

LEGISLATIVE HISTORY CHECKLIST

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LAWS of 1999

CHAPTER: 41

NJSA: 2C:34-7

(Sexually oriented business---near hospitals and day care centers---prohibit)

BILL NO: A928(Substituted for S1526)

SPONSOR(S): Bagger and Augustine

DATE INTRODUCED:Pre-filed

COMMITTEE:

*ASSEMBLY:*Judiciary

*SENATE:*Law & Public Safety

AMENDED DURING PASSAGE:No

DATES OF PASSAGE:

*ASSEMBLY:*March 16, 1998

SENATE: January 28, 1999

DATE OF APPROVAL:March 12, 1999

THE FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL: *YES*Original

(Amendments during passage denoted by superscript numbers)

A928

SPONSORS STATEMENT: *Yes* (Begins on page 3 of original bill)

COMMITTEE STATEMENT:

ASSEMBLY: *Yes*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

S1526

SPONSORS STATEMENT: *Yes (Begins on page 3 of original bill)*

Bill and Sponsor's Statement identical to A928

COMMITTEE STATEMENT:

ASSEMBLY: *No*

SENATE: *Yes*

FLOOR AMENDMENT STATEMENTS: *No*

LEGISLATIVE FISCAL ESTIMATE: *No*

GOVERNOR'S ACTIONS

VETO MESSAGE: *No*

GOVERNOR'S PRESS RELEASE ON SIGNING: *Yes*

THE FOLLOWING WERE PRINTED:

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REPORTS: *No*

HEARINGS: *No*

NEWSPAPER ARTICLES: *No*

P.L. 1999, CHAPTER 41, *approved March 12, 1999*
Assembly, No. 928

1 **AN ACT** concerning the location of sexually oriented businesses and
2 amending P.L.1995, c.230.

3

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

6

7 1. Section 3 of P.L.1995, c.230 (C.2C:34-7) is amended to read
8 as follows:

9 3. a. Except as provided in a municipal zoning ordinance adopted
10 pursuant to N.J.S.2C:34-2, no person shall operate a sexually oriented
11 business within 1,000 feet of any existing sexually oriented business,
12 or any church, synagogue, temple or other place of public worship, or
13 any elementary or secondary school or any school bus stop, or any
14 municipal or county playground or place of public resort and
15 recreation, or any hospital or any child care center, or within 1,000
16 feet of any area zoned for residential use. This subsection shall not
17 apply to a sexually oriented business already lawfully operating on the
18 effective date of this act where another sexually oriented business, an
19 elementary or secondary school or school bus stop, or any municipal
20 or county playground or place of public resort and recreation or any
21 hospital or any child care center, is subsequently established within
22 1,000 feet, or a residential district or residential lot is subsequently
23 established within 1,000 feet.

24 b. Every sexually oriented business shall be surrounded by a
25 perimeter buffer of at least 50 feet in width with plantings, fence, or
26 other physical divider along the outside of the perimeter sufficient to
27 impede the view of the interior of the premises in which the business
28 is located. The municipality may, by ordinance, require the perimeter
29 buffer to meet additional requirements or standards. This subsection
30 shall not apply to a sexually oriented business already lawfully
31 operating on the effective date of this act.

32 c. No sexually oriented business shall display more than two
33 exterior signs, consisting of one identification sign and one sign giving
34 notice that the premises are off limits to minors. The identification
35 sign shall be no more than 40 square feet in size.

36 d. A person who violates this section is guilty of a crime of the
37 fourth degree.

38 (cf: P.L.1995, c.230, s.3)

39

40 2. This act shall take effect immediately.

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

Matter underlined thus is new matter.

1

2

3 Prohibit operation of sexually oriented business within 1,000 feet of
4 any hospital or child care center.

ASSEMBLY, No. 928

STATE OF NEW JERSEY 208th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

Sponsored by:

Assemblyman RICHARD H. BAGGER

District 22 (Middlesex, Morris, Somerset and Union)

Assemblyman ALAN M. AUGUSTINE

District 22 (Middlesex, Morris, Somerset and Union)

SYNOPSIS

Prohibit operation of sexually oriented business within 1,000 feet of any hospital or child care center.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A928 BAGGER, AUGUSTINE

2

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1 STATEMENT

2

3 This bill would amend N.J.S.2C:34-7 concerning the location of
4 sexually oriented businesses to prohibit the operation of such
5 businesses within 1,000 feet of any hospital or child care center.

6 Currently, the law prohibits the operation of sexually oriented
7 businesses within 1,000 feet of any existing sexually oriented business,
8 any church, synagogue, temple or other place of worship, any
9 elementary or secondary school or any school bus stop, any municipal
10 or county playground or place of public resort and recreation.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 928

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1998

The Assembly Judiciary Committee reports favorably Assembly Bill No. 928.

This bill would amend N.J.S.2C:34-7 concerning the location of sexually oriented businesses to prohibit the operation of such businesses within 1,000 feet of any hospital or child care center.

Currently, the law prohibits the operation of sexually oriented businesses within 1,000 feet of any existing sexually oriented business, any church, synagogue, temple or other place of worship, any elementary or secondary school or any school bus stop, any municipal or county playground or place of public resort and recreation.

This bill was prefiled for introduction in the 1998 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 928

STATE OF NEW JERSEY

DATED: NOVEMBER 23, 1998

The Senate Law and Public Safety Committee reports favorably Assembly Bill No. 928.

This bill would amend N.J.S.2C:34-7 concerning the location of sexually oriented businesses to prohibit the operation of such businesses within 1,000 feet of any hospital or child care center.

Currently, the law prohibits the operation of sexually oriented businesses within 1,000 feet of any existing sexually oriented business, any church, synagogue, temple or other place of worship, any elementary or secondary school or any school bus stop, any municipal or county playground or place of public resort and recreation.

SENATE, No. 1526

STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED DECEMBER 10, 1998

Sponsored by:

Senator JOHN O. BENNETT

District 12 (Monmouth)

Senator ANTHONY R. BUCCO

District 25 (Morris)

Co-Sponsored by:

Senators Sacco, Inverso, Singer, Sinagra, Matheussen and Allen

SYNOPSIS

Prohibit operation of sexually oriented business within 1,000 feet of any hospital or child care center.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/29/1999)

S1526 BENNETT, BUCCO

2

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SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 1526

STATE OF NEW JERSEY

DATED: JANUARY 25, 1999

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 1526.

This bill would amend N.J.S.2C:34-7 concerning the location of sexually oriented businesses to prohibit the operation of such businesses within 1,000 feet of any hospital or child care center.

Currently, the law prohibits the operation of sexually oriented businesses within 1,000 feet of any existing sexually oriented business, any church, synagogue, temple or other place of worship, any elementary or secondary school or any school bus stop, any municipal or county playground or place of public resort and recreation.

It is the committee's understanding that this measure will help preserve the character and prevent the deterioration of neighborhoods in which hospitals and child care centers are located. The United States Supreme Court, as well as the Supreme Court of New Jersey have recognized that sexually oriented businesses can cause concrete and non-speculative side effects, such as promoting delinquency, contributing to an overall increase in crime, increasing traffic congestion and parking problems, creating an environment that leads to the general deterioration of neighborhoods and lowering property values. By including hospitals and child care centers among the enumerated entities that enjoy a 1,000 foot buffer zone from sexually oriented business, those children and family members and friends who visit hospitals and children being transported to and from child care centers, and employees at such institutions, will not be subjected to the adverse effects which are associated with sexually oriented businesses. Hospitals and child care centers alike will benefit from the improved traffic safety, limitation on harm to minors, and reduced prostitution, crime, juvenile delinquency and deterioration in property that the buffer zone will provide.

Office of the Governor
NEWS RELEASE

PO BOX 004
TRENTON, NJ 08625

CONTACT: Gene Herman
609-777-2600

RELEASE: March 12, 1999

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

A-161, sponsored by Assembly Members Christopher "Kip" Bateman (R-Morris/Somerset) and Neil M. Cohen (D-Union) and Senators Peter A. Inverso (R-Mercer/Middlesex) and Wayne R. Bryant (D-Camden/Gloucester), provides an alternative method of canceling residential mortgages of record after they have been paid off. If a mortgage has been paid in full and the lender has not submitted the mortgage to the county clerk to be canceled of record, an attorney licensed in New Jersey or a licensed title insurance producer may record a discharge of mortgage or a "satisfaction piece." The discharge or satisfaction piece must be accompanied by an affidavit setting forth circumstances of payment. The bill sets forth a sample affidavit. If the attorney or title producer has not received a notice of mortgage cancellation within 30 days after the payment was made, the attorney may send a notice to the lender. If another 15 days elapse without a response from the lender, the affidavit may be filed with the county clerk. This bill does not apply to real property with more than four dwelling units if the debtor or the debtor's family member occupies one of these units. The bill applies to all residential mortgages, whether executed or not, that use real property in New Jersey as security.

A-928, sponsored by Assembly Members Richard H. Bagger (R-Middlesex/Morris/ Somerset/ Union) and Alan M. Augustine (R-Middlesex/Morris/Somerset/Union) and Senators John O. Bennett (R-Monmouth) and Anthony R. Bucco (R-Morris), amends the criminal code to prohibit the operation of sexually-oriented businesses within 1,000 feet of a hospital or child care center. The Criminal Code defines a sexually-oriented business as a commercial establishment that, as one of its principal business purposes: (1) offers for sale, rental or display printed materials, photographs, movies or other visual representations that depict or describe a "specified sexual activity" or "specified anatomical area;" or (2) offers for sale, rental or display instruments, devices or paraphernalia that are designed for use in connection with specific sexual activity; or (3) is a commercial establishment that regularly features live performances characterized by the exposure of a "specified anatomical area" or by a "specified sexual activity," or that regularly shows movies or other similar photographic representations. Violation of the prohibitions is punishable as a crime of the fourth degree.

A-1631, sponsored by Assembly Members Neil M. Cohen (D-Union) and Christopher "Kip" Bateman (R-Morris/Somerset), makes it a disorderly persons offense for Division of Taxation employees to examine tax returns and records outside of the performance of their official duties or to permit another to do so. State law provides that the records of and files of the Division of Taxation are confidential and privileged. A disorderly person offense is punishable by a term of imprisonment of not more than six months.

A-1692, sponsored by Assembly Member Wilfredo Caraballo (D-Essex) and John S. Wisniewski (D-Middlesex), requires a cable television company to notify all subscribers in service areas when either the Board of Public Utilities or the Federal Communications Commission orders the company to provide a

rate reduction or refund. Such notice must occur within the next billing cycle following the approval of the order. The purpose of the bill is to allow customers of the same cable company in different towns to petition for the same rate decrease.

A-1931, sponsored by Assembly Members Joel M. Weingarten (R- Essex/Union) and Senator Peter A. Inverso (R-Mercer/Middlesex), regulates the purchase of collateral protection insurance by lenders. Collateral protection insurance is insurance purchased by a creditor to protect its interest in secured property when a debtor fails to maintain insurance on the secured property. The creditor is named as the loss payee or beneficiary on the policy. The legislation seeks to regulate the amount the creditor may bill the debtor for such insurance as well as other aspects of the transaction. If the term of the credit agreement requires the debtor to purchase collateral protection insurance and the debtor does not obtain the insurance, the creditor may purchase it on behalf of the debtor. Once the creditor purchases such insurance, it is allowed to bill the debtor for the insurance premiums and add these costs to the loan balance. If the debtor demonstrates that it already had collateral protection insurance coverage in place, the creditor must cancel its policy and refund the billed premiums to the debtor. The bill also permits the lender to obtain collateral protection insurance if the borrower does not comply with the borrower's obligations regarding the purchase of insurance. The bill requires the lender to inform the borrower that even if the lender purchases collateral protection insurance, it may not cover the value of the property, possibly resulting in the borrower being underinsured. The bill further provides that if the purchase of collateral protection insurance is due to the error of the lender, the borrower will not be liable to the lender for the cost of collateral protection insurance.

S-946, sponsored by Senators John O. Bennett (R-Monmouth) and Robert W. Singer (R-Burlington/Monmouth/Ocean), requires local contracting units to provide two additional documents with all plans, specifications and bid proposal documents for construction contracts which exceed the bid threshold amount which is currently \$12,300. The documents are: (1) a document for the bidder to acknowledge receipt of any notice or revisions to the advertisement or bid documents; and (2) a form listing those documents that the contracting agent requires each bidder to submit with the bid. Bidders are also subject to additional statutory requirements under the bill. The legislation requires bidders of construction contracts for more than \$100,000 to submit to the local contracting unit a bid guarantee and a certificate of surety. With regard to any other contracts, including construction contracts for \$100,000 or less and all non- construction contracts, it will remain within the discretion of the local contracting unit to determine whether to require a bid guarantee or a certificate of surety. The bill also clarifies which defects will render a bid unresponsive and incapable of being cured. The bill makes this clarification by listing five documents which are considered mandatory. These documents include a bid guarantee, a certificate of surety, a statement of corporate ownership, a listing of subcontractors and a document acknowledging the bidders receipt of any notice or revisions to the advertisement or bid documents. These documents will be considered mandatory only if the bid plans and specifications require their submission.

A-2217, sponsored by Assembly Members David W. Wolfe (R-Monmouth/Ocean) and Joseph V. Doria, Jr. (D-Hudson) and Senators Peter A. Inverso (R-Mercer/Middlesex) and John O. Bennett (R-Monmouth), consolidates higher education student assistance entities into one new authority. The bill consolidates the various student assistance functions of the Office of Student Assistance, the Student Assistance Board and the Higher Education Assistance Authority into one, new authority to be known

as the Higher Education Student Assistance Authority. The authority will be located in but not of the Department of State, consistent with the location of the Commission on Higher Education. The chief executive and administrative officer of the authority, which will administer, coordinate and implement student aid assistance in the state, will be the executive director who will be appointed by the Governor. The authority will have a board consisting of 18 members: the State Treasurer; chair of the Commission on Higher Education; the chair of the Board of Directors of the Educational Opportunity Fund; five representatives from state higher education institutions; two students from different collegiate institutional sectors; seven public members and the executive director of the authority. The seven public members will be appointed by the Governor with the advice and consent of the Senate. The institutional representatives shall be nominated by the institutions or sector associations and appointed by the Governor with the advice and consent of the Senate. The bill enlarges the membership on the Commission on Higher Education from nine to eleven members, adding a faculty member from an institution of higher education to be appointed by the Governor with the advice and consent of the Senate, and the chairperson of the Board of the Higher Education Student Assistance Authority, ex officio, or a designee from the public members on the authority. Regarding state colleges and universities, the bill changes the name of the New Jersey State College Governing Boards Association to the New Jersey Association of State Colleges and Universities to reflect the change in status of some of the state colleges.

In connection with county colleges, the bill clarifies that the board of trustees of a county college may not employ officers, agents and employees unless the president of the respective county college nominates such individuals. Under the bill, the University of Medicine and Dentistry of New Jersey may use income from the operation of faculty practice plans and income from overhead grant fund recovery as permitted by federal law. With respect to the New Jersey Educational Facilities Authority, the bill provides that the authority need not obtain same-day approval of bond authorizations or sales from the Governor. The authority will still be subject to other requirement of obtaining approval upon the Governor's receipt of the board minutes.