

New Jersey Department Of State Permit Review Annual Report

March, 2012



Submitted By

Lt. Governor Kim Guadagno, Secretary of State



THE STATE OF NEW JERSEY



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March, 2012

Dear Governor Christie, Senate President Sweeney, and Speaker Oliver:

I am pleased to submit this report, the delivery of which fulfills the Department of State's obligation pursuant to N.J.S.A. § 52:14B-30(a) and continues our collective efforts to bring about fundamental change in the manner in which business permits are issued.

Over the last year, the Department of State conducted a consolidated and contemporaneous review of State and local agency-issued business permits, identifying those that: could be issued through an expedited process; may be 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; can be issued through an accelerated process; and/or are redundant among different levels of government. The review also encompassed the suggestion of methods to ensure more consistency in permit issuance. The Department of State received valuable input from State departments and agencies, local and municipal government officials, business organizations and associations, businesses, and individuals. Those insights served as the building blocks for this report and the recommendations herein.

This report also identifies those counties and municipalities that participated in a cooperative and contemporaneous handling of business permits and approvals pursuant to N.J.S.A. § 52:14B-28, and the Department of State employees from the Business Action Center who were designated, pursuant to N.J.S.A. § 52:14B-29, as contact persons to specific, large, complex projects having a significant potential employment or investment impact on New Jersey. This report includes the required summary of actions taken on behalf of each project, and outcomes.

If implemented, the recommendations of this report will streamline the issuance of business permits, save businesses time and money, and reduce cumbersome and burdensome "red tape" for those doing and considering doing business in New Jersey. The recommendations presented, however, are just steps in New Jersey's continued efforts to improve the State's business climate, and we remain open to further suggestions and recommendations to improve the permitting process in New Jersey.

Finally, I heartily commend Elizabeth Mackay and Gregory L. Acquaviva for all their efforts in ensuring the timely submission of this report.

Respectfully,

A handwritten signature in black ink that reads "Kim Guadagno". The signature is written in a cursive, flowing style.

Kim Guadagno
Lt. Governor

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I. Introduction

New Jersey possesses an enviable geographic location, a well-developed network of highways, rail lines, airports, and port facilities, superior communication infrastructure, renowned institutions of higher education, and a diverse, highly educated workforce.

Despite those and innumerable other strengths, New Jersey still must compete with our sister states to attract and retain business, and, more important, create and maintain jobs. Against that backdrop, the Administration and the Legislature have reached a bi-partisan consensus to improve New Jersey's business environment and its reputation as a place to establish and grow a business, and create and maintain well-paying jobs.

Employers seeking to bring jobs and economic growth to New Jersey, or maintain or expand business already in the State, suggested that the complex permitting process in New Jersey must be improved. In order to allow New Jersey to better compete with other states, policymakers of both parties believe that business permits must be revised and improved. To such ends, the Legislature passed, and Governor Christie signed, N.J.S.A. § 52:14B-26, et seq., requiring the Secretary of State to conduct a consolidated and contemporaneous review of State and local agency-issued business permits, in order to identify, among other things:

- Permits that can be administered through an expedited process, such as developing procedures for the electronic submission of permit applications;
- Permits that may be 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;
- Permits that can be issued through an accelerated process;
- Permits that are redundant among different levels of State, local, and municipal government;
- Methods to ensure more consistency in permit issuance;
- The counties and municipalities participating in cooperative and contemporaneous handling of business permits and approvals pursuant to N.J.S.A. § 52:14B-28; and
- The specific employees assigned as designated contact persons to specific projects, by project, pursuant to N.J.S.A. § 52:14B-29, a summary of actions taken on behalf of each project, and outcomes.

In addition, N.J.S.A. § 52:14B-30(a)(4) instructed the Secretary of State to report on other matters deemed material to the State's permitting process. During the course of the Department of State's consolidated and contemporaneous review of State and local agency-issued business permits, numerous other related issues were encountered.

This permit review is a natural corollary of other efforts by the Christie-Guadagno Administration to reduce onerous rules, minimize burdensome regulations, and cut red tape. Indeed, immediately after their election in 2009, Governor Christie organized an informal "red tape" transition team to tackle the impediments to economic growth, job creation, and investment in New Jersey. Then, on his assuming office, Governor Christie issued a series of executive orders – Executive Orders No. 1, 2, and 3 – that



among other things, suspended all pending proposed rules, absent enumerated compelling rationales for their continuation through the rulemaking process; enumerated Common Sense Principles for State agency rule-making designed to make the regulatory process understandable, consistent, and predictable, and established a bi-partisan Red Tape Review Group to review all pending and proposed rules and regulations to assess their effects on New Jersey's economy. Finally, in September 2010, Acting Governor Guadagno signed Executive Order No. 41 establishing a permanent, bi-partisan Red Tape Review Commission.

By implementing the recommendations set forth in this report, New Jersey can substantially improve its business permitting process at all levels of government, thereby improving the State's business climate and fostering economic growth and job creation. The recommendations of this report seek to get government out of government's own way. If acted on, the recommendations in this report will not be compromising public health, welfare, environment, or safety standards – standards of paramount importance to all New Jerseyans. Rather, the recommendations will merely eliminate cumbersome red tape, streamline the permitting process, and provide businesses and professionals with more predictable results.



II. Synopsis Of The Permit Review Process

A. N.J.S.A. § 52:14B-26, et seq. is Enacted – March 1, 2011

On March 1, 2011, Governor Christie signed into law N.J.S.A. § 52:14B-26, et seq., legislation that received overwhelming, bipartisan support in both the Senate and Assembly. That statute mandates four actions.

First, N.J.S.A. § 52:14B-27, requires every State agency¹ to review the permits² it issues to identify those permits that: (1) “[c]an be administered through an expedited process, such as developing procedures for the electronic submission of permit applications”; and (2) “[m]ay be 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.” N.J.S.A. § 52:14B-27(a)-(b).

Second, N.J.S.A. § 52:14B-28, requires the Secretary of State to develop a system of consolidated and contemporaneous review of State and local agency-issued business permits for the purpose of accelerating the process of issuing business permits, eliminating redundancy among different levels of State and local government, and ensuring more consistency in permit issuance. To such ends, N.J.S.A. § 52:14B-28 requires the Department of State to adopt regulations to provide for such a consolidated and contemporaneous review of State and local agency-issued business permits. Moreover, the system crafted for the consolidated and contemporaneous review of permits should encourage and incentivize any county or municipality issuing a business permit to voluntarily join in a collaborative effort to manage the permitting process of a business project with any State agency and to jointly agree on a process and schedule for a cooperative and contemporaneous handling of business permits. Importantly, this statutory subsection excluded from its purview business permits issued by any municipality pursuant to the Municipal Land Use Law and permits related to a federally-funded program or project or that is specified or determined by, or pursuant to, federal law or regulation.

Third, N.J.S.A. § 52:14B-29, requires the Secretary of State to designate a Department of State employee to act as a contact person and to be responsible for assisting any business undertaking any large, complex project having a significant potential employment or investment impact and to continue as the point of contact between that business and all appropriate government entities throughout the permit and approval application process. The duties of the designated contact person include: (a) developing a checklist of permits to which the applicable agencies agree; (b) establishing a detailed course of actions and milestones for the permitting or approval process that shall be agreed to by the applicable agencies; (c) reporting any impediments to, or conflicts regarding, milestones to the Secretary of State, and promptly evaluating any disputes, delays, or other issues requiring centralized review; and (d) coordinating as needed with the New Jersey Economic Development Authority to ensure that businesses considering investing in New Jersey receive integrated project management of all State and local agency required permits and approvals.

Fourth, and finally, N.J.S.A. § 52:14B-30, requires the Secretary of State to annually report, on or before March 1, to the Governor and Legislature concerning: (a) permits, identified pursuant to N.J.S.A. § 52:14B-27, able to be administered through an expedited process or obsolete, and actions taken or recommended to be taken to implement expedited processes or eliminate obsolete permits; (b) the counties and municipalities that, pursuant to N.J.S.A. § 52:14B-28, participated in cooperative and contemporaneous handling of business permits and approvals; (c) the specific employees assigned as designated contact persons to specific projects, by project, pursuant to N.J.S.A. § 52:14B-29; and (d) other matters as the Secretary of State may find material. The required report must be posted on the Department of State website.

¹ “State agency” is defined as “any New Jersey principal department or any division, office, agency, or bureau thereof that issues a permit to a business.” N.J.S.A. § 52:14B-26.

² “Permit” is defined as “a permit, license, certificate, registration, compliance schedule, or any other form of permission or approval required by law to be issued by a State agency in order to engage in a business activity, or any other authorization related thereto, whether that authorization is in the form of a permit, approval, license, certification, waiver, letter of interpretation, agreement, or any other executive or administrative decision which allows a business to engage in an activity.” N.J.S.A. § 52:14B-26.



B. Review of State Business Permits

Pursuant to N.J.S.A. § 52:14B-27, on May 19, 2011, the Secretary of State sent a letter to State departments and agencies asking for their assistance in reviewing State-issued business permits. In compliance with N.J.S.A. § 52:14B-27 and the Secretary of State's request, every State department and agency reported back to the Department of State with reports identifying, among other things, permits that "[c]an be administered through an expedited process" and permits that "[m]ay be obsolete, are no longer necessary, or cost more to administer than the benefits they provide."

In addition, the March 5, 2012 edition of the New Jersey Register will contain the Department of State's proposed new rules, N.J.A.C. 15:35-1.1 et seq., implementing N.J.S.A. § 52:14B-28 and codifying this permit review process. To facilitate the Secretary of State's annual permit review, these proposed regulations would require, if adopted in the proposed form, each State agency to annually identify: (1) permits whose issuance may be administered through an expedited process such as the use and/or development of improved technology; (2) permits that may be obsolete, are no longer necessary, or cost more to administer than the benefits they provide; (3) permits the issuance of which may be accelerated; (4) permits that may be eliminated as redundant among different levels of State and local government; (5) recommendations to improve the consistency of permit issuance; (6) a description of actions taken or recommended to be taken to address the foregoing topics; and (7) other relevant issues that relate to permits or the permitting process, as identified by the Secretary of State. The Secretary of State will report annually to the Governor and the Legislature on such topics no later than March 1.

C. Review of Local and Municipal Permits and Creation of Informal Permit Taskforce

In order to review State and local agency-issued business permits for the purpose of accelerating the process of issuing business permits, eliminating redundancy among different levels of State and local government, and ensuring more consistency in permit issuance, the Department of State assembled an informal "Permit Review Taskforce" composed of county and municipal government officials, and officials of the New Jersey Association of Counties and New Jersey League of Municipalities. This informal taskforce met monthly throughout the permit review process, endeavoring to identify redundant and obsolete business permits, contemplate methods of improving the consistency of permit issuance, discuss methods for the acceleration of business permit issuance, and serve as a sounding board for broader, systemic recommendations to the permitting process at all levels of government.

D. Solicitation of Input From Other Stakeholders

The Department of State also sought input on the permitting process from various business organizations and associations, businesses of all sizes throughout the State, and interested residents. The Department of State is grateful for the feedback and suggestions it received, both written and oral.

III. General Recommendations

A. Improve Pre-Proposal Stakeholder Input into New and Amended Permits

In light of Executive Order No. 2, many departments and agencies now routinely engage the regulated community in advance of proposing new or amended regulations to preclude the creation of burdensome rules and/or permits. For example, the Department of Environmental Protection's ("DEP") pre-proposal outreach has been cited as critical to uncovering thorny issues in complex rule proposals concerning regulations governing licensed site remediation professionals ("LSRPs"), 43 N.J.R. 1935(a), public access to tidal waters and shorelines, 43 N.J.R. 772(a), and implementation of the Electronic Waste Management Act, 43 N.J.R. 1935(a). DEP's website has pages devoted to "Stakeholder Workgroup and Public Meeting Schedule" and "Opportunities for Public Comment/Participation Prior to Formal Rulemaking," two efforts to seeking feedback and input that leverage information technology.

Another noteworthy example is the Department of Banking and Insurance's ("DOBI") outreach prior to proposing personal injury protection ("PIP") reforms. Prior to proposing amended regulations, DOBI held more than a dozen pre-proposal outreach meetings or events where at least 150 individuals provided input, including representatives for insurance companies, medical providers, and the bar. Those meetings led to substantive changes, demonstrating that the outreach process works. Consistent with that approach, DOBI continued to meet with interested parties after proposal and, based on that feedback, further refined their amendments.

Agencies must continue to seek input from regulated stakeholders – especially small businesses – prior to creating or revising permits. To do so, agencies must identify opportunities to provide the public with earlier notice of rule proposals. Agencies are encouraged, where appropriate, to create stakeholder advisory committees to flesh out options and make recommendations.

In seeking pre-proposal input, it is important for stakeholders to be at the table, actively involved in the conversation, as opposed to passive members of a listening audience. This process must be a dialogue, not a monologue. Agencies must talk "with" not "to" stakeholders.

Finally, another method to increase stakeholder input is to require regulating agencies to accept comments on proposed regulations via email. The Administrative Procedures Act, specifically N.J.S.A. 52:14B-4(a)(3), requires that agencies shall "[a]fford all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing." Although the statute requires regulatory bodies to accept written comments on proposed rules, it does not require agencies to accept e-mailed comments. Although many agencies already accept emailed and/or electronic comments, some do not. See 43 N.J.R. 2179(a); 43 N.J.R. 2997(a). That antiquated practice should change.

B. Encourage Pre-Application Meetings for Complex Projects

In a similar vein, agencies are encouraged to hold pre-application meetings with applicants associated with complex and/or novel projects. DEP has done so as part of its renewed customer service efforts, and other agencies should follow suit.

In action, such pre-application meetings are reaping benefits. For example, in the past, DOBI rejected non-conforming applications. Now, however, rather than rejecting out-of-hand such applications, DOBI works with applicants and assists in identifying other available avenues towards licensure. This customer service approach has, for some licenses, reduced approval times by 58 percent.



C. Extend the Term of Licenses and Permits

When licensed entities renew their licensure, businesses of all sizes expend substantial resources in submitting their renewal applications by, among other things, devoting staff time to collecting relevant materials, completing forms, and/or preparing for and hosting site inspections. In some instances, licensure renewals are done too frequently, thereby consuming staff resources too frequently. Accordingly, agencies should review the duration of their permits and, where appropriate, extend the terms of permits to lengths that impose the least burden on businesses, while not endangering the public health, safety, or well-being of New Jerseyans. By way of example, the Department of Human Services (“DHS”) recommends extending these one-year licenses to two years.

- Community Residences for Individuals with Developmental Disabilities – N.J.A.C. 10:44A-1.7(a);
- Community Care Residences – N.J.A.C. 10:44B-1.3;
- Community Residences for Persons with Head Injury – N.J.A.C. 10:44C-1.7(a); and
- Outpatient Substance Abuse Treatment Facilities – N.J.A.C. 10:161B.

D. Ensure Permits are Consistent with, and No More Restrictive Than, Parameters of Enabling Legislation

Regulation, by its very nature, has a tendency to go too far. Through slow, incremental over-reaching, many regulations have experienced mission creep, where the promulgated regulations may now exceed the bounds of their statutory authority. Agencies must be cognizant of this phenomenon and, to the extent practicable, not only ensure that all proposed regulations go no further than their enabling legislation allows, but also conduct periodic reviews to avoid regulatory creep.

E. Greater Use of Waivers

Departments are encouraged, consistent with the Common Sense Principles articulated in Executive Order No. 2, to continue their efforts towards adopting regulations to permit waivers from strict compliance, provided that the granting of such waivers is not inconsistent with the core mission of the State agency in question. Policies permitting waivers are necessary to avoid situations where compliance with one permit program results in non-compliance with the requirements of a different permit program. Moreover, waivers provide officials with greater ability to use their sound judgment in such situations.

Two prime examples of the use of waivers are DEP’s and the Division of Consumer Affairs’ (“Consumer Affairs”) agency-wide proposed waiver regulations. To qualify for consideration for a DEP waiver under the proposed rule, DEP must determine that the requirement sought to be waived conflicts with another State rule, application of the rule under the circumstances would be unduly burdensome, there would be a net environmental benefit achieved through the waiver, or there is a public emergency that must be addressed. See 43 N.J.R. 473(a).

Consumer Affairs’ proposal seeks to waive specific regulatory requirements for reasons of undue hardship. See 43 N.J.R. 1816(b). A waiver would be permissible when strict compliance would lead to an unfair, burdensome, or incongruous result, conflict with the rules of another agency, or result in undue hardship, economic or otherwise.

F. Require Departments to Post Laws and Current and Pending Regulation Online

To improve accessibility to businesses – specifically small business – seeking to comply with State laws and regulations, departments should provide on their homepages links to laws and regulation. By providing ready access to the statutes and regulations governing New Jersey’s citizens, businesses, and regulated entities, departments and agencies will facilitate understanding of and compliance with their laws and rules, as well as the Common Sense Principle from Executive Order No. 2 of valuing compliance over the punitive imposition of penalties for violations.

Many stakeholders have applauded DEP’s website which enumerates its governing and proposed regulations. To be sure, and based on feedback provided during this permit review, the Department of State (“DOS”) is similarly developing a website devoted to its governing laws and regulations.

G. Reduce / Waive Permit Costs for Certain Job Creating Economic Development

In addition to the State, policymakers at all levels of government should explore incentivizing economic development by reducing or waiving permit fees, costs, and expenses for economic development projects that will result in specified permanent, full-time employment. With appropriate oversight and applied in carefully circumscribed situations, such a program could be a valuable tool to entice economic development in targeted municipalities and regions.

H. Abolish, Merge, and/or Consolidate Licenses, Certificates, Boards, and Staff

In 1971, the Professional and Occupational Licensing Study Commission, chaired by Senator Raymond H. Bateman, recommended four criteria for determining when New Jersey should license professions and occupations. Pursuant to the “Bateman Criteria,” professions should be licensed when: (1) the unregulated practice can clearly harm or endanger the health, safety and welfare of the public and when the potential for such harm is easily recognizable and not remote or dependent upon tenuous arguments; (2) the public needs, and will benefit by, an assurance of initial and continuing professional and occupational ability; (3) the public is not effectively protected by other means; and (4) it can be demonstrated that licensing would be the most appropriate form of regulation.

In its April 19, 2010 Findings and Recommendations, the Red Tape Review Group encouraged a study to determine whether the 40-plus boards and committees regulating more than 80 professions and occupations within Consumer Affairs should be abolished or consolidated. To such ends, Consumer Affairs has consolidated the staff of many of its like boards into teams in an effort to streamline its organization and deliver improved customer service. For the benefit of its licensees, Consumer Affairs must continue to streamline its organization.



I. Sunset Provision on the Creation of New Boards, Licenses, and Certificates

To ensure that newly created boards, licenses, and certificates are necessary, policymakers should consider mandating the sunset of any newly created occupational board, license, permit, or certificate seven years after its creation, absent statutory reauthorization. By requiring the Legislature to re-examine additional occupational licensure following the passing of a reasonable period of time, the Legislature can ensure that the State is not over regulating. In so doing, the Legislature can examine the amount of licenses issued, the quantity and quality of disciplinary action, whether national organizations and/or associations have, in the interim, filled the regulatory vacuum, etc., and whether State regulation remains necessary, viable, and the best way to ensure the public's health, safety, and well being. Importantly, such a sunset provision would not be designed to automatically eliminate a newly created board, license, or certificate, but rather to empower the Legislature to objectively examine the newly created board, license, or certificate and assess its substance and, potentially, offer new and better methods, procedures, or practices to improve outcomes.

J. Increased Usage of Alternative Dispute Resolution

Alternative dispute resolution ("ADR") refers to various dispute resolution processes and techniques, such as negotiation, arbitration and mediation, that serve as a mechanism to resolve disputes among parties without resorting to litigation. ADR has become a popular form of dispute resolution due to the substantial expense – both in time and money – that litigation often engenders. These costs, which exist both in traditional litigation in State and/or federal court as well as in proceedings before administrative law judges, have led departments, including DEP, to encourage parties to make greater use of ADR. Not only do regulated entities save time and money, but they also have more meaningful and effective communication with their regulators, all in the confines of a confidential forum. Agencies are encouraged to greater utilize ADR to bring disputes to more timely resolutions.

IV. Expedited Process For Permit Issuance

A. Increased Usage of Online Permitting

Technology is the enemy of bureaucracy. As such, all governments – State, local, and municipal – are encouraged to increase the availability of electronic permitting. Electronic permitting offers myriad benefits to all stakeholders. Most obviously, electronic permitting expedites permit and licensure issuance, thereby allowing shovels to get in the ground quicker and people to work sooner. Electronic permitting is less expensive for the regulated community, as copying, printing, transportation, and postage costs are minimized, if not erased. The government also benefits from electronic permitting. By accepting applications online, government employees are freed from the ministerial tasks of tackling mountains of paperwork and organizing endless filing cabinets and instead can provide improved customer service and/or greater oversight of other substantive areas. Finally, electronic permitting benefits the environment by reducing the use of numerous resources, not limited to the paper used to create the applications and gas used to transport them.

The State has made great strides in e-permitting and e-licensing over the last two years. A few examples prove the point. Spurred by testimony at a Red Tape Review Commission public hearing, Consumer Affairs is transforming its once paper-driven licensure and re-licensure procedures to an electronic system. Currently, all license renewals for professional boards within the Division are online, as are all license searches. Indeed, over 95 percent of all license renewals are submitted online. With respect to initial licensure, pharmacy technicians are completely online. Plans are in place to make initial license applications completely online for pharmacists, nurses, and cosmetologists, with all other initial licensure applications to follow. Importantly, prospective licensees will be able to track their applications online.

The Urban Enterprise Zone (“UEZ”) program at the Department of Community Affairs (“DCA”) is also completely online, from the initial application to tax payments to reports once the business is established. In the old, paper-based process, applicants for the UEZ program were required to submit copies of their documents of formation and business registration in addition to the application. Now business certification is automatic and applicants need to only complete their applications online.

A final example of success in this regard is DEP’s Electronic Permitting Standard Operating Procedures implemented for the Division of Water Quality. During pilot testing of these procedures, one permitting bureau saved over 7,100 pages from being printed and 132 “snail mailings” of more than 4,800 pages. Those savings were incurred on a mere five final permit actions, three draft permit actions, and 18 notices of authorization. The data bears it out. Electronic permitting leads to results.

Work remains, however. Appendix A includes a representative list of permits that are not yet online.

Not only should license applications be online, but putative licensees should be able to receive and print their licenses online. For example, during the course of this permit review, DOBI transformed its system for real estate licensees so that applicants, in addition to paying online, can print their licenses themselves, rather than waiting for DOBI to print and mail them.

Similarly, the foregoing electronic filing concerns apply to requests for proposals (“RFPs”). To the greatest extent practicable, agencies soliciting RFPs should transmit RFPs and accept bids and payments electronically, rather than in hard copy, eliminating the substantial copying costs and staff resources devoted to compiling numerous hard copy submissions. When an agency notifies interested, potential bidders of RFP announcements, those electronic communications should include an Internet link making that RFP instantly available, thereby eliminating any requirement that a bidder separately contact the State via phone or in person.



An example highlights how burdensome RFP submission in hard copy can be and how amenable agencies have been to implementing streamlined procedures. The Department of Children and Families (“DCF”) RFP for Residential Treatment Center Intensity of Services required the submission of: one signed, original proposal; ten photocopies of the proposal; and an electronic copy on CD-ROM. What’s more, the RFP proscribed the fastening of the hard copies (prohibiting loose-leaf binders, plastic sleeves, and folders). Due to testimony to the Red Tape Review Commission, DCF agreed, going forward, to migrate all RFP bid acceptance online.

In short, all levels of government should invest in information technology. By receiving and delivering permits, RFPs, and bids electronically, business will be able to save time and money.

B. Greater Electronic Communication

In addition to migrating permitting and procurement online, agencies should maximize the efficiencies of email and the Internet by encouraging greater electronic communication between staff and permit applicants to reduce delay and cost effectively serve as the formal record of correspondence. Permitting entities should require that email addresses for permit applicants and other relevant parties be provided in applications and should notify applicants by email of relevant developments, including application deficiencies. But, this is not a one-way street. Agencies should make their staff’s email addresses more accessible to the regulated community. To the greatest extent possible, the regulated community should be able to electronically submit any and all communications electronically including, but not limited to, regular reporting and/or payment of fees.

C. Eliminate Unnecessary Fee Collection Processes

Licensees that provide services via contracts with State agencies often must remit licensure fees to those same agencies. In such circumstances, the licensing entity should consider deducting the cost of the license from the value of the contract. From the State’s perspective, such a reduction of the contract amount may eliminate the costs associated with processing fees and may produce cost savings through the elimination of unnecessary fee collections process. And, from a business’s perspective, such a procedure will eliminate the payment of one bill and the staff time devoted to payment and documentation of such.

D. Maximize Performance Outcomes to Reduce Waiting Times

During the course of this permit review and prompted, in part, by testimony to the Red Tape Review Commission, Consumer Affairs undertook a substantial project to improve the outcomes for licensed nurses seeking guidance from the Board of Nursing. Specifically, the Board outsourced its call center services to a third-party, non-profit organization to handle the thousands of monthly calls received from prospective and licensed nurses. This initiative led to tremendous results. Now, approximately 95 percent of phone calls are resolved on the initial call – a substantial and significant benefit for the approximately 200,000 licensed nurses. Moreover, by outsourcing the call center and its heavy volume of calls, the nursing staff has more time to concentrate on applications, complaints, complex inquiries, and Board meetings.

V. Permits And Permit Processes Identified As Obsolete, No Longer Necessary, Or Costing More To Administer Than The Benefits They Provide

Over the last two years, the State eliminated numerous obsolete, unnecessary, and archaic permits and permit processes. For example, the Motor Vehicle Commission (“MVC”) proposed repealing N.J.A.C. 13:21-12.6, which prohibits the use of any farm vehicle, implement, machinery, and/or load that exceeds 12 feet in width or 60 feet in length from operating on Sundays and holidays. See 43 N.J.R. 1853(a). This regulation was a relic of a bygone era, when Blue Laws were common and commerce was severely restricted on Sundays. Moreover, when enacted, there was a concern that large farm vehicles would pull overhead utility poles down on days when utility crews were unavailable for repairs. Today, however, this restriction is an impediment to agriculture.

In addition, MVC repealed N.J.A.C. 13:20-30.5(d). That regulation provides that “[a]ny school bus that has been declared and marked ‘out-of-service’ shall not be operated until all ‘out-of-service’ repairs have been satisfactorily completed.” The regulation continued to provide that an out-of-service vehicle may be towed by a vehicle using a crane or hoist. In response to stakeholder input, MVC amended N.J.A.C. 13:20-30.5 to allow a school bus marked out-of-service to be driven to reinspection after repairs are made, but prohibiting the transport of passengers on such buses until a reinspection indicates that all required repairs have been completed. This amendment allows school bus operators to avoid the cost and inconvenience of towing a bus in for reinspection, while ensuring the safety of school-aged children. MVC amendments free operators from the State’s micro-managing of the color, size and letters on school buses, and bus grilles may now be black, rather than only chrome, silver or “National School Bus Yellow.”

Likewise, the following statutes and regulations are candidates for review and amendment or repeal.

A. License for Non-Resident to Sell Silverware or Jewelry at Auction, N.J.S.A. § 45:17-4

Enacted in 1911, N.J.S.A. § 45:17-4 provides that “[n]o nonresident person or corporation shall sell silverware or jewelry at auction in this state without first obtaining a license.” The statute outlines a licensure process that requires nonresident auctioneers to apply to a municipal clerk for a license costing \$100. No such licensure applies to resident persons or corporations.

B. Bidder Classification Threshold for Board of Education, N.J.S.A. § 18A:18A-26

This statute provides that every board of education shall require that all persons proposing to bid on any contract requiring public advertisement for bids where the entire cost shall exceed \$20,000 be classified. Enacted in 1977, the statute initially set the threshold at \$10,000. The threshold was adjusted to \$20,000 in 1983 to account for inflation. Although, accounting for inflation, that threshold is now more in the order of \$45,000, the threshold has not been adjusted since 1983.

C. Smart Moves for Business Program, N.J.A.C. 16:50-1.1, et seq.

These regulations govern the Department of Transportation’s (“DOT”) Smart Moves for Business Program which encourages New Jersey employers to voluntarily implement programs that reduce work-related vehicle trips and vehicle miles traveled to worksites. Participating employers are required to register with DOT and submit a Smart Moves for Business Program Narrative. DOT identified these regulations as no longer necessary.



D. Certificate of Public Convenience and Necessity

A vestige from when bus service was a public utility, bus operators in New Jersey are required to submit a 20-page application for a Certificate of Public Convenience and Necessity and file annual reports and financial information. MVC has formed a Passenger Transportation Advisory Council consisting of members of the transportation industry, both public and private, federal, state, and local to examine this and other requirements. See N.J.S.A. § 48:4-1; N.J.S.A. 48:2-56.6; N.J.A.C. 16:51-3.1, et seq.

E. Sun Screening Provider Licensure, N.J.S.A. § 39:3-75.1, et seq., N.J.A.C. 13:20-1.1, et seq.

MVC enforces N.J.S.A. § 39:3-75.1, et seq. and N.J.A.C. 13:20-1.1, et seq., which require the licensing of providers of medically necessary sun screening (window tint) to ensure that only those with a medical exemption card can have windows tinted to a specified translucence. The application process is comprehensive, and there are only six licensed window tint providers in the State. Moreover, it is the responsibility of the driver to tint the windows only to the authorized translucence. When stopped by law enforcement for window tinting, it is the driver's responsibility to present authorization for the medically necessary tinting. Because there is no crucial reason why the tinting must be done by a licensed window tinter, this license should be eliminated.

F. Recommendations of the New Jersey Law Revision Commission

In July 2011, the New Jersey Law Revision Commission issued a Draft Tentative Report Relating to Repeal of Anachronistic and Invalid Statutes. According to the Law Revision Commission, "[m]any" of the statutory provisions identified "continue to look like valid law. Removal of some of these provisions serves the function of removing ambiguities from the law." The following are among the recommendations affecting business.

1. Employment and Movement Restrictions of People Infected with Venereal Diseases, N.J.S.A. § 26:4-42 to -45

These sections prohibit "person[s] having a venereal disease in the infectious stage" from engaging in certain occupations and impose restrictions on their movement without a permit.

2. Termination of Private Turnpike and Plank Roads, N.J.S.A. § 48:18A-1 to -4

This law provides procedures for the termination of private turnpike and plank road companies. No such companies remain in New Jersey.

3. Guest Registers for Hotels of Ten or Fewer Rooms, N.J.S.A. § 29:4-1 to -4

These sections require hotels containing ten or fewer rooms to keep and preserve a guest register. The guest register must contain the guest's name, address, room occupied, and license plate number. These requirements, however, apply only to hotels of ten or fewer rooms.

4. Miller Requirements, N.J.S.A. § 45:20-1 to -3

These sections limit fees charged by millers of grain and require millers to have, on premises, specific items, such as a standard bushel measure and a strike to level the grain in it.

5. Regulation of Ferries and Steamboats, N.J.S.A. § 48:8-1 to 17

These sections regulate ferries and steamboats. In light of modern concerns, some of the enumerated requirements are outdated.

6. Placement of Freight Cars in Passenger Trains, N.J.S.A. § 48:12-158

This law prohibits the placement of a freight car at the rear of a passenger car in a passenger train.

7. Regulation of Hospitals for Communicable Diseases,
N.J.S.A. § 30:9-28, -29, -35 to -44.3, -61 to -69, -70 to -81, -85 to -86

These sections regulate county and municipal hospitals for communicable diseases. No such institutions currently exist in New Jersey.

G. Check Cashers, N.J.S.A. § 17:15A-41(e)

This statutory subsection provides that no check casher “office or mobile office shall be located within 2,500 feet of an existing office or mobile office.” Although the Supreme Court of New Jersey has concluded that this provision is rationally related to ensuring the stability of the check cashing industry and to protect consumers, see *Roman Check Cashing, Inc. v. Dept. of Banking & Ins.*, 169 N.J. 105 (2001), this provision nonetheless serves as an artificial and arbitrary barrier for businesses seeking a toehold in a given geographic location.

H. Mortgage Companies, N.J.A.C. 3:15-1.5(a)

This regulation unnecessarily limits, to three, the amount of “doing business as” names that may be utilized by a mortgage company.

I. Sales Finance Companies and Motor Vehicle Installment Sellers, N.J.S.A. § 17:16C-1(a)

Passed in 1960, this license applies only to sales finance companies issuing loans for goods valued under \$10,000. That dollar amount, which has not been amended since 1980, should be revisited to more accurately comport with modern economic realities. Accounting for inflation, the figure today should be approximately \$27,400.

J. Door Prize Raffles for Non-Profits, N.J.S.A. § 5:8-51(c)

Last amended in 1955, N.J.S.A. § 5:8-51(c) provides that a non-profit must obtain a license from the Legalized Games of Chance Control Commission (“LGCCC”) for door prizes valued at \$50 or more. Accounting for inflation, that threshold today is better pegged at upwards of \$400. In addition, the statute does not permit LGCCC to set forth the appropriate threshold via regulation, thereby requiring legislative action to adjust the threshold in view of passage of time and/or economic realities.

N.J.S.A. § 5:8-51(c) has two other problematic components. First, the statute requires any door prize be wholly donated – a proscription that prohibits a non-profit from purchasing an item to raffle. Second, the statute prohibits a non-profit from holding games of chance other than a door prize raffle at an event.



Overly proscriptive door prize raffle rules, however, are not limited to statutory requirements. For example, N.J.A.C. 13:47-8.15(a)(8) provides that a non-profit conducting a door prize that does not require a license must still provide notice of such to the municipal clerk. Thus, although the Legislature has deemed such a door prize insignificant enough to warrant licensure, a non-profit must still file paperwork with a municipality regarding small door prizes.

K. Raffle Restrictions on Non-Profits, N.J.A.C. 13:47-6.11(a)(5)

This regulation limits off-premises 50/50 cash draw raffles to one per month. Although adequate for many local non-profits, it can prove unduly restrictive for larger non-profits with a statewide footprint.

L. Eliminate Fees Associated with Clerical Errors

Based on an email inquiry to the Red Tape Review Commission's dedicated email account, DOS learned of a limited liability company whose business registration contained a typo – an omitted letter from a member's name. Unfortunately, N.J.S.A. § 42:2B-65(a)(5) contains an unwaivable \$100 fee for the correction of a certificate of formation – regardless of how minute the correction may be. That law seems to run afoul of the spirit of the Common Sense Principles of Executive Order No. 2. Thus, policymakers should consider amending this and other similar statutory and regulatory provisions to provide that such fees for clerical errors and typos may be waived in the discretion of an appropriate government official.

M. Reduce Seasoning Requirements for Life and Health Insurance Licensees

As part of the admissions process for life and health insurance licensees, companies must meet seasoning requirements (such as specific surplus levels, solvency, and other consumer protections) for a period of time when they enter the New Jersey marketplace. See, e.g., N.J.S.A. § 17B:23-1, et seq.; N.J.S.A. § 17:32-1, et seq. After a specified period of time (often three years), these requirements are eliminated. Importantly, DOBI has the ability to waive or reduce certain seasoning requirements after considering numerous factors.

Because many life and health insurance licensees apply for and are granted waivers, DOBI should examine ways to reduce the seasoning requirements – thereby reducing the need for companies to seek and be granted waivers.

N. MacBride Principle Requirements, N.J.S.A. § 52:34-12.2

To be considered for a State contract, a vendor must certify that it has “no business operations in Northern Ireland” or that it “will take lawful steps in good faith to conduct any business operations [it has] in Northern Ireland in accordance with the MacBride principles of nondiscrimination in employment.” N.J.S.A. § 52:34-12.2; see also N.J.A.C. 17:12-2.2(a). To eliminate red tape, the Legislature should seek to modify this outdated statute so that this requirement for RFPs can be simplified or dropped.

VI. Accelerated Permit Issuance

A. Streamline Reciprocity Licensure

1. Full-Streamlined Reciprocity and Licensure by Credentials for Occupational Licensees

In an effort to protect the public health, safety, and welfare, licensure has increased dramatically in New Jersey. Unfortunately, this growth has not been uniform, as the Legislature has enacted licensure laws with diversely worded language and the various licensing entities have crafted regulations that put their own stamp on their profession. This lack of uniformity is particularly noteworthy in the context of reciprocity and licensure by credentials among those professional occupations regulated by the professional boards within Consumer Affairs. Streamlined reciprocity and licensure by credentials for out-of-state licensees seeking to work, do business, and create jobs in New Jersey, will allow for further cross-training of staff, simplifying the granting of licenses, and freeing up staff to work on other matters. And, because any out-of-state licensee has already been licensed by another state or territory with substantially similar requirements, this streamlining can be accomplished at little to no risk to the public's health, safety, and welfare. Thus, appropriate reciprocal licensure would be a win for the economy, a win for reducing government largesse, and a win for the public.

To the extent full, streamlined reciprocity and licensure by credentials is not and/or cannot be provided for all occupational licenses regardless of the licensing entity, policymakers should, on a license by license basis, consider relaxing restrictions on and providing for full, streamlined reciprocity and licensure by credentials for all out-of-state licensees in good standing subject to a licensing regime in another state or territory with substantially similar requirements. A representative list of licenses with imperfect or non-existent reciprocity appears at Appendix B.

2. Particularly Onerous Reciprocity Provisions

A few licensing entities impose particularly onerous requirements on reciprocal licensee applicants and deserve brief mention here.

a. Veterinarians

It is substantially more difficult for an out-of-state licensed veterinarian to become licensed in New Jersey than it is for an initial applicant. N.J.S.A. § 45:16-7.2 enumerates five requirements for a reciprocal license: (1) passage of the New Jersey jurisprudence examination; (2) possession of a license in good standing in another state with substantially equivalent educational and examination requirements; (3) passage of enumerated, nationally recognized examinations; (4) active practice of clinical veterinary medicine for at least three of the five years preceding application; and (5) possession of either: (a) a degree accredited by the American Veterinary Medical Association; (b) a certificate issued by the Education Commission for Foreign Veterinary Graduates; or (c) a demonstration that such was not required by their state of licensure at the time of licensure. Importantly, with respect to the fourth requirement above, there is no similar practice requirement for initial applicants. See N.J.S.A. § 45:16-7.

The regulations, however, impose more requirements. In addition to the five foregoing statutory requirements, the regulations require the applicant to: (1) have held a valid, unsuspended and unrevoked license for five years immediately preceding application; and



(2) demonstrate no basis for concern as to competency or fitness. N.J.A.C. 13-44:1.4(a). Those requirements are not grounded in statutory language and are particularly troubling because no such requirements exist for initial applicants.

Moreover, N.J.A.C. 13-44:1.5 requires an out-of-state licensee to submit three notarized certifications of experience from actively licensed and practicing veterinarians that, *inter alia*, “provide a critical evaluation of the applicant’s ability to practice.” Again, no such requirement applies to initial applicants.

In addition, under the current paradigm, while an out-of-state licensee is proceeding through the reciprocal license application process, he or she may work as a temporary licensee. See N.J.A.C. 13-44:2.2. However, a temporary licensee must practice under the supervision of a licensee – a rule that effectively bars an out-of-state licensee from immediately working as a solo practitioner. This regulation is overly burdensome and can have absurd consequences. Consider the hypothetical of the dean of veterinary medicine at an out-of-state university leaving academia to “hang his own shingle” in New Jersey. Such an individual would be unable to practice as a solo practitioner and would be subject to supervision by, potentially, a former student or far less experienced veterinarian.

b. Certified Court Reporters

The State Board of Court Reporting provides for only “temporary” registration as a court reporter for out-of-state licensees. N.J.A.C. 13:43-2.2. Numerous restrictions exist. For example, a temporarily registered court reporter may only work when a registered court reporter is “unavailable” and only where the employer contacts five court reporting agencies to seek an available certified court reporter and records those five contacts in a detailed affidavit that must be retained for three years. N.J.A.C. 13:43-2.3(a) (further providing that the affidavit must be made available to the Board of Court Reporting within two days of a written request). A temporary court reporter is also limited to a maximum of three years of temporary status. N.J.A.C. 13:43-3A.4(b).

c. Professional Engineers

N.J.S.A. 45:8-35 requires both initial licensees and comity licensees to provide five references, three of which must be from licensed engineers. N.J.A.C. 13:40-2.13 enumerates various requirements for such references, including that the reference contain the applicant’s “Board assigned number,” that no references over one year old will be accepted, and that “[r]eferences shall attest whether the applicant is qualified to be placed in responsible charge.” The State Board of Professional Engineers and Land Surveyors will not accept a comity license applicant’s letters of reference on file with the National Council of Examiners for Engineering and Surveying (“NCEES”) because such letters are not detailed enough and do not meet the strictures of the regulation.

B. Impose the Least Burden and Cost to Businesses, Including Paperwork and Other Compliance Costs

In accordance with Executive Order No. 2, departments and agencies must require submission of the minimum amount of information necessary to administer their rules.

An example of this principle in action is MVC's plans to streamline the process for a business to obtain a Corporation Code ("Corp Code"), a change prompted by an email inquiry to the Red Tape Review Commission's devoted email account. A Corp Code is issued so that a business can title and register a vehicle or vehicles in the name of a business instead of an individual. Currently, an application takes several days to process and requires a representative of the business to obtain an application (online or at an agency) and to provide: 6 points of identification; a taxpayer ID number; proof that the company is legally registered to do business in New Jersey (such as a Certificate of Authority, Certificate of Formation, and/or Certificate of Incorporation), official company letterhead with the company legal name and official address; lease or property tax statement; and a notarized power of attorney on company letterhead.

To expedite and streamline the process, MVC will require less documentation. Specifically, MVC will limit the required documentation to only: the primary 6 point identification document; social security number; the business name and location; and a tax ID number.

Similarly, the Department of Labor and Workforce Development ("LWD") amended N.J.A.C. 12:23-2.3 to eliminate the requirement that companies submit three years of financial reports statements (or, in the case of a consortium, two years of "Summary Financial Information") when applying for Customized Training Assistance grants. This amendment is a red tape success for small companies, particularly biotechnology companies. On its adoption, comments on this amendment included the following:

- "[T]he Department's proposed rules would . . . significantly reduc[e] the burden on employers and allow[] more to apply for customized training grants to upgrade the skills of their workers";
- "[W]e concur with the Department's reasoning for these important changes, firmly believe that the requirement of financial statements has been burdensome and a major reason why many employers, particularly small employers, have not participated in this valuable training program in the past."; and
- "[W]e have found the submission of financial statements to be overly burdensome and it deters New Jersey businesses from completing the grant process." 44 N.J.R. 286.

DOBI has also made notable progress in this regard, as demonstrated by a few examples:

- Adopted regulatory amendments to reduce the data required in excess profits reports to strictly essential information, N.J.A.C. 11:3-20.4;
- Repealed N.J.A.C. 11:25-2.6 which required property/casualty and life insurers to report semi-annually to the Office of the Insurance Claims Ombudsman about utilization of the insurer's internal appeals process for consumers seeking review of disputed claims;
- Deleted a requirement that health insurance carriers offering a product with a utilization management component, but no network, provide certification information by filing a "HCQA Registration Form." This information is provided in another application also submitted by such carriers. See N.J.A.C. 11:24A-2.2;
- Repealed N.J.A.C. 11:3-16.12, which required all private passenger auto insurers to file individually, and also as members of an insurance holding company group, semi-annual reports of their total statewide written exposure and the primary classification distribution of policies written;
- Repealed N.J.A.C. 11:4-29 and N.J.A.C. 11:4-31, which required homeowners and term life insurers to submit data annually concerning premiums for compilation in the Department's reports; and
- The Real Estate Commission revised their regulations regarding appeals by reducing the number of copies to be filed from fifteen to two, see N.J.A.C. 11:5-11.10.



The foregoing are representative examples of the State removing extraneous and unnecessary paperwork from the permitting process. These efforts must be continued, and all agencies must reduce regulatory compliance costs to the extent reasonable and practicable. A few recurrent themes permeated this permit review:

- i. Where permit applications cannot yet be accepted electronically, reduce the number of hard copies required for submission. Rather than impose copying, collating, transportation, and postage costs on permit applicants, agencies should readily accept one hard copy (which can then be scanned and circulated electronically). For example, a recent Department of Corrections RFP for Residential Community Release Programs required the submission of "12 complete/exact copies" and explicitly provided that "Proposals submitted by facsimile or electronically as attachments to e-mail or on disk shall not be accepted." After this requirement was brought to the attention of the Red Tape Review Commission, the Department reduced those burdensome requirements and, going forward, will require only one hard copy, to be accompanied by an electronic copy on a CD;
- ii. Regulate substance, not form. Agencies must reduce onerous rules and regulations governing the format of hard copies. Various rules mandate margins, type-face, and binding. Agencies should be more flexible in their requirements. In an analogous circumstance, Consumer Affairs proposed regulations that provided sample forms for estimates, orders for service, bills of lading, and warehouse receipts for warehousemen and movers. However, due to stakeholder feedback, Consumer Affairs decided to only regulate the content of the form and not the form itself;
- iii. Reduce, to the extent practicable, requirements for certified or notarized copies of documents. Instead, agencies should include language requiring the applicant to attest that all documents included in a permit application are true and correct copies;
- iv. Reduce strictures on signatures, to the extent practicable. Numerous permits analyzed in this review required multiple officers and directors to certify copies of various documents. Instead, agencies should accept one certification from an appropriate officer or director. In addition, requirements for "wet" and/or witnessed signatures should be reduced. By way of example, DOBI amended N.J.A.C. 11:17A-4.2 to relax the signature requirement to facilitate electronic insurance transactions;
- v. Provide greater flexibility to businesses required to remit funds or provide guarantees. For example, pursuant to N.J.S.A. § 17:11C-56(e), residential mortgage lenders and brokers seeking licensure from DOBI must demonstrate coverage by a surety bond. Such companies are precluded, however, from providing appropriate liability coverage in other means, such as a guaranty fund;
- vi. Eliminate unnecessary filings. DOBI recently repealed regulations requiring all advertisements of limited death benefit, critical illness and specific disease, and long-term care policies to be pre-filed, see N.J.A.C. 11:4-21.3(b); N.J.A.C. 11:4-53.7(a) & (c), N.J.A.C. 11:4-34.20; and
- vii. Ease restrictions on transmittal of documents. Agencies should allow greater flexibility with respect to communications. Two recent changes highlight the issue. Consumer Affairs proposed amending N.J.A.C. 13:45A-5.1(a)(2) to no longer require that notice of furniture delivery be "mailed," but only that it be "provided" to a consumer. Likewise, the Board of Medical Examiners amended regulations to provide that delivery of notice may occur by any means that indicates proof of delivery – not just by certified letter.

C. Eliminate Hidden Costs of Occupational Licensure

1. Letters of Reference

Numerous applicants must provide five letters of reference. To the extent such references remain necessary, this quantity is burdensome and should be reduced to no more than three. The extra letters of reference place additional and unnecessary obligations on both the putative licensees and the letter writers. Among those professions requiring more than three letters of reference are: professional planners, N.J.S.A. § 45:14A-8; land surveyors, N.J.S.A. § 45:8-35; professional engineers, N.J.S.A. § 45:8-35; and landscape architects, N.J.A.C. 13:27-8.5(a)(3).

2. Residency and Office Requirements

Pursuant to N.J.S.A. § 45:7-49(4), an applicant for an initial licensure as a funeral director “[s]hall have been a resident of the State of New Jersey continuously during the period of his [or her] training and experience” – a period of two years. Last amended in 1960, this parochial residency requirement is a vestige of a bygone era, and Consumer Affairs does not enforce it due to its questionable Constitutional footing.

3. Oral Examination for Psychologists

N.J.S.A. § 45:14B-18 states that the Board of Psychological Examiners may require an oral exam if “deem[ed] advisable.” Currently, the Board of Psychological Examiners requires both initial and reciprocal license applicants to take an oral examination based on a work sample submitted by the applicant. See N.J.A.C. 13:42-5.1(b) and 5.3(a).

During this permit review process and prompted by the Red Tape Revision Commission, the State Board of Psychological Examiners proposed abolishing the oral examination, “a lengthy process for applicants [that] involves a large amount of New Jersey Board of Psychological Examiners resources” – and replacing it with a jurisprudence examination.

The proposed amendment will, according to the Board, “shorten the amount of time it takes for an applicant to obtain a license as a psychologist and will allow an applicant to begin providing services to the public sooner than he or she currently can.” Moreover, applicants will pay only \$100 for the jurisprudence examination, as opposed to the \$300 fee for the oral examination.

4. CPA Audited Financial Statements

Although the governing statute and regulation make no mention of the submission of a financial statement of any kind by a prospective pawnbroker, the pawnbroker license application filed with DOBI requires the submission of “[a]n audited financial statement for the business prepared by a Certified Public Accountant.” That requirement – untethered to any statutory or regulatory requirement – adds a significant, albeit hidden, cost to a prospective business and should be eliminated.

Pawnbrokers are not, however, the only occupational professionals required to submit CPA-audited financial statements. The Legislature and regulatory bodies should carefully consider this requirement in those varying circumstances and determine if such an expensive endeavor is necessary or, alternatively, if the public’s health, safety, and welfare can be protected in another, less expensive manner.



5. Continuing Education

a. Ease Restrictions on Continuing Education Providers

During the course of this permit review, two professional boards within Consumer Affairs reduced red tape with respect to continuing education providers. First, rather than have the Board approve individual continuing education course requirements one-by-one, the State Board of Social Work Examiners proposed regulations that would permit it to recognize entities that can provide approved continuing education courses. Second, the Board of Examiners of Electrical Contractors proposed regulations that, rather than require providers of continuing education to reapply to the board for approval every three years (with full documentation and a \$100 fee), absent any change in course content, hours of instruction, or lecturer for a previously approved course, the providers no longer need apply for re-approval.

These red tape cutting measures will allow continuing education providers to more efficiently administer their programs – efficiencies that can be passed on to course participants in reduced fees.

b. Ease Unnecessary Restrictions on Obtaining Continuing Education Credits

In addition to cutting red tape that stifles continuing education providers, agencies should also look for opportunities to cut red tape suffocating licensed professionals.

First, entities should leverage information technology and, to the greatest extent possible, provide for distance learning. For example, the State Board of Respiratory Care Practitioners recently adopted regulations that increased the number of continuing education credits permitted for videotaped, Internet, and other distance learning from 15 to 20.

Second, entities must ensure that any unnecessary restrictions on credits are eased. For example, the Board of Social Work Examiners amended its regulations to permit more credits of in-service training to count towards the continuing education requirements (from six to ten), N.J.A.C. 13:44G-6.4(c)(8), and removed the limitations on the number of credits that may be directly related to clinical practice, see 13:44G-6.2, et seq.

Third, entities should carefully study whether non-traditional education may satisfy continuing education requirements. For example, delivery of lectures, authorship of articles, and provision of pro bono services may, in some instances, educate as well as provide other beneficial results to the professional community and public-at-large, and such opportunities for benefits to the commonweal should be considered.

D. Revise New Jersey Specific Examinations

Policymakers should carefully review whether New Jersey specific examinations remain necessary for license applicants in order to adequately protect the public health, welfare, and safety.

Moreover, to the extent such New Jersey specific examinations remain necessary, the licensing entities should, where appropriate, offer such examinations online as a component of an orientation to New Jersey law and regulation. Such an online orientation has been implemented by the Board of Medical Examiners and has been well received, as has an online continuing education module for physical therapists.

Currently, many boards offer their respective tests only at set and infrequent times. By making such tests, in appropriate circumstances, online orientations, we will ensure that applicants are familiar with the New Jersey laws and regulations applicable to their profession while not sacrificing proficiency or knowledge and unduly burdening applicants. A prime example of where such an online orientation makes sense is for veterinarians. Currently, the required New Jersey jurisprudence exam is offered only twice a year. What's more, the passage rate of that test is in excess of 95 percent.

E. Reinstatement

Pursuant to N.J.S.A. § 45:1-7.1 & 7.2, any licensee subject to Consumer Affairs' purview who allows his or license to lapse may seek reinstatement within five years of such lapse, upon: (1) payment of all past delinquent renewal fees; (2) payment of a reinstatement fee; (3) submission of an affidavit of employment listing jobs held during the period of lapse; and (4) if applicable, proof that the applicant has maintained proficiency by completing continuing education. However, should that license lapse for more than five years, the licensee must "successfully complete the examination required for initial licensure . . . and submit a renewal application and payment of an additional reinstatement fee." N.J.S.A. § 45:1-7.1(d). For licensees who continue to practice their profession in another state and maintain a license in good standing in that state, this result defies common sense.

F. Expand Use of "Permits-By-Rule" and General Permits

General permits and general operating permits are pre-approved permits to construct and certificates to operate that cover minor activities and do not require extensive submittal of data. Permits-by-rule, which are similar to a checklist, are also permits that cover minor projects that have de minimis, potential adverse impacts. These permits allow agencies to accelerate permit issuance for minor and/or simple activities and allow their staff to focus greater attention on individual permits which encompass more complex activities, thereby also streamlining and accelerating the permit process for complex projects.

DEP has made recent progress in this regard. For example, during the course of this permit review, DEP announced the availability of new general permits and general operating permits for cogeneration combustion turbine units and spark ignition reciprocating engines. Those permits will make it faster and easier for a wide range of facilities, such as small- to moderate-sized manufacturers, office complexes, apartment complexes, hospitals, and schools, to turn energy used for heating into electricity. DEP also amended regulations governing sludge quality to extend the domestic analytical exemption to small generators with a permitted wastewater flow of 20,000 gallons or less per day. N.J.A.C. 7:14C-1.13A. Pursuant to that amendment, the State's 114 small domestic treatment works will no longer be required to conduct an annual monitoring analysis and report, but still must track the removal of sludge. These small businesses will each save \$500 per year by not submitting the report, not to mention the time savings of having to complete the reports. To be sure, the amendment also benefits DEP, because, a disproportionate amount of staff time is spent resolving reporting issues associated with such small treatment works.



An analogous example is DCA's, Division of Codes and Standards proposed amendments to the Uniform Construction Code that would significantly broaden the types of work which would be categorized as "minor work." See 43 N.J.R. 2409(a). This would include work that typically occurs on a change in tenancy in a retail, office, warehouse, or industrial space. While application for permitting must still occur, the work could proceed without waiting for the permit and without waiting for the progress of work inspections, facilitating the turnaround for rental spaces. According to DCA, this proposed amendment will "reduce or eliminate the professional services that a small business might otherwise have needed to engage." *Id.* Moreover, consistent with the Common Sense Principle of seeking input from impacted stakeholders enumerated in Executive Order No. 2, following rule proposal, DCA convened a working group consisting of code officials, labor, and the real estate community to assist in further revisions to these pending regulatory amendments.

The foregoing efforts should be replicated where appropriate. One area ripe for the expansion of general permits and permits-by-rule is DEP's Flood Hazard Rules. Similarly, DEP should consider greater use of permits-by-rule in the Coastal Zone Management context, specifically for certain aqua culture activities, marina pump out facilities, construction of pools, spas, and hot tubs, sediment sampling associated with dredging activities, and sand fencing on dunes.

G. Empower Licensed Professionals to Facilitate and Streamline Permit Issuance

One of the more successful red tape initiatives impacting the issuance of business permits has been the Administration's swift action to implement the Site Remediation Reform Act governing LSRPs. Under the old paradigm, a developer was required to await approval from DEP prior to implementing each phase of remediation. While the developer awaited DEP approval to continue remediation, the contamination remained unaddressed and the site undeveloped or blighted. Under the new paradigm, LSRPs can make decisions on remediation without prior approval from DEP, thereby eliminating waiting time and its associated costs. Moreover, DEP – based on pre-proposal stakeholder input – proposed to replace unduly prescriptive technical requirements with performance-based requirements that allow more flexibility to address contamination and to empower LSRPs to use their professional judgment.

Buoyed by the early successes of the LSRP program, other departments and agencies, including DCA, should, where practicable, replicate the program outside of the site remediation context. By empowering licensed professionals – not government bureaucrats – to use their professional judgment in a variety of contexts, economic development can be streamlined.

H. Establish Prioritization of Permitting Applications

Typically, complex projects enter the system the same way simple projects do – with no prioritization for either. That defies logic. In order to improve the efficiency of permit issuance, specifically for projects of statewide and regional importance, agencies should prioritize permit applications with substantial economic impacts.

A step in the right direction was taken in March 2011, when N.J.S.A. § 52:14B-29 was enacted. That law empowers the Secretary of State to designate a contact person responsible for “any large, complex project having a significant potential employment or investment impact.” That contact person is then responsible for assisting and guiding the developer through the process of applying for and receiving business permits from State and local agencies by, among other things, developing a checklist of permits to which the applicable agencies agree, establishing a detailed course of actions and milestones for the permitting process, reporting any impediments to the Secretary of State for prompt evaluation, and coordinating, as needed, with the New Jersey Economic Development Authority.

Another method of prioritization exists in N.J.S.A. § 5:12-100h(5), which establishes the “New Jersey First” program in the Division of Gaming Enforcement (“DGE”). That law requires DGE to issue a field trial approval within 14 days of receiving any complete written request for approval of electronic gaming equipment, if the request is received by DGE prior to, or simultaneously with, all other gaming jurisdictions or independent testing laboratories. By streamlining submissions where New Jersey has the opportunity to be the first state in the nation to offer electronic gaming equipment, DGE cuts through red tape and gives New Jersey casinos a competitive edge.

N.J.S.A. § 52:14B-29 and N.J.S.A. § 5:12-100h(5) are but two ways of expediting and prioritizing permits, and agencies should prioritize other permit and approval applications that are simple, that advance state objectives, that are impactful in terms of job creation, that improve the environment, and that are for infrastructure repair and/or redevelopment.

I. Encourage the Creation of “Shovel Ready,” Pre-Permitted Sites for Economic Development

Because time delays associated with obtaining site development permits can be lengthy and costly, a business looking to expand or establish a New Jersey footprint could benefit substantially from a pre-permitting process pursuant to which local developers and municipalities address major permitting issues before a business expressed interest in a location. These issues range from local ordinance approvals, to State regulatory permits, to federal requirements. Such a pre-permitting process would provide valuable savings to businesses by reducing the delays associated with environmental review and permitting and would be an important incentive for municipalities and the State to attract substantial private sector investment and jobs. Municipalities would benefit by being able to increase the value of blighted and/or underutilized locations and generating greater property tax revenues. Other States have implemented this common-sense approach to business attraction. New Jersey should carefully consider its own program, to improve its ability to compete for expanding businesses and economic development.

J. Fee-Shifting for Frivolous Zoning Intervention

Developers in New Jersey face significant uncertainty and cost created by the ability of third-parties– particularly economic competitors – to participate and object to applications for State, county, and local approvals required for development. To discourage frivolous challenges, State policymakers should consider amending the Municipal Land Use Law to require intervenors to post security and/or pay attorneys’ fees and costs if a challenge is brought frivolously or for improper purposes. Such provisions would remove bad faith objections and unnecessary burdens from the land use process.



VII. Redundant Permits And Fees

A. Reduce Regulatory Overlap

To reduce government redundancy, where multiple agencies may exert jurisdiction over a given project or license application, such entities must work cooperatively and, where appropriate, defer to each other in an act of comity to reduce the regulatory overlap faced by regulated entities.

Similarly, businesses are frequently stymied by the lack of coordination among licensing entities with respect to compliance and audit visits. These compliance requirements are labor intensive, require substantial staff time and redirect staff resources away from the business' core mission to deal with redundant and duplicative site visits.

Accordingly, where feasible, licensing entities should synchronize site visits to minimize business disruption. The right hand of government should know what the left hand is doing. This synchronization should occur through the proactive communication and coordination of site visits by all manner of licensing entities, specifically in those areas of jurisdictional overlap. Progress is being made in this regard. For example, beginning July 1, 2011, DHS began conducting joint licensing inspections for the newly merged Addiction and Mental Health Services and developed a unified report. The agencies selected for the joint review were subject to both mental health and addiction services licensure.

During the course of this permit review, Governor Christie signed into law N.J.S.A. § 30:1-1.2, concerning contracting and licensing procedures for certain organizations under contract with DHS and DCF. This law requires those Departments to collaborate and, where an organization with programs licensed to provide services through both Departments exist, for each program to be issued a license by a single Department in accordance with agreed on licensing issuance procedures. Such comity will lead to greater efficiencies and reduce redundant paperwork and applications. In addition, this new law requires the Departments to collaborate to establish uniform contracting requirements for social service organizations that contract with both. The collaboration extends to uniform reporting procedures and audit schedules, and centralized licensing review and licensing issuance procedures. This legislation is already seeing results.

For example, DHS' Office of Licensing, DCF's Office of Licensing, and DHS' Division of Developmental Disabilities have developed a program for dually diagnosed children. Similarly, with respect to inspection of out-of-state facilities where each Department may have residents, DHS and DCF have agreed to accept each other's inspections. This collaboration could serve as a model for other entities.

B. New Jersey Stormwater Management Act

The requirements of the New Jersey Stormwater Management Act are conducted at the local and state level resulting in redundant efforts. This redundancy often leads to developers submitting multiple applications, being subjected to multiple site visits, and jumping through multiple procedural hoops on substantively identical concerns.

C. Auto Body Repair Facility Licensing

Applicants for auto body repair facility licenses must apply to MVC to operate their business. See N.J.S.A. § 39:13-1, et seq.; N.J.A.C. 13:21-21.1, et seq. The actual business of auto body repair has no logical connection to MVC – other than the fact that repair work is done on motor vehicles. Indeed, MVC lacks the expertise to monitor the regulations promulgated by DEP, Consumer Affairs, and DOBI that govern such facilities. Moreover, local fire departments inspect the facilities, and municipalities issue zoning, mercantile, and operating permits. Accordingly, to reduce redundancy, the permitting function of MVC should be transferred to another, more properly suited State entity.

D. Emergency Light Permits

MVC issues permits to applicants seeking to display red, blue, or amber flashing lights on their vehicles. See N.J.S.A. § 39:3-54.20; N.J.S.A. § 39:3-54.7; N.J.A.C. 13:24-1.1, et seq. Red lights are typically reserved for emergency, school bus, frozen dessert, and law enforcement vehicles; blue lights for volunteer first responder vehicles; and amber lights for service and others such as government vehicles. MVC requires that the application for a permit for such lights be signed by an authorized representative of the entity for which the applicant works. Authorized representatives include mayors or chief executive officers in municipalities where service is provided, directors of boards of chosen freeholders, and county emergency management coordinators. In addition, search and rescue team members must seek approval from the county emergency management coordinator, then the director of the State Office of Emergency Management, before seeking a permit from MVC. Ultimately, however, it is the authorized entity employing the applicant that decides who will be issued a permit and law enforcement on the highways that ensures that those using flashing lights are in possession of a permit.

MVC does not inspect light installation nor does it monitor light usage on the roadways. Because other government entities that seek the permits must approve their employees' use of such lights, MVC's involvement is redundant and superfluous. This process costs MVC substantial sums that are not recouped via fees.



VIII. Methods To Ensure Greater Consistency In Permit Issuance

A. Unify Inconsistent Definitions

A common aggravation for business is inconsistent definitions. One example drives home the point: DEP's seven definitions of "impervious surface." Rules implementing the Freshwater Protection Act define the term as a surface that "prevents absorption of water." N.J.A.C. 7:7A-1.4 (emphasis added). This "prevents" term is also used in the Agricultural, Aquacultural, and Horticultural Water Usage Certification rules, but the examples provided diverge. See N.J.A.C. 7:20A-1.3. In stormwater management rules, the term is defined as a surface that "is highly resistant to infiltration by water." N.J.A.C. 7:8-1.2 (emphasis added). The Flood Hazard Areas Control Act Rules also use the "highly resistant" phraseology, but go on to state that "[i]n some instances . . . densely packed gravel or stone roadways" will be considered impervious. N.J.A.C. 7:13-1.2. Moreover, the "highly resistant" phrase is also used by the rules for the Review Zone of the Delaware and Raritan Canal State Park but, again, the examples of impervious surfaces are different. N.J.A.C. 7:45-1.3. A number of statutes and regulations then define impervious surface as a surface that "reduces" the absorption of water. See N.J.S.A. § 13:20-3; N.J.S.A. § 58:10A-61; N.J.A.C. 7:38-1.4; N.J.A.C. 7:15-1.5. Finally, the Pinelands Comprehensive Management Plan defines an impervious surface as one that "slows" infiltration and incorporates a federal standard promulgated by the United States Department of Agriculture, Natural Resources Conservation Service. See N.J.A.C. 7:50-2.11. No wonder permittees are left scratching their heads.

B. Increase Cross-Training of Permit Writing and Permit Enforcing Staffs

In an effort to reduce the proverbial "silos" in government and to foster greater cross-pollination of expertise, all permit issuing departments and agencies should have their rule and permit drafting, permitting, and enforcement staffs work more closely and, to the extent practicable, periodically shift roles. By increasing interaction, permitting entities will ensure that staff more fully understands the effects of their action or inaction on each other and, in turn, the regulated community. Such will not only foster greater cooperation and insight into the permitting process as a whole, but will result in consistent interpretations among writers, reviewers, and enforcers.

C. Improved Education of Staff and the Public

Permit applicants are frustrated by the inconsistent direction they sometimes receive from government. To reduce conflicting guidance, agencies must improve their education of staff and the public. With respect to staff, agencies should continue their efforts to instill a customer service approach, keeping government workers mindful that taxpayers are our customers.

In addition, all levels of government should provide consistent advice in readily available, public formats. For example, many stakeholders recommended greater use of Frequently Asked Question or FAQs documents. Not only does such guidance provide consistent answers to inquiries from the public, but clearly written, easy to comprehend guidance will also decrease the need for the public to proactively contact via phone, letter, or email government entities to obtain "simple" answers to straightforward questions.

IX. Recommendations of the Education Transformation Task Force

Although beyond the parameters of “permit” as defined in N.J.S.A. § 52:14B-30(a), the recommendations made by the Education Transformation Task Force deserve brief mention. A few of their recommendations directly impact professional licensure and other business and occupational regulatory burdens including recommendations to modify.

- N.J.A.C. 6A:32.7.8(e) – requires school districts to keep “for 100 years a mandated record of a student’s name, date of birth, name of parents, gender, citizenship, address, telephone number, health history and immunization, standardized assessment and test answer sheet (protocol), grades, attendance, classes attended, grade level completed, year completed, and years of attendance,” but does not encourage electronic recordkeeping;
- N.J.A.C. 6A:11-2.2. – requires a charter school to submit both an annual report and annual documentation which may create redundancy by requiring a charter school to provide overlapping information;
- N.J.A.C. 6A:13.4 – governs the standard educational services certificate with a school nurse/non-instructional endorsement and requires a nurse to earn credits in nine separate areas of study when, potentially, less areas of study would suffice;
- N.J.A.C. 6A:9-5.11(b) – governs validation of college degrees and college professional preparation, but is redundant of statute and other regulation. Moreover, this regulation imposes a six semester-hour cap on credits from two-year colleges, an arbitrary limitation that gives no consideration to the quality of the programs offered by two-year colleges;
- N.J.A.C. 6A:9-12.7(b)(2) – requires a school business administrator obtaining a certificate of eligibility to work in a public school, thus creating an unfair requirement that to first work in a public school prior to being able to obtain a certificate of eligibility; and
- N.J.A.C. 6A:9-5.2(c) – requires each school district to annually report the names and teaching assignments of all teaching staff members to the county superintendent. The county is then required to inform the school district and the Commissioner of the Department of Education of any instance in which a teaching staff position is occupied by a person who does not hold the appropriate certification. However, the Department is already made aware of those failings through other mandated reports.



X. Economic Development

A. Counties and Municipalities Participating in a Cooperative and Contemporaneous Handling of Business Permits and Approvals

Pursuant to N.J.S.A. § 52:14B-30(a)(2), the Department of State is required to report on those counties and municipalities that, pursuant to N.J.S.A. § 52:14B-28, participated in a cooperative and contemporaneous handling of business permits and approvals. Those government entities are:

- Hamilton, Mercer County
- Monmouth County
- Millville, Cumberland County
- Camden County
- Piscataway, Middlesex County
- Franklin Township, Somerset County
- Morris County
- Vernon Township, Sussex County
- Mount Olive, Morris County
- Bergen County
- Hackettstown, Warren County
- Pequannock, Morris County
- Nutley, Essex County
- Sussex County
- Englewood Cliffs, Bergen County

B. Employees Assigned as Designated Contact Persons, Summary of Actions, and Outcomes for Large Complex Projects

Finally, N.J.S.A. § 52:14B-30(a)(3), requires the Department of State to report on “[t]he specific employees assigned as designated contact persons to specific projects, by project, pursuant to [N.J.S.A. § 52:14B-29], a summary of actions taken on behalf of each project, and outcomes.” The statute does not define “large, complex project having a significant potential employment or investment impact.” Accordingly, for purposes of this report, the Department of State has limited its reporting to those projects impacting 100 potential new or retained jobs.

	Assigned Contact	Industry	Summary of Actions Taken	Outcome
1	Linda Kellner, Acting Executive Director, BAC Lauren Moore, Director, Office of Business Advocacy, BAC	Warehouse Distribution Logistics	400 new jobs The company was seeking to consolidate its sites from another state and inquired about New Jersey's benefits. The new facility would require 1.2 million square feet of warehouse space, with a 10-year lease. BAC sent a proposal letter.	Decision to remain in PA
2	Linda Kellner Lauren Moore	Manufacturing	235 jobs at risk; 85 new jobs; \$8.6 million capital investment	New Jersey
3	Linda Kellner Lauren Moore	Retail	160 at risk jobs; 90 new jobs; \$3 million capital investment The company has out-grown its New Jersey space. Area flooding also caused the company to review new locations for its back-office and administrative functions. Sites in New Jersey, as well as another state, were considered. BAC sent a proposal letter.	New Jersey
4	Linda Kellner Lauren Moore	Services-Financial, Health, Education, Social, Professional	200 new jobs; \$4 million capital investment The company was looking to relocate 200 high-paying, administrative positions to a location in New Jersey or elsewhere. BAC sent a proposal letter.	New Jersey
5	Linda Kellner Lauren Moore	Manufacturing	250 jobs at risk; 50 new jobs; \$8.5 million capital investment To keep pace with its growth, the company sought to expand its operations to include new and larger warehouse/distribution facilities in New Jersey or elsewhere. BAC sent a proposal letter.	New Jersey
6	Linda Kellner Lauren Moore	Services-Financial, Health, Education, Social, Professional	228 jobs at risk; 300 jobs created The company needed additional office space and its lease will terminate in 2012. It is looking at alternate site locations in two other states, as well as New Jersey. BAC sent a proposal letter.	New Jersey
7	Linda Kellner Lauren Moore	Services- Financial, Health, Education, Social, Professional	250 new jobs; \$30 million capital investment The company's lease was coming due. BAC sent a proposal letter.	Decision to remain in NY



	Assigned Contact	Industry	Summary of Actions Taken	Outcome
8	Linda Kellner Lauren Moore	Services- Financial, Health, Education, Social, Professional	6,100 new jobs; \$420 million capital investment The company considered 10 alternate locations in the United States, including a site in New Jersey. The project scope included 1.2 million square feet of office space, either "build-to-suit" or an existing site that can be renovated to their needs. BAC prepared a response to an RFP.	New Jersey no longer being considered
9	Linda Kellner Lauren Moore	Services- Financial, Health, Education, Social, Professional	602 existing jobs at risk; 30 new jobs; \$5.8 million capital investment The company's administrative offices lease is coming due. The company owns sites in New Jersey and elsewhere. BAC sent a proposal letter.	New Jersey
10	Linda Kellner Lauren Moore	Services- Financial, Health, Education, Social, Professional	100 new jobs; \$500K capital investment The company is looking to expand in New Jersey. It plans on bringing 70 to 80 high paying professional jobs in 30,000 square feet to New Jersey, but needed office space. BAC sent a proposal letter.	New Jersey
11	Linda Kellner Lauren Moore	Health Care	200 new pharmaceutical manufacturing, research, and sales positions; \$50 million capital investment Project calls for purchasing 125,000 square feet of office space and purchasing 70,000 to 100,000 square feet of manufacturing space. The company purchased a facility in New Jersey for expansion without using incentives. BAC also assisted the company by getting another company to remove certain restrictive covenants involved in the transaction.	New Jersey
12	Linda Kellner Lauren Moore	Retail	Potential for 2,000 to 3,000 new jobs. The company's operations are located in a 192,000 square foot facility in another state. The company reached capacity and was seeking to identify a long-term occupancy strategy. Company considered expansion/consolidation options in New Jersey. BAC sent a proposal letter.	Decision to remain in NY
13	Linda Kellner Lauren Moore	Services- Financial, Health, Education, Social, Professional	500 jobs at-risk; 75 new jobs; \$3-5 million capital investment The company was looking for larger space, mostly in fitout, with deadline of April 2012. BAC sent a proposal letter. The company signed a 10-year lease in New Jersey.	New Jersey
14	Linda Kellner Lauren Moore	Manufacturing	100 new jobs; \$16.94 million capital investment The company was looking at expanding into New Jersey. New Jersey was in competition with another state. BAC sent a proposal letter.	Decision to locate to PA

Appendix A- Permits Not Yet Online

Department of Agriculture

- Animal Waste Management Plans
- Approvals for Landowners to Conduct Certain Activities on Preserved Farms Permitted by the Farmland Preservation Deed of Easement Provided They Comply with SADC Policies and/or Rules
- Approval of Renewal Energy Generation Facility on a Preserved Farm
- Aquatic Farmer License
- Blueberry Nursery Certificate
- Certification of Apiary Inspection Nucleus and Queens
- Feed, Fertilizer, Lime Registration, Department of Agriculture
- Garbage Feeding Swine Farmer
- Jersey Fresh Quality Grading Program
- Live Bird Market Registration
- Livestock Dealer License
- New Jersey Weigher and Sampler License
- Nursery Certificate
- Organic Certification Program
- Perishable Agricultural Commodities Licensing and Bonding
- Permit to Purchase Milk and Cream
- Permit to Sell Baby Chicks
- Plant Dealer Certificate
- Poultry Distributor Registration
- Production/Supply Flock Registration
- Pullorum Tester Certification
- Seedsman Registration
- Special Permit for the Importation and/or Growing of Plant Cultivars and Hybrids of European Black Currant
- Special Permit to Allow Construction of a Personal Wireless Service Facility on a Preserved Farm
- Special Permit to Conduct Nonagricultural Use on a Preserved Farm

Department of Banking and Insurance

- Conversion From Federally Chartered Bank to State Chartered Bank
- Conversion From a State Savings Bank to a State Bank
- Fraternal Benefit Societies
- Health Service Corporations
- Hospital Service Corporations
- Legal Insurance Companies
- Medical Service Corporations
- Mutual Benefit Associations
- Real Estate Salesperson License
- State Chartered Banks



Department of Children and Families

- Adoption Agencies
- Child Care Centers
- Children's Group Homes
- Children's Partial Care Programs
- Children's Shelter Facilities
- Registered Family Care Homes
- Residential Child Care Facilities
- Sponsoring Organizations
- Youth Case Management Programs

Department of Community Affairs

- Business Registration Certificate
- Code Officials
- Continuing Care Retirement Communities
- Electronic Permit Applications Under the Uniform Construction Code
- Fire Code Enforcement Certification
- Fire Code Permits
- Fire Instructor Certification
- Fire Protection Equipment Contractor Certification
- Incident Management Certification
- Live Fire Training Permit
- Marketers of Liquefied Petroleum Gas
- New Home Warranty and Builder Registrations
- Registration and Inspection of Multifamily Dwellings
- Registration of Life Hazard Uses for Inspection by State and Local Fire Inspectors
- Rooming and Boarding Home Regulation

Department of Environmental Protection

- Certification for Landscape Irrigation Contractors
- Flood Hazard Area Applications
- Coastal Permitting Applications

Department of Human Services

- Community Care Residences
- Community Residence for Individuals with Developmental Disabilities
- Community Residences for Persons with Head Injury
- Mental Health Programs
- Outpatient Substance Abuse Treatment Facilities
- Private Licensed Facilities for Persons with Developmental Disabilities
- Surgical Practices

Department of Transportation

- Outdoor Advertising Permits

Law and Public Safety, Division of Consumer Affairs

- Initial and Renewal Registration Application for Charities
- Raffle and Other Games of Chance Licenses

Treasury

- Bulk Sales Tax Clearance Program
- Cigarette and Tobacco Product Taxes Applications
- Cigarette Distributor or Wholesale License
- Cigarette Manufacturers License
- Cigarette Manufacturers Representative License
- Cigarette Retail License
- Cigarette Vending License
- Collection Agency Bonds
- Excise Tax Applications
- Notary Public Commissions
- Tobacco Products Tax Certificate of Authority
- Trademarks
- Urban Enterprise Certifications



Appendix B- Licenses With Imperfect Or Non-Existent Reciprocity

- Acupuncturist - Board of Medical Examiners - N.J.A.C. 13:35-9.12 (provides only for "guest acupuncturist" status, limiting services to 30 days per calendar year, among other restrictions)
- Pharmacist - State Board of Pharmacy – N.J.A.C. 13:39-2A.1(b)(3)
(requires reciprocal licensee to complete 1,500 hours of practice)
- Electric Contractor – Board of Examiners of Electrical Contractors – No reciprocity
- Certified Real Time Court Reporter – State Board of Court Reporting – No reciprocity
- Certified Pesticide Operator – Department of Environmental Protection – No reciprocity
- Pesticide Dealers – Department of Environmental Protection – N.J.A.C. 7:30-3.12
(reciprocity is appropriate only where there is a "cooperative agreement" between the Commissioner and other licensing jurisdiction)
- Commercial Pesticide Applicator - Department of Environmental Protection – N.J.A.C. 7:30-6.13
(reciprocity is appropriate only where there is a "cooperative agreement" between the Commissioner and other licensing jurisdiction)
- Private Pesticide Applicator - Department of Environmental Protection – N.J.A.C. 7:30-8.12
(reciprocity is appropriate only where there is a "cooperative agreement" between the Commissioner and other licensing jurisdiction)
- Funeral Director – State Board of Mortuary Science – N.J.S.A. § 45:4-49
(two years of practice required for reciprocal licensees); N.J.A.C. 13:36-4.15(a)(3) (same)
- General Real Estate Appraiser – State Board of Real Estate Appraisers – N.J.A.C. 13:40A-2.5
(provides only for "temporary visiting certificate" which limits out-of-state licensee to "no more than three temporary certificates, with a limit of appraising three specific properties per temporary certificate" per calendar year)
- Residential Real Estate Appraiser – State Board of Real Estate Appraisers – N.J.A.C. 13:40A-2A.5
(provides only for "temporary visiting certificate" which limits out-of-state licensee to "no more than three temporary certificates, with a limit of appraising three specific properties per temporary certificate" per calendar year)
- Real Estate Appraiser – State Board of Real Estate Appraisers – N.J.A.C. 13:40A-3.6
(provides only for "temporary visiting certificate" which limits out-of-state licensee to "no more than three temporary certificates, with a limit of appraising three specific properties per temporary certificate" per calendar year)
- Public Adjuster – Department of Banking and Insurance – N.J.A.C. 11:1-37.7
(provides for temporary licensure only "[i]n the event of a catastrophic loss occurrence")
- Certified Tree Expert; Tree Care Operator – Department of Environmental Protection– No reciprocity



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