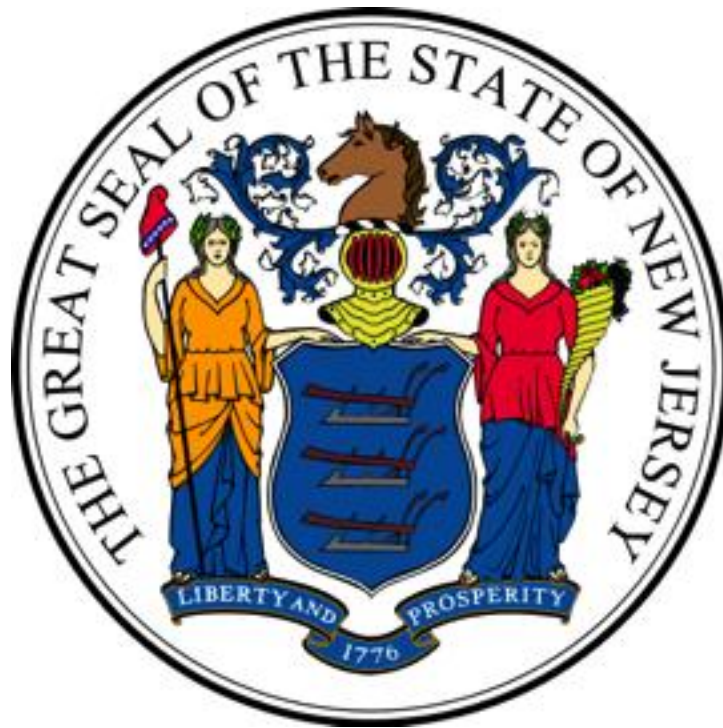


New Jersey Legislature and Law Revision



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

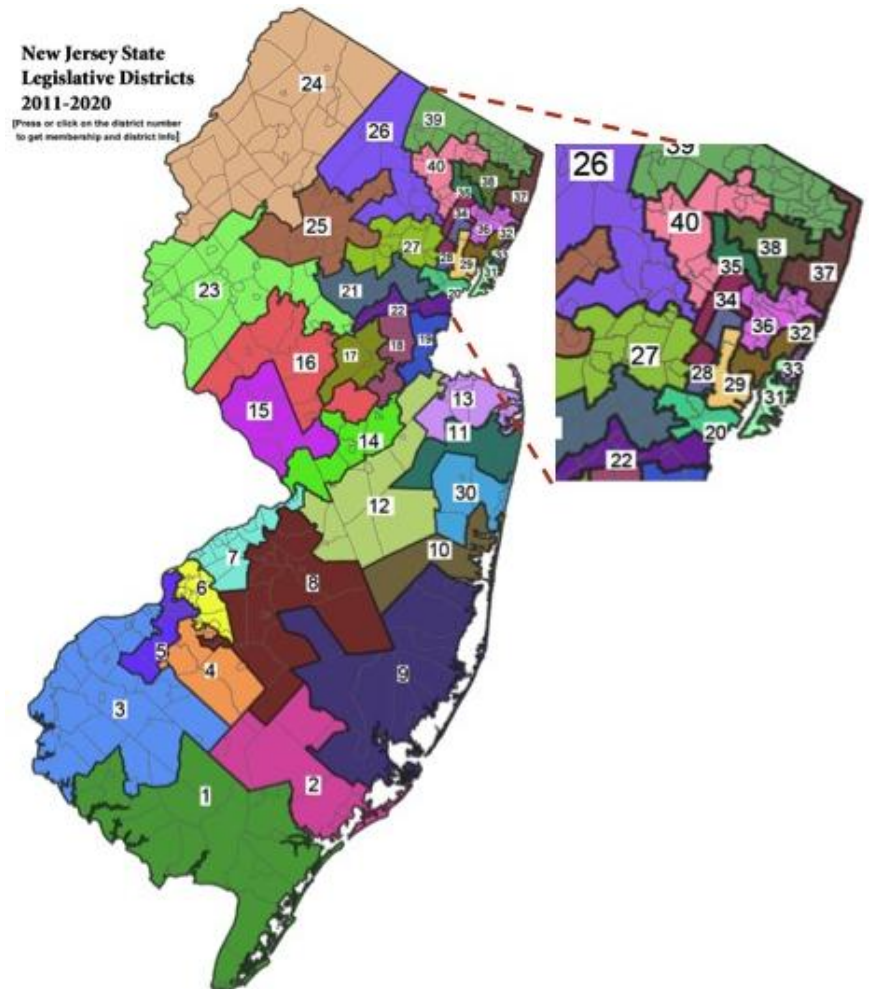
- A Bill Becomes a Law in NJ (24-27)
- Streamlining the Legislative Process (28-29)
- The NJ Legislative Calendar (30-34)

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.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.)

Pre-Revision: NJ Constitution Art. IV, S. II:

- "The Senate shall be composed of one Senator from each county, elected by the legally qualified voters of the county..."

Post-Revision: NJ Constitution Art. IV, S. II, Cl. 1:

- "The Senate shall be composed of forty senators apportioned among Senate districts as nearly as may be according to the number of their inhabitants as reported in the last preceding decennial census of the United States and according to the method of equal proportions. Each Senate district shall be composed, wherever practicable, of one single county, and, if not so practicable, of two or more contiguous whole counties."

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://select.nytimes.com/gst/abstract.html?res=FA0913F63C5D13738DDDAF0994DA415B848AF1D3>

<http://www.njleg.state.nj.us/legislativepub/history.asp>

Robert F. Williams, *The New Jersey State Constitution: A Reference Guide*

Laws Involved in the Legislature's Structure (cont.)

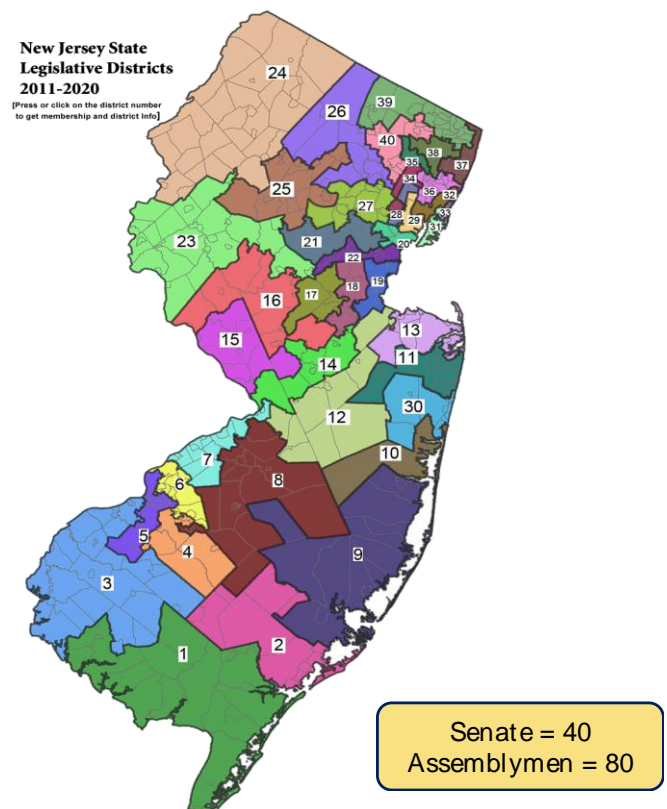
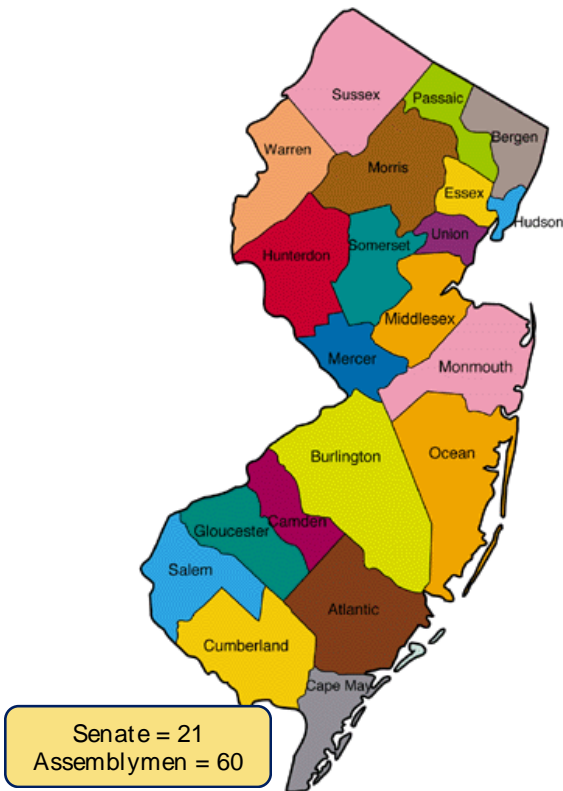
Scrimminger v. Sherwin, 60 N.J. 483 (1972)

- 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.”

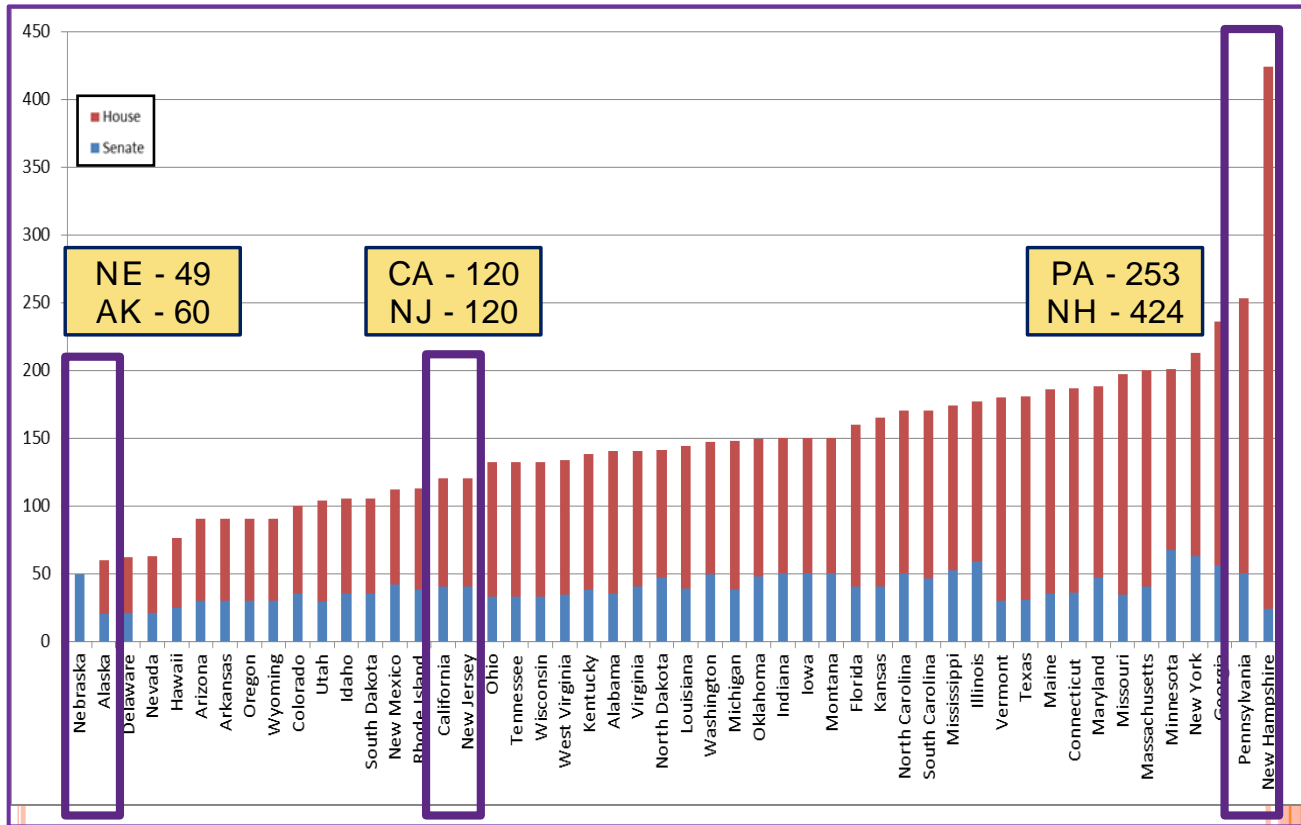
Davenport v. Apportionment Commission, 65 N.J. 125 (1974)

- *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



Size of State Legislatures in 2013



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.

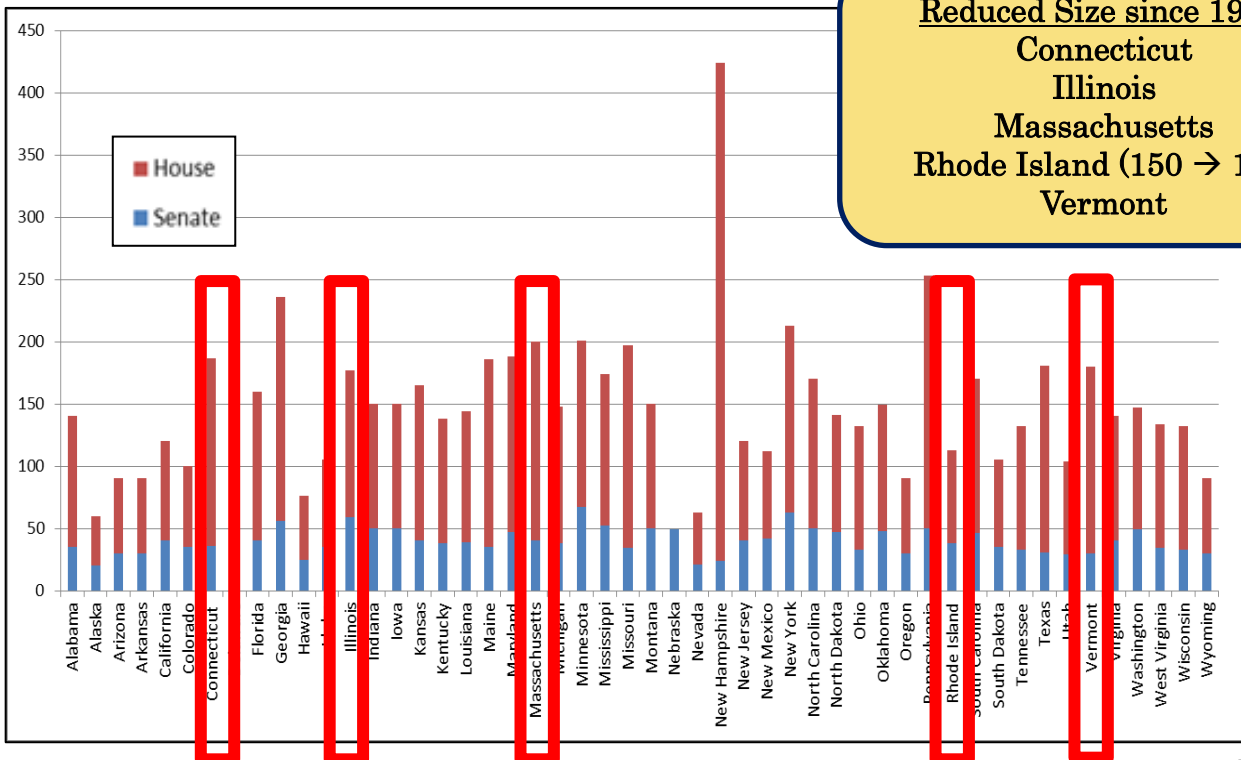
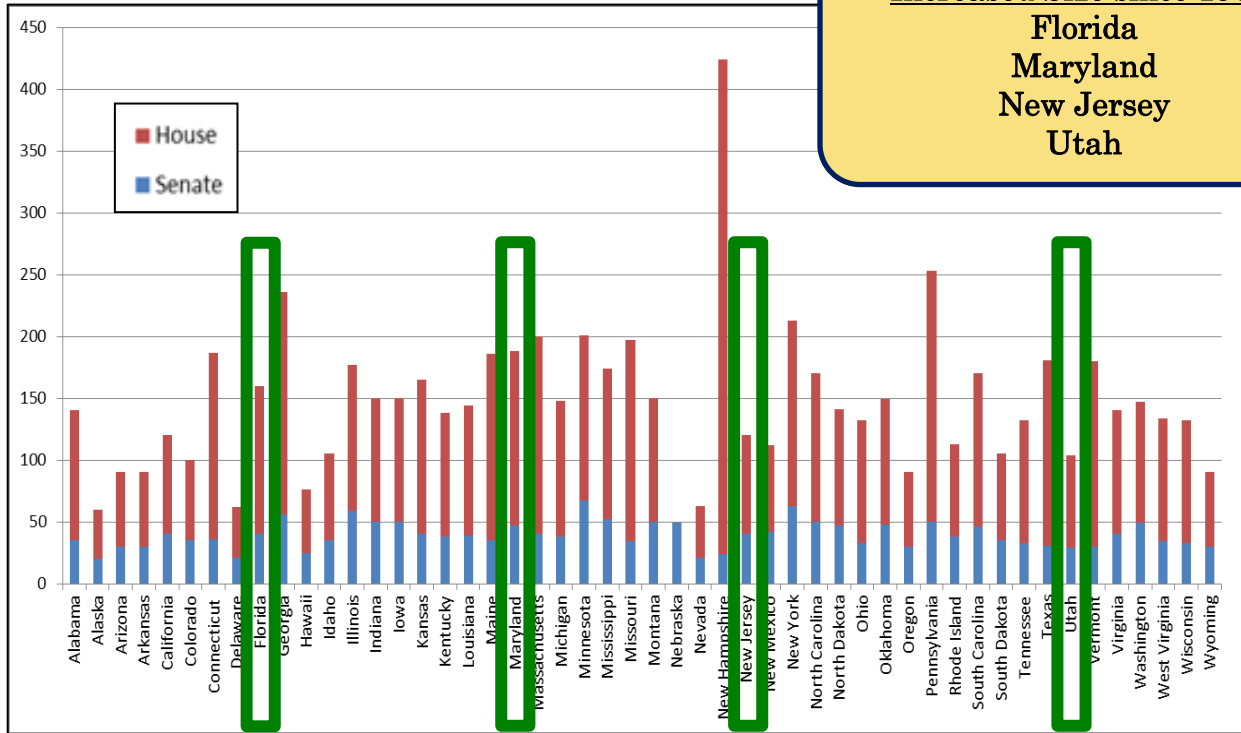
Overall, since 1960, there has been a slight downward trend in the total number of state legislators in the country--from 7,781 in 1960 to 7,382 today.

Sources: <http://www.ncsl.org/legislatures-elections/legisdata/number-of-legislators-and-length-of-terms.aspx>

<http://www.ncsl.org/legislatures-elections/legislatures/sizes-of-legislatures.aspxof-legislators-and-length-of-terms.aspx>

<http://www.governing.com/topics/mgmt/Rightsizing-Legislature.html>

Changes in Legislature Sizes



Legislator Demographics: State-by-State

New Jersey Statistics

New Jersey Ethnicities

Ethnicity | Gender | Age | Religion | Occupation
Education | Party Compositions

- 6% Latino
- 13% African American
- 0% Asian
- 0% Native American/Native Alaskan
- 84% Caucasian

New Jersey Occupations

Ethnicity | Gender | Age | Religion | Occupation
Education | Party Compositions

- 26.1% Attorney
- 21.9% Full-Time Legislator
- 11.0% Business: Executive/Manager
- 10.9% Consultant/Professional/Nonprofit
- 8.4% Government Employee: Local
- 5.0% Educator: College
- 5.0% Medical
- 2.5% Business: Non-Manager
- 2.5% Labor Union
- 1.7% Business Owner
- 1.7% Educator: K-12
- 1.7% Real Estate
- 0.8% Insurance
- 0.0% Accountant
- 0.0% Agriculture
- 0.0% Clergy
- 0.0% Communication/Arts
- 0.8% Engineer/Scientist/Architect

New Jersey Genders


Ethnicity | Gender | Age | Religion | Occupation
Education | Party Compositions

- 70.8% Male
- 29.2% Female

New Jersey Religions

Ethnicity | Gender | Age | Religion | Occupation
Education | Party Compositions

- 12% Protestant
- 34% Catholic
- 2% Other Christian
- 6% Jewish
- 0% Mormon
- 1% Other
- 46% Unspecified



*These are approximate demographics.


Legislator Demographics: National Totals

National Statistics compared to New Jersey

Ethnicity	NJ%	National%
Latino	6%	3%
African American	13%	9%
Asian	0%	1%
Native American	0%	1%
Caucasian	84%	86%

Religion	NJ%	National%
Protestant	12%	34%
Catholic	34%	16%
Other Christian	2%	4%
Jewish	6%	2%
Mormon	0%	1%
Other	1%	0%
Unspecified	46%	43%

Gender	NJ%	National%
Female	29%	24%
Male	71%	76%

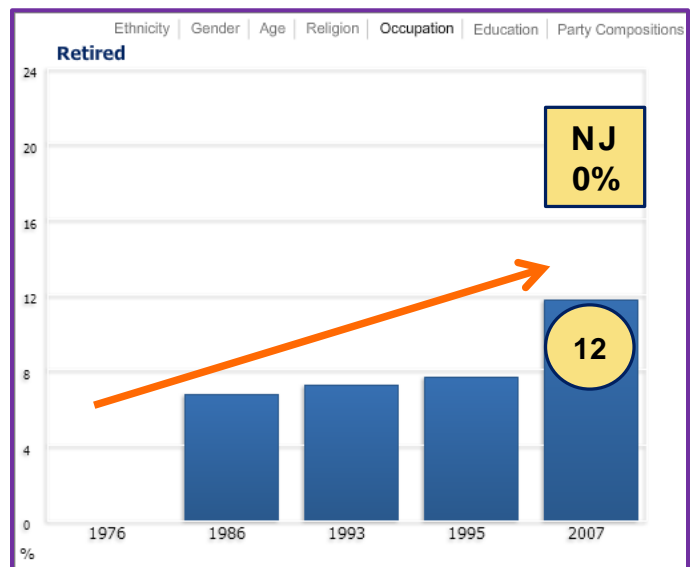
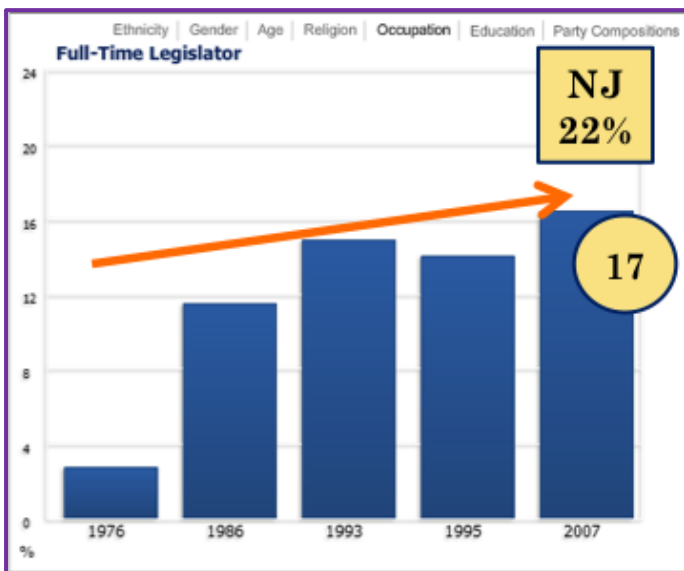
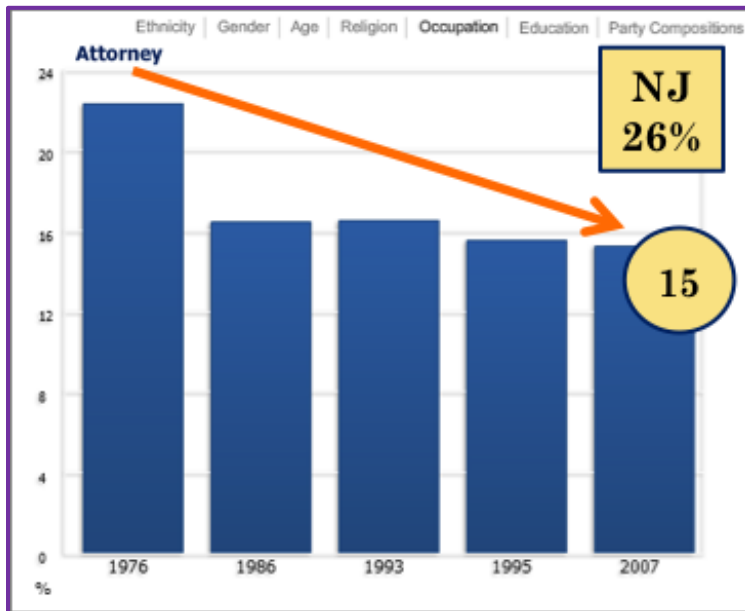


*These are approximate demographics.

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.

Category of Legislature	Time on the Job (1)	Compensation (2)	Staff per Member (3)
Red	80%	\$68,599	3.9
White	70%	\$35,326	3.1
Blue	54%	\$15,984	1.2

Red	Red Light	White		Blue Light	Blue
California	Illinois	Alabama	Missouri	Georgia	Montana
Michigan	Florida	Alaska	Nebraska	Idaho	New Hampshire
New York	Ohio	Arizona	North Carolina	Indiana	North Dakota
Pennsylvania	Massachusetts	Arkansas	Oklahoma	Kansas	South Dakota
	New Jersey	Colorado	Oregon	Maine	Utah
	Wisconsin	Connecticut	South Carolina	Mississippi	Wyoming
		Delaware	Tennessee	Nevada	
		Hawaii	Texas	New Mexico	
		Iowa	Virginia	Rhode Island	
		Kentucky	Washington	Vermont	
		Louisiana		West Virginia	
		Maryland			
		Minnesota			

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 actionCommittees 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

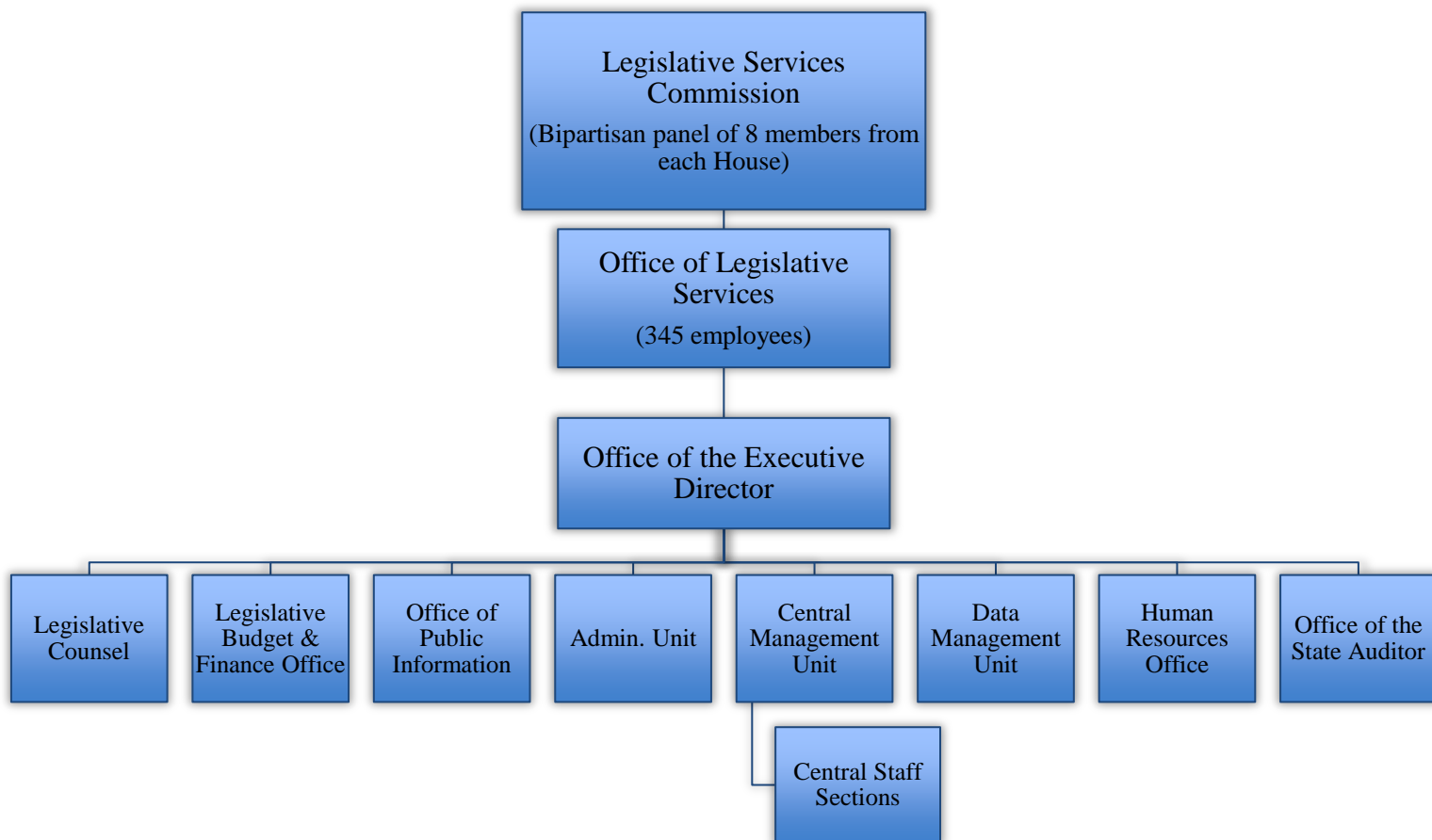
The Legislature defines “partisan staff” as “staff members who serve under the direction of the majority and minority leadership to provide research, policy, public relations and administrative services to their respective party leaders and legislators.”

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



Office of Legislative Services (OLS)



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

Data Management	<ul style="list-style-type: none">• Handles maintenance, support, training, and security of the Legislature's computer networks.
Legislative Counsel	<ul style="list-style-type: none">• Provides legal advice to legislators, committees, leadership, and commissions. Some focus strictly on ethics issues.
Legislative Budget and Finance	<ul style="list-style-type: none">• Conducts fiscal research and analysis. Presents all fiscal impact statements and approves the transfer of funds between two or more state accounts.
Public Information	<ul style="list-style-type: none">• Coordinates the NJ Legislative hotline, bill tracking, publications, handling ceremonial resolutions, media requests, and in-house reference library.
Administrative	<ul style="list-style-type: none">• Provides all payroll, purchasing, and other administrative services.
Human Resources	<ul style="list-style-type: none">• Administers the human resource program for OLS and other legislative commissions.
Office of the State Auditor	<ul style="list-style-type: none">• Conducts audits on all units of state government in NJ.
Central Management	<ul style="list-style-type: none">• 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.

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:

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

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

New Jersey Law Revision Commission

The Current New Jersey Law Revision Commission was created by statute in 1985. The statute became effective in January 1986, and the Commission began work in 1987.

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:

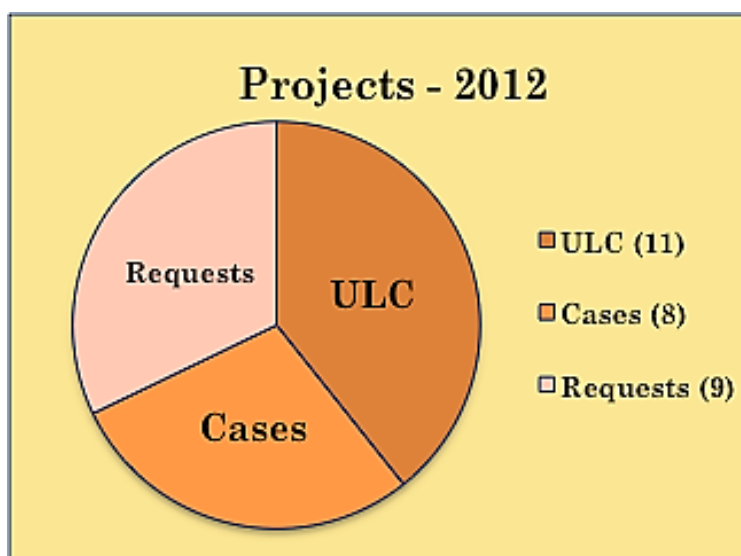
- Conduct continuous examination of the law *and* the judicial decisions construing it
- Discover defects and anachronisms
- Prepare and submit to legislature bills to:
 - Remedy defects
 - Reconcile conflicting provisions
 - Clarify confusing language and excise redundancies

Source: N.J.S. 1:12A-8

New Jersey Law Revision Commission (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

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

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://law.onecle.com/michigan/4-legislature/mcl-4-1403.html>

http://council.legislature.mi.gov/files/mlrc/2004-2005/2004-05_MLRC_Report.pdf

R.I.S.A. § 22-11-3.4

<http://apps.leg.wa.gov/wac/default.aspx?cite=306-01&full=true> [REPEALED!]

<http://www.clrc.ca.gov/Mbg-history.html>

<http://uscode.house.gov/about/info.shtml>

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

Fiji 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.thecanadianencyclopedia.com/articles/law-reform-commission-of-canada>

http://www.shojihomu.or.jp/saikenhon/English/introduction_e.html

http://epe.lac-bac.gc.ca/100/206/301/law_commission_of_canada-ef/2006-12-06/www.lcc.gc.ca/resources/news_releases-en.asp?id=113

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:

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.

-- *New Jersey
State Firemen's
Association*

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

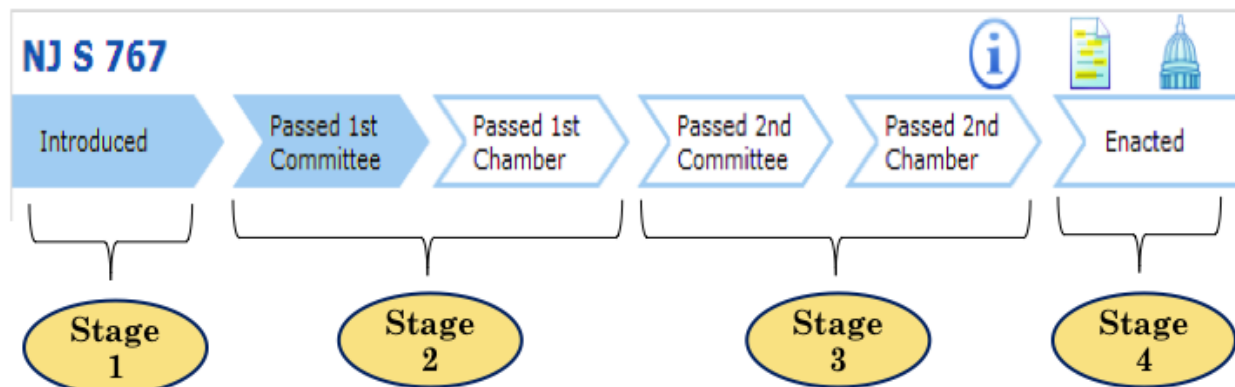
Whereas, John W. Ockford, former Counsel and Revisor of Statutes of the Law Revision and Legislative Services Commission, died on December 27, 1972; and

reasons for the dissatisfaction with the 1947 act which led to its supersession 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. 96 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:

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

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.

Legislative Process



Source: NCSL Bill Information Service

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 scheduled 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 $\frac{3}{4}$ 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.

[*] 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.

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.

Engrossing a Bill

- **How is a bill engrossed?**
 - Engrossing personnel incorporate changes made to the bills throughout the enactment process.
 - OLS has 8 full-time engrossment personnel.
 - To differentiate between bill versions, both houses add an engrossment indicator to the bill number on the printed copies. The General Assembly also adds an engrossment indicator to computerized copies, and assigns a new name to each engrossment of a bill.
- **When is a bill engrossed?**
 - The Senate engrosses a bill before every reading.
 - The General Assembly engrosses a bill whenever it is amended.
- **What states engross bills?**
 - Both chambers of the New Jersey legislature.
 - All state chambers except 6 also engross bills in various ways.
 - The 6 *individual chambers* in various states that choose not to engross bills are CT Senate, DE House, NY Assembly, NM Senate & House, and UT Assembly.

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>

Alan Rosenthal, *Engines of Democracy: Politics and Policymaking in State Legislatures* (2008)

National Bill Volume Metrics:		
	Year to Date	Projected 2013 Volume
Prefiles	333,725	35,000
Introductions	145,123	151,000
Enacts/Adopts	19,900	40,000
% Enacted from Intro.	14%	26%

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.

General Assembly

- Rule 15:3 limits the number of bills, joint resolutions, or concurrent resolutions an Assembly member may prefile as a prime sponsor to **40**. (A **prime sponsor** is the first member to sign a bill or resolution).

Senate

- Senate 2012 Rules do not currently provide a limit to the number of bills and resolutions a Senator may introduce. The Senate does, however, limit the number of bills that can be considered for final passage in a single day to **30**.

Sources: <http://www.ncsl.org/documents/legismgt/ilp/96tab3pt1.pdf>

NJ General Assembly Rules: <http://www.njleg.state.nj.us/legislativepub/Rules/AsmRules.pdf>

NJ Senate Rules: <http://www.njleg.state.nj.us/legislativepub/Rules/SenRules.pdf>

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

Committee Bill/Committee Substitute

- Created by referral committees to replace an initial bill that it has considered.

Companion Bill

- Identical bills that are introduced in both Houses to speed the enactment process.

Joint Resolution

- 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.

Concurrent Resolution

- 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.

Simple or One-House Resolution

- Adopted by one house to express policy or opinions, regulate internal organization/procedures, or establish a study committee under its sole jurisdiction.

Sources: <http://www.ncsl.org/documents/legismgt/ilp/96tab3pt1.pdf>
<http://www.njleg.state.nj.us/legislativepub/Rules/SenRules.pdf>

Legislative Schedules – Annual or Biennial

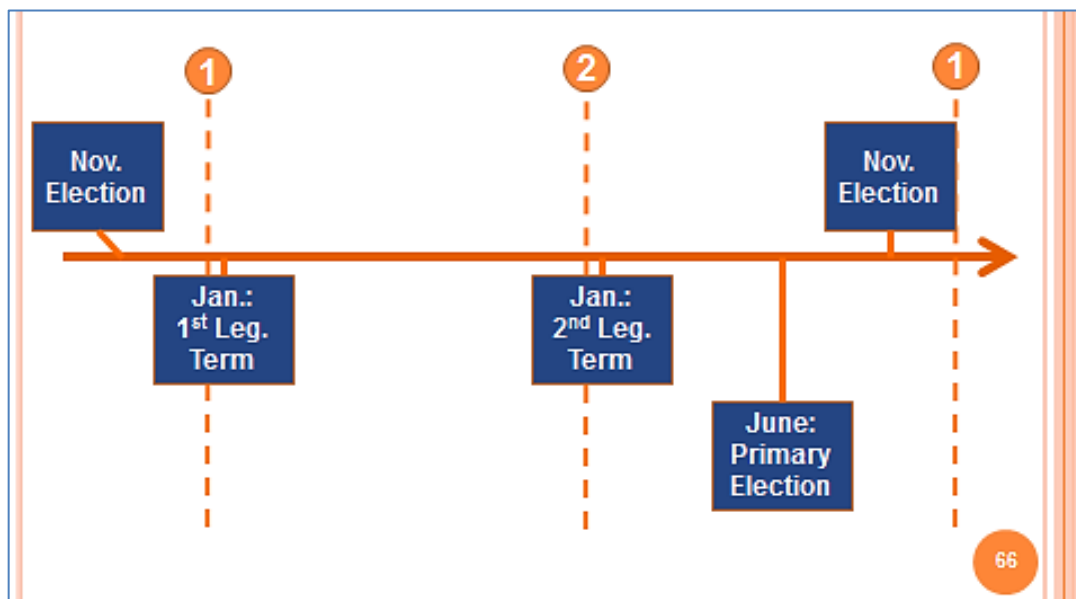
- 46 states meet annually, including New Jersey
- Montana, Nevada, North Dakota, and Texas operate on a biennial schedule. They only meet on odd numbered years.

Legislative Schedules – Policy Arguments

For Annual Sessions	For Biennial Sessions
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.	1. There are enough laws. Biennial sessions constitute a safeguard against precipitate and unseemly legislative action.
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.	2. Yearly meetings of the legislature will contribute to legislative harassment of the administration and its agencies.
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.	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.
4. States may respond more rapidly to new federal laws which require state participation.	4. The biennial system affords legislators more time to renew relations with constituents, to mend political fences and to campaign for reelection.
5. The legislature cannot operate effectively in fits and starts. Annual sessions may help make the policy-making process more timely and orderly	5. Annual sessions inevitably lead to a spiraling of legislative costs, for the legislators and other assembly personnel are brought together twice as often.
6. Annual sessions would serve to diminish the need for special sessions.	

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

New Jersey Legislative Calendar



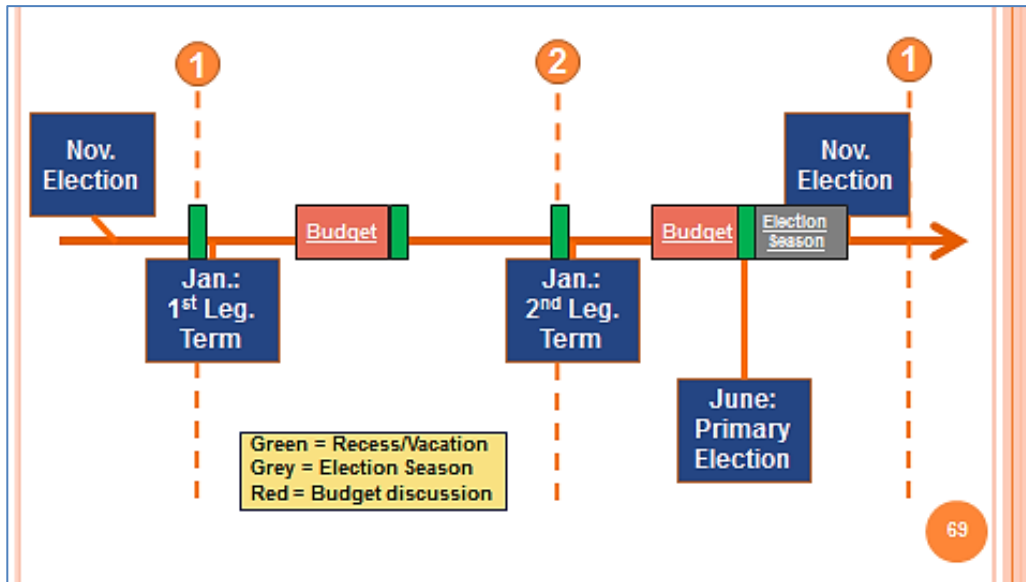
- This calendar is based on a 2 year term.
 - **Assemblymen** serve 2 year terms.
 - **Senators** serve 4 year terms *unless* it is the beginning of a new decade. In other words the term structure for Senators throughout each decade is 2-4-4 years/term.
- The NJ Legislature is in session all year.
-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

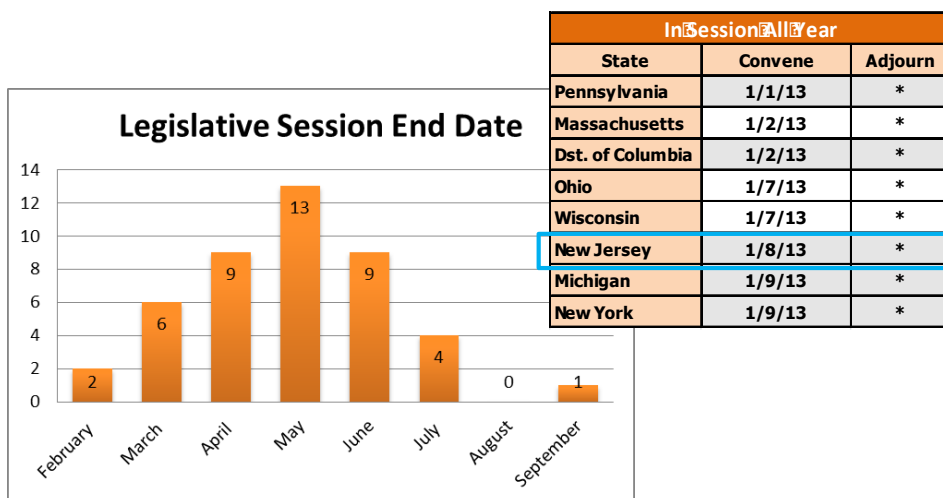
<http://www.statesscape.com/resources/Budget/Budget.aspx>

New Jersey Legislative Calendar



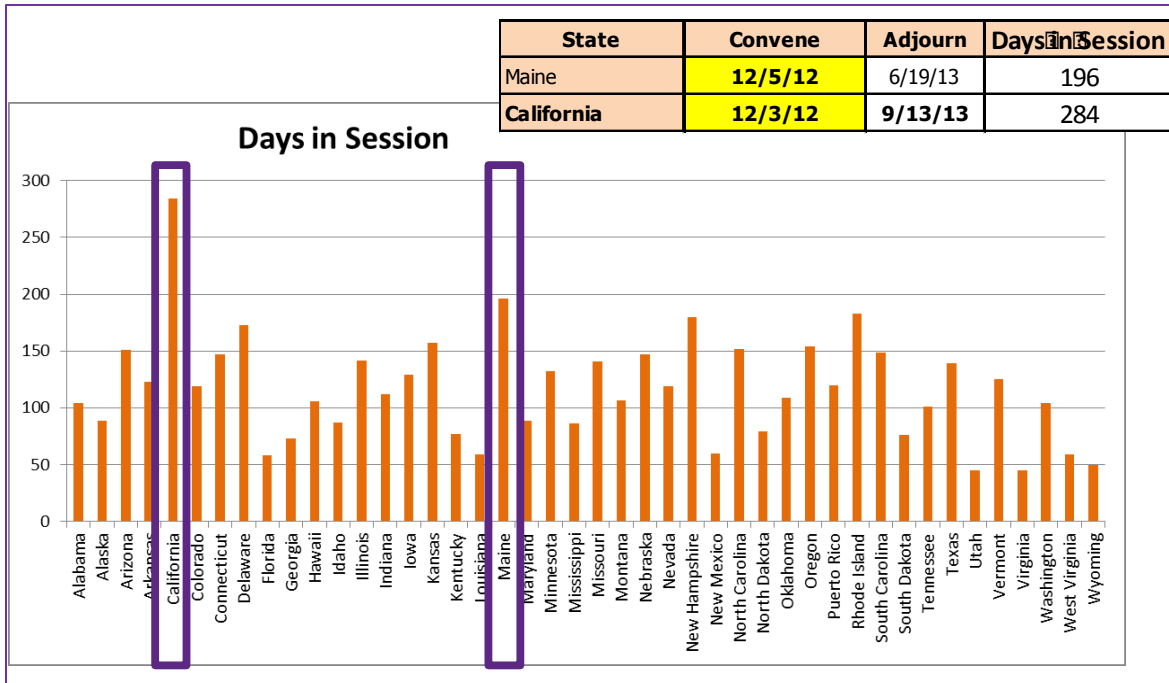
- State agencies submit budget requests in October. The Governor submits a budget to the Legislature in January, and the budget is generally accepted by the legislature in June. The state fiscal year begins July 1st and ends June 30th.
- The above figures are approximations, and the time frames in which they take place are very flexible depending on the circumstances of the legislature at the time.

Legislative Schedules – Ending Months



Source: <http://www.ncsl.org/legislatures-elections/legislatures/session-calendar-2013.aspx>

Legislative Schedules – Days in Session



State	Convene	Adjourn	Days in Session
Utah	1/28/13	3/14/13	45
Virginia	1/9/13	2/23/13	45
Wyoming	1/8/13	2/27/13	50
Florida	3/5/13	5/2/13	58
Louisiana	4/8/13	6/6/13	59
West Virginia	2/13/13	4/13/13	59
New Mexico	1/15/13	3/16/13	60
Georgia	1/14/13	3/28/13	73
South Dakota	1/8/13	3/25/13	76
Kentucky	1/8/13	3/26/13	77
North Dakota	1/8/13	3/28/13	79
Mississippi	1/8/13	4/4/13	86
Idaho	1/7/13	4/4/13	87
Alaska	1/15/13	4/14/13	89
Maryland	1/9/13	4/8/13	89
Tennessee	1/8/13	4/19/13	101
Alabama	2/5/13	5/20/13	104
Washington	1/14/13	4/28/13	104
Hawaii	1/16/13	5/2/13	106
Montana	1/7/13	4/24/13	107
Oklahoma	2/4/13	5/24/13	109
Indiana	1/7/13	4/29/13	112
Colorado	1/9/13	5/8/13	119
Nevada	2/4/13	6/3/13	119
Puerto Rico	1/14/13	5/14/13	120
Arkansas	1/14/13	5/17/13	123
Vermont	1/9/13	5/14/13	125
Iowa	1/14/13	5/23/13	129
Minnesota	1/8/13	5/20/13	132
Texas	1/8/13	5/27/13	139
Missouri	1/9/13	5/30/13	141
Illinois	1/9/13	5/31/13	142
Connecticut	1/9/13	6/5/13	147
Nebraska	1/9/13	6/5/13	147
South Carolina	1/8/13	6/6/13	149
Arizona	1/14/13	6/14/13	151
North Carolina	1/30/13	7/1/13	152
Oregon	2/4/13	7/8/13	154
Kansas	1/14/13	6/20/13	157
Delaware	1/8/13	6/30/13	173
New Hampshire	1/2/13	7/1/13	180
Rhode Island	1/1/13	7/3/13	183
Maine	12/5/12	6/19/13	196
California	12/3/12	9/13/13	284

Source: <http://www.ncsl.org/legislatures-elections/legislatures/session-calendar-2013.aspx>

2013 STATE LEGISLATIVE SESSIONS																	
State	Profile	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Convenes	Adjourns	Carry-over	Est. Bills Volume
Alabama	Y						5/30							2/5/13	5/20/13	NO	2900
Alaska	Y													1/15/13	4/14/13	13-14	650
Arizona	Y						6/4							1/14/13	5/23/13	NO	1500
Arkansas	Y						5/9							1/14/13	4/17/13	NO	2500
California	N													12/3/12	9/13/13	13-14	2900
Colorado	Y*						6/6							1/9/13	5/7/13	NO	800
Connecticut	Y													1/9/13	6/5/13	NO	3200
Delaware	Y													1/8/13	6/30/13	13-14	600
Florida	Y													3/5/13	5/3/13	NO	2400
Georgia	Y						5/24							1/14/13	4/4/13	13-14	3200
Hawaii	N						5/23							1/16/13	5/3/13	13-14	4500
Idaho	N													1/14/13	4/15/13	NO	700
Illinois	N													1/9/13	1/7/14	13-14	8500
Indiana	Y						5/13							11/20/12	4/29/13	NO	1800
Iowa	Y													1/14/13	5/3/13	13-14	2100
Kansas	Y													1/14/13	5/30/13	13-14	950
Kentucky	Y													1/8/13	3/21/13	NO	1300
Louisiana	Y													4/8/13	6/5/13	NO	2000
Maine	Y													12/5/12	6/19/13	13-14	1450
Maryland	Y													1/9/13	4/8/13	NO	2650
Massachusetts	Y													1/2/13	12/31/13	13-14	6700
Michigan	Y*													1/29/14	1/29/14		
Minnesota	N													1/9/13	12/31/13	13-14	3200
Mississippi	Y													1/8/13	4/7/13	NO	3800
Missouri	Y													1/9/13	5/30/13	NO	2000
Montana	Y													1/7/13	4/27/13	NO	1850
Nebraska	N													1/8/13	5/30/13	13-14	1050
Nevada	Y													2/4/13	6/3/13	NO	1150
New Hampshire	Y													1/2/13	7/1/13	13-14	1000
New Jersey	N													1/8/13	1/13/14	12-13	1650
New Mexico	Y													1/15/13	3/16/13	NO	2250
New York	Y													1/9/13	1/7/14	13-14	16000
North Carolina	N													1/30/13	8/7/13	13-14	2800
North Dakota	Y													1/8/13	5/1/13	NO	1150
Ohio	N													1/7/13	12/31/13	13-14	1050
Oklahoma	Y													2/4/13	5/31/13	13-14	2800
Oregon	Y*													2/4/13	6/29/13	NO	2800
Pennsylvania	N													1/1/13	1/7/14	13-14	4100
Rhode Island	Y*													1/1/13	6/24/13	13-14	2450
South Carolina	Y													1/8/13	6/5/13	13-14	2100
South Dakota	Y													1/8/13	3/27/13	NO	600
Tennessee	Y													1/8/13	5/17/13	13-14	6550
Texas	Y													1/8/13	5/27/13	NO	12400
Utah	Y													1/28/13	3/14/13	NO	800
Vermont	Y													1/9/13	5/31/13	13-14	750
Virginia	Y													1/9/13	2/23/13	12-13	2600
Washington	Y													1/14/13	4/24/13	13-14	2800
West Virginia	Y													1/9/13	4/13/13	NO	2550
Wisconsin	N													1/7/13	1/13/14	13-14	1250
Wyoming	Y													1/8/13	3/1/13	NO	500
U.S. Congress	N													1/3/13	1/3/14	13-14	9100

Source: http://www.statenet.com/resources/pdf/2013_Legislative_Session_Chart.pdf