ASSEMBLY, No. 4147

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 11, 2020

Sponsored by:
Assemblyman BRIAN BERGEN
District 25 (Morris and Somerset)
Assemblyman RONALD S. DANCER
District 12 (Burlington, Middlesex, Monmouth and Ocean)
Assemblywoman BETTYLOU DECROCE
District 26 (Essex, Morris and Passaic)

Co-Sponsored by:
Assemblymen DePhillips, DiMaio, Assemblywomen Dunn, Gove,
Assemblymen Rumpf, S.Kean, Scharfenberger, Assemblywoman Stanfield,
Assemblymen Space, Thomson, Rooney, Webber, Wirths, McGuckin,
Catalano, Bramnick, Peterson and Assemblywoman DiMaso

SYNOPSIS
Limits to 14 days effective period of certain emergency orders, rules, or regulations.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 8/27/2020)
AN ACT concerning the issuance of certain orders, rules, and regulations during a state of emergency and supplementing P.L.1942, c.251 (C.App.A.9-33 et seq.).

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

1. a. Any order, rule, or regulation issued by the Governor pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.) shall terminate on the 15th day after issuance, unless approved for a greater period by the Legislature pursuant to concurrent resolution. The Governor shall not issue, for the same emergency, an order, rule, or regulation to the same or substantially same effect as one terminated pursuant to this subsection.

b. This section shall not apply to any order, rule, or regulation:

(1) rescinding an order, rule, or regulation issued pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.);

(2) issued pursuant to direction by or agreement with the federal government, in compliance with federal law, or such that application of this section would jeopardize the receipt of federal funds by this State;

(3) applying exclusively to any or all of the executive and administrative offices, departments, and instrumentalities of the State government;

(4) issued under the authority of the Governor as the Commander-in-Chief of all the military and naval forces of the State; or

(5) issued pursuant to any other provision of law providing for a greater period, notwithstanding that such order, rule, or regulation invokes any authority under the provisions of P.L.1942, c.251 (C.App.A:9-33 et seq.).

2. This act shall take effect immediately.

STATEMENT

This bill provides that any order, rule, or regulation issued by the Governor pursuant to the “Civil Defense and Disaster Control Act” will terminate on the 15th day after issuance, unless the Legislature approves a greater period of time by way of concurrent resolution. The bill prohibits the Governor from issuing an order, rule, or regulation to the same or substantially same effect as one terminated pursuant to the bill for the same emergency.

The bill does not apply to orders, rules, or regulations:

(1) rescinding an order, rule, or regulation issued pursuant to the “Civil Defense and Disaster Control Act”;
issued pursuant to direction by or agreement with the federal government, in compliance with federal law, or to the extent that application of the bill would jeopardize the receipt of federal funds by the State;

(3) applying exclusively to the executive branch;

(4) issued under the Governor’s authority as the Commander-in-Chief of the military and naval forces of the State; or

(5) issued pursuant to a provision of law providing for a greater period, notwithstanding that the order, rule, or regulation may also cite to an authority provided under the “Civil Defense and Disaster Control Act.”