

18A:7F-35 & 18A:7F-36

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 1999 **CHAPTER:** 142

NJSA: 18A:7F-35 and 18A:7F-36 (Expedited procedure for Abbott district regulations)

BILL NO: S1976 (Substituted for A3277)

SPONSOR(S): Littell

DATE INTRODUCED: June 14, 1999

COMMITTEE: **ASSEMBLY:** -----

SENATE: Education

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** June 24, 1999

SENATE: June 24, 1999

DATE OF APPROVAL: June 28, 1999

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL:](#) 1st Reprint enacted
(Amendments during passage denoted by superscript numbers)

S1976

[SPONSORS STATEMENT](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

A3277

[SPONSORS STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

Bill and Sponsors Statement identical to S1976

COMMITTEE STATEMENT: **ASSEMBLY:** [Yes](#)

Identical to Senate Statement for S1976

SENATE: No

FLOOR AMENDMENT STATEMENTS: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING:

Yes

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 1999, CHAPTER 142, *approved June 28, 1999*
Senate, No. 1976 (*First Reprint*)

1 AN ACT concerning oversight of the Abbott districts and
2 supplementing P.L.1996, c.138 (C.18A:7F-1 et seq.).

3

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

6

7 1. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1
8 et seq.) to the contrary, ¹regulations may be proposed by¹ the
9 Commissioner of Education ¹[may adopt, immediately upon filing
10 with the Office of Administrative Law, such regulations as the
11 commissioner deems necessary]¹ to implement the order of the
12 Supreme Court of New Jersey in Abbott v. Burke ¹and may, following
13 the close of the public comment period provided by that act, be
14 adopted by the commissioner with amendments notwithstanding that
15 the amendments have not been submitted to the Office of
16 Administrative Law for publication prior to adoption¹ . The
17 regulations adopted pursuant to this section shall be effective
18 ¹immediately upon filing with the Office of Administrative Law¹ for the
19 1999-2000 school year and shall expire June 30, 2000.

20 ¹Except as provided herein, the commissioner shall fully comply
21 with the provisions of P.L.1968, c.410 (C.52:14B-1 et seq.)¹.

22

23 2. The ¹[Commissioner] State Board¹ of Education shall adopt
24 regulations to implement the order of the Supreme Court of New
25 Jersey in Abbott v. Burke for the 2000-2001 school year and
26 thereafter pursuant to the provisions of the "Administrative Procedure
27 Act," P.L.1968, c. 410 (C.52:14B-1 et seq.). Any amendments to, or
28 changes in, the regulations and any additional regulations adopted by
29 the ¹[commissioner] State board¹ to implement the Supreme Court's
30 order in Abbott v. Burke shall be subject to the requirements of
31 P.L.1968, c.410 (C.52:14B-1 et seq.).

32

33 3. This act shall take effect immediately.

34

35

36

37 _____
38 Permits an expedited procedure for the adoption of regulations by the
39 Commissioner of Education in regard to the Abbott districts for the
1999-2000 school year.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SED committee amendments adopted June 21, 1999.

SENATE, No. 1976

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 14, 1999

Sponsored by:

Senator ROBERT E. LITTELL

District 24 (Sussex, Hunterdon and Morris)

SYNOPSIS

Permits an expedited procedure for the adoption of regulations by the Commissioner of Education in regard to the Abbott districts for the 1999-2000 school year.

CURRENT VERSION OF TEXT

As introduced.



S1976 LITTELL

2

1 AN ACT concerning oversight of the Abbott districts and
2 supplementing P.L.1996, c.138 (C.18A:7F-1 et seq.).

3

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

6

7 1. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1
8 et seq.) to the contrary, the Commissioner of Education may adopt,
9 immediately upon filing with the Office of Administrative Law, such
10 regulations as the commissioner deems necessary to implement the
11 order of the Supreme Court of New Jersey in *Abbott v. Burke*. The
12 regulations adopted pursuant to this section shall be effective for the
13 1999-2000 school year and shall expire June 30, 2000.

14

15 2. The Commissioner of Education shall adopt regulations to
16 implement the order of the Supreme Court of New Jersey in *Abbott*
17 *v. Burke* for the 2000-2001 school year and thereafter pursuant to the
18 provisions of the "Administrative Procedure Act," P.L.1968, c. 410
19 (C.52:14B-1 et seq.). Any amendments to, or changes in, the
20 regulations and any additional regulations adopted by the
21 commissioner to implement the Supreme Court's order in *Abbott v.*
22 *Burke* shall be subject to the requirements of P.L.1968, c. 410
23 (C.52:14B-1 et seq.).

24

25 3. This act shall take effect immediately.

26

27

28

STATEMENT

29

30 The purpose of this bill is to permit the Commissioner of Education
31 to adopt, immediately upon filing with the Office of Administrative
32 Law, interim regulations to implement the order of the New Jersey
33 Supreme Court in *Abbott v. Burke*. In view of the limited time
34 available, it would not be practicable for the commissioner to adopt
35 regulations for the 1999-2000 school year pursuant to the provisions
36 of the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1
37 et seq.). This bill, therefore, provides an expedited procedure for the
38 commissioner to adopt regulations to implement the Supreme Court's
39 order in *Abbott v. Burke* for this limited time period. For the 2000-
40 2001 school year and thereafter, the commissioner must adopt
41 regulations consistent with the Administrative Procedure Act and any
42 changes, modifications, or amendments to the regulations would also
43 be subject to the provisions of that act.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 1976

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 21, 1999

The Senate Education Committee reports favorably and with committee amendments Senate Bill No. 1976.

As amended by committee, this bill permits the Commissioner of Education to propose and adopt on an expedited basis interim regulations to implement the order of the New Jersey Supreme Court in Abbott v. Burke. The regulations will be proposed in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.); except that following the close of the comment period, the commissioner would be authorized to adopt the regulations with amendments notwithstanding the fact that the regulations have not been submitted to the Office of Administrative Law (OAL) for publication prior to adoption. The regulations would be effective immediately upon filing with the OAL.

In view of the limited time available, it would not be practicable for regulations to be adopted for the 1999-2000 school year pursuant to all of the provisions of the "Administrative Procedure Act." This bill, therefore, provides an expedited procedure for the commissioner to adopt regulations to implement the Supreme Court's order in Abbott v. Burke for this limited time period. For the 2000-2001 school year and thereafter, the regulations would be adopted by the State Board of Education consistent with the "Administrative Procedure Act" and any changes, modifications, or amendments to the regulations would also be subject to the provisions of that act.

The committee amended the bill to provide that the commissioner would have to comply with the requirements of the "Administrative Procedure Act," in the adoption of Abbott regulations for the 1999-2000 school year; except that at the close of the public comment period provided for in that act, the commissioner could adopt the regulations with amendments notwithstanding the fact that the amendments had not been submitted to the Office of Administrative Law for publication prior to adoption. The regulations would be effective immediately upon filing with OAL. The committee also changed the reference in section 2 of the bill from the Commissioner

of Education to the State Board of Education to reflect the fact that beginning in the 2000-2001 school year the Abbott regulations will be adopted by the State Board of Education, the usual procedure for the adoption of regulations.

ASSEMBLY, No. 3277

STATE OF NEW JERSEY
208th LEGISLATURE

INTRODUCED JUNE 14, 1999

Sponsored by:

Assemblyman JOSEPH R. MALONE, III

District 30 (Burlington, Monmouth and Ocean)

SYNOPSIS

Permits an expedited procedure for the adoption of regulations by the Commissioner of Education in regard to the Abbott districts for the 1999-2000 school year.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning oversight of the Abbott districts and
2 supplementing P.L.1996, c.138 (C.18A:7F-1 et seq.).

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Notwithstanding any provision of P.L.1968, c.410 (C.52:14B-1
8 et seq.) to the contrary, the Commissioner of Education may adopt,
9 immediately upon filing with the Office of Administrative Law, such
10 regulations as the commissioner deems necessary to implement the
11 order of the Supreme Court of New Jersey in *Abbott v. Burke*. The
12 regulations adopted pursuant to this section shall be effective for the
13 1999-2000 school year and shall expire June 30, 2000.

14
15 2. The Commissioner of Education shall adopt regulations to
16 implement the order of the Supreme Court of New Jersey in *Abbott*
17 *v. Burke* for the 2000-2001 school year and thereafter pursuant to the
18 provisions of the "Administrative Procedure Act," P.L.1968, c. 410
19 (C.52:14B-1 et seq.). Any amendments to, or changes in, the
20 regulations and any additional regulations adopted by the
21 commissioner to implement the Supreme Court's order in *Abbott v.*
22 *Burke* shall be subject to the requirements of P.L.1968, c.410
23 (C.52:14B-1 et seq.).

24
25 3. This act shall take effect immediately.

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27
28 STATEMENT

29
30 The purpose of this bill is to permit the Commissioner of Education
31 to adopt, immediately upon filing with the Office of Administrative
32 Law, interim regulations to implement the order of the New Jersey
33 Supreme Court in *Abbott v. Burke*. In view of the limited time
34 available, it would not be practicable for the commissioner to adopt
35 regulations for the 1999-2000 school year pursuant to the provisions
36 of the "Administrative Procedure Act," P.L.1968, c. 410 (C.52:14B-1
37 et seq.). This bill, therefore, provides an expedited procedure for the
38 commissioner to adopt regulations to implement the Supreme Court's
39 order in *Abbott v. Burke* for this limited time period. For the 2000-
40 2001 school year and thereafter, the commissioner must adopt
41 regulations consistent with the Administrative Procedure Act and any
42 changes, modifications, or amendments to the regulations would also
43 be subject to the provisions of that act.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3277

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 21, 1999

The Assembly Education Committee favorably reports Assembly Bill No. 3277 with committee amendments.

As amended by committee, this bill permits the Commissioner of Education to propose and adopt on an expedited basis interim regulations to implement the order of the New Jersey Supreme Court in Abbott v. Burke. The regulations will be proposed in accordance with the requirements of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.); except that following the close of the comment period, the commissioner would be authorized to adopt the regulations with amendments notwithstanding the fact that the regulations have not been submitted to the Office of Administrative Law (OAL) for publication prior to adoption. The regulations would be effective immediately upon filing with the OAL.

In view of the limited time available, it would not be practicable for regulations to be adopted for the 1999-2000 school year pursuant to all of the provisions of the "Administrative Procedure Act." This bill, therefore, provides an expedited procedure for the commissioner to adopt regulations to implement the Supreme Court's order in Abbott v. Burke for this limited time period. For the 2000-2001 school year and thereafter, the regulations would be adopted by the State Board of Education consistent with the "Administrative Procedure Act" and any changes, modifications, or amendments to the regulations would also be subject to the provisions of that act.

The committee amended the bill to provide that the commissioner would have to comply with the requirements of the "Administrative Procedure Act," in the adoption of Abbott regulations for the 1999-2000 school year; except that at the close of the public comment period provided for in that act, the commissioner could adopt the regulations with amendments notwithstanding the fact that the amendments had not been submitted to the Office of Administrative Law for publication prior to adoption. The regulations would be effective immediately upon filing with OAL. The committee also changed the reference in section 2 of the bill from the Commissioner of Education to the State Board of Education to reflect the fact that

beginning in the 2000-2001 school year the Abbott regulations will be adopted by the State Board of Education, the usual procedure for the adoption of regulations.

PO BOX 004
TRENTON, NJ 08625

Office of the Governor
NEWS RELEASE

CONTACT: Gene Herman
609-777-2600

RELEASE: June 28, 1999

Gov. Christie Whitman today signed the following pieces of legislation:

S-1976, sponsored by Senator Robert E. Littell (R-Sussex/Hunterdon/Morris) and Assembly Members Joseph R. Malone, 3d (R-Burlington/Monmouth/Ocean) and Gerald J. Luongo (R-Camden/Gloucester), permits an expedited procedure for the adoption of regulations by the Commissioner of Education in regard to the Abbott districts. The bill permits the commissioner to adopt, immediately upon filing with the Office of Administrative Law, interim regulations to implement the order of the New Jersey Supreme Court in *Abbott v. Burke*. In view of the limited time available, it would not be practicable for the commissioner to adopt regulations for the 1999-2000 school year pursuant to the provisions of the Administrative Procedures Act. The bill, therefore provides an expedited procedure for the commissioner to adopt regulations to implement the Supreme Court's order in *Abbott* for this limited time period.

A-2929, sponsored by Assembly Members Charlotte Vandervalk (R-Bergen) and David C. Russo (R-Bergen/Passaic) and Senator Jack Sinagra (R-Middlesex), requires tobacco product manufacturers who did not participate in the national tobacco settlement to pay into a reserve fund to guarantee a source of compensation to pay any future judgment or settlement. The purpose of the model statute is to prevent non-participating manufacturers from obtaining a significant market advantage since they are not subject to the business expense of the Master Settlement Agreement (MSA). The MSA was reached on November 23 and entered into by New Jersey in *State of New Jersey v. R. J. Reynolds Tobacco Company, et al.*, Superior Court, Chancery Division, Middlesex County.