



SENATE No. 158

STATE OF NEW JERSEY

INTRODUCED JANUARY 16, 1967

By Senators O'CONNOR, KIEFER, FELDMAN and LYNCH

Referred to Committee on Judiciary

AN ACT providing for the appointment by the Supreme Court of special counsel in certain cases.

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

3 1. In any action involving the constitutionality, validity or  
4 interpretation of a statute, resolution or ordinance of the State,  
5 or of any county, municipality or school district, or other political  
6 subdivision or instrumentality thereof, providing for the expendi-  
7 ture of public moneys where the legal issues concerning the  
8 constitutionality, validity or interpretation thereof are genuine  
9 and a question arises as to whether the interests of the parties may  
10 not be truly adversary, and the issues are of public importance  
11 and an adjudication thereof is in the public interest, the Chief  
12 Justice of the Supreme Court, or the Supreme Court en banc,  
13 may appoint counsel specially to represent any party or interest  
14 as may be deemed necessary and appropriate to assure the full  
15 presentation of adversary positions and interests with respect  
16 to the issues.

17 2. The Supreme Court, upon petition of special counsel, shall  
18 allow such fees and expenses as the court deems adequate and  
19 reasonable. Such allowances shall be paid from any available  
20 funds by the chief financial officer of the governmental agency  
21 involved in such action. Where more than one governmental body  
22 or agency is involved, the court may direct the allocation of the  
23 allowable fees and expenses between such bodies or agencies in  
24 such proportionate amounts as it considers appropriate.

25 3. This act shall take effect immediately.

CORRECTED COPY  
SENATE No. 158

STATE OF NEW JERSEY

INTRODUCED JANUARY 16, 1967

By Senators O'CONNOR, KIEFER, FELDMAN and KEEGAN

Referred to Committee on Education

AN ACT providing for the appointment by the Supreme Court of  
special counsel in certain cases.

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

3 1. In any action involving the constitutionality, validity or  
4 interpretation of a statute, resolution or ordinance of the State,  
5 or of any county, municipality or school district, or other political  
6 subdivision or instrumentality thereof, providing for the expendi-  
7 ture of public moneys where the legal issues concerning the  
8 constitutionality, validity or interpretation thereof are genuine  
9 and a question arises as to whether the interests of the parties may  
10 not be truly adversary, and the issues are of public importance  
11 and an adjudication thereof is in the public interest, the Chief  
12 Justice of the Supreme Court, or the Supreme Court en banc,  
13 may appoint counsel specially to represent any party or interest  
14 as may be deemed necessary and appropriate to assure the full  
15 presentation of adversary positions and interests with respect  
16 to the issues.

17 2. The Supreme Court, upon petition of special counsel, shall  
18 allow such fees and expenses as the court deems adequate and  
19 reasonable. Such allowances shall be paid from any available  
20 funds by the chief financial officer of the governmental agency  
21 involved in such action. Where more than one governmental body  
22 or agency is involved, the court may direct the allocation of the  
23 allowable fees and expenses between such bodies or agencies in  
24 such proportionate amounts as it considers appropriate.

25 3. This act shall take effect immediately.

SENATE AMENDMENTS TO

**SENATE No. 158**

---

**STATE OF NEW JERSEY**

---

ADOPTED FEBRUARY 6, 1967

Amend page 1, section 1, line 3, after the word "constitutionality", delete ",", and insert in lieu thereof "or".

Amend page 1, section 1, lines 3 and 4, after the word "validity", delete "or interpretation".

Amend page 1, section 1, lines 4 to 6, after the word "statute", delete ", resolution or ordinance of the State, or of any county, municipality or school district, or other political subdivision or instrumentality thereof,".

Amend page 1, section 1, line 7, after the word "moneys", insert "by the State or any instrumentality thereof,".

Amend page 1, section 1, line 8, after the word "constitutionality", delete ",", and insert in lieu thereof "or".

Amend page 1, section 1, line 8, after the word "validity", delete "or interpretation".

CHAPTER 9 LAWS OF N. J. 1967

APPROVED 3/13/67

[OFFICIAL COPY REPRINT]

## SENATE No. 158

# STATE OF NEW JERSEY

INTRODUCED JANUARY 16, 1967

By Senators O'CONNOR, KIEFER, FELDMAN and KEEGAN

Referred to Committee on Education

AN ACT providing for the appointment by the Supreme Court of special counsel in certain cases.

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

3 1. In any action involving the constitutionality \***[, ]**\* \*or\*  
4 validity \***[or interpretation]**\* of a statute \***[, ]**, resolution or ordi-  
5 nance of the State, or of any county, municipality or school district,  
6 or other political subdivision or instrumentality thereof,\* provid-  
7 ing for the expenditure of public moneys *\*by the State or any*  
8 *instrumentality thereof\** where the legal issues concerning the  
9 *constitutionality \***[, ]**\* \*or\* validity \***[or interpretation]**\** thereof  
10 are genuine and a question arises as to whether the interests of  
11 the parties may not be truly adversary, and the issues are of  
12 public importance and an adjudication thereof is in the public  
13 interest, the Chief Justice of the Supreme Court, or the Supreme  
14 Court en banc, may appoint counsel specially to represent any  
15 party or interest as may be deemed necessary and appropriate  
16 to assure the full presentation of adversary positions and interests  
17 with respect to the issues.

18 2. The Supreme Court, upon petition of special counsel, shall  
19 allow such fees and expenses as the court deems adequate and  
20 reasonable. Such allowances shall be paid from any available  
21 funds by the chief financial officer of the governmental agency  
22 involved in such action. Where more than one governmental body  
23 or agency is involved, the court may direct the allocation of the  
24 allowable fees and expenses between such bodies or agencies in  
25 such proportionate amounts as it considers appropriate.

26 3. This act shall take effect immediately.

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