

AN ACT concerning the Governor's declarations under certain emergencies, and supplementing P.L.1942, c.251 (C.App.A:9-33 et seq.) and P.L.2005, c.222 (C.26:13-1 et seq.).

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

1. a. A state of emergency declaration issued by the Governor pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.) may be terminated by the Legislature by concurrent resolution if the resolution receives a two-thirds affirmative vote of the authorized membership of each House of the Legislature.

A state of emergency declaration issued by the Governor pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.) shall terminate automatically 60 days after the date of issuance unless an extension is authorized by the Legislature. The Legislature may authorize, after a notice required in subsection e. of this section is received, as many extensions of not less than 30 days, but not more than 90 days, by concurrent resolution as receive a majority vote of the authorized membership of each House of the Legislature.

b. The Governor shall not issue for the same emergency a declaration to the same or substantially same effect as one that has been terminated pursuant to subsection a. of this section or section 3 of this act, P.L. , c. (C.)(pending before the Legislature as this bill), except in accordance with a law that permits the issuance of another declaration specifically for that emergency.

c. The Legislature may conduct the vote on any concurrent resolution specified in this section or in section 3 of this act, P.L. , c. (C.)(pending before the Legislature as this bill), by any means it deems necessary and appropriate, including, but not limited to, in person, by teleconference, and remotely by electronic means.

d. For the purpose of this section, "same emergency" means the initial event or events that gave rise to the emergency declaration that has been terminated, and any event that occurs subsequent to the initial event or events as a direct result, continuation, or consequence of the initial event or events or the origin of which can be traced directly to the initial event or events.

e. The Governor shall notify the Legislature in writing of the need for an extension of any state of emergency declaration issued pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.) at least seven business days before an extension is authorized by the Legislature pursuant to subsection a. of this section. The notice shall provide information on the need for the extension of such declaration and the threat to the public health or safety that requires the extension.

When notice cannot be given at least seven business days before an extension is authorized by the Legislature, the notice shall be given by the Governor as soon as possible, but not later than at least 24 hours before the extension is authorized, and the notice shall include an explanation of why the notice could not have been given at least seven days before the extension.

f. The Governor shall receive and publish in the New Jersey Register any comments from the chairs and ranking minority members of the relevant standing reference committees of the Legislature on any notice given in accordance with subsection e. of this section. The publication shall include a response from the Executive Branch. The comments may be received before or after an extension is granted pursuant to this act, P.L. , c. (pending before the Legislature as this bill), and shall not affect the validity thereof.

g. If the Governor fails to provide the notice required by subsection e. of this section for an extension, the state of emergency declaration shall terminate unless an extension of the declaration is approved, after the notice required in subsection e. of this section is received, by the Legislature by concurrent resolution that receives a majority vote of the authorized membership of each House of the Legislature.

h. This section shall not apply to any declaration:

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

(2) applying exclusively to any or all of the executive and administrative offices, departments, and instrumentalities of the Executive Branch of State government; or

(3) issued under the authority of the Governor as the Commander-in-Chief of all the military and naval forces of the State.

2. a. A public health emergency declaration issued by the Governor pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) may be terminated by the Legislature by concurrent resolution if the resolution receives a two-thirds affirmative vote of the authorized membership of each House of the Legislature.

A public health emergency declaration issued by the Governor pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) may be renewed by the Governor for only one additional period of 30 days and the declaration then shall terminate automatically unless an extension is authorized by the Legislature. The Legislature may authorize, after a notice required in subsection e. of this section is received, as many extensions of not less than 30 days, but not more than 90 days, by concurrent resolution as receive a majority vote of the authorized membership of each House of the Legislature.

b. The Governor shall not issue for the same emergency a declaration to the same or substantially same effect as one that has been terminated pursuant to subsection a. of this section or section 3 of this act, P.L. , c. (C.)(pending before the Legislature as this bill), except in accordance with a law that permits the issuance of another declaration specifically for that emergency.

c. The Legislature may conduct the vote on any concurrent resolution specified in this section or in section 3 of this act, P.L. , c. (C.)(pending before the Legislature as this bill), by any means it deems necessary and appropriate, including, but not limited to, in person, by teleconference, and remotely by electronic means.

d. For the purpose of this section, “same emergency” means the initial event or events that gave rise to the emergency declaration that has been terminated, and any event that occurs subsequent to the initial event or events as a direct result, continuation, or consequence of the initial event or events or the origin of which can be traced directly to the initial event or events.

e. The Governor shall notify the Legislature in writing of the need for an extension of any public health emergency declaration issued pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) at least seven business days before an extension is authorized by the Legislature pursuant to subsection a. of this section. The notice shall provide information on the need for the extension of such declaration and the threat to the public health or safety that requires the extension.

When notice cannot be given at least seven business days before an extension is authorized by the Legislature, the notice shall be given by the Governor as soon as possible, but not later than at least 24 hours before the extension is authorized, and the notice shall include an explanation of why the notice could not have been given at least seven days before the extension.

f. The Governor shall receive and publish in the New Jersey Register any comments from the chairs and ranking minority members of the relevant standing reference committees of the Legislature on any notice given in accordance with subsection e. of this section. The publication shall include a response from the Executive Branch. The comments may be received before or after an extension is granted pursuant to this act, P.L. , c. (pending before the Legislature as this bill), and shall not affect the validity thereof.

g. If the Governor fails to provide the notice required by subsection e. of this section for an extension, the public health emergency declaration shall terminate automatically unless an extension of the declaration is approved, after the notice required in subsection e. of this section is received, by the Legislature by concurrent resolution that receives a majority vote of the authorized membership of each House of the Legislature.

h. This section shall not apply to any declaration:

(1) rescinding an order, rule, or regulation issued pursuant to P.L.2005, c.222 (C.26:13-1 et seq.);

(2) applying exclusively to any or all of the executive and administrative offices, departments, and instrumentalities of the Executive Branch of State government; or

(3) issued under the authority of the Governor as the Commander-in-Chief of all the military and naval forces of the State.

3. a. Any state of emergency declaration issued by the Governor pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.) and any public health emergency declaration issued by the Governor pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) to address the COVID-19 pandemic or any other emergency that is in effect on the effective

date of this act, P.L. , c. (pending before the Legislature as this bill), and:

(1) that has been in effect for more than 60 days as of that effective date, or

(2) that has been in effect for 60 days or less but was issued for the same emergency as the term is defined in sections 1 and 2 of this act and has the same or substantially the same effect as a declaration that was issued more than 60 days prior to the effective date,

shall terminate automatically on the effective date of this act unless, on the day that this act has passed both Houses of the Legislature, or has passed both Houses of the Legislature after amendments recommended by the Governor have been made to the act or after objections to the bill have been received from the Governor, whichever occurs later, a concurrent resolution to extend the state of emergency declaration or public health emergency declaration, or both, for not less than 30 days, but not more than 90 days, receives a majority vote of the authorized membership of each House of the Legislature.

If a concurrent resolution authorizes an extension of either or both declarations, any additional extensions shall be authorized or permitted only in accordance with sections 1 and 2 of this act, P.L. , c. (C.)(pending before the Legislature as this bill).

b. Except as provided in subsection a. of this section, sections 1 and 2 of this act, P.L. , c. (C.)(pending before the Legislature as this bill), shall apply to any state of emergency declaration or public health emergency declaration issued after the effective date of this act or issued within 60 days prior to the effective date of this act.

4. Nothing in this act, P.L. , c. (pending before the Legislature as this bill), shall be construed as limiting the authority of the Governor to designate a state of emergency as may be authorized under the annual appropriations act, for the sole and limited purpose of establishing the eligibility of the State to receive federal funds, provided, however, no such emergency declaration shall under any circumstances serve as the basis for invoking any authority or powers set forth in P.L.1942, c.251 (C.App.A:9-33 et seq.) or P.L.2005, c.222 (C.26:13-1 et seq.).

5. This act shall take effect immediately.

STATEMENT

This bill provides for the termination of a state of emergency declaration issued by the Governor pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.) or a public health emergency declaration issued pursuant to P.L.2005, c.222 (C.26:13-1 et seq.) by the Legislature by concurrent resolution if the resolution receives a two-thirds affirmative vote of the authorized membership of each House

of the Legislature. Also, the bill limits the duration of a state of emergency to 60 days after the date of issuance unless an extension is authorized by the Legislature, and limits a public health emergency declaration to a total of 60 days (the initial 30 day duration and one 30-day renewal by the Governor as provided by current law). The bill permits the Legislature to authorize, after a notice required in this bill is received, an extension of the state of emergency declaration or public health emergency declaration, as many extensions of not less than 30 days, but not more than 90 days, by concurrent resolution that receives a majority vote of the authorized membership of each House of the Legislature.

The bill prohibits the Governor from issuing for the same emergency a declaration to the same or substantially same effect as one terminated pursuant to this bill, except in accordance with a law that permits the issuance of another declaration specifically for that emergency.

The bill permits the Legislature to conduct the vote on any concurrent resolution specified in the bill by any means it deems necessary and appropriate, including, but not limited to, in-person, teleconference, and remotely by electronic means.

For the purpose of this bill, “same emergency” means the initial event or events that gave rise to the emergency declaration that has been terminated, and any event that occurs subsequent to the initial event or events as a direct result, continuation, or consequence of the initial event or events or the origin of which can be traced directly to the initial event or events.

The bill requires the Governor to notify the Legislature in writing of the need for an extension of any state of emergency declaration or public health emergency declaration at least seven business days before an extension is authorized by the Legislature pursuant to this bill. The notice will provide information on the need for the extension of such declaration and the threat to the public health or safety that requires the extension.

When notice cannot be given at least seven business days before an extension is authorized by the Legislature, the notice has to be given by the Governor as soon as possible, but not later than at least 24 hours before the extension is authorized, and the notice has to include an explanation of why the notice could not have been given at least seven days before the extension.

Under the bill, the Governor will receive and publish in the New Jersey Register any comments from the chairs and ranking minority members of the relevant standing reference committees of the Legislature on any notice given in accordance with this bill. The publication is to include a response from the Executive Branch.

If the Governor fails to provide the notice required by this bill for an extension, the state of emergency declaration or public health emergency declaration will be terminated unless an extension of the declaration is approved, after the notice required in the bill is received, by the Legislature by concurrent resolution that receives a

majority vote of the authorized membership of each House of the Legislature.

The provisions of the bill do not apply to any state of emergency declaration or public health emergency declaration:

(1) rescinding an order, rule, or regulation issued pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.) or to P.L.2005, c.222 (C.26:13-1 et seq.);

(2) applying exclusively to any or all of the executive and administrative offices, departments, and instrumentalities of the Executive Branch of State government; or

(3) issued under the authority of the Governor as the Commander-in-Chief of all the military and naval forces of the State.

The bill provides that any state of emergency declaration issued by the Governor and any public health emergency declaration issued by the Governor to address the COVID-19 pandemic or any other emergency that is in effect on the effective date of the bill, and

(1) that has been in effect for more than 60 days as of that effective date, or

(2) that has been in effect for 60 days or less but was issued for the same emergency as the term is defined in the bill and has the same or substantially the same effect as a declaration that was issued more than 60 days prior to the effective date,

will terminate automatically on the effective date of this bill unless, on the day that this bill has passed both Houses of the Legislature, or has passed both Houses of the Legislature after amendments recommended by the Governor have been made to the act or after objections to the bill have been received from the Governor, whichever occurs later, a concurrent resolution to extend the state of emergency declaration or public health emergency declaration, or both, for not less than 30 days, but not more than 90 days, receives a majority vote of the authorized membership of each House of the Legislature.

The termination and extension provisions of the bill will apply to any state of emergency declaration or public health emergency declaration issued pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.) or P.L.2005, c.222 (C.26:13-1 et seq.) after the effective date or within 60 days prior to the effective date of this bill. Any other emergency declaration issued pursuant to P.L.1942, c.251 (C.App.A:9-33 et seq.) or P.L.2005, c.222 (C.26:13-1 et seq.) that is in effect on the date of enactment will automatically terminate upon enactment unless the Legislature authorizes an extension by concurrent resolution.

The bill provides that it is not to be construed as limiting the authority of the Governor to designate a state of emergency as may be authorized under the annual appropriations act, for the sole and limited purpose of establishing the eligibility of the State to receive federal funds. However, no such emergency declaration may under any circumstances serve as the basis for invoking any authority or

powers set forth in P.L.1942, c.251 (C.App.A:9-33 et seq.) or P.L.2005, c.222 (C.26:13-1 et seq.).

Permits Legislature to terminate certain declarations by Governor for state of emergency or public health emergency and limits duration of such declarations unless Legislature approves extension.