

[Corrected Copy]

SENATE, No. 1368

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 22, 2004

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Salem, Cumberland and Gloucester)

Senator RICHARD J. CODEY

District 27 (Essex)

Co-Sponsored by:

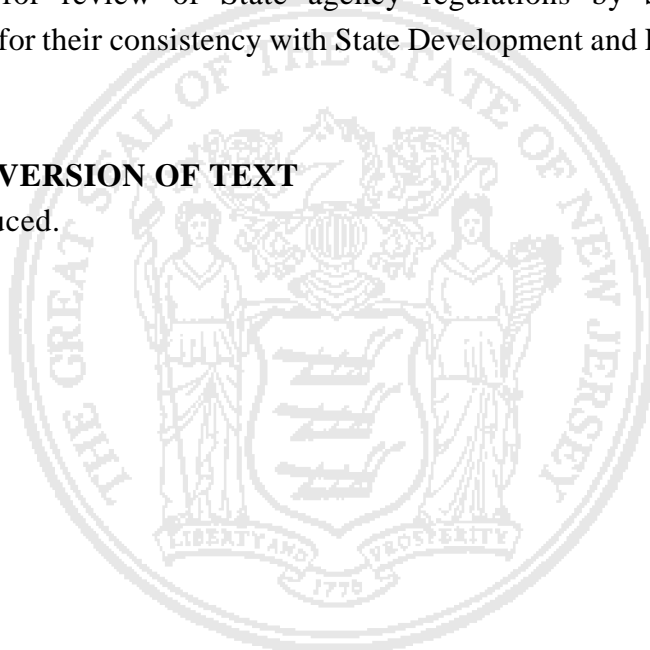
Senators Scutari, Coniglio and Madden

SYNOPSIS

Provides for review of State agency regulations by State Planning Commission for their consistency with State Development and Redevelopment Plan.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/11/2004)

1 AN ACT providing for review of regulations issued by State agencies
2 for consistency with State Development and Redevelopment Plan
3 and supplementing P.L.1985, c.398 (C.52:18A-196 et seq.).
4

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

7
8 1. The Legislature finds and declares that:

9 a. The State Planning Commission was created by and specifically
10 authorized under subsection e. of section 4 of the "State Planning
11 Act," P.L.1985, c.398 (C.52:18A-199) to "recommend to the
12 Governor and the Legislature administrative or legislative action to
13 promote a more efficient and effective planning process; under
14 subsection f. of that section, "to review any bill introduced in either
15 house of the Legislature which appropriates funds for a capital project
16 and may study the necessity, desirability and relative priority of the
17 appropriation by reference to the State Development and
18 Redevelopment Plan, and may make recommendations to the
19 Legislature and to the Governor concerning the bill; and, under
20 subsection g. of that section, to take all actions necessary and proper
21 to carry out the provisions of the "State Planning Act";

22 b. The State Planning Commission is also mandated, under section
23 4 of the "State Planning Act," P.L.1985, c.398 (C.52:18A-199), to
24 prepare and adopt the State Development and Redevelopment Plan
25 which shall "provide a coordinated, integrated and comprehensive plan
26 for the growth, development, renewal and conservation of the state
27 and its regions";

28 c. The State Planning Commission adopted a State Plan in 1992
29 and again in 2001;

30 d. The appropriate implementation of the State Plan relies, in part,
31 on actions of State agencies and independent authorities, through the
32 rulemaking authority conferred by section 8 of P.L.1985, c.398
33 (C.52:18A-203);

34 e. Several administrations, through Executive Orders, including
35 Executive Order 4 of 2002, have repeatedly instructed State agencies
36 and independent authorities to pursue every action necessary to
37 implement the State Development and Redevelopment Plan;

38 f. State agencies and independent authorities have proposed and
39 adopted numerous administrative rules and regulations since 1992;

40 g. The Legislature has determined that many of these rules and
41 regulations have had a questionable impact in implementing the State
42 Development and Redevelopment Plan; and

43 h. The Legislature has determined that there is a need to provide
44 the State Planning Commission with an opportunity to assess whether
45 rules and regulations proposed by State agencies and independent

1 authorities most effectively and appropriately serve to implement the
2 State Development and Redevelopment Plan.

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4 2. The State Planning Commission shall review any rules and
5 regulations proposed by any State agency or independent authority and
6 assess whether the proposed rules and regulations are consistent with
7 the goals, objectives, policies and strategies of the State Development
8 and Redevelopment Plan.

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10 3. Every State agency and independent authority shall forward any
11 proposed rules and regulations to the chairperson of the State Planning
12 Commission prior to submission for publication in the New Jersey
13 Register.

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15 4. The State Planning Commission shall, within 45 calendar days
16 of receiving the proposed rules or regulations, provide the State
17 agency or independent authority with a written assessment of whether
18 or not the proposed rules or regulations are consistent with the goals,
19 objectives, policies and strategies of the State Development and
20 Redevelopment Plan, along with any modifications thereto considered
21 necessary to make the proposed rules and regulations consistent with
22 the goals, objectives, policies and strategies of the State Development
23 and Redevelopment Plan.

24

25 5. The State Planning Commission may, by a majority vote of the
26 fully authorized membership thereof, veto any rules or regulations
27 proposed by any State agency or independent authority determined to
28 be not consistent with the goals, objectives, policies and strategies of
29 the State Development and Redevelopment Plan.

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31 6. The State Planning Commission shall be assisted in its function
32 pursuant to P.L. , c. (C.) (pending before the Legislature as
33 this bill) by professional and technical staff of its choosing from the
34 Office of Smart Growth or any other State agency. This professional
35 and technical staff shall report directly to the chairperson of the State
36 Planning Commission with respect to their responsibilities in assessing
37 the consistency of rules and regulations proposed by State agencies
38 and independent authorities.

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40 7. This act shall take effect immediately.

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STATEMENT

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45 This bill requires the State Planning Commission to review any rules
46 and regulations proposed by State agencies and independent

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1 authorities for consistency with the goals, objectives, policies and
2 strategies of the State Development and Redevelopment Plan. The bill
3 authorizes the State Planning Commission, by a majority vote of the
4 fully authorized membership thereof, to veto any rules and regulations
5 proposed by State agencies and independent authorities determined to
6 be not consistent with the goals, objectives, policies and strategies of
7 the State Development and Redevelopment Plan and to provide
8 specific modifications to those rules and regulations as may be needed
9 to bring them into conformance with the goals, objectives, policies and
10 strategies of the State Development and Redevelopment Plan.