New Jersey Legislature and Law Revision

August 2013
This document is intended to be a summary of the material presented in Parts 1, 2, and 3 of the presentation titled “NJ Legislature and Law Revision Commission.” All sources used are listed at the end of each section of this document, and they are synonymous with the sources used in the adjoining presentations. Please see presentation parts 1, 2, and 3 for more information.

Part 1: New Jersey Legislature
- Structure of the NJ Legislature (1-7)
- Legislator Demographics: State & National (8-10)
- Other Legislative Entities (11-15)

Part 2: New Jersey Law Revision Commission
- Introduction to the NJLRC (16-19)
- Comparative Metrics: National and International (20-21)
- Other Revision Entities (22-23)

Part 3: New Jersey Legislative Processes
- A Bill Becomes a Law in NJ (24-27)
- Streamlining the Legislative Process (28-29)
- The NJ Legislative Calendar (30-34)
New Jersey Districts

There are 40 districts in New Jersey. Each district elects one Senator and two Assemblymen, which amounts to a total of 120 legislators.

The districts are designed to contain an equal number of voters, so that each legislator represents a relatively equal number of citizens.

New boundary lines for the districts are redrawn every ten years after an official count or census has been taken.

The Senate and Assembly

**Senate**: There are 40 senators in the New Jersey legislature. Senators serve four year terms unless it is the beginning of a new decade. In other words, the term structure throughout the decade is 2-4-4 years per elected term.

**Assembly**: There are 80 members of the New Jersey General Assembly. Assembly members serve two year terms.

Sources: [http://www.njleg.state.nj.us/](http://www.njleg.state.nj.us/); [http://www.njslom.org/Making-Your-voice-Heard.html.state.nj.us](http://www.njslom.org/Making-Your-voice-Heard.html.state.nj.us)
Laws Involved in the Legislature’s Structure

New Jersey Constitution of 1947

- 21 Senators (1 from each county regardless of population)
- 60 Assemblymen (There could be a maximum of 60 Assemblymen. Each county had a minimum of 1 Assemblyman, and the remaining 39 Assemblymen seats were allocated according to population in the county.)

Reynolds v. Sims, 377 U.S. 533 (1964)

- Establishes the “one man, one vote” principle
- This case was originally filed in the Federal District Court for the Middle District of Alabama as an Equal Protection claim.

“We hold that, as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis. Simply stated, an individual’s right to vote for state legislators is unconstitutionally impaired when its weight is in substantial fashion diluted when compared with votes of citizens living in other parts of the State.”
- Reynolds, 377 US, at 568.

Jackman v. Bodine, 43 N.J. 453 (1964)

- The New Jersey Supreme Court held that parts of Art. IV, § II of the New Jersey Constitution violated the United States Constitution.
- Addressed two main issues: (1) whether these provisions violated the U.S. Constitution, and (2), if so, what must be done to remedy the violation. [Issue (2) was deferred to the New Jersey Legislature].

Sources:
http://www.njleg.state.nj.us/legislativepub/history.asp
Laws Involved in the Legislature’s Structure (cont.)

Scrimminger v. Sherwin, 60 N.J. 483 (1972)
- No further elections would be held under temporary apportionment plan; constitutional requirements of “contiguity and compactness” must be maintained
- The Court recognized the conflict between preservation of county lines and “as nearly as may be according to the number of their inhabitants.”

- Cannot use counties as building blocks for districts.
- “Compactness” is required for both houses of the legislature, even if it is only expressly mentioned in reference to the Assembly.

Representation Comparison Over Time

<table>
<thead>
<tr>
<th>Senate</th>
<th>Assemblymen</th>
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<tbody>
<tr>
<td>Senate = 21</td>
<td>Assemblymen = 60</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Senate</th>
<th>Assemblymen</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senate = 40</td>
<td>Assemblymen = 80</td>
</tr>
</tbody>
</table>
Size of State Legislatures in 2013

NE - 49
AK - 60
CA - 120
NJ - 120
PA - 253
NH - 424

Note: Nebraska is the only state to have a unicameral legislature. It is comprised of just 49 Senators.

Different methodologies are used across the US in order to increase or decrease the number of legislators in state government, including constitutional revisions, statutes, referendums, or a change in the number of districts.

Overall, since 1960, there has been a slight downward trend in the total number of state legislators in the country--from 7,781 in 1960 to 7,382 today.

http://www.governing.com/topics/mgmt/Rightsizing-Legislature.html
Changes in Legislature Sizes

Increased Size since 1960:
- Florida
- Maryland
- New Jersey
- Utah

Reduced Size since 1960:
- Connecticut
- Illinois
- Massachusetts
- Rhode Island (150 → 113)
- Vermont
Legislator Demographics: State-by-State

New Jersey Statistics

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Gender</th>
<th>Age</th>
<th>Religion</th>
<th>Occupation</th>
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</thead>
<tbody>
<tr>
<td>Latino</td>
<td>Male</td>
<td>6%</td>
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<tr>
<td>African American</td>
<td>Female</td>
<td>13%</td>
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<tr>
<td>Asian</td>
<td></td>
<td>0%</td>
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<tr>
<td>Native American</td>
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<tr>
<td>Caucasian</td>
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<td>84%</td>
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<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Gender</th>
<th>Age</th>
<th>Religion</th>
<th>Occupation</th>
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</thead>
<tbody>
<tr>
<td>Latino</td>
<td>Male</td>
<td>6%</td>
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<td>African American</td>
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<td>Asian</td>
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<tr>
<td>Native American</td>
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</tr>
<tr>
<td>Caucasian</td>
<td></td>
<td>84%</td>
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</table>

New Jersey Genders

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Gender</th>
<th>Age</th>
<th>Religion</th>
<th>Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latino</td>
<td>Male</td>
<td>6%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>African American</td>
<td>Female</td>
<td>13%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asian</td>
<td></td>
<td>0%</td>
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<tr>
<td>Native American</td>
<td></td>
<td>0%</td>
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<td></td>
</tr>
<tr>
<td>Caucasian</td>
<td></td>
<td>84%</td>
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</table>

New Jersey Occupations

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Gender</th>
<th>Age</th>
<th>Religion</th>
<th>Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>26.1% Attorney</td>
<td>Male</td>
<td>6%</td>
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<tr>
<td>21.5% Full-Time Legislator</td>
<td>Female</td>
<td>13%</td>
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<tr>
<td>11.0% Business/Executive/Manager</td>
<td></td>
<td>0%</td>
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<tr>
<td>16.5% Consultant/Professional/Nonprofit</td>
<td></td>
<td>0%</td>
<td></td>
<td></td>
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<tr>
<td>8.4% Government/Employee/Local</td>
<td></td>
<td>0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.0% Educator/College</td>
<td></td>
<td>0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.0% Medical</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>2.5% Business/Non-Manager</td>
<td></td>
<td>0%</td>
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<tr>
<td>2.5% Labor Union</td>
<td></td>
<td>0%</td>
<td></td>
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<tr>
<td>1.7% Business Owner</td>
<td></td>
<td>0%</td>
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<td></td>
</tr>
<tr>
<td>1.7% Educator/K-12</td>
<td></td>
<td>0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.7% Real Estate</td>
<td></td>
<td>0%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.0% Insurance</td>
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<td></td>
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<tr>
<td>6.0% Accountant</td>
<td></td>
<td>0%</td>
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<tr>
<td>6.0% Agriculture</td>
<td></td>
<td>0%</td>
<td></td>
<td></td>
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<tr>
<td>6.0% Clergy</td>
<td></td>
<td>0%</td>
<td></td>
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<tr>
<td>0.8% Communication/Arts</td>
<td></td>
<td>0%</td>
<td></td>
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<tr>
<td>0.8% Engineer/Scientist/Architect</td>
<td></td>
<td>0%</td>
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</tr>
</tbody>
</table>

*These are approximate demographics.

Legislator Demographics: National Totals

National Statistics compared to New Jersey

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>NJ %</th>
<th>National %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Latino</td>
<td>6%</td>
<td>3%</td>
</tr>
<tr>
<td>African American</td>
<td>13%</td>
<td>9%</td>
</tr>
<tr>
<td>Asian</td>
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<tr>
<td>Native American</td>
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<td>1%</td>
</tr>
<tr>
<td>Caucasian</td>
<td>84%</td>
<td>86%</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Gender</th>
<th>NJ %</th>
<th>National %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Female</td>
<td>29%</td>
<td>24%</td>
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<tr>
<td>Male</td>
<td>71%</td>
<td>76%</td>
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<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>NJ %</th>
<th>National %</th>
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<tbody>
<tr>
<td>Caucasian</td>
<td>84%</td>
<td>86%</td>
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<table>
<thead>
<tr>
<th>Religion</th>
<th>NJ %</th>
<th>National %</th>
</tr>
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<tbody>
<tr>
<td>Protestant</td>
<td>12%</td>
<td>34%</td>
</tr>
<tr>
<td>Catholic</td>
<td>34%</td>
<td>16%</td>
</tr>
<tr>
<td>Other Christian</td>
<td>2%</td>
<td>4%</td>
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<tr>
<td>Jewish</td>
<td>6%</td>
<td>2%</td>
</tr>
<tr>
<td>Mormon</td>
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<td>1%</td>
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<tr>
<td>Other</td>
<td>1%</td>
<td>0%</td>
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<tr>
<td>Unspecified</td>
<td>46%</td>
<td>43%</td>
</tr>
</tbody>
</table>

*These are approximate demographics.
Legislator Demographics: National Totals

National Statistics compared to New Jersey

*These are approximate demographics.

Source: National Conference of State Legislatures
Legislator Demographics: National Totals

National Statistics compared to New Jersey *These are approximate demographics.

<table>
<thead>
<tr>
<th>Category of Legislature</th>
<th>Time on the Job (1)</th>
<th>Compensation (2)</th>
<th>Staff per Member (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Red</td>
<td>90%</td>
<td>$68,599</td>
<td>3.9</td>
</tr>
<tr>
<td>White</td>
<td>70%</td>
<td>$35,326</td>
<td>3.1</td>
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<tr>
<td>Blue</td>
<td>54%</td>
<td>$15,984</td>
<td>1.2</td>
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<table>
<thead>
<tr>
<th>Red</th>
<th>Red Light</th>
<th>White</th>
<th>Blue Light</th>
<th>Blue</th>
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<tr>
<td>CA</td>
<td>IL</td>
<td>IA</td>
<td>GA</td>
<td>MT</td>
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<td>MI</td>
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<td>AK</td>
<td>ID</td>
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<td>NY</td>
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<td>WA</td>
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<td>WV</td>
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<td>WY</td>
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</tr>
</tbody>
</table>

**Red:**
- Larger time commitment
- High salary
- More staff per member

**Blue:**
- Smaller time commitment
- Lower salary
- Less staff per member

**New Jersey:**
- Part time position (about 80% of the time that a full time position would require)
- Salary is $49,000/year without per diem payments as per 2009.

*Source: National Conference of State Legislatures*
Committee, Commission

“A group established by law, resolution, or order of the presiding officer to investigate a particular issue or area and make recommendations for legislative or administrative action . . . . Committees or commissions are frequently comprised of legislators of one or both houses, subject area experts or public members appointed by merit of the positions they hold in state agencies and private organizations.”

New Jersey Legislature’s Committees

These entities generally include legislators and legislative staff.

In a few instances, ad hoc committees are created to address special issues and recommend legislative or administrative action. Ex: 2006-2007 Special Session for Property Tax Reform.

Assembly

- Agriculture and Natural Resources
- Appropriations
- Bipartisan Leadership Committee
- Budget
- Budget Committee (Budget Hearings Only)
- Commerce and Economic Development
- Consumer Affairs
- Education
- Environmental and Solid Waste
- Financial Institutions and Insurance
- Health and Senior Services
- Higher Education
- Homeland Security and State Preparedness
- Housing and Local Government
- Human Services
- Judiciary
- Labor
- Law and Public Safety
- Military and Veterans’ Affairs
- Regulated Professions
- Regulatory Oversight and Gaming
- Special Committee on Economic Development
- State Government
- Telecommunications and Utilities
- Tourism and the Arts
- Transportation, Public Works and Independent Authorities
- Women and Children

Senate

- Budget and Appropriations
- Budget and Appropriations (Budget Hearings Only)
- Commerce
- Community and Urban Affairs
- Education
- Environment and Energy
- Health, Human Services, and Senior Citizens
- Higher Education
- Judiciary
- Labor
- Law and Public Safety
- Legislative Oversight
- Military and Veterans’ Affairs
- Rules and Order
- State Government, Wagering, Tourism, and Historic Preservation
- Transportation

Source: NJ Legislature Website
Legislative Commissions
The majority of these entities are comprised of non-legislative members

- Legislative Services Commission
- Intergovernmental Relations Commission
- NJ Corporate and Business Law Study Commission
- **NJ Law Revision Commission**
- Pension and Health Benefits Review Commission
- Sales and Use Tax Review Commission
- State Capital Joint Management Commission
- State Commission of Investigation
- State House Commission

Joint Committees

- Joint Budget Oversight
- Joint Committee on Housing Affordability
- Joint Committee on Public Schools
- Joint Legislative Committee on Ethical Standards
- Joint State Leasing and Space Utilization Committee

Partisan Staff

The Legislature defines “partisan staff” as “staff members who serve under the direction of the majority and minority leadership to provide research, policy, public relations and administrative services to their respective party leaders and legislators.”

There are four partisan staff offices: a majority and minority office in both the Senate and Assembly. Each partisan staff office is led by an Executive Director.

Source: New Jersey Legislature Website
The OLS was reorganized in 1986 when the Legislature merged the fiscal, research, and legal service agencies into one. It was established to provide nonpartisan support to the Legislature, its officers, members, committees, and commissions.

**OLS Support Services Include:**

- General, legal and fiscal research and analysis
- Bill drafting
- Legal opinions
- Ceremonial resolution drafting
- Fiscal note preparation
- Committee staffing
- District office rental and supply
- Distribution of bills and legislative documents
- Computer data-base management
- Public information programs
- General administrative services
- Personal program management

Sources: Pamphlet: New Jersey State Legislature Office of Legislative Services: Staff Directory Spring 2013; New Jersey Legislature Website
Office of Legislative Services (cont.)

The OLS may not initiate its own projects, and can only conduct research and drafting work upon the request of a legislator or committee.

All OLS work is subject to the final decision of the legislator.

OLS is divided into 8 units:

*Source: New Jersey Legislature Website*

<table>
<thead>
<tr>
<th>Unit</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Data Management</td>
<td>Handles maintenance, support, training, and security of the Legislature’s computer networks.</td>
</tr>
<tr>
<td>Legislative Counsel</td>
<td>Provides legal advice to legislators, committees, leadership, and commissions. Some focus strictly on ethics issues.</td>
</tr>
<tr>
<td>Legislative Budget and Finance</td>
<td>Conducts fiscal research and analysis. Presents all fiscal impact statements and approves the transfer of funds between two or more state accounts.</td>
</tr>
<tr>
<td>Public Information</td>
<td>Coordinates the NJ Legislative hotline, bill tracking, publications, handling ceremonial resolutions, media requests, and in-house reference library.</td>
</tr>
<tr>
<td>Administrative</td>
<td>Provides all payroll, purchasing, and other administrative services.</td>
</tr>
<tr>
<td>Human Resources</td>
<td>Administers the human resource program for OLS and other legislative commissions.</td>
</tr>
<tr>
<td>Office of the State Auditor</td>
<td>Conducts audits on all units of state government in NJ.</td>
</tr>
<tr>
<td>Central Management</td>
<td>Provides fiscal and legal research and committee staff services. Oversees research and bill drafting assignments, processes and prints proposed legislation and coordinates special projects. Contains 10 specialized sections.</td>
</tr>
</tbody>
</table>
Office of Legislative Services (cont.)

Central Management Unit Sections:

- Authorities, Utilities, Transportation and Communications
- Commerce, Labor and Industry
- Education
- Environment, Agriculture, energy and Natural Resources
- Human Services
- Judiciary
- Law and Public Safety
- Local Government
- Revenue, Finance and Appropriations
- State Government

Sections contain Section Chiefs, Counsel, Fiscal Analysts, and Secretaries

Source: New Jersey Legislature Website

New Jersey Law Revision Commission as Compared to New Jersey Office of Legislative Services:

<table>
<thead>
<tr>
<th>Category</th>
<th>NJLRC</th>
<th>OLS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Speed</td>
<td>The turn-around time varies on a project-by-project basis.</td>
<td>There is pressure from the Legislator to work quickly.</td>
</tr>
<tr>
<td>Selection of Projects</td>
<td>Identify potential projects from various sources.</td>
<td>Limited to projects brought forward by the legislature.</td>
</tr>
<tr>
<td>Sources for commentary</td>
<td>Seeks comments throughout process.</td>
<td>Required to regard requests for assistance by Legislators or others as confidential.</td>
</tr>
</tbody>
</table>

Source: NJLRC Process and Projects Powerpoint; New Jersey Legislature Website
New Jersey Law Revision Commission


Source: NJLRC Website: http://www.lawrev.state.nj.us/index.html

Mandate:

“To promote and encourage the clarification and simplification of the law…and its better adaptation to present social needs, secure the better administration of justice and carry on scholarly legal research and work.” Source: N.J.S. 1:12A-8

Commission:

“The Commission consists of four appointed attorney members, the Deans of New Jersey’s three ABA-approved law schools, and the Chairs of the Judiciary Committees in the State Senate and State Assembly.” Source: NJLRC Website

Staff:

Two full-time staff
- Executive Director
- Counsel

Six part-time staff:
- Two Counsel
- Administrative Assistant
- Two Legislative Law Clerks

Retired:
- Revisor of Statutes

Commission Meetings: 3rd Thursday of the Month (except Aug.)
Source: NJLRC Website

Duty:

- Conduct continuous examination of the law and the judicial decisions construing it
- Discover defects and anachronisms
- Prepare and submit to legislature bills to:
  - Remedy defects
  - Reconcile conflicting provisions
  - Clarify confusing language and excise redundancies

Source: N.J.S. 1:12A-8
New Jersey Law Revision Commission

New Jersey Law Revision Commission (cont.)

NJLRC receives and considers suggestions and recommendations from:
- American Law Institute
- Uniform Law Commission
- Other learned bodies
- Judges
- Public officials
- Bar associations
- Attorneys
- Members of the public

Projects:
- Context of projects: generally civil, but some criminal law
- Size of projects can vary:
  - Single word or phrase
    - Ex: subpoena power of Commissioner of Department of Community Affairs, penalty for failure to comply $100,000 v. $100
  - Entire title
    - Ex: Title 39
  - Duration: 1-2 months – to – 1-2 years or more

Source: NJLRC Website; NJLRC Process and Projects Powerpoint
New Jersey Law Revision Commission (cont.)

Project Process

1.) Preliminary Research:
   - Identification of potential issues
   - Research
   - Preparation of introductory Memo – presenting issue to Commission, including (a) Problem to be solved, and (b) Potential solution

2.) Initial Presentation to the Commission:
   - Commission determinations made at monthly public meetings
   - Agenda for each meeting includes links to material to be considered
   - Decisions made at Commission meetings recorded in Minutes

3.) In Depth Analysis:
   - If authorized to proceed:
     ➢ Research
     ➢ Identify Constituencies
     ➢ Draft
     ➢ Seek Comments
   - All Information is available to the public at www.njlrc.org

4.) Tentative Report:
   - Released for review on the website, to commenters, and to the Commission
   - Comments collected to aid in revision
   - Get consensus (Need for change? Language?)
   - Prepare consensus draft and alert legislators

Source: NJLRC Process and Projects Powerpoint
New Jersey Law Revision Commission (cont.)

Project Process (cont.)

5.) Final Report & Recommendations:
   - Concludes Commission work on the project
   - Commission Reports to the Legislature:
     ➢ Proposed language
     ➢ Recommendation for action/no action
     ➢ Comments following each statutory section with explanatory material

6.) Distribution:
   - Chairs of Senate & Assembly Judiciary Comm.
   - Majority & Minority Leadership of both Houses
   - Office of Legislative Services
   - Partisan Staff (4 offices)
   - New Jersey State Bar Association
   - Governor’s Counsel
   - Legal Services
   - State Library
   - Other recipients on request

7.) Updating:
   - Review and update all reports with continuing viability
   - Identify potential legislative Sponsor and any pending legislation relating to final reports
   - (Not every report will be considered immediately after release)

Source: NJLRC Process and Projects Powerpoint
## Law Revision Commissions across the Nation

<table>
<thead>
<tr>
<th></th>
<th>Revises</th>
<th>Number of Members</th>
<th>Meeting Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>New Jersey</strong></td>
<td>All Law</td>
<td>9 Commissioners</td>
<td>1 meeting/month (except August)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7 Staff</td>
<td></td>
</tr>
<tr>
<td><strong>California</strong></td>
<td>All Law</td>
<td>10 Commissioners</td>
<td>Every other month</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6 Staff</td>
<td></td>
</tr>
<tr>
<td><strong>Florida</strong></td>
<td>Constitution Only</td>
<td>37 Members</td>
<td>1 year session every 20 years (last meeting was in 1997-98)</td>
</tr>
<tr>
<td><strong>Michigan</strong></td>
<td>All Law</td>
<td>9 Commissioners</td>
<td>1 meeting/year</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2 Staff</td>
<td></td>
</tr>
<tr>
<td><strong>New York</strong></td>
<td>All Law</td>
<td>5 Commissioners</td>
<td>No set schedule mandated (has not met since 2011)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 Staff</td>
<td></td>
</tr>
<tr>
<td><strong>Oregon</strong></td>
<td>All Law</td>
<td>15 Commissioners</td>
<td>Periodic meetings throughout the year</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3 Staff</td>
<td></td>
</tr>
<tr>
<td><strong>Indiana</strong></td>
<td>Technical Revisions Only</td>
<td>15 Commissioners</td>
<td>Periodic meetings throughout the year</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Office of Code</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Revision</td>
<td></td>
</tr>
</tbody>
</table>

A federal Office of the Law Revision Counsel exists to prepare and publish the U.S. Code.

Connecticut and Louisiana eliminated their LRC’s in 2012.

A bill was introduced in 2012 to eliminate the NJLRC, but it has not been released from committee and generated substantial comment and support.

Sources:
- [http://www.law.fsu.edu/crc/](http://www.law.fsu.edu/crc/)
- [http://law.onecle.com/michigan/4-legislature/mcl-4-1403.html](http://law.onecle.com/michigan/4-legislature/mcl-4-1403.html)
- [http://www.clrc.ca.gov/Mbg-history.html](http://www.clrc.ca.gov/Mbg-history.html)
- [Indiana Code 22-5.1.1-10](http://indianacourts.us/blogs/legislative/?cat=9)

For more information, see the “Other LRCs and revising entities” document in Open Projects.
International Law Revision Commissions

- Australian Law Reform Commission
- New Zealand Law Commission
- Figi Law Reform Commission
- Law Commission for England and Wales
- Scottish Law Commission
- South African Law Reform Commission
- Nepal Law Commission
- Law Reform Commission of Hong Kong
- Law Commission of India
- Alberta Law Reform Institute
- British Columbia Law Institute
- Manitoba Law Reform Commission
- Law Reform Commission of Nova Scotia
- Law Commission of Ontario
- Law Reform Commission of Saskatchewan

The Law Commission of Canada’s funding was eliminated in 2006. However, various independent and province-created law reform entities exist that perform tasks very similar to the NJLRC. These entities include those listed above. These organizations are all members of an independent entity called the Federation of Law Reform Agencies of Canada.

Also in 2006, the “Japanese Civil Code (Law of Obligations) Reform Commission” was privately established independent of the Government.

Sources:
http://www.shojihomu.or.jp/saikenhou/English/introduction_e.html
For more information, see the “Other LRCs and revising entities” document in Open Projects
Other State Law Revision Entities

Sixteen other states have entities other than Commissions that are related to law revision. These entities include titles such as “Revisor (or Reviser) of Statutes,” “Code Revisor,” “Code Editor,” and “Revising Attorney.” These states include:

- Alaska
- Colorado
- Delaware
- Florida
- Hawaii
- Iowa
- Kansas
- Kentucky
- Maine
- Minnesota
- Missouri
- Nebraska
- North Carolina
- North Dakota
- Rhode Island
- Washington

Other Law Revision Entity Categories

These categories are amorphous, as no clear-cut continuity exists across the states.

“Keeper of the Code”: These positions are focused solely on maintaining and updating the state’s statutory code. Some states allow minimal revisions, such as maintaining section and number continuity.

Structural and Grammatical Revision: These positions do not allow for the substance or meaning of a law to be altered.

Substantive Revision: These positions are structured similarly to the New Jersey Law Revision Commission in the sense that revisions are more in-depth and proposals for substantive changes in the law are permitted.

Legislative Services: These positions are most akin to New Jersey’s Office of Legislative Services, providing a multitude of services to both the public and legislatures (only one of which is law revision).

OTHER: Indiana’s Revisor of Statutes is a member of the state’s General Assembly, and a member of the Uniform Law Commission.

Source: See “Other LRCs and revising entities” document in Open Projects for sources and more information
Was There Ever a Revisor of Statutes in New Jersey?

Between 1717 and 1896 various personnel were given the task of revising and recompiling NJ’s statutes without being given the official title of Revisor of Statutes.

Source: Compiled Statutes of New Jersey, Volume 1

After then, Internet research provides only a snapshot of a Revisor of Statutes throughout history:

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Most of these Exempt Firefighters laws seem to have suffered from attrition or were either repealed outright or not reenacted when the new State Constitution was enacted in 1948. Possibly revision of old or obsolete statutes were redacted or removed by the Revisor of Statutes for the Legislative Services Commission. He may have recommended the removal as part of routine review by that office.

-- Journal of the First Annual session of the 127th Senate, 1972

Whereas, John W. Ockford, former Counsel and Revisor of Statutes of the Law Revision and Legislative Services Commission, died on December 27, 1972; and

reasons for the dissatisfaction with the 1947 act which led to its supercession by the 1948 act. According to a letter dated December 22, 1975 by George H. Bohlinger, Jr., New Jersey Revisor of Statutes, who was active in the drafting of the bill which became L. 1948, c. 56 on behalf of the New Jersey Institute of Municipal Attorneys, a sponsor of the legislation, leading title companies indicated they would not insure titles based upon foreclosures under the 1947 act. As there stated:

One of our own, John Cannel, noted during the research of this project that Mary Jane Dickson was also the Revisor of Statutes near the creation of the Law Revision Commission.

-- Montville Tp. v. Block 69, 74 N.J. 1 (1977)
Legislative Process

Stage 1

1. Idea Developed
   - A legislator sponsors a bill
   - The bill can be brought to the attention of the legislator through a constituent, interest group, public official, or the Governor

2. Bill Drafted
   - At the legislator’s direction, the Office of Legislative Services provides research, drafting assistance, and prepares the bill in proper technical form

Stage 2

3. Bill Introduced (1st Reading) [*Engross]
   - During a session, the legislator gives the bill to the Senate Secretary or Assembly Clerk, who reads the bill’s title aloud. This is known as the first reading. The bill is printed and released to the public.

4. Committee Reference [*Referral of Bills]
   - The Senate President or Assembly Speaker usually refers the bill to a committee for review, but may send the bill directly to the second reading to speed its consideration.

5. Committee Action
   - The committee considers the bill at a meeting open to the public. In considering a bill, a committee may decide to (1) report the bill to the House or (2) take no action.
   - If the bill is reported, it may be advanced with (a) no changes, (b) with amendments, or (c) by a committee substitute bill.
   - All reported bills and resolutions are accompanied by a committee statement that contains a description of the bill’s provisions and purpose, the nature of any amendments, and any background information the committee may deem necessary.
Stage 2 (cont.)

6. Second Readings [*Referral of Bills]
   - When the bill is reported to the floor (or referred directly without committee review), its title is read aloud for the second reading. The bill is eligible for amendment on the floor. After the bill is given a third reading, the House must vote to return it to the second reading for any further amendments.

7. Third Hearing [*Engross]
   - When schedule by the President or Speaker, the bill is given a third reading and considered on the floor. The bill may not go through the second and third reading on the same day, except by an emergency vote of ¾ of the members (30 votes in the Senate, 60 in the Assembly)
   - If amendments are made to a bill during the third hearing, then the bill must be returned for a second hearing.

8. House Vote
   - The bill passes when approved by a majority of the authorized members (21 votes in the Senate, 41 in the Assembly) and is sent to the other House. If a final vote is not taken, the bill may be considered at another time or may be returned to a committee by a vote of the House.

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### [*] Referral of Bills

- **When is a bill referred to a committee?**
  - Each bill is assigned (or referred) to a committee that has jurisdiction in the particular area when the bill is introduced.

- **Who refers a bill?**
  - In both the Senate and General Assembly, a bill referral can be changed by the presiding officer of that chamber.
    - The Presiding Officer is elected by each chamber of the Legislature – the President of the Senate and the Speaker of the General Assembly.
  - Suggestions for bill referrals can come from any member in the General Assembly, but can only come from selected legislative staff in the Senate.

- **Can a committee refer a bill to another committee?**
  - Yes. In the Senate, a final referral can be changed by a Senate member vote. In the General Assembly, it can be changed by the chamber’s presiding officer or the committee chairs.

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Stage 3

9. Second House [*Engross]
   - The bill is delivered to the second House where it goes through the same process. If the second House amends the bill, it is returned to the first House for a vote on the changes. A bill receives final legislative approval when it passes both Houses in identical form.
Stage 4

10. Governor’s Action *(see “Fun Facts” on next page for more information)*
   - After final passage, the bill is sent to the Governor. The Governor may:
     - **Sign** – Bill becomes law upon signature of the Governor.
     - **Absolute Veto** – Complete rejection by the Governor. The bill will not become law unless overridden by at least 2/3 vote from each chamber of the legislature, which would require a minimum vote of the following: Senate = 27 votes; General Assembly = 54 votes.
     - **Conditional Veto** – The Governor objects to parts of a bill and proposes amendments that would make it acceptable. If the Legislature re-enacts the bill with the recommended amendments, it is presented again to the Governor for signature.
     - **Line Item Veto** – Allows the Governor to approve the bill but reduce or eliminate money appropriated for specific items.
     - **“Pocket Veto”** – The only type of veto in which the Governor does not return the bill to the Legislature for a possible vote to override. Applies only to bills passed within the last 10 days of a 2-year legislative session. The Governor, in essence, “pockets” the bill.

11. Law
   - A bill becomes law: (1) upon the **Governor’s signature** or (2) after **45 days if no action** is taken
   - If the House of origin is in recess on the 45th day, the time is extended until it reconvenes (except when a pocket veto is applicable)
   - A law takes effect on the day specified in its text or, if unspecified, the following July 4th

*Sources: New Jersey Legislature Website; National Conference of State Legislatures*
“Fun Facts” Regarding the Governor’s Action

Fun Fact #1:
- Constitutionally, New Jersey’s chief executive is one of the most powerful governors in the United States.

Fun Fact #2:
- The Governor’s powers include:
  - Overseeing departments, agencies, boards, and commissions that make up the executive branch
  - Signing bills into law
  - Calling the legislature into special session
  - Granting pardons
  - Calling in the National Guard (ONLY the Governor can do this)

Fun Fact #3:
- New Jersey is the only state that allows for a conditional veto, as defined above. Massachusetts and Illinois have similar mechanisms, but they differ in the ability of the Governor and the Legislature to openly negotiate about the bill.

Fun Facts #4:
- The US Supreme Court ruled that a federal line item veto is unconstitutional because it violates the Presentment Clause (Art. 1, Sect. 7, Cl. 2-3) – *Clinton v. City of New York* (1998).

Fun Fact #5:
- A Pocket Veto cannot be overridden by the legislature because the deadline for signature passes after the term has expired, and according to the New Jersey Constitution, no business can carry over to a new term. Essentially, a pocket-veto kills a bill.

Sources: http://www.nj.gov/nj/gov/understand/
http://www.statescape.com/resources/governors/govsigndeadline.aspx
Prefiling and Bill Limits

Prefiling
Both Houses allow members to file new bills to be introduced before a session begins, reducing the paperwork and administrative processes to be done during the session. The prefiling period runs from Nov. 15 to the first Tuesday in January.

Bill Limits
According to the National Conference of State Legislatures, New Jersey is one of 13 state chambers that impose a limit on bill introductions.

Sources:
Committee Bills, Companion Bills, Joint Resolutions, & Concurring Resolutions

<table>
<thead>
<tr>
<th>Committee Bill/Committee Substitute</th>
<th>• Created by referral committees to replace an initial bill that it has considered.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Companion Bill</td>
<td>• Identical bills that are introduced in both Houses to speed the enactment process.</td>
</tr>
<tr>
<td>Joint Resolution</td>
<td>• Formal action adopted by both Houses and approved by the Governor. It has the effect of law. Often used instead of a bill when the purpose is temporary, to establish a commission, or express an opinion.</td>
</tr>
<tr>
<td>Concurrent Resolution</td>
<td>• Formal resolutions separately adopted by both Houses, requiring affirmative votes from at least 21 Senators and 41 Assembly members. Expresses a sentiment or accomplishes a purpose of both Houses. The method utilized to petition Congress and propose NJ Constitutional amendments. Do not need Governor’s approval.</td>
</tr>
<tr>
<td>Simple or One-House Resolution</td>
<td>• Adopted by one house to express policy or opinions, regulate internal organization/procedures, or establish a study committee under its sole jurisdiction.</td>
</tr>
</tbody>
</table>

Legislative Schedules – Annual or Biennial

- 46 states meet annually, including New Jersey
- Montana, Nevada, North Dakota, and Texas operate on a biennial schedule. They only meet on odd numbered years.

Legislative Schedules – Policy Arguments

<table>
<thead>
<tr>
<th>For Annual Sessions</th>
<th>For Biennial Sessions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. The biennial format is unsuitable for dealing with the complex and continuing problems which confront today’s legislatures. The responsibilities of a legislature have become so burdensome that they can no longer be discharged on an alternate-year basis.</td>
<td>1. There are enough laws. Biennial sessions constitute a safeguard against precipitate and unseemly legislative action.</td>
</tr>
<tr>
<td>2. More frequent meetings may serve to raise the status of the legislature, thereby helping to check the flow of power to the executive branch.</td>
<td>2. Yearly meetings of the legislature will contribute to legislative harassment of the administration and its agencies.</td>
</tr>
<tr>
<td>3. Continuing legislative oversight of the administration becomes more feasible with annual sessions, and that administrative accountability for the execution of legislative policies is more easily enforced.</td>
<td>3. The interval between sessions may be put to good advantage by individual legislators and interim study commissions, since there is never sufficient time during a session to study proposed legislation.</td>
</tr>
<tr>
<td>4. States may respond more rapidly to new federal laws which require state participation.</td>
<td>4. The biennial system affords legislators more time to renew relations with constituents, to mend political fences and to campaign for reelection.</td>
</tr>
<tr>
<td>5. The legislature cannot operate effectively in fits and starts. Annual sessions may help make the policy-making process more timely and orderly</td>
<td>5. Annual sessions inevitably lead to a spiraling of legislative costs, for the legislators and other assembly personnel are brought together twice as often.</td>
</tr>
<tr>
<td>6. Annual sessions would serve to diminish the need for special sessions.</td>
<td></td>
</tr>
</tbody>
</table>

Source: National Conference of State Legislatures, political scientists William Keefe and Morris Ogul.
New Jersey Legislative Calendar

- This calendar is based on a 2 year term.
  - Assemblymen serve 2 year terms.
  - Senators serve 4 year terms unless it is the beginning of a new decade. In other words the term structure for Senators throughout each decade is 2-4-4 years/term.

- The NJ Legislature is in session all year.

- The **NJ Constitution** provides that each Legislature is constituted for a term of 2 years, split into two annual sessions. Business can be carried over from the 1st annual session to the 2nd of a single term. (The distinction between the two annual sessions is more ceremonial than actual.) However, **all business expires at the end of the 2nd year**. Business cannot be carried over into a new term.

- At the beginning of every new term, the NJ Legislature officially reconvenes at 12:00 (noon) on the 2nd Tuesday of January.

Sources:
New Jersey Legislature Website
http://www.statesscape.com/resources/Budget/Budget.aspx
New Jersey Legislative Calendar

- State agencies submit budget requests in October. The Governor submits a budget to the Legislature in January, and the budget is generally accepted by the legislature in June. The state fiscal year begins July 1\textsuperscript{st} and ends June 30\textsuperscript{th}.

- The above figures are approximations, and the time frames in which they take place are very flexible depending on the circumstances of the legislature at the time.

Legislative Schedules – Ending Months

<table>
<thead>
<tr>
<th>State</th>
<th>Convene</th>
<th>Adjourn</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>1/1/13</td>
<td>*</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>1/2/13</td>
<td>*</td>
</tr>
<tr>
<td>Dist. of Columbia</td>
<td>1/2/13</td>
<td>*</td>
</tr>
<tr>
<td>Ohio</td>
<td>1/7/13</td>
<td>*</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>1/7/13</td>
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<tr>
<td>New Jersey</td>
<td>1/8/13</td>
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<tr>
<td>Michigan</td>
<td>1/9/13</td>
<td>*</td>
</tr>
<tr>
<td>New York</td>
<td>1/9/13</td>
<td>*</td>
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</tbody>
</table>

Legislative Schedules – Days in Session

<table>
<thead>
<tr>
<th>State</th>
<th>Convene</th>
<th>Adjoin</th>
<th>Days in Session</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maine</td>
<td>12/5/12</td>
<td>6/19/13</td>
<td>196</td>
</tr>
<tr>
<td>California</td>
<td>12/3/12</td>
<td>9/13/13</td>
<td>284</td>
</tr>
</tbody>
</table>
