

ASSEMBLY, No. 2184

STATE OF NEW JERSEY

INTRODUCED JUNE 20, 1996

By Assemblymen LeFEVRE and BLEE

1 AN ACT concerning the establishment of review schedules for the
2 issuance of permits by State agencies, providing for a refund of
3 permit fees under certain circumstances, and supplementing Title 52
4 of the Revised Statutes.

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

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9 1. As used in this act:

10 "permit" means any certificate, license, permit, registration or other
11 approval issued by a State agency; and

12 "State agency" means any of the principal departments in the
13 Executive Branch of State government and any division, board,
14 bureau, office, commission or other instrumentality within or created
15 by such department and any independent State authority, commission,
16 instrumentality or agency.

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18 2. a. Within 180 days after the effective date of this act, P.L. ,
19 c. (C.) (now pending before the Legislature as this bill), every
20 State agency shall establish a review schedule for the issuance of any
21 permit authorizing an applicant to engage in an activity regulated by
22 that State agency. The review schedule shall set forth the estimated
23 time required by the State agency to review and take final action on a
24 permit application. The time-frame established for each permit shall
25 correspond to the scope and complexity of the application; the
26 magnitude of potential impacts; the length of time needed for public
27 notice or hearing requirements; the length of time afforded to other
28 government agencies to review and comment on an application prior
29 to final action by the State agency; and such other relevant
30 considerations as may affect the length of time reasonably required for
31 the efficient, effective and equitable processing of, and the taking of
32 a final action on, an application. The State agency may, from time to
33 time, alter particular review schedules in order to effectuate more
34 efficient, effective and equitable review of applications.

35 b. In establishing review schedules, a State agency may consider
36 using the following time-frames: over-the-counter or mail service
37 approvals; 45-day review periods; 90-day review periods; 180-day

1 review periods; review periods in excess of 180 days; or such other
2 specific time-frames as the State agency may deem appropriate.

3 c. Nothing in this act shall be deemed to authorize any change in
4 a review schedule established by law.

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6 3. Upon the failure of a State agency to review and take final
7 action on an application for a permit in accordance with the review
8 schedule established pursuant to the provisions of this act, the State
9 agency shall refund the permit fee to the applicant. If a refund is made
10 to the applicant, the State agency shall continue to process the permit
11 in the same order, and on the same time schedule, in which it would
12 have been processed if there had been no refund.

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14 4. This act shall take effect immediately.

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STATEMENT

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19 This bill provides that every State agency shall establish a review
20 schedule for the issuance of any permit authorizing an applicant to
21 engage in an activity regulated by that State agency. The review
22 schedule shall set forth the estimated time required by the State agency
23 to review and take final action on a permit application. The
24 time-frame established for each permit shall correspond to the scope
25 and complexity of the application; the magnitude of potential impacts;
26 the length of time needed for public notice or hearing requirements;
27 the length of time afforded to other government agencies to review
28 and comment on an application prior to final action by the State
29 agency; and such other relevant considerations as may affect the length
30 of time reasonably required for the efficient, effective and equitable
31 processing of, and the taking of a final action on, an application. The
32 State agency may, from time to time, alter particular review schedules
33 in order to effectuate more efficient, effective and equitable review of
34 applications.

35 In establishing review schedules, the State agency may consider
36 using the following time-frames: over-the-counter or mail service
37 approvals; 45-day review periods; 90-day review periods; 180-day
38 review periods; review periods in excess of 180 days; or such other
39 specific time-frames as the State agency may deem appropriate.

40 Nothing in this act shall be deemed to authorize any change in a
41 review schedule established by law.

42 Upon the failure of a State agency to review and take final action
43 on an application for a permit in accordance with the review schedule
44 adopted pursuant to the provisions of this act, the State agency shall
45 refund the permit fee to the applicant. If a refund is made to the
46 applicant, the State agency shall continue to process the permit in the

1 same order, and on the same time schedule, in which it would have
2 been processed if there had been no refund.

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7 Requires refund of permit fee for State agency failure to issue permit
8 pursuant to review schedule.