

R.S. 45:1-2.1

July 12, 1973

LEGISLATIVE HISTORY OF R.S.45:1-2.1 et seq
(Professional boards and commissions-public members)

copy 2

Previous bills:

1967 - S360
1969 - S192
1970 - S226

L.1971 - Chap.60 - S2015

Jan. 18 - Introduced by Bateman and others.
Feb. 8 - Passed in Senate, amended.
Mar. 15 - Passed in Assembly.
Mar. 25 - Approved, Chapter 60, 1971.
Statement (copy enclosed).
Amended during passage. (copy enclosed)
Governor's Statement on signing (copy enclosed.)

Hearings and Reports:

974.90 New Jersey. Legislature. Senate.
L699 Committee on Business Affairs
1967 Public Hearing on Senate Bill
no. 360 (Professional Boards)

974.90 New Jersey. Professional and Occupational
L699 Licensing Study Commission.
1970 Public Hearing

974.90 New Jersey. Licensing (Professional and
L699 Occupational)
1971 Report

JH/EH
Encl.

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STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1971

By Senators BATEMAN, WOODCOCK and TANZMAN

Referred to Committee on Commerce, Industry and Professions

AN ACT pertaining to certain professional boards and commissions and repealing R. S. 45:1-2.

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

1 1. The provisions of this act shall apply to the following boards
2 and commissions: The New Jersey State Board of Certified Public
3 Accountants, the New Jersey State Board of Architects, the State
4 Board of Barber Examiners, the Board of Beauty Culture Control,
5 the Board of Examiners of Electrical Contractors, the New Jersey
6 State Board of Dentistry, the State Board of Mortuary Science of
7 New Jersey, the State Board of Professional Engineers and Land
8 Surveyors, the State Board of Marriage Counselor Examiners, the
9 State Board of Medical Examiners, the New Jersey Board of Nurs-
10 ing, the New Jersey State Board of Optometrists, the State Board
11 of Examiners of Ophthalmic Dispensers and Ophthalmic Techni-
12 cians, the Board of Pharmacy, the State Board of Professional
13 Planners, the State Board of Psychological Examiners, the State
14 Board of Examiners of Master Plumbers, the New Jersey Real
15 Estate Commission, the State Board of Shorthand Reporting, the
16 State Board of Veterinary Medical Examiners, and the X-ray
17 Technician Board of Examiners.

1 2. ***[**Notwithstanding the provisions of any law to the contrary:**]***

2 a. All members of the several professional boards and commis-
3 sions shall be appointed by the Governor***[**. In**]*** *in the manner*
4 *prescribed by law, except in** appointing members other than those
5 appointed pursuant to subsection b. or subsection c., the Governor
6 shall give due consideration to*, *but shall not be bound by,** recom-
7 mendations submitted by the appropriate professional organiza-
7A tions of this State;

8 b. In addition to the membership otherwise prescribed by law,
9 the Governor shall appoint *in the same manner as presently pre-*

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

CHAPTER 60 LAWS OF N.J. 1971
APPROVED 3-25-71

9A *scribed by law for the appointment of members** one additional
10 member to represent the interests of the public, to be known as a
11 public member, to each of the following boards and commissions:
12 The New Jersey State Board of Certified Public Accountants, the
13 New Jersey State Board of Architects, the State Board of Barber
14 Examiners, the New Jersey State Board of Dentistry, the State
15 Board of Mortuary Science of New Jersey, the State Board of Pro-
16 fessional Engineers and Land Surveyors, the State Board of Medi-
17 cal Examiners, the New Jersey Board of Nursing, the New Jersey
18 State Board of Optometrists, the State Board of Examiners of Oph-
19 thalmic Dispensers and Ophthalmic Technicians, the Board of
20 Pharmacy, the State Board of Professional Planners, The State
21 Board of Psychological Examiners, the New Jersey Real Estate
22 Commission, the State Board of Shorthand Reporting, the State
23 Board of Veterinary Medical Examiners, and the X-ray Technician
24 Board of Examiners. Each public member shall be appointed for
25 the term prescribed for the other members of the board or commis-
26 sion and until the appointment of his successor. Vacancies shall be
27 filled for the unexpired term only. The Governor may remove any
28 such public member after hearing, for misconduct, incompetency,
29 neglect of duty or for any other sufficient cause.

30 c. The Governor shall designate a department in the Executive
31 Branch of the State Government which is closely related to the
32 profession or occupation regulated by each ***[such board or commis-**
33 **sion]*** *of the boards or commissions designated in section 1** and
34 shall appoint the head of such department, or the holder of a
35 designated office or position in such department, to serve **without*
36 *compensation** at the pleasure of the Governor as a member of such
37 board or commission.

38 d. A majority of the voting members of such boards or commis-
39 sions shall constitute a quorum thereof.

1 3. Such additional members:

2 a. Need not meet the educational and professional requirements
3 for membership on such boards or commissions as provided in the
4 several statutes establishing such boards and commissions; and

5 b. Shall be voting members subject to the same rights, obliga-
6 tions and duties as other members of their respective boards or
7 commissions.

1 4. Nothing in this act shall affect the right of a board or com-
2 mission member in office on the effective date of this act to continue
3 to serve for the term for which he was appointed.

1 5. R. S. 45:1-2 is repealed.

1 6. This act shall take effect immediately.

SENATE, No. 2015

STATE OF NEW JERSEY

INTRODUCED JANUARY 18, 1971

By Senators BATEMAN, WOODCOCK and TANZMAN

Referred to Committee on Commerce, Industry and Professions

AN ACT pertaining to certain professional boards and commissions
and repealing R. S. 45:1-2.

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

1 1. The provisions of this act shall apply to the following boards
2 and commissions: The New Jersey State Board of Certified Public
3 Accountants, the New Jersey State Board of Architects, the State
4 Board of Barber Examiners, the Board of Beauty Culture Control,
5 the Board of Examiners of Electrical Contractors, the New Jersey
6 State Board of Dentistry, the State Board of Mortuary Science of
7 New Jersey, the State Board of Professional Engineers and Land
8 Surveyors, the State Board of Marriage Counselor Examiners, the
9 State Board of Medical Examiners, the New Jersey Board of Nurs-
10 ing, the New Jersey State Board of Optometrists, the State Board
11 of Examiners of Ophthalmic Dispensers and Ophthalmic Techni-
12 cians, the Board of Pharmacy, the State Board of Professional
13 Planners, the State Board of Psychological Examiners, the State
14 Board of Examiners of Master Plumbers, the New Jersey Real
15 Estate Commission, the State Board of Shorthand Reporting, the
16 State Board of Veterinary Medical Examiners, and the X-ray
17 Technician Board of Examiners.

1 2. Notwithstanding the provisions of any law to the contrary:

2 a. All members of the several professional boards and commis-
3 sions shall be appointed by the Governor. In appointing members
4 other than those appointed pursuant to subsection b. or subsection
5 c., the Governor shall give due consideration to recommendations
6 submitted by the appropriate professional organizations of this
7 State;

8 b. In addition to the membership otherwise prescribed by law,
9 the Governor shall appoint one additional member to represent the
10 interests of the public, to be known as a public member, to each of
11 the following boards and commissions: The New Jersey State

12 Board of Certified Public Accountants, the New Jersey State Board
 13 of Architects, the State Board of Barber Examiners, the New
 14 Jersey State Board of Dentistry, the State Board of Mortuary
 15 Science of New Jersey, the State Board of Professional Engineers
 16 and Land Surveyors, the State Board of Medical Examiners, the
 17 New Jersey Board of Nursing, the New Jersey State Board of
 18 Optometrists, the State Board of Examiners of Ophthalmic
 19 Dispensers and Ophthalmic Technicians, the Board of Pharmacy,
 20 the State Board of Professional Planners, The State Board of
 21 Psychological Examiners, the New Jersey Real Estate Commission,
 22 the State Board of Shorthand Reporting, the State Board of
 23 Veterinary Medical Examiners, and the X-ray Technician Board of
 24 Examiners. Each public member shall be appointed for the term
 25 prescribed for the other members of the board or commission and
 26 until the appointment of his successor. Vacancies shall be filled for
 27 the unexpired term only. The Governor may remove any such
 28 public member after hearing, for misconduct, incompetency, neglect
 29 of duty or for any other sufficient cause.

30 c. The Governor shall designate a department in the Executive
 31 Branch of the State Government which is closely related to the
 32 profession or occupation regulated by each such board or commis-
 33 sion and shall appoint the head of such department, or the holder
 34 of a designated office or position in such department, to serve at the
 35 pleasure of the Governor as a member of such board or commission.

36 d. A majority of the voting members of such boards or commis-
 37 sions shall constitute a quorum thereof.

1 3. Such additional members:

2 a. Need not meet the educational and professional requirements
 3 for membership on such boards or commissions as provided in the
 4 several statutes establishing such boards and commissions; and

5 b. Shall be voting members subject to the same rights, obliga-
 6 tions and duties as other members of their respective boards or
 7 commissions.

1 4. Nothing in this act shall affect the right of a board or com-
 2 mission member in office on the effective date of this act to continue
 3 to serve for the term for which he was appointed.

1 5. R. S. 45:1-2 is repealed.

1 6. This act shall take effect immediately.

STATEMENT

This bill implements proposals contained in the Report of the
 New Jersey Professional and Occupational Licensing Study Com-
 mission.

SENATE AMENDMENTS TO
SENATE, No. 2015

STATE OF NEW JERSEY

ADOPTED FEBRUARY 1, 1971

Amend page 1, section 2, line 1, omit "Notwithstanding the provisions of any law to the contrary:".

Amend page 1, section 2, line 3, after "Governor", omit ". In", insert "in the manner prescribed by law, except in".

Amend page 1, section 2, line 5, after "to", insert ", but shall not be bound by,".

Amend page 1, section 2, line 9, after "appoint", insert "in the same manner as presently prescribed by law for the appointment of members".

Amend page 2, section 2, lines 32 and 33, after "each", omit "such board or commission", insert "of the boards or commissions designated in section 1".

Amend page 2, section 2, line 34, after "serve", insert "without compensation".

FISCAL NOTE TO
SENATE, No. 2015

STATE OF NEW JERSEY

DATED: FEBRUARY 1, 1971

Senate Bill No. 2015 provides that the Governor shall appoint all members of the professional boards and commissions. It further provides for the appointment of a public member to all such boards.

Considering the salaries and expenses involved, the Department of Law and Public Safety estimates that enactment of this legislation would reduce the revenues of the State by \$16,718.00 in fiscal 1970-71, and \$33,435.00 in each of the fiscal years 1971-72 and 1972-73. Thereafter the revenue loss would be based on prevailing salary allotments.

In compliance with written request received, there is hereby submitted a fiscal estimate for the above bill, pursuant to P. L. 1962, c. 27.

S-2015

Governor William T. Cahill today signed into law Senate bill 2015 which provides for major reform of professional and occupational licensing boards.

In signing the bill, sponsored by Senator Raymond H. Bateman (R., Somerset), the Governor said that the new law will be instrumental in bringing a measure of order to a previously haphazard system of regulation and will also help to relieve the professions themselves of much criticism.

Cahill commended Senator Bateman, who served as chairman, and the members of the Professional and Occupational Licensing Study Commission for their exhaustive work which provided the basis for this new legislation.

The bill provides for public membership on the licensing boards to represent the interests of the community at large. It also provides for a representative of State government on the boards. In addition the new law permits the Governor to make his appointments to the various boards without being restricted to the nominations submitted by the various professional associations.

The Governor concluded that the effect of the bill will "overcome the previous criticisms of 'closed shop regulation' of the professions by providing for public representation on the boards and by providing for the infusion of new ideas, new critiques and new programs."

~~The Governor also signed into law Assembly bill 964 which adds an extension of the Route 35 freeway in Monmouth County to the State highway. The bill was sponsored by Assemblyman Joseph Azzolina (R., Monmouth).~~

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