Sponsored by:
Assemblyman RUBEN J. RAMOS, JR.
District 33 (Hudson)
Assemblyman JOHN J. BURZICHELLI
District 3 (Cumberland, Gloucester and Salem)
Assemblyman BENJIE E. WIMBERLY
District 35 (Bergen and Passaic)
Assemblyman DECLAN J. O’SCANLON, JR.
District 13 (Monmouth)
Assemblyman CHRIS A. BROWN
District 2 (Atlantic)
Assemblyman JOHN F. AMODEO
District 2 (Atlantic)

Co-Sponsored by:
Assemblywoman Riley, Assemblyman Singleton, Assemblywoman McHose, Senators Whelan, Addiego, Oroho, Beck and Gordon

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

CURRENT VERSION OF TEXT
Substitute as adopted by the General Assembly.

(Sponsorship Updated As Of: 1/10/2014)
AN ACT concerning permits issued by State agencies, and amending P.L.2011, c.34.

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

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

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

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

   b. May be] (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.

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

   (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; and

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

   (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 of the State agency’s remaining permits should have their period of validity extended beyond their 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.
(3) recommendations and explanations as to which of the State agency’s remaining permitting procedures should be revised or simplified 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 changes recommended pursuant to paragraphs (2) and (3) of this subsection would have on the State agency, and on businesses, commercial enterprises, and the general public, including impacts on public health, safety, and the general welfare; 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 changes recommended pursuant to paragraphs (2) and (3) of this subsection.

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

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

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

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

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

(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) increase the number of permitting procedures that can be
completed online;
(2) [The] a description of the remaining permits that each State
agency has identified as being obsolete and conducive to
elimination;
(3) a description of the remaining permits that each State agency
has indicated could have their period of validity extended beyond
the scheduled termination date;
(4) a description of the remaining permitting procedures that
each State agency has identified as being conducive to revision,
simplification, or the greater incorporation of computer-based
technology, such as the Internet;
(5) the identification, by name, of the counties and
municipalities that are participating in cooperative and
contemporaneous handling of business permits and approvals
pursuant to section 3 of P.L.2011, c.34 (C.52:14B-28);  
(3) The [6] the identification, by name and project, of the
specific employees that have been assigned as designated contact
persons to specific projects [by project.] pursuant to section 4 of
P.L.2011, c.34 (C.52:14B-29), as well as a summary of actions that
have been taken on behalf of each project, and [outcomes] a
description of the outcome of each project that was completed
during the preceding year; and
(4) Other [7] any information pertaining to other matters as
the Secretary of State or the Governor’s designee may find material.
b. The annual report required by subsection a. of this section
shall be posted on the Department of State web site.
c. After due consideration of the annual report submitted in
accordance with subsection a. of this section, the Governor shall:
(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.
d. The head of each State agency shall adopt such rules and
regulations, pursuant to the “Administrative Procedure Act,”
P.L.1968, c.410 (C.52:14B-1 et seq.), and perform such duties, as
the head of the State agency may deem necessary, in order to
effectuate the changes that are sought by the Governor pursuant to
subsection c. of this section.
(cf: P.L.2011, c.34, s.5)

3. This act shall take effect immediately.

STATEMENT

This floor substitute for Assembly Bill Nos. 3323 and 3324
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 substitute 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 substitute 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;
and (e) increase the number of permitting procedures that can be
completed online;
(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 substitute 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.