

# 52:11-61

## LEGISLATIVE HISTORY CHECK Compiled by the NJ State Law Library

**LAWS OF:** 1999            **CHAPTER:** 244

**NJSA:** 52:11-61        (Sponsors of bills—legal defects)

**BILL NO:** A1447

**SPONSOR(S):** Collins

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:**        **ASSEMBLY:** Policy and Regulatory Oversight

**SENATE:** State Government, Banking and Financial Institutions

**AMENDED DURING PASSAGE:** Yes

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

**SENATE:** May 10, 1999

**DATE OF APPROVAL:** October 15, 1999

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

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

[SPONSORS STATEMENT:](#) (Begins on page 3 of original bill) [Yes](#)

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

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

**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 244, *approved October 15, 1999*  
Assembly, No. 1447 (*First Reprint*)

1 AN ACT requiring Legislative Counsel to advise the <sup>1</sup>**[first]**<sup>1</sup> prime  
2 sponsor <sup>1</sup>or prime sponsors<sup>1</sup> of a legislative bill, joint resolution or  
3 concurrent resolution of legal defects therein in certain instances  
4 and amending P.L.1979, c.8.

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

8  
9 1. Section 8 of P.L.1979, c.8 (C.52:11-61) is amended to read as  
10 follows:

11 8. It shall be the duty of the Legislative Counsel:

12 a. To provide general standards for the office to draft, aid in  
13 drafting and redrafting bills, resolutions and amendments thereof, and  
14 reviewing the same when drafted elsewhere, proposed for introduction  
15 in the Legislature and other legislative documents for and upon the  
16 request of any legislative commission or of any member, committee or  
17 joint committee of the Legislature;

18 b. To provide general standards for the office to examine and edit  
19 legislative bills, proposed for introduction or introduced from time to  
20 time in the Senate and General Assembly so as to assure, whenever  
21 possible, their compliance with the form and general classification of  
22 the Revised Statutes, when so requested or directed by the Legislature  
23 or any committee thereof;

24 c. To furnish assistance and information to the Legislature or any  
25 member or committee thereof or to the departments, officers,  
26 institutions and agencies of the State and to the public in legal matters  
27 concerning the statutes, when so requested;

28 d. To receive drafts of legislative bills with suggestions and  
29 recommendations from the New Jersey Law Revision Commission for  
30 the improvement and modification of the general and permanent  
31 statute law of the State, and to examine and edit those bills in the same  
32 manner as it would other bills under this section;

33 e. To furnish to the presiding officer of each House of the  
34 Legislature or to the committees, joint committees and members of the  
35 Legislature, legal assistance, information and advice when and in  
36 relation to such matters as the commission shall from time to time  
37 determine, relating to

38 (1) The subject matter and legal effect of the statutes and of  
39 proposals made for statutory enactment, and

40 (2) Questions of parliamentary law and legislative procedure;

**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.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Senate SGB committee amendments adopted February 25, 1999.

1 f. Upon the written request of either or both Houses of the  
2 Legislature, the presiding officer of either House, the majority or  
3 minority leader of either House, a legislative committee or  
4 commission, to furnish formal written opinions on legal matters;

5 g. On behalf of the commission to assign appropriate compilation  
6 numbers to newly-enacted laws, edit an annual cumulative table of  
7 contents to the laws, and initiate administrative corrections in the text  
8 of the laws as authorized and directed by R.S.1:3-1 and R.S.1:3-2;

9 h. To provide the <sup>1</sup>["first"]<sup>1</sup> prime sponsor <sup>1</sup>or prime sponsors, as  
10 the case may be,<sup>1</sup> of a legislative bill, joint resolution or concurrent  
11 resolution, or amendment thereto, as well as the <sup>1</sup>["first"]<sup>1</sup> prime  
12 sponsor <sup>1</sup>or prime sponsors, as the case may be, <sup>1</sup>of an identical  
13 legislative bill, joint resolution or concurrent resolution, or amendment  
14 thereto, at the same time as provided to the requester of a written  
15 opinion under this section, with advice of any legal defects,  
16 constitutional, procedural or otherwise, of which the Legislative  
17 Counsel is aware, notwithstanding the provisions of section 17 of this  
18 act (C.52:11-70); and

19 i. To perform such other duties and responsibilities as shall be  
20 directed by the commission or provided by law or House rule.  
21 (cf: P.L.1985, c.498, s.11)

22  
23 2. This act shall take effect immediately.

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27  
28 Requires notice to prime sponsor or prime sponsors of legal defects in  
29 legislation in certain instances.

**ASSEMBLY, No. 1447**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 1998 SESSION

**Sponsored by:**

**Assemblyman JACK COLLINS**

**District 3 (Salem, Cumberland and Gloucester)**

**SYNOPSIS**

Requires notice to first prime sponsor of legal defects in legislation in certain instances.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



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2

1 AN ACT requiring Legislative Counsel to advise the first prime  
2 sponsor of a legislative bill, joint resolution or concurrent  
3 resolution of legal defects therein in certain instances and amending  
4 P.L.1979, c.8

5

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

8

9 1. Section 8 of P.L.1979, c.8 (C.52:11-61) is amended to read as  
10 follows:

11 8. It shall be the duty of the Legislative Counsel:

12 a. To provide general standards for the office to draft, aid in  
13 drafting and redrafting bills, resolutions and amendments thereof, and  
14 reviewing the same when drafted elsewhere, proposed for introduction  
15 in the Legislature and other legislative documents for and upon the  
16 request of any legislative commission or of any member, committee or  
17 joint committee of the Legislature;

18 b. To provide general standards for the office to examine and edit  
19 legislative bills, proposed for introduction or introduced from time to  
20 time in the Senate and General Assembly so as to assure, whenever  
21 possible, their compliance with the form and general classification of  
22 the Revised Statutes, when so requested or directed by the Legislature  
23 or any committee thereof;

24 c. To furnish assistance and information to the Legislature or any  
25 member or committee thereof or to the departments, officers,  
26 institutions and agencies of the State and to the public in legal matters  
27 concerning the statutes, when so requested;

28 d. To receive drafts of legislative bills with suggestions and  
29 recommendations from the New Jersey Law Revision Commission for  
30 the improvement and modification of the general and permanent  
31 statute law of the State, and to examine and edit those bills in the same  
32 manner as it would other bills under this section;

33 e. To furnish to the presiding officer of each House of the  
34 Legislature or to the committees, joint committees and members of the  
35 Legislature, legal assistance, information and advice when and in  
36 relation to such matters as the commission shall from time to time  
37 determine, relating to

38 (1) The subject matter and legal effect of the statutes and of  
39 proposals made for statutory enactment, and

40 (2) Questions of parliamentary law and legislative procedure;

41 f. Upon the written request of either or both Houses of the  
42 Legislature, the presiding officer of either House, the majority or  
43 minority leader of either House, a legislative committee or

**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.**

A1447 COLLINS

- 1 commission, to furnish formal written opinions on legal matters;
- 2 g. On behalf of the commission to assign appropriate compilation  
3 numbers to newly-enacted laws, edit an annual cumulative table of  
4 contents to the laws, and initiate administrative corrections in the text  
5 of the laws as authorized and directed by R.S.1:3-1 and R.S.1:3-2;
- 6 h. To provide the first prime sponsor of a legislative bill, joint  
7 resolution or concurrent resolution, or amendment thereto, as well as  
8 the first prime sponsor of an identical legislative bill, joint resolution  
9 or concurrent resolution, or amendment thereto, at the same time as  
10 provided to the requester of a written opinion under this section, with  
11 advice of any legal defects, constitutional, procedural or otherwise, of  
12 which the Legislative Council is aware, notwithstanding the provisions  
13 of section 17 of this act (C.52:11-70); and
- 14 i. To perform such other duties and responsibilities as shall be  
15 directed by the commission or provided by law or House rule.  
16 (cf: P.L.1985, c.498, s.11)

17  
18 2. This act shall take effect immediately.

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20  
21 STATEMENT

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23 This bill requires Legislative Council to advise first prime sponsors  
24 of any legal defects in their legislative bills, joint resolutions or  
25 concurrent resolutions, or amendments thereto, when Legislative  
26 Counsel becomes aware of the legal defects as a result of a  
27 confidential request under this section for a written opinion.  
28 Currently, if Legislative Council becomes aware of legal defects in  
29 legislative bills, joint resolutions or concurrent resolutions, or  
30 amendments thereto, as a result of a confidential request for a written  
31 opinion, Legislative Council considers the resulting knowledge of  
32 these legal defects to also be confidential pursuant to P.L.1979, c.8,  
33 s.17 (C.52:11-70). The bill provides that this change in practice would  
34 take effect immediately.

ASSEMBLY POLICY AND REGULATORY OVERSIGHT  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1447**

**STATE OF NEW JERSEY**

DATED: MAY 4, 1998

The Assembly Policy and Regulatory Oversight Committee reports favorably Assembly Bill No. 1447.

This bill requires Legislative Counsel to advise first prime sponsors of any legal defects in their legislative bills, joint resolutions, concurrent resolutions, or amendments thereto, when Legislative Counsel becomes aware of the legal defects as a result of a confidential request under this section for a written opinion. Currently, if Legislative Counsel becomes aware of legal defects in legislative bills, joint resolutions, concurrent resolutions, or amendments thereto, as a result of a confidential request for a written opinion, Legislative Counsel considers the resulting knowledge of these legal defects to also be confidential pursuant to P.L.1979, c.8, s.17 (C.52:11-70). The bill provides that this change in practice would take effect immediately.

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

SENATE STATE GOVERNMENT, BANKING AND  
FINANCIAL INSTITUTIONS COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1447**

with committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 25, 1999

The Senate State Government, Banking and Financial Institutions Committee reports favorably and with committee amendments Assembly Bill No. 1447.

At present, if the Legislative Counsel becomes aware of legal defects in a bill, joint resolution, concurrent resolution, or in any amendment to such legislation in the course of preparing a written opinion for a legislator who is not a prime sponsor, because of the confidentiality of a request for a written opinion the Legislative Counsel cannot advise the prime sponsor or prime sponsors of such defects. This bill requires the Legislative Counsel to advise the prime sponsor or prime sponsors, as the case may be, of any legal defects in a bill, joint resolution, concurrent resolution, or in any amendment to such legislation, at the same time as the information is provided to the requester of a written opinion. The Legislative Counsel must also advise the prime sponsor or prime sponsors of an identical bill, joint resolution or concurrent resolution of any such legal defects.

The committee amended the bill to provide that the Legislative Counsel would advise the prime sponsors, and not only the first prime sponsor, of any legal defects.



*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Jayne O'Connor  
Stephanie Bell  
609-777-2600

RELEASE: October 15, 1999

Governor Christie Whitman today signed the following legislation:

**A-1447**, sponsored by Assembly Speaker Jack Collins, requires legislative counsel to provide prime sponsors of legislation with advice of legal defects at the same time the counsel provides a written response to a request for a confidential written opinion on a bill.

**A-170**, sponsored by Assembly Members John Kelly (R-Bergen/Essex/Passaic) and Louis Romano (D-Hudson), eliminates the dual-licensing requirement for rooming and boarding houses and it increases the fee that may be charged by the Department of Community Affairs to license rooming and boarding houses.

**A-1670**, sponsored by Assemblywomen Marion Crecco (R-Essex/Passaic) and Charlotte Vandervalk (R-Bergen) and Senator Diane Allen (R- Burlington/Camden), establishes the neighborhood-Based Child Care Incentive Demonstration Program. This program expands the availability of safe, affordable child care to low and middle income families by encouraging the use of volunteer networks in the delivery of neighborhood-based child care services. The demonstration program, administered by the Department of Human Services, will operate in five counties, two of which will be in municipalities targeted by the Governor's Urban Coordinating Council.

**A-2023**, sponsored by Assembly Members Arline Friscia (D-Middlesex) and Reed Gusciora (D-Mercer), requires public employers to promptly pay amounts due certain employee annuity programs to ensure there is no loss of interest earnings . This bill would ensure that amounts payable by an employer on behalf of an employee be transmitted on, and credited as of, the fifth day after the employee is paid for that pay period.

**A-3025**, sponsored by Assemblymen Jerry Green (D- Middlesex/Somerset/Union) and John Kelly (R-Bergen/Essex/Passaic) and Senators Andrew Ciesla (R-Monmouth/Ocean) and John Matheussen (R-Camden/Gloucester), makes various changes to the "Map Filing Law." The bill eliminates the requirement that outside tract line monuments be installed by the developer prior to filing a map and it requires the developer to post a guarantee, to ensure that that developer eventually installs the outbound monuments.

**A-307**, sponsored by Assemblywoman Nia Gill (D-Essex) and LeRoy J. Jones, Jr. (D-Essex), allows senior citizens with personal lines of insurance to designate third parties to receive insurance cancellation and nonrenewal notices. Envelopes including such information must be labeled clearly "Important Insurance Policy Information; Open Immediately."

**A-2636**, sponsored by Assembly Members Anthony Impreveduto (D- Bergen/Hudson) and Joseph R. Malone III (R- Burlington/Monmouth/Ocean), eliminates prohibition against a school official action on certain matters. The bill specifically defines "personal involvement" and provides that no school official can act in his official capacity in any matter where he or a member of his immediate family has a personal involvement that is or creates some benefit to the official or his family member.

**A-2050**, sponsored by Assembly Members Nicholas Felice (R-Bergen/Passaic) and Carol Murphy (R- Essex/Morris/Passaic) and Senator Peter Inverso (R-Mercer/Middlesex), clarifies sales and use tax imposition upon prepaid telephone calling cards. The bill requires that sellers collect sales tax for the value of the card and remit it to the state.

**A-2255**, sponsored by Assemblymen Christopher "Kip" Bateman (R- Morris/Somerset) and Neil Cohen (D-Union) and Senator Peter Inverso (R-Mercer/Middlesex), makes certain changes in the "New Jersey Licensed Lenders Act." The bill changes the definition of "principal amount" as applied to secondary mortgage loans. The bill prohibits including the amount of discount points in the amount to be financed. In addition, the bill increases the cap on the application fee for sales finance companies from \$300 to \$500.

**A-2302**, sponsored by Assemblymen Nicholas Asselta (R-Cape May/Atlantic/Cumberland) and Jack Gibson (R-Cape May/Atlantic/Cumberland) and Senators James Cafiero (R-Cape May/ Atlantic/Cumberland) and John Matheussen (R-Camden/Gloucester), provides immunities and other benefits to personnel who participate in search and rescue teams. The bill also ensures that members of search and rescue teams accrue their employment benefits while working with the teams.

**A-2393**, sponsored by Assemblymen Christopher "Kip" Bateman (R- Morris/Somerset) and Neil Cohen (D-Union) and Senator Walter Kavanaugh (R-Morris/Somerset), simplifies certain banking procedures to conform the state's laws to federal ones.

**A-2469**, sponsored by Assembly Speaker Jack Collins (R-Salem/Cumberland/Gloucester) and Assemblyman Neil Cohen (D-Union), makes permanent the \$5 instant rebate program for purchases of trigger locks that the Governor introduced as part of her anti- school violence initiatives.

**A-2806**, sponsored by Assemblymen Alan Augustine (R-Middlesex/Morris/Somerset/Union) and Christopher "Kip" Bateman (R- Morris/Somerset) and Senator Walter Kavanaugh (R-Morris/ Somerset), provides standards for retention of records of certain financial institutions. The bill will assist regulators in their supervisory role as well as prevent fraud against financial institutions.

**A-3040**, sponsored by Assemblymen Paul DiGaetano (R-Bergen/Essex/Passaic) and Neil Cohen (D- Union), clarifies the tenant rebate provisions of the NJ SAVER and Homestead Rebate Act. The clarification ensures that benefits provided to tenants who are 65 years of age or older, or who are eligible to claim a deduction as a blind or disabled taxpayer, are equal to the benefits provided to other eligible tenants.

**A-722**, sponsored by Assembly Members Paul Kramer (R-Mercer/Middlesex) and Barbara Wright (R-Mercer/Middlesex), establishes a regulatory scheme for certain private facilities under contract with

the Department of Corrections. The bill enhances communications between halfway houses and municipal officials and residents and supplements the criteria used to determine whether an inmate is eligible for a halfway house. Primarily, the bill establishes: community relations advisory boards, a procedure for notifying local law enforcement officials of an inmates transfer to their community, supplements the department's regulations regarding the procedure for reporting an escape and codifies and supplements the department's regulations that set forth criteria used to determine whether an inmate is eligible for a halfway house.