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P.L. 2007, CHAPTER 151, *approved August 21, 2007*
Assembly, No. 2100

1 AN ACT concerning the legislative procedure for the preparation of
2 fiscal notes and estimates, amending P.L.1980, c.67 and
3 repealing section 7 of P.L.1980, c.67.

4

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

7

8 1. Section 1 of P.L.1980, c.67 (C.52:13B-6) is amended to read
9 as follows:

10 1. Whenever any bill is introduced in either the Senate or
11 General Assembly, and that bill receives first reading pursuant to
12 the rules of the House in which it is introduced, the bill shall be
13 immediately reviewed by the Legislative Budget and Finance
14 Officer in the Office of Legislative Services. If, upon **[his]** that
15 review, the Legislative Budget and Finance Officer determines
16 **[that the bill will not increase or decrease expenditures or increase**
17 **or decrease revenues of the State or any political subdivision**
18 **thereof, he shall certify that fact, on a statement signed by him and**
19 **filed in his office. If he determines]** that the bill may increase or
20 decrease expenditures or increase or decrease revenues of the State
21 or any political subdivision thereof, **[he]** the Officer shall
22 immediately **[forward a statement to the sponsor and the chairman**
23 **of the committee, if any, to which the bill was referred, or to the**
24 **presiding officer of the House in which the bill originated if no such**
25 **reference was made, that, in his judgment, a fiscal note is required.**
26 **If the sponsor, or the committee chairman, or the presiding officer**
27 **request it, the Legislative Budget Officer shall immediately]**
28 forward a request for a fiscal note to the Director of the Division of
29 Budget and Accounting in the Department of the Treasury.

30 (cf: P.L.1980, c.67, s.1)

31

32 2. Section 2 of P.L.1980, c.67 (C.52:13B-7) is amended to read
33 as follows:

34 2. a. It shall be the duty of the director, upon receipt of a request
35 for a fiscal note, to forward the request within 5 business days to
36 the State department, commission or agency which would be
37 authorized or required to carry out the purposes of the bill or, if the
38 bill would affect the expenditures or revenues of any political
39 subdivision of the State, to the State department, commission or
40 agency having the most adequate information pertaining thereto.

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.

1 b. Within 20 business days after receiving a request for a fiscal
2 note from the director, the State department, commission or agency
3 shall prepare and return to **【him】** the director a fiscal note
4 containing the most accurate estimate possible, in dollars,
5 concerning the amount by which expenditures or revenues will be
6 increased or decreased for the State or any of its political
7 subdivisions. The fiscal note shall contain information relating to
8 as many fiscal years as can reasonably be foreseen.

9 c. Within 5 business days after receiving a fiscal note from a
10 State department, commission or agency, the director shall return
11 the fiscal note to the Legislative Budget and Finance Officer. The
12 director shall include with the fiscal note a statement (1) concurring
13 with the fiscal note, (2) suggesting alternative dollar amounts, or (3)
14 indicating any other information which **【he】** the director deems
15 relevant.

16 (cf: P.L.1980, c. 67, s.2)

17

18 3. Section 3 of P.L.1980, c.67 (C.52:13B-8) is amended to read
19 as follows:

20 3. **【When he receives】** Upon receiving a fiscal note from the
21 director, the Legislative Budget and Finance Officer shall, **【within**
22 **10 business days】** by a date consistent with legislative
23 consideration, append thereto a statement (1) concurring with the
24 fiscal note, (2) suggesting alternative dollar amounts, or (3)
25 indicating any other information which **【he】** the Officer deems
26 relevant.

27 (cf: P.L.1980, c. 67, s.3)

28

29 4. Section 4 of P.L.1980, c.67 (C.52:13B-9) is amended to read
30 as follows:

31 4. If the Legislative Budget and Finance Officer has not received
32 a fiscal note from the director **【after 30 business days】** by a date
33 consistent with legislative consideration, **【he】** the Officer shall
34 cause a legislative fiscal estimate to be produced by **【the Division**
35 **of Budget and Program Review in】** the Office of Legislative
36 Services as soon as practicable. The legislative fiscal estimate shall
37 contain the same information as would be included in a fiscal note.
38 In addition, it shall contain the following statement: "This
39 legislative fiscal estimate has been produced by the Office of
40 Legislative Services due to the failure of the Executive Branch to
41 respond to our request for a fiscal note." **【The legislative fiscal**
42 **estimate shall be transmitted to the Legislative Budget Officer**
43 **within 10 business days.】**

44 (cf: P.L.1980, c.67, s.4)

45

46 5. Section 5 of P.L.1980, c.67 (C.52:13B-10) is amended to read
47 as follows:

1 5. When the Legislative Budget and Finance Officer has a
2 complete fiscal note or legislative fiscal estimate, **[he shall mail a]**
3 the Officer shall transmit an electronic copy of the fiscal note or
4 legislative fiscal estimate to the **[introducer]** sponsor whose name
5 first appears on the bill with a notice that the **[introducer]** sponsor
6 may object to the fiscal note or legislative fiscal estimate within **[10**
7 business days after receiving it] three business days after the
8 transmittal of the electronic copy.

9 (cf: P.L.1980, c.67, s.5)

10

11 6. Section 6 of P.L.1980, c.67 (C.52:13B-11) is amended to read
12 as follows:

13 6. If, after **[10 business days]** the three day review period
14 provided in section 5 of P.L.1980, c.67 (C.52:13B-10), the
15 Legislative Budget and Finance Officer has received no objections
16 from the **[introducer]** sponsor, **[he]** the Officer shall cause the
17 fiscal note or legislative fiscal estimate to be printed and promptly
18 made available through the Office of Legislative Services to all
19 members of the Legislature and to the general public. If, however,
20 the **[introducer]** sponsor objects to the fiscal note or legislative
21 fiscal estimate, the Legislative Budget and Finance Officer shall
22 promptly review it and make any changes therein which **[he]** the
23 Officer might deem as reasonable, in the interest of accuracy and
24 objectivity. Any fiscal note or legislative fiscal estimate with which
25 a sponsor does not concur after being reviewed by the Legislative
26 Budget and Finance Officer shall contain the following statement:
27 "The sponsor does not concur with the information presented
28 herein."

29 (cf: P.L.1980, c.67, s.6)

30

31 7. Section 8 of P.L.1980, c.67 (C.52:13B-13) is amended to read
32 as follows:

33 8. Whenever the Legislative Budget and Finance Officer has
34 reason to believe that a fiscal note on any bill will be required more
35 quickly than provided for in this act, **[he]** the Officer shall submit
36 to the director an emergency request for fiscal information, which
37 the director shall cause to be completed as quickly as possible, but
38 in no case later than 10 business days. This emergency request
39 shall be in addition to a request for a fiscal note and shall represent
40 the director's best judgment as to the fiscal implications of pending
41 legislation.

42 (cf: P.L.1980, c.67, s.8)

43

44 8. Section 9 of P.L.1980, c.67 (C.52:13B-14) is amended to read
45 as follows:

46 9. a. In any case in which the Legislative Budget and Finance
47 Officer has not **[certified]** determined, pursuant to this act, that a

1 bill contains [no] fiscal implications, the [introducer] sponsor of
2 the bill, the chairman of the committee to which the bill was
3 referred, or the presiding officer of the House, may direct the
4 Legislative Budget and Finance Officer to request a fiscal note, if,
5 in the opinion of any of them, one is warranted.

6 b. In any case in which a bill is amended and those amendments
7 affect the fiscal implications of the bill, the [committee chairman or
8 presiding officer shall direct the] Legislative Budget and Finance
9 Officer [to] shall request a fiscal note.

10 (cf: P.L.1980, c.67, s.9)

11

12 9. Section 7 of P.L.1980, c.67 (C.52:13B-12) is repealed.

13

14 10. This act shall take effect immediately and shall be retroactive
15 to January 10, 2006.

16

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18

STATEMENT

19

20 This bill makes fiscal information on bills available to
21 Legislators and the public in a timelier manner.

22 The bill changes the review period by a sponsor of a fiscal note
23 from 10 business days to three business days. By shortening the
24 sponsor's review period, this bill will expedite the availability of
25 fiscal notes.

26 The bill also updates the law to reflect current practices and
27 ensure that fiscal notes are available to members of the Legislature
28 and for general review before a bill is considered by a committee or
29 house.

30 The bill allows the Legislative Budget and Finance Officer to
31 call for the production of a fiscal estimate if the officer does not
32 receive a fiscal note from the Director of the Division of Budget
33 and Accounting "by a date consistent with legislative
34 consideration," rather than "after 30 business days," so that the
35 processing of fiscal information can be harmonized with the
36 scheduled legislative review of bills. Similarly, the bill changes the
37 Legislative Budget and Finance Officer's response time to a fiscal
38 note sent by the director from "10 business days" to "a date
39 consistent with legislative consideration."

40 The bill deletes language requiring the Legislative Budget and
41 Finance Officer to sign a statement certifying a determination that a
42 bill does not require a fiscal note. The bill also deletes language
43 requiring the officer to forward a statement to the sponsor if a fiscal
44 note is required. Instead of awaiting a request for a fiscal note, if
45 the Legislative Budget and Finance Officer determines a bill has
46 fiscal impact, the officer shall immediately forward a request for a
47 fiscal note to the Director of Division of Budget and Accounting.

1 In addition, the bill adds language requiring the fiscal note to be
2 available to the Legislature and the public when it is printed.
3 Section 7 of P.L.1980, c.67 (C.52:13B-12) is repealed in light of
4 this addition.

5 Lastly, the bill changes the “introducer” of a bill to “sponsor”
6 and the “Legislative Budget Officer” to the “Legislative Budget and
7 Finance Officer,” makes all references to the Director of the
8 Division of Budget and Accounting and the Legislative Budget and
9 Finance Officer gender neutral, and removes an archaic reference to
10 the Division of Budget and Program Review, as the division no
11 longer exists.

12

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15

16 Changes review period of fiscal note by bill sponsor from 10
17 business days to 3 business days and updates fiscal note law
18 generally.

ASSEMBLY, No. 2100

STATE OF NEW JERSEY

212th LEGISLATURE

INTRODUCED JANUARY 30, 2006

Sponsored by:

Assemblyman JOSEPH J. ROBERTS, JR.

District 5 (Camden and Gloucester)

Assemblyman ALEX DECROCE

District 26 (Morris and Passaic)

Assemblywoman NELLIE POU

District 35 (Bergen and Passaic)

Co-Sponsored by:

Senator Karcher

SYNOPSIS

Changes review period of fiscal note by bill sponsor from 10 business days to 3 business days and updates fiscal note law generally.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/19/2007)

A2100 ROBERTS, DECROCE

2

1 AN ACT concerning the legislative procedure for the preparation of
2 fiscal notes and estimates, amending P.L.1980, c.67 and
3 repealing section 7 of P.L.1980, c.67.

4

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

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8 1. Section 1 of P.L.1980, c.67 (C.52:13B-6) is amended to read
9 as follows:

10 1. Whenever any bill is introduced in either the Senate or
11 General Assembly, and that bill receives first reading pursuant to
12 the rules of the House in which it is introduced, the bill shall be
13 immediately reviewed by the Legislative Budget and Finance
14 Officer in the Office of Legislative Services. If, upon **[his]** that
15 review, the Legislative Budget and Finance Officer determines
16 **[that the bill will not increase or decrease expenditures or increase**
17 **or decrease revenues of the State or any political subdivision**
18 **thereof, he shall certify that fact, on a statement signed by him and**
19 **filed in his office. If he determines]** that the bill may increase or
20 decrease expenditures or increase or decrease revenues of the State
21 or any political subdivision thereof, **[he]** the Officer shall
22 immediately **[forward a statement to the sponsor and the chairman**
23 **of the committee, if any, to which the bill was referred, or to the**
24 **presiding officer of the House in which the bill originated if no such**
25 **reference was made, that, in his judgment, a fiscal note is required.**
26 **If the sponsor, or the committee chairman, or the presiding officer**
27 **request it, the Legislative Budget Officer shall immediately]**
28 **forward a request for a fiscal note to the Director of the Division of**
29 **Budget and Accounting in the Department of the Treasury.**

30 (cf: P.L.1980, c.67, s.1)

31

32 2. Section 2 of P.L.1980, c.67 (C.52:13B-7) is amended to read
33 as follows:

34 2. a. It shall be the duty of the director, upon receipt of a request
35 for a fiscal note, to forward the request within 5 business days to
36 the State department, commission or agency which would be
37 authorized or required to carry out the purposes of the bill or, if the
38 bill would affect the expenditures or revenues of any political
39 subdivision of the State, to the State department, commission or
40 agency having the most adequate information pertaining thereto.

41 b. Within 20 business days after receiving a request for a fiscal
42 note from the director, the State department, commission or agency
43 shall prepare and return to **[him]** the director a fiscal note
44 containing the most accurate estimate possible, in dollars,

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.

1 concerning the amount by which expenditures or revenues will be
2 increased or decreased for the State or any of its political
3 subdivisions. The fiscal note shall contain information relating to
4 as many fiscal years as can reasonably be foreseen.

5 c. Within 5 business days after receiving a fiscal note from a
6 State department, commission or agency, the director shall return
7 the fiscal note to the Legislative Budget and Finance Officer. The
8 director shall include with the fiscal note a statement (1) concurring
9 with the fiscal note, (2) suggesting alternative dollar amounts, or (3)
10 indicating any other information which **[he]** the director deems
11 relevant.

12 (cf: P.L.1980, c. 67, s.2)

13

14 3. Section 3 of P.L.1980, c.67 (C.52:13B-8) is amended to read
15 as follows:

16 3. **[When he receives]** Upon receiving a fiscal note from the
17 director, the Legislative Budget and Finance Officer shall, **[within**
18 **10 business days]** by a date consistent with legislative
19 consideration, append thereto a statement (1) concurring with the
20 fiscal note, (2) suggesting alternative dollar amounts, or (3)
21 indicating any other information which **[he]** the Officer deems
22 relevant.

23 (cf: P.L.1980, c. 67, s.3)

24

25 4. Section 4 of P.L.1980, c.67 (C.52:13B-9) is amended to read
26 as follows:

27 4. If the Legislative Budget and Finance Officer has not received
28 a fiscal note from the director **[after 30 business days]** by a date
29 consistent with legislative consideration, **[he]** the Officer shall
30 cause a legislative fiscal estimate to be produced by **[the Division**
31 **of Budget and Program Review in]** the Office of Legislative
32 Services as soon as practicable. The legislative fiscal estimate shall
33 contain the same information as would be included in a fiscal note.
34 In addition, it shall contain the following statement: "This
35 legislative fiscal estimate has been produced by the Office of
36 Legislative Services due to the failure of the Executive Branch to
37 respond to our request for a fiscal note." **[The legislative fiscal**
38 **estimate shall be transmitted to the Legislative Budget Officer**
39 **within 10 business days.]**

40 (cf: P.L.1980, c.67, s.4)

41

42 5. Section 5 of P.L.1980, c.67 (C.52:13B-10) is amended to read
43 as follows:

44 5. When the Legislative Budget and Finance Officer has a
45 complete fiscal note or legislative fiscal estimate, **[he shall mail a]**
46 the Officer shall transmit an electronic copy of the fiscal note or
47 legislative fiscal estimate to the **[introducer]** sponsor whose name

1 first appears on the bill with a notice that the **[introducer]** sponsor
2 may object to the fiscal note or legislative fiscal estimate within **[10**
3 **business days after receiving it]** three business days after the
4 transmittal of the electronic copy.

5 (cf: P.L.1980, c.67, s.5)

6

7 6. Section 6 of P.L.1980, c.67 (C.52:13B-11) is amended to read
8 as follows:

9 6. If, after **[10 business days]** the three day review period
10 provided in section 5 of P.L.1980, c.67 (C.52:13B-10), the
11 Legislative Budget and Finance Officer has received no objections
12 from the **[introducer]** sponsor, **[he]** the Officer shall cause the
13 fiscal note or legislative fiscal estimate to be printed and promptly
14 made available through the Office of Legislative Services to all
15 members of the Legislature and to the general public. If, however,
16 the **[introducer]** sponsor objects to the fiscal note or legislative
17 fiscal estimate, the Legislative Budget and Finance Officer shall
18 promptly review it and make any changes therein which **[he]** the
19 Officer might deem as reasonable, in the interest of accuracy and
20 objectivity. Any fiscal note or legislative fiscal estimate with which
21 a sponsor does not concur after being reviewed by the Legislative
22 Budget and Finance Officer shall contain the following statement:
23 "The sponsor does not concur with the information presented
24 herein."

25 (cf: P.L.1980, c.67, s.6)

26

27 7. Section 8 of P.L.1980, c.67 (C.52:13B-13) is amended to read
28 as follows:

29 8. Whenever the Legislative Budget and Finance Officer has
30 reason to believe that a fiscal note on any bill will be required more
31 quickly than provided for in this act, **[he]** the Officer shall submit
32 to the director an emergency request for fiscal information, which
33 the director shall cause to be completed as quickly as possible, but
34 in no case later than 10 business days. This emergency request
35 shall be in addition to a request for a fiscal note and shall represent
36 the director's best judgment as to the fiscal implications of pending
37 legislation.

38 (cf: P.L.1980, c.67, s.8)

39

40 8. Section 9 of P.L.1980, c.67 (C.52:13B-14) is amended to read
41 as follows:

42 9. a. In any case in which the Legislative Budget and Finance
43 Officer has not **[certified]** determined, pursuant to this act, that a
44 bill contains **[no]** fiscal implications, the **[introducer]** sponsor of
45 the bill, the chairman of the committee to which the bill was
46 referred, or the presiding officer of the House, may direct the

1 Legislative Budget and Finance Officer to request a fiscal note, if,
2 in the opinion of any of them, one is warranted.

3 b. In any case in which a bill is amended and those amendments
4 affect the fiscal implications of the bill, the [committee chairman or
5 presiding officer shall direct the] Legislative Budget and Finance
6 Officer [to] shall request a fiscal note.

7 (cf: P.L.1980, c.67, s.9)

8

9 9. Section 7 of P.L.1980, c.67 (C.52:13B-12) is repealed.

10

11 10. This act shall take effect immediately and shall be retroactive
12 to January 10, 2006.

13

14

15

STATEMENT

16

17 This bill makes fiscal information on bills available to
18 Legislators and the public in a timelier manner.

19 The bill changes the review period by a sponsor of a fiscal note
20 from 10 business days to three business days. By shortening the
21 sponsor's review period, this bill will expedite the availability of
22 fiscal notes.

23 The bill also updates the law to reflect current practices and
24 ensure that fiscal notes are available to members of the Legislature
25 and for general review before a bill is considered by a committee or
26 house.

27 The bill allows the Legislative Budget and Finance Officer to
28 call for the production of a fiscal estimate if the officer does not
29 receive a fiscal note from the Director of the Division of Budget
30 and Accounting "by a date consistent with legislative
31 consideration," rather than "after 30 business days," so that the
32 processing of fiscal information can be harmonized with the
33 scheduled legislative review of bills. Similarly, the bill changes the
34 Legislative Budget and Finance Officer's response time to a fiscal
35 note sent by the director from "10 business days" to "a date
36 consistent with legislative consideration."

37 The bill deletes language requiring the Legislative Budget and
38 Finance Officer to sign a statement certifying a determination that a
39 bill does not require a fiscal note. The bill also deletes language
40 requiring the officer to forward a statement to the sponsor if a fiscal
41 note is required. Instead of awaiting a request for a fiscal note, if
42 the Legislative Budget and Finance Officer determines a bill has
43 fiscal impact, the officer shall immediately forward a request for a
44 fiscal note to the Director of Division of Budget and Accounting.

45 In addition, the bill adds language requiring the fiscal note to be
46 available to the Legislature and the public when it is printed.
47 Section 7 of P.L.1980, c.67 (C.52:13B-12) is repealed in light of
48 this addition.

A2100 ROBERTS, DECROCE

6

1 Lastly, the bill changes the “introducer” of a bill to “sponsor”
2 and the “Legislative Budget Officer” to the “Legislative Budget and
3 Finance Officer,” makes all references to the Director of the
4 Division of Budget and Accounting and the Legislative Budget and
5 Finance Officer gender neutral, and removes an archaic reference to
6 the Division of Budget and Program Review, as the division no
7 longer exists.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2100

STATE OF NEW JERSEY

DATED: JANUARY 30, 2006

The Assembly Appropriations Committee reports favorably on Assembly Bill No. 2100.

Assembly Bill No. 2100 makes fiscal information on bills available to Legislators and the public in a more timely manner.

The bill changes the review period by a sponsor of a fiscal note from 10 business days to three business days. By shortening the sponsor's review period, this bill will expedite the availability of fiscal notes.

The bill also updates the law to reflect current practices and ensure that fiscal notes are available to members of the Legislature and for general review before a bill is considered by a committee or House.

The bill allows the Legislative Budget and Finance Officer to call for the production of a fiscal estimate if the officer does not receive a fiscal note from the Director of the Division of Budget and Accounting "by a date consistent with legislative consideration," rather than "after 30 business days," so that the processing of fiscal information can be harmonized with the scheduled legislative review of bills. Similarly, the bill changes the Legislative Budget and Finance Officer's response time to a fiscal note sent by the director from "10 business days" to "a date consistent with legislative consideration."

The bill deletes language requiring the Legislative Budget and Finance Officer to sign a statement certifying a determination that a bill does not require a fiscal note. The bill also deletes language requiring the officer to forward a statement to the sponsor if a fiscal note is required. Instead of awaiting a request for a fiscal note, if the Legislative Budget and Finance Officer determines a bill has fiscal impact, the bill requires the officer to immediately forward a request for a fiscal note to the Director of Division of Budget and Accounting.

In addition, the bill requires that a fiscal note be made available to the Legislature and the public when it is printed. Section 7 of P.L.1980, c.67 (C.52:13B-12) is repealed in light of this addition.

Lastly, the bill makes technical revisions to the fiscal note law, changing the "introducer" of a bill to "sponsor" and the "Legislative Budget Officer" to the "Legislative Budget and Finance Officer," making all references to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer gender

neutral, and removing an archaic reference to the Division of Budget and Program Review, as that division no longer exists.

FISCAL IMPACT:

This bill was not certified as requiring a fiscal note.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 2100

STATE OF NEW JERSEY

DATED: MAY 14, 2007

The Senate State Government Committee reports favorably Assembly, No. 2100.

This bill makes fiscal information on bills available to Legislators and the public in a more timely manner.

The bill changes the review period by a sponsor of a fiscal note from 10 business days to three business days. By shortening the sponsor's review period, this bill will expedite the availability of fiscal notes.

The bill also updates the law to reflect current practices and ensure that fiscal notes are available to members of the Legislature and for general review before a bill is considered by a committee or house.

The bill allows the Legislative Budget and Finance Officer to call for the production of a fiscal estimate if the officer does not receive a fiscal note from the Director of the Division of Budget and Accounting "by a date consistent with legislative consideration," rather than "after 30 business days," so that the processing of fiscal information can be harmonized with the scheduled legislative review of bills. Similarly, the bill changes the Legislative Budget and Finance Officer's response time to a fiscal note sent by the director from "10 business days" to "a date consistent with legislative consideration."

The bill deletes language requiring the Legislative Budget and Finance Officer to sign a statement certifying a determination that a bill does not require a fiscal note. The bill also deletes language requiring the officer to forward a statement to the sponsor if a fiscal note is required. Instead of awaiting a request for a fiscal note, if the Legislative Budget and Finance Officer determines a bill has fiscal impact, the officer shall immediately forward a request for a fiscal note to the Director of Division of Budget and Accounting.

In addition, the bill adds language requiring the fiscal note to be available to the Legislature and the public when it is printed. Section 7 of P.L.1980, c.67 (C.52:13B-12) is repealed in light of this addition.

Lastly, the bill changes the "introducer" of a bill to "sponsor" and the "Legislative Budget Officer" to the "Legislative Budget and Finance Officer," makes all references to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer gender neutral, and removes an archaic reference to the

Division of Budget and Program Review, as the division no longer exists.

This bill is identical to Senate, No. 2676.

SENATE, No. 2676

STATE OF NEW JERSEY 212th LEGISLATURE

INTRODUCED MAY 10, 2007

Sponsored by:
Senator ELLEN KARCHER
District 12 (Mercer and Monmouth)

SYNOPSIS

Changes review period of fiscal note by bill sponsor from 10 business days to 3 business days and updates fiscal note law generally.

CURRENT VERSION OF TEXT

As introduced.



S2676 KARCHER

2

1 AN ACT concerning the legislative procedure for the preparation of
2 fiscal notes and estimates, amending P.L.1980, c.67 and
3 repealing section 7 of P.L.1980, c.67.

4

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

7

8 1. Section 1 of P.L.1980, c.67 (C.52:13B-6) is amended to read
9 as follows:

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11 General Assembly, and that bill receives first reading pursuant to
12 the rules of the House in which it is introduced, the bill shall be
13 immediately reviewed by the Legislative Budget and Finance
14 Officer in the Office of Legislative Services. If, upon **[his]** that
15 review, the Legislative Budget and Finance Officer determines
16 **[that the bill will not increase or decrease expenditures or increase**
17 **or decrease revenues of the State or any political subdivision**
18 **thereof, he shall certify that fact, on a statement signed by him and**
19 **filed in his office. If he determines]** that the bill may increase or
20 decrease expenditures or increase or decrease revenues of the State
21 or any political subdivision thereof, **[he]** the Officer shall
22 immediately **[forward a statement to the sponsor and the chairman**
23 **of the committee, if any, to which the bill was referred, or to the**
24 **presiding officer of the House in which the bill originated if no such**
25 **reference was made, that, in his judgment, a fiscal note is required.**
26 **If the sponsor, or the committee chairman, or the presiding officer**
27 **request it, the Legislative Budget Officer shall immediately]**
28 **forward a request for a fiscal note to the Director of the Division of**
29 **Budget and Accounting in the Department of the Treasury.**

30 (cf: P.L.1980, c.67, s.1)

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33 as follows:

34 2. a. It shall be the duty of the director, upon receipt of a
35 request for a fiscal note, to forward the request within 5 business
36 days to the State department, commission or agency which would
37 be authorized or required to carry out the purposes of the bill or, if
38 the bill would affect the expenditures or revenues of any political
39 subdivision of the State, to the State department, commission or
40 agency having the most adequate information pertaining thereto.

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**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.

S2676 KARCHER

3

1 concerning the amount by which expenditures or revenues will be
2 increased or decreased for the State or any of its political
3 subdivisions. The fiscal note shall contain information relating to
4 as many fiscal years as can reasonably be foreseen.

5 c. Within 5 business days after receiving a fiscal note from a
6 State department, commission or agency, the director shall return
7 the fiscal note to the Legislative Budget and Finance Officer. The
8 director shall include with the fiscal note a statement (1) concurring
9 with the fiscal note, (2) suggesting alternative dollar amounts, or (3)
10 indicating any other information which **[he]** the director deems
11 relevant.

12 (cf: P.L.1980, c. 67, s.2)

13

14 3. Section 3 of P.L.1980, c.67 (C.52:13B-8) is amended to read
15 as follows:

16 3. **[When he receives]** Upon receiving a fiscal note from the
17 director, the Legislative Budget and Finance Officer shall, **[within**
18 **10 business days]** by a date consistent with legislative
19 consideration, append thereto a statement (1) concurring with the
20 fiscal note, (2) suggesting alternative dollar amounts, or (3)
21 indicating any other information which **[he]** the Officer deems
22 relevant.

23 (cf: P.L.1980, c. 67, s.3)

24

25 4. Section 4 of P.L.1980, c.67 (C.52:13B-9) is amended to read
26 as follows:

27 4. If the Legislative Budget and Finance Officer has not
28 received a fiscal note from the director **[after 30 business days]** by
29 a date consistent with legislative consideration, **[he]** the Officer
30 shall cause a legislative fiscal estimate to be produced by **[the**
31 **Division of Budget and Program Review in]** the Office of
32 Legislative Services as soon as practicable. The legislative fiscal
33 estimate shall contain the same information as would be included in
34 a fiscal note. In addition, it shall contain the following statement:
35 "This legislative fiscal estimate has been produced by the Office of
36 Legislative Services due to the failure of the Executive Branch to
37 respond to our request for a fiscal note." **[The legislative fiscal**
38 **estimate shall be transmitted to the Legislative Budget Officer**
39 **within 10 business days.]**

40 (cf: P.L.1980, c.67, s.4)

41

42 5. Section 5 of P.L.1980, c.67 (C.52:13B-10) is amended to
43 read as follows:

44 5. When the Legislative Budget and Finance Officer has a
45 complete fiscal note or legislative fiscal estimate, **[he shall mail a]**
46 the Officer shall transmit an electronic copy of the fiscal note or
47 legislative fiscal estimate to the **[introducer]** sponsor whose name

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1 first appears on the bill with a notice that the **[introducer]** sponsor
2 may object to the fiscal note or legislative fiscal estimate within **[10**
3 **business days after receiving it]** three business days after the
4 transmittal of the electronic copy.

5 (cf: P.L.1980, c.67, s.5)

6

7 6. Section 6 of P.L.1980, c.67 (C.52:13B-11) is amended to
8 read as follows:

9 6. If, after **[10 business days]** the three day review period
10 provided in section 5 of P.L.1980, c.67 (C.52:13B-10), the
11 Legislative Budget and Finance Officer has received no objections
12 from the **[introducer]** sponsor, **[he]** the Officer shall cause the
13 fiscal note or legislative fiscal estimate to be printed and promptly
14 made available through the Office of Legislative Services to all
15 members of the Legislature and to the general public. If, however,
16 the **[introducer]** sponsor objects to the fiscal note or legislative
17 fiscal estimate, the Legislative Budget and Finance Officer shall
18 promptly review it and make any changes therein which **[he]** the
19 Officer might deem as reasonable, in the interest of accuracy and
20 objectivity. Any fiscal note or legislative fiscal estimate with which
21 a sponsor does not concur after being reviewed by the Legislative
22 Budget and Finance Officer shall contain the following statement:
23 "The sponsor does not concur with the information presented
24 herein."

25 (cf: P.L.1980, c.67, s.6)

26

27 7. Section 8 of P.L.1980, c.67 (C.52:13B-13) is amended to
28 read as follows:

29 8. Whenever the Legislative Budget and Finance Officer has
30 reason to believe that a fiscal note on any bill will be required more
31 quickly than provided for in this act, **[he]** the Officer shall submit
32 to the director an emergency request for fiscal information, which
33 the director shall cause to be completed as quickly as possible, but
34 in no case later than 10 business days. This emergency request
35 shall be in addition to a request for a fiscal note and shall represent
36 the director's best judgment as to the fiscal implications of pending
37 legislation.

38 (cf: P.L.1980, c.67, s.8)

39

40 8. Section 9 of P.L.1980, c.67 (C.52:13B-14) is amended to
41 read as follows:

42 9. a. In any case in which the Legislative Budget and Finance
43 Officer has not **[certified]** determined, pursuant to this act, that a
44 bill contains **[no]** fiscal implications, the **[introducer]** sponsor of
45 the bill, the chairman of the committee to which the bill was
46 referred, or the presiding officer of the House, may direct the

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1 Legislative Budget and Finance Officer to request a fiscal note, if,
2 in the opinion of any of them, one is warranted.

3 b. In any case in which a bill is amended and those
4 amendments affect the fiscal implications of the bill, the
5 **【committee chairman or presiding officer shall direct the】**
6 Legislative Budget and Finance Officer **【to】** shall request a fiscal
7 note.

8 (cf: P.L.1980, c.67, s.9)

9

10 9. Section 7 of P.L.1980, c.67 (C.52:13B-12) is repealed.

11

12 10. This act shall take effect immediately and shall be
13 retroactive to January 10, 2006.

14

15

16

STATEMENT

17

18 This bill makes fiscal information on bills available to
19 Legislators and the public in a timelier manner.

20 The bill changes the review period by a sponsor of a fiscal note
21 from 10 business days to three business days. By shortening the
22 sponsor's review period, this bill will expedite the availability of
23 fiscal notes.

24 The bill also updates the law to reflect current practices and
25 ensure that fiscal notes are available to members of the Legislature
26 and for general review before a bill is considered by a committee or
27 house.

28 The bill allows the Legislative Budget and Finance Officer to
29 call for the production of a fiscal estimate if the officer does not
30 receive a fiscal note from the Director of the Division of Budget
31 and Accounting "by a date consistent with legislative
32 consideration," rather than "after 30 business days," so that the
33 processing of fiscal information can be harmonized with the
34 scheduled legislative review of bills. Similarly, the bill changes the
35 Legislative Budget and Finance Officer's response time to a fiscal
36 note sent by the director from "10 business days" to "a date
37 consistent with legislative consideration."

38 The bill deletes language requiring the Legislative Budget and
39 Finance Officer to sign a statement certifying a determination that a
40 bill does not require a fiscal note. The bill also deletes language
41 requiring the officer to forward a statement to the sponsor if a fiscal
42 note is required. Instead of awaiting a request for a fiscal note, if
43 the Legislative Budget and Finance Officer determines a bill has
44 fiscal impact, the officer shall immediately forward a request for a
45 fiscal note to the Director of Division of Budget and Accounting.

46 In addition, the bill adds language requiring the fiscal note to be
47 available to the Legislature and the public when it is printed.

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1 Section 7 of P.L.1980, c.67 (C.52:13B-12) is repealed in light of
2 this addition.

3 Lastly, the bill changes the “introducer” of a bill to “sponsor”
4 and the “Legislative Budget Officer” to the “Legislative Budget and
5 Finance Officer,” makes all references to the Director of the
6 Division of Budget and Accounting and the Legislative Budget and
7 Finance Officer gender neutral, and removes an archaic reference to
8 the Division of Budget and Program Review, as the division no
9 longer exists.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

SENATE, No. 2676

STATE OF NEW JERSEY

DATED: MAY 14, 2007

The Senate State Government Committee reports favorably Senate, No. 2676.

This bill makes fiscal information on bills available to Legislators and the public in a more timely manner.

The bill changes the review period by a sponsor of a fiscal note from 10 business days to three business days. By shortening the sponsor's review period, this bill will expedite the availability of fiscal notes.

The bill also updates the law to reflect current practices and ensure that fiscal notes are available to members of the Legislature and for general review before a bill is considered by a committee or house.

The bill allows the Legislative Budget and Finance Officer to call for the production of a fiscal estimate if the officer does not receive a fiscal note from the Director of the Division of Budget and Accounting "by a date consistent with legislative consideration," rather than "after 30 business days," so that the processing of fiscal information can be harmonized with the scheduled legislative review of bills. Similarly, the bill changes the Legislative Budget and Finance Officer's response time to a fiscal note sent by the director from "10 business days" to "a date consistent with legislative consideration."

The bill deletes language requiring the Legislative Budget and Finance Officer to sign a statement certifying a determination that a bill does not require a fiscal note. The bill also deletes language requiring the officer to forward a statement to the sponsor if a fiscal note is required. Instead of awaiting a request for a fiscal note, if the Legislative Budget and Finance Officer determines a bill has fiscal impact, the officer shall immediately forward a request for a fiscal note to the Director of Division of Budget and Accounting.

In addition, the bill adds language requiring the fiscal note to be available to the Legislature and the public when it is printed. Section 7 of P.L.1980, c.67 (C.52:13B-12) is repealed in light of this addition.

Lastly, the bill changes the "introducer" of a bill to "sponsor" and the "Legislative Budget Officer" to the "Legislative Budget and Finance Officer," makes all references to the Director of the Division of Budget and Accounting and the Legislative Budget and Finance Officer gender neutral, and removes an archaic reference to the

Division of Budget and Program Review, as the division no longer exists.

This bill is identical to Assembly, No. 2100.