

52:14F-12

LEGISLATIVE HISTORY CHECKLIST
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(Office of Administrative
Law--Environmental Cases)

NJSA: 52:14F-12

LAWS OF: 1991 CHAPTER: 425

BILL NO: A4521

SPONSOR(S) Smith

DATE INTRODUCED: March 4, 1991

COMMITTEE: ASSEMBLY: Energy and Environment
SENATE: Land Use

AMENDED DURING PASSAGE: Yes Amendments during passage denoted by
asterisks

DATE OF PASSAGE: ASSEMBLY: June 20, 1991
SENATE: January 6, 1992

DATE OF APPROVAL: January 17, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached

KBG/pp

[FIRST REPRINT]
ASSEMBLY, No. 4521

STATE OF NEW JERSEY

INTRODUCED MARCH 4, 1991

By Assemblymen SMITH and HAYTAIAN

1 AN ACT concerning environmental cases within the Office of
2 Administrative Law and supplementing P.L.1978, c.67
3 (C.52:14F-1 et seq.).
4

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

7 1. a. The Director of the Office of Administrative Law shall,
8 within 12 months after ¹[enactment] the effective date of this
9 act¹, establish within the Office of Administrative Law an
10 environmental unit consisting of administrative law judges having
11 special expertise in environmental law. The number of
12 administrative law judges in the environmental unit shall be
13 proportional to the number and complexity of environmental
14 cases referred to the office.

15 b. Upon the establishment of the environmental unit, all
16 contested cases ¹, as defined in section 2 of P.L.1968, c.410
17 (C.52:14B-2),¹ concerning environmental law referred to the
18 Office of Administrative Law shall be assigned to and adjudicated
19 by the administrative law judges in the environmental unit.

20 ¹[c. As used in this act, "contested case" means a proceeding,
21 including any licensing proceeding, in which the legal rights,
22 duties, obligations, privileges, benefits or other legal relations of
23 specific parties are required by constitutional right or by statute
24 to be determined by an agency by decisions, determinations, or
25 orders, addressed to them or disposing of their interests, after
26 opportunity for an agency hearing, but shall not include any
27 proceeding in the Division of Taxation, Department of the
28 Treasury, which is reviewable de novo by the Tax Court.]¹

29 2. The director shall, within 12 months after enactment, and
30 annually thereafter, notify the Assembly Energy and Environment
31 Committee and the Senate Environmental Quality Committee or
32 their successors, of the number of cases pending in the Office of
33 Administrative Law, the total number of Administrative Law
34 Judges serving in the office, the number of Administrative Law
35 Judges serving in the environmental unit and the number of
36 environmental cases assigned to the environmental unit.

37 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.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AEE committee amendments adopted June 10, 1991.

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3 (C.52:14F-1 et seq.).
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6 *State of New Jersey:*

7 1. a. The Director of the Office of Administrative Law shall,
8 within 12 months after enactment, establish within the Office of
9 Administrative Law an environmental unit consisting of
10 administrative law judges having special expertise in
11 environmental law. The number of administrative law judges in
12 the environmental unit shall be proportional to the number and
13 complexity of environmental cases referred to the office.

14 b. Upon the establishment of the environmental unit, all
15 contested cases concerning environmental law referred to the
16 Office of Administrative Law shall be assigned to and adjudicated
17 by the administrative law judges in the environmental unit.

18 c. As used in this act, "contested case" means a proceeding,
19 including any licensing proceeding, in which the legal rights,
20 duties, obligations, privileges, benefits or other legal relations of
21 specific parties are required by constitutional right or by statute
22 to be determined by an agency by decisions, determinations, or
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25 proceeding in the Division of Taxation, Department of the
26 Treasury, which is reviewable de novo by the Tax Court.

27 2. The director shall, within 12 months after enactment, and
28 annually thereafter, notify the Assembly Energy and Environment
29 Committee and the Senate Environmental Quality Committee or
30 their successors, of the number of cases pending in the Office of
31 Administrative Law, the total number of Administrative Law
32 Judges serving in the office, the number of Administrative Law
33 Judges serving in the environmental unit and the number of
34 environmental cases assigned to the environmental unit.

35 3. This act shall take effect immediately.
36
37

STATEMENT

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40 This bill would require the Director of the Office of
41 Administrative Law within 12 months of enactment, to establish

1 a special environmental unit to handle all environmental
2 contested cases that are referred to the office. The number of
3 administrative law judges in the unit would be directly
4 proportional to the number and complexity of environmental
5 matters referred to the office. All environmental cases would be
6 handled by the environmental unit. The director would be
7 required to report to the Assembly Energy and Environment
8 Committee and the Senate Environmental Quality Committee the
9 total number of judges in the office, the number of judges
10 assigned to the environmental unit, the number of cases pending
11 in the office and the number of environmental cases pending in
12 the environmental unit.

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14

15 ENVIRONMENT

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Establishes environmental unit in OAL.

ASSEMBLY ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4521

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JUNE 10, 1991

Assembly Bill No. 4521, with committee amendments, is reported favorably by the Assembly Energy and Environment Committee.

The bill requires the Director of the Office of Administrative Law (OAL) within 12 months of the bill's enactment, to establish a special environmental unit to handle all contested environmental cases referred to that office. The number of administrative law judges in the unit would be directly proportional to the number and complexity of environmental matters referred to the Office of Administrative Law relative to the total number and complexity of the cases handled by that office. All environmental cases are to be handled by the environmental unit. The director of OAL is required to report annually to the Assembly Energy and Environment Committee and the Senate Environmental Quality Committee, or their successors, the total number of judges in the office, the number assigned to the environmental unit, and the number of cases handled by OAL and the environmental unit.

The committee amendments are largely of a nonsubstantive nature.

SENATE LAND USE MANAGEMENT
AND REGIONAL AFFAIRS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 4521

STATE OF NEW JERSEY

DATED: DECEMBER 12, 1991

The Senate Land Use Management and Regional Affairs Committee favorably reports Assembly Bill No. 4521 1R.

Assembly Bill No. 4521 1R requires the Director of the Office of Administrative Law (OAL) within 12 months of the bill's enactment, to establish a special environmental unit to handle all contested environmental cases referred to that office. The number of administrative law judges in the unit would be directly proportional to the number and complexity of environmental matters referred to the Office of Administrative Law relative to the total number and complexity of the cases handled by that office. All environmental cases are to be handled by the environmental unit. The director of OAL is required to report annually to the Assembly Energy and Environment Committee and the Senate Environmental Quality Committee, or their successors, the total number of judges in the office, the number assigned to the environmental unit, and the number of cases handled by OAL and the environmental unit.

Assembly Bill No. 4521 1R is identical to Senate Bill No. 3635.