather than July 1,  
18 2010 as provided in current law.

19 Thus, under this bill, government approvals, as defined and  
20 extended by the "Permit Extension Act of 2008," would continue to  
21 be valid until December 31, 2012. In accordance with the tolling  
22 provision provided in the "Permit Extension Act of 2008," no  
23 approval would be extended beyond six months after the conclusion  
24 of the extension period, or until June 30, 2013 under this bill.

ASSEMBLY HOUSING AND LOCAL GOVERNMENT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 4347**

**STATE OF NEW JERSEY**

DATED: JANUARY 4, 2010

The Assembly Housing and Local Government Committee reports favorably Assembly Bill No. 4347.

Under this bill, the “extension period,” as defined in the “Permit Extension Act of 2008,” P.L.2008, c.78 (C.40:55D-136.1 et seq.), would be extended until December 31, 2012, rather than July 1, 2010 as provided in current law.

Thus, under this bill, government approvals, as defined and extended by the “Permit Extension Act of 2008,” would continue to be valid until December 31, 2012. 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, 2013 under this bill.

**LEGISLATIVE FISCAL ESTIMATE**  
**ASSEMBLY, No. 4347**  
**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

DATED: JANUARY 15, 2010

**SUMMARY**

- Synopsis:** Extends expiration date of certain permits pursuant to “Permit Extension Act of 2008.”
- Type of Impact:** Loss of potential permit fee revenues to the General Fund and local governments.
- Agencies Affected:** Departments of Environmental Protection, Community Affairs, and Transportation, and State commissions or local governments authorized to approve certain State or local permits.

**Office of Legislative Services Estimate**

<b>Fiscal Impact</b>	<b><u>Year 1</u></b>	<b><u>Year 2</u></b>	<b><u>Year 3</u></b>
<b>State Revenue</b>	Indeterminate revenue loss - See comments below		
<b>Local Revenue</b>	Indeterminate revenue loss - See comments below		

- The bill extends the approval period of certain permits issued by State, county and local government units after January 1, 2007 to December 31, 2012, rather than to July 1, 2010.
- The bill amends the “Permit Extension Act of 2008,” P.L.2008, c.78, that are required for many development, construction and business expansion projects.
- The bill would not extend certain types of approvals or permits issued pursuant to the “Pinelands Protection Act,” “Highlands Water Protection and Planning Act,” “Flood Hazard Control Act,” “Coastal Area Facility Review Act,” and the “Municipal Land Use Law.”
- The Office of Legislative Services (OLS) estimates an indeterminate loss of State and local revenue as a result of the suspension of the approval period authorized by this bill. Other long-term benefits or liabilities to the State’s economy may also be affected by the bill but cannot be quantified at this time.

## **BILL DESCRIPTION**

Assembly Bill No. 4347 of 2009 extends the “extension period,” as defined in the “Permit Extension Act of 2008,” P.L.2008, c.78 (C.40:55D-136.1 et seq.), to December 31, 2012, rather than July 1, 2010 as provided in current law. The proposed extensions apply to permits issued by State, county and local government units after January 1, 2007.

Thus, government approvals, as defined and extended by the “Permit Extension Act of 2008,” would continue to be valid until December 31, 2012. In accordance with the tolling provision 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, 2013 under this bill.

## **FISCAL ANALYSIS**

### ***EXECUTIVE BRANCH***

None received.

### ***OFFICE OF LEGISLATIVE SERVICES***

The OLS estimates that an indeterminate amount of State and local revenue could be lost as a result of the suspension of the approval period for certain permits affected by this bill. Unfortunately, no specific estimates can be calculated at this time because the OLS could not obtain reliable information regarding the number or specific types of permits with approval periods that would be suspended by this bill. The OLS contends that, absent this bill, many affected permittees would be required to reapply for the same or similar permits by July 1, 2010, thereby generating State and local permit fee revenues during FY 2010 and thereafter.

The OLS also notes that the business community has publicly stated that the State’s economy, and therefore tax revenues, would benefit from the proposed permit extension by enabling businesses to avoid costly permit reviews for a few more years, thereby helping this sector remain viable in today’s struggling economy. Conversely, the environmental community has contended that permit renewal on a timely basis is necessary to limit adverse effects on the environment, which could prove costly over time and negate any short-term benefits to the economy achieved by extending current permit approval periods. While both arguments may have validity, it is too soon to evaluate the bill’s impact on either view.

*Section: Environment, Agriculture, Energy and Natural Resources*

*Analyst: Richard M. Handelman  
Senior Fiscal Analyst*

*Approved: David J. Rosen  
Legislative Budget and Finance Officer*

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

**SENATE, No. 3137**

**STATE OF NEW JERSEY**  
**213th LEGISLATURE**

INTRODUCED DECEMBER 10, 2009

**Sponsored by:**

**Senator PAUL A. SARLO**

**District 36 (Bergen, Essex and Passaic)**

**SYNOPSIS**

Extends expiration date of certain permits pursuant to “Permit Extension Act of 2008.”

**CURRENT VERSION OF TEXT**

As introduced.



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2 affecting the physical development of property located within the  
3 State of New Jersey, and amending P.L.2008, c.78.

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20 regulation, or any other government authorization of any  
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23 certification, permission, determination, interpretation, exemption,  
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25 action letter, agreement or any other executive or administrative  
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30 structural alteration, relocation or enlargement of any building or  
31 other structure or facility, or of any grading, soil removal or  
32 relocation, excavation or landfill or any use or change in the use of  
33 any building or other structure or land or extension of the use of  
34 land.

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37 adopted, as of the effective date of this act, pursuant to P.L.1985,  
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S3137 SARLO

4

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6 government, or any agency, department, commission or other  
7 instrumentality thereof.

8 (cf: P.L.2008, c.78, s.3)

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10 2. This act shall take effect immediately.

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STATEMENT

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22 provision provided in the "Permit Extension Act of 2008," no  
23 approval would be extended beyond six months after the conclusion  
24 of the extension period, or until June 30, 2013 under this bill.

SENATE ECONOMIC GROWTH COMMITTEE

STATEMENT TO

**SENATE, No. 3137**

**STATE OF NEW JERSEY**

DATED: DECEMBER 14, 2009

The Senate Economic Growth Committee reports favorably Senate Bill, No. 3137.

Under this bill, the “extension period,” as defined in the “Permit Extension Act of 2008,” P.L.2008, c.78 (C.40:55D-136.1 et seq.), would be extended until December 31, 2012, rather than July 1, 2010 as provided in current law.

Thus, under this bill, government approvals, as defined and extended by the “Permit Extension Act of 2008,” would continue to be valid until December 31, 2012. 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, 2013 under this bill.