

ASSEMBLY, No. 4212

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED JUNE 4, 2020

Sponsored by:
Assemblyman ERIK PETERSON
District 23 (Hunterdon, Somerset and Warren)

SYNOPSIS

Limits to 30 days effective period of certain emergency orders, rules, or regulations.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the issuance of certain orders, rules, and
2 regulations during a state of emergency and supplementing
3 P.L.1942, c.251 (C.App.A.9-33 et seq.).
4

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

8 1. a. Any order, rule, or regulation issued by the Governor
9 pursuant to P.L.1942, c.251 (C.App.A.9-33 et seq.) shall terminate
10 on the 31st day after issuance, unless approved for a greater period
11 by the Legislature pursuant to a concurrent resolution receiving the
12 affirmative vote of two-thirds of the authorized membership of each
13 House. The Governor shall not issue, for the same emergency, an
14 order, rule, or regulation to the same or substantially same effect as
15 one terminated pursuant to this subsection.

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

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

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

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

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

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

34 2. This act shall take effect on January 1, 2021.
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37 STATEMENT

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39 This bill provides that any order, rule, or regulation issued by the
40 Governor pursuant to the “Civil Defense and Disaster Control Act”
41 will terminate on the 31st day after issuance, unless the Legislature
42 approves a greater period of time by way of concurrent resolution.
43 The concurrent will have to pass with an affirmative vote of two-
44 thirds of the authorized membership of each House. The bill
45 prohibits the Governor from issuing an order, rule, or regulation to
46 the same or substantially same effect as one terminated pursuant to
47 the bill for the same emergency.

- 1 The bill does not apply to orders, rules, or regulations:
- 2 (1) rescinding an order, rule, or regulation issued pursuant to the
- 3 “Civil Defense and Disaster Control Act”;
- 4 (2) issued pursuant to direction by or agreement with the federal
- 5 government, in compliance with federal law, or to the extent that
- 6 application of the bill would jeopardize the receipt of federal funds
- 7 by the State;
- 8 (3) applying exclusively to the executive branch;
- 9 (4) issued under the Governor’s authority as the Commander-in-
- 10 Chief of the military and naval forces of the State; or
- 11 (5) issued pursuant to a provision of law providing for a greater
- 12 period, notwithstanding that the order, rule, or regulation may also
- 13 cite to an authority provided under the “Civil Defense and Disaster
- 14 Control Act.”