

# ASSEMBLY, No. 4147

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 11, 2020

**Sponsored by:**

**Assemblyman BRIAN BERGEN**

**District 25 (Morris and Somerset)**

**Assemblyman RONALD S. DANCER**

**District 12 (Burlington, Middlesex, Monmouth and Ocean)**

**Assemblywoman BETTYLOU DECROCE**

**District 26 (Essex, Morris and Passaic)**

**Co-Sponsored by:**

**Assemblymen DePhillips, DiMaio, Assemblywomen Dunn, Gove, Assemblymen Rumpf, S.Kean, Scharfenberger, Assemblywoman Stanfield, Assemblymen Space, Thomson, Rooney, Webber, Wirths, McGuckin, Catalano, Bramnick, Peterson and Assemblywoman DiMaso**

**SYNOPSIS**

Limits to 14 days effective period of certain emergency orders, rules, or regulations.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 8/27/2020)

1 AN ACT concerning the issuance of certain orders, rules, and  
2 regulations during a state of emergency and supplementing  
3 P.L.1942, c.251 (C.App.A.9-33 et seq.).  
4

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

8 1. a. Any order, rule, or regulation issued by the Governor  
9 pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.) shall terminate  
10 on the 15th day after issuance, unless approved for a greater period  
11 by the Legislature pursuant to concurrent resolution. The Governor  
12 shall not issue, for the same emergency, an order, rule, or regulation  
13 to the same or substantially same effect as one terminated pursuant  
14 to this subsection.

15 b. This section shall not apply to any order, rule, or regulation:

16 (1) rescinding an order, rule, or regulation issued pursuant to  
17 P.L.1942, c.251 (C.App.A:9-33 et seq.);

18 (2) issued pursuant to direction by or agreement with the federal  
19 government, in compliance with federal law, or such that  
20 application of this section would jeopardize the receipt of federal  
21 funds by this State;

22 (3) applying exclusively to any or all of the executive and  
23 administrative offices, departments, and instrumentalities of the  
24 State government;

25 (4) issued under the authority of the Governor as the  
26 Commander-in-Chief of all the military and naval forces of the  
27 State; or

28 (5) issued pursuant to any other provision of law providing for a  
29 greater period, notwithstanding that such order, rule, or regulation  
30 invokes any authority under the provisions of P.L.1942, c.251  
31 (C.App.A:9-33 et seq.).  
32

33 2. This act shall take effect immediately.  
34  
35

36 STATEMENT  
37

38 This bill provides that any order, rule, or regulation issued by the  
39 Governor pursuant to the “Civil Defense and Disaster Control Act”  
40 will terminate on the 15th day after issuance, unless the Legislature  
41 approves a greater period of time by way of concurrent resolution.  
42 The bill prohibits the Governor from issuing an order, rule, or  
43 regulation to the same or substantially same effect as one  
44 terminated pursuant to the bill for the same emergency.

45 The bill does not apply to orders, rules, or regulations:

46 (1) rescinding an order, rule, or regulation issued pursuant to the  
47 “Civil Defense and Disaster Control Act”;

**A4147 BERGEN, DANCER**

3

- 1       (2) issued pursuant to direction by or agreement with the federal  
2 government, in compliance with federal law, or to the extent that  
3 application of the bill would jeopardize the receipt of federal funds  
4 by the State;
- 5       (3) applying exclusively to the executive branch;
- 6       (4) issued under the Governor’s authority as the Commander-in-  
7 Chief of the military and naval forces of the State; or
- 8       (5) issued pursuant to a provision of law providing for a greater  
9 period, notwithstanding that the order, rule, or regulation may also  
10 cite to an authority provided under the “Civil Defense and Disaster  
11 Control Act.”