

2A:23A-19

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2005 **CHAPTER:** 338

NJSA: 2A:23A-19 (Removes provision in "The New Jersey Alternative Procedure for Dispute Resolution Act" that appeals as of right shall be heard in Chancery Division of Superior Court)

BILL NO: S2383 (Substituted for A4117)

SPONSOR(S): Martin and Greenstein

DATE INTRODUCED: March 1, 2005

COMMITTEE: **ASSEMBLY:**

SENATE: Judiciary

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** January 9, 2006

SENATE: December 8, 2005

DATE OF APPROVAL: January 12, 2006

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

S2383

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

A4117

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

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

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>

REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

IS 2/20/08

P.L. 2005, CHAPTER 338, *approved January 12, 2006*

Senate, No. 2383

1 AN ACT concerning "The New Jersey Alternative Procedure for
2 Dispute Resolution Act" and amending P.L.1987, c.54.

3

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

6

7 1. Section 19 of P.L.1987, c.54 (C.2A:23A-19) is amended to read
8 as follows:

9 19. Whenever a party to an agreement for alternative resolution has
10 the right to apply to the Superior Court under this act, those
11 proceedings shall be heard in [the Chancery Division in accordance
12 with rules adopted by the New Jersey Supreme Court] accordance
13 with any rules adopted by the New Jersey Supreme Court. These
14 proceedings shall be summary in nature and expedited. This act shall
15 be liberally construed to effectuate its remedial purpose of allowing
16 parties by agreement to have resolution of factual and legal issues in
17 accordance with informal proceedings and limited judicial review in an
18 expedited manner.

19 (cf: P.L.1987, c.54, s.19)

20

21 2. This act shall take effect immediately.

22

23

24

STATEMENT

25

26 The purpose of this bill is to modify section 19 of P.L.1987, c.54
27 (C.2A:23A-19) of the "The New Jersey Alternative Procedure for
28 Dispute Resolution Act" concerning when a party to an agreement for
29 alternative resolution has the right to apply to the Superior Court.
30 The bill removes the specific provision in section 19 of P.L.1987, c.54
31 (C.2A:23A-19) that appeals as of right be heard in Chancery Division
32 of Superior Court. Consistent with the holding in Winberry v.
33 Salisbury, 5 N.J.240 (1950), it is the New Jersey Supreme Court which
34 has jurisdiction over practice and procedure in the courts. This bill
35 will preserve that primacy and permit any contemplated Superior
36 Court proceedings concerning alternative dispute resolution to be held
37 pursuant to existing or adopted court rules. By analogy, matters
38 involving arbitrations governed by other statutes are also subject to
39 court rules but are not designated by statute for hearings in any
40 specific Division of the Superior Court. Rather, this matter is left
41 appropriately to the rule-making authority of the court.

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

2

3 Removes provision in "The New Jersey Alternative Procedure for
4 Dispute Resolution Act" that appeals as of right shall be heard in
5 Chancery Division of Superior Court.

SENATE, No. 2383

STATE OF NEW JERSEY
211th LEGISLATURE

INTRODUCED MARCH 1, 2005

Sponsored by:

Senator ROBERT J. MARTIN

District 26 (Morris and Passaic)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Removes provision in "The New Jersey Alternative Procedure for Dispute Resolution Act" that appeals as of right shall be heard in Chancery Division of Superior Court.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/10/2006)

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SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 2383

STATE OF NEW JERSEY

DATED: DECEMBER 1, 2005

The Senate Judiciary Committee reports favorably Senate Bill No. 2383.

This bill amends section 19 of P.L.1987, c.54 (C.2A:23A-19) of the "The New Jersey Alternative Procedure for Dispute Resolution Act" concerning when a party to an agreement for alternative resolution has the right to apply to the Superior Court. The bill removes the specific provision in section 19 of P.L.1987, c.54 (C.2A:23A-19) that appeals as of right be heard in the Chancery Division of Superior Court. Instead the bill provides that these proceedings shall be heard in accordance with rules adopted by the New Jersey Supreme Court.

ASSEMBLY, No. 4117

STATE OF NEW JERSEY 211th LEGISLATURE

INTRODUCED MAY 16, 2005

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Removes provision in "The New Jersey Alternative Procedure for Dispute Resolution Act" that appeals as of right shall be heard in Chancery Division of Superior Court.

CURRENT VERSION OF TEXT

As introduced.



A4117 GREENSTEIN

2

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2 Dispute Resolution Act" and amending P.L.1987, c.54.

3

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ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4117

STATE OF NEW JERSEY

DATED: DECEMBER 8, 2005

The Assembly Judiciary Committee reports favorably Assembly Bill No. 4117.

This bill amends section 19 of P.L.1987, c.54 (C.2A:23A-19) of the "The New Jersey Alternative Procedure for Dispute Resolution Act" concerning when a party to an agreement for alternative resolution has the right to apply to the Superior Court. The bill removes the specific provision in section 19 of P.L.1987, c.54 (C.2A:23A-19) that appeals as of right be heard in the Chancery Division of Superior Court. Instead the bill provides that these proceedings shall be heard in accordance with rules adopted by the New Jersey Supreme Court.