

Office of the Governor
NEWS RELEASE

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RELEASE: September 17, 1999

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

S-947, sponsored by Senators William L. Gormley (R-Atlantic) and Wayne R. Bryant (D-Camden/Gloucester) and Assembly Members Kenneth C. LeFevre (R-Atlantic) and Tom Smith (R-Monmouth), adds the violation of a domestic violence restraining order to the list of aggravating factors for a jury to consider in the penalty phase of a murder case. The state's murder statute sets forth a list of aggravating factors, including that the murder was committed in an outrageously or wantonly vile manner, involved an aggravated assault, or was committed in the course of a robbery, burglary, sexual assault or other specified serious offense. A murder charge only may be tried as a death penalty case if the prosecutor gives notice to the defense near to the time of indictment that one or more of the statutory aggravating factors are present. Before a jury in such a case can consider imposing the death penalty, it must find that the state proved beyond a reasonable doubt at least one of the aggravating factors.

S-1388, sponsored by Senator Martha W. Bark (R-Atlantic/Burlington/Camden) and Assembly Member Francis L. Bodine (R-Atlantic/Burlington/Camden), amends the Long Term Tax Exemption Law to permit the assignment of long term tax abatements from urban renewal entities to owners in fee simple. Owners in fee simple own their housing units, which are not a part of a condominium. The law allows urban renewal entities, which are non-profit corporations established to rehabilitate urban housing for resale to qualified individuals, to receive such abatements for improvements made to urban housing developments. Previous law expressly permitted owners of condominium units to sell their property along with tax abatements.

S-1959, sponsored by Senator Robert E. Littell (R-Sussex/Hunterdon/Morris) and Assembly Members Guy R. Gregg (R-Sussex/Hunterdon/Morris) and E. Scott Garrett (R-Sussex/Hunterdon/Morris), appropriates \$5 million to the Department of Environmental Protection from the Natural Resources Bond Act of 1980 for a grant to Hopatcong Borough for a clean water project. The grant will be used to install sewers for residents that reside near Lake Hopatcong. The \$5 million grant is the state's share of the project, which is projected to cost \$20 million. The appropriation will leverage \$8.7 million in federal funds.

S-1515, sponsored by Senator Robert J. Martin (R-Essex/Morris/Passaic) and Assembly Members Carol J. Murphy (R-Essex/Morris/Passaic) and Neil M. Cohen (D-Union), authorizes the regulation of viatical agreements by the Commissioner of Banking and Insurance. A viatical agreement is an agreement to sell a life insurance policy by a person who typically is ill and in immediate need of money. The bill is intended to protect particularly vulnerable persons from aggressive or fraudulent business tactics. The bill requires licensure as a viatical settlement provider for any person who is involved in three or more agreements in the period of one year.

The regulatory aspects of the bill include permitting alterations to viatical agreements, tax implications, rights of rescission, and Medicaid issues. The viatical agreement must contain several consumer protection provisions as set forth in the bill. Among other things, the viatical settlement provider must disclose to consumers possible alternatives to the contract, the need for professional tax advice, the effect of receiving a lump sum of money on pending claims by creditors, and the person's eligibility for government benefits.

The Commissioner of Banking and Insurance is given broad discretion to suspend, revoke or refuse to review licenses. Licensees are required to file annual statements containing information that the Commissioner may require by regulation. The Commissioner has the right to examine the business activities of any licensee.

S-673, sponsored by Senator Peter A. Inverso (R-Mercer/Middlesex), implements a series of recommendations made by the Supreme Court Committee on the Tax Court to amend the laws dealing with property tax appeals and certain Tax Court matters. The amendments are primarily procedural in nature and are designed to increase uniformity, efficiency and flexibility in key areas of the administration of property tax appeals, such as filing deadlines, the Freeze Act and tax payment requirement. The Freeze Act freezes the property assessment for three years when a taxpayer is successful in a tax appeal. The bill also contains several technical amendments, such as incorporating gender neutral language and updating references to judicial bodies and governmental entities.

S-1977 provides for continuity of legal representation through the Office of the Public Defender (OPD) for children and indigent parents in child abuse and termination of parental proceedings. The bill specifically directs that, where practicable, the same attorney will represent a parent or child in each of these types of matters. The continuity is intended to increase the overall effectiveness and efficiency of the legal system in its handling of termination of parental rights cases. The state's recently enacted Adoption and Safe Families Act (AFSA) provided the framework for continuity of legal representation by granting the OPD the authority to represent parents and children in termination of parental rights matters. Prior to AFSA, the OPD was statutorily authorized to provide legal counsel in abuse and neglect matters, but not termination matters. In such termination matters, the courts appointed pro-bono counsel to represent indigent parents and children. The bill was sponsored by Senators William L. Gormley (R-Atlantic) and Edward T. O'Connor, Jr. (D-Hudson) and Assembly Members Richard H. Bagger (R-Middlesex/Morris/Somerset/Union) and Rose Marie Heck (R-Bergen).