

# **NJ LEGISLATIVE PROCESS & LAW REVISION COMMISSION**

## **PART 3**

**From: The Legislative Law Clerks  
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**Date: August 8, 2013**

# SUMMARY:

This presentation is the continuation of a 3 part presentation, a summary of which is listed below. Please see the adjoining presentations for more information regarding the NJ Legislative Process & Law Revision Commission.


- Part 1: New Jersey Legislature
  - A.) Structure of the NJ Legislature
  - B.) Legislator Demographics: State & National
  - C.) Other Legislative Entities
  
- Part 2: New Jersey Law Revision Commission
  - A.) Introduction to the NJLRC
  - B.) Law Revision Comparison: National & International
  - C.) Other Law Revision Entities
  
- Part 3: New Jersey Legislative Processes
  - A.) A Bill becomes Law in NJ
  - B.) Streamlining the NJ Legislature
  - C.) The NJ Legislative Calendar

# NJ LEGISLATURE – PART 3

**A.) Legislative Process:**

**A Bill becomes a Law in NJ**

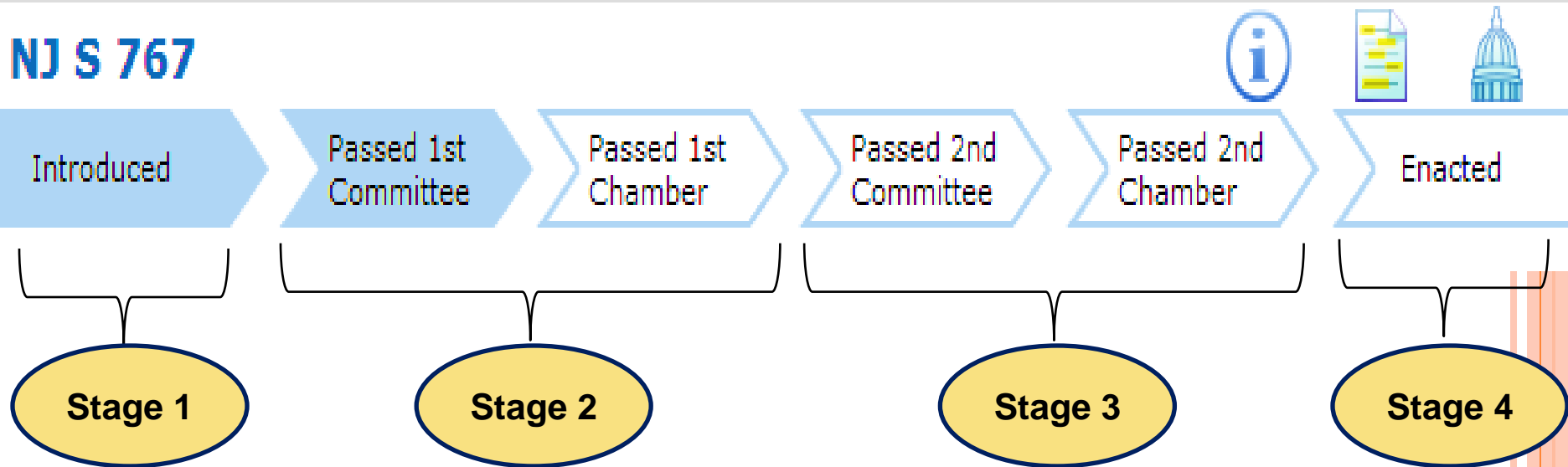
# LEGISLATIVE PROCESS: SUMMARY

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of STATE LEGISLATURES

Return to NCSL  
Bill Information Service

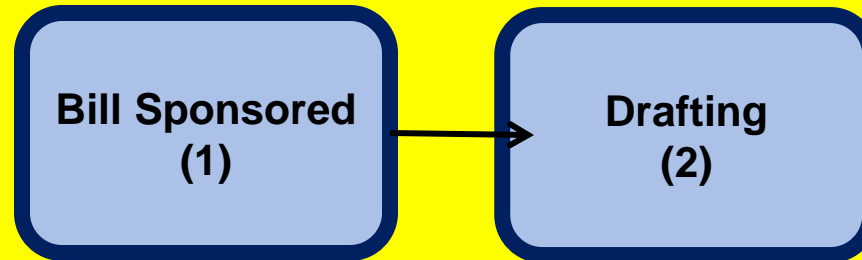
Start Search | State Information

**NJ S 767**

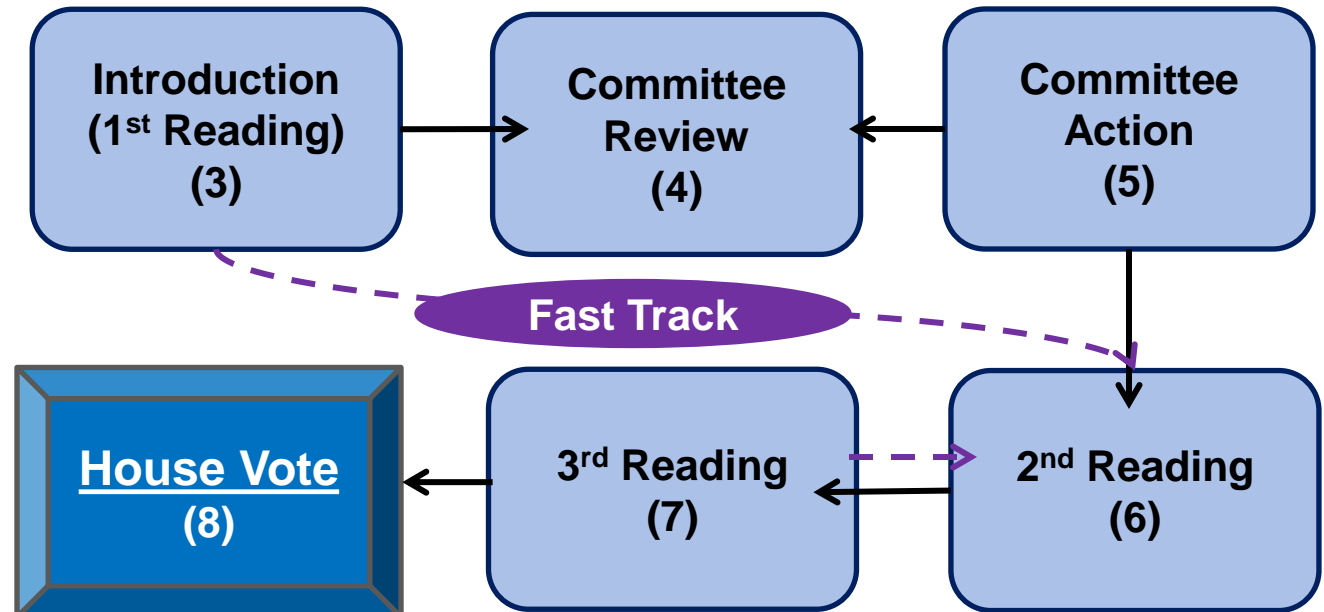


# LEGISLATIVE PROCESS: STAGES 1 & 2

## Stage 1: Birth of Bill



## Stage 2: Approval and Amendments by the 1<sup>st</sup> House



# LEGISLATIVE PROCESS: STAGE 1



## ○ 1.) **Idea developed**

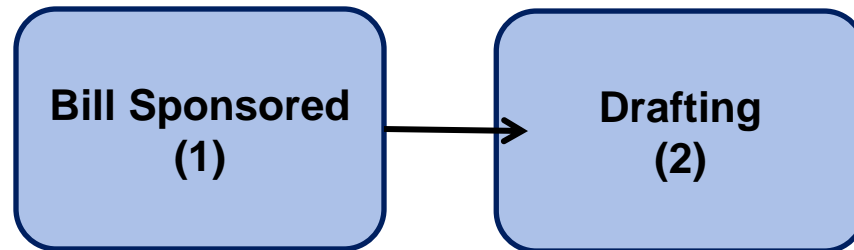
- A legislator sponsors a bill
- The bill can be brought to the attention of the legislator through a constituent, interest group, public official, or the Governor.

## ○ 2.) **Bill Drafted**

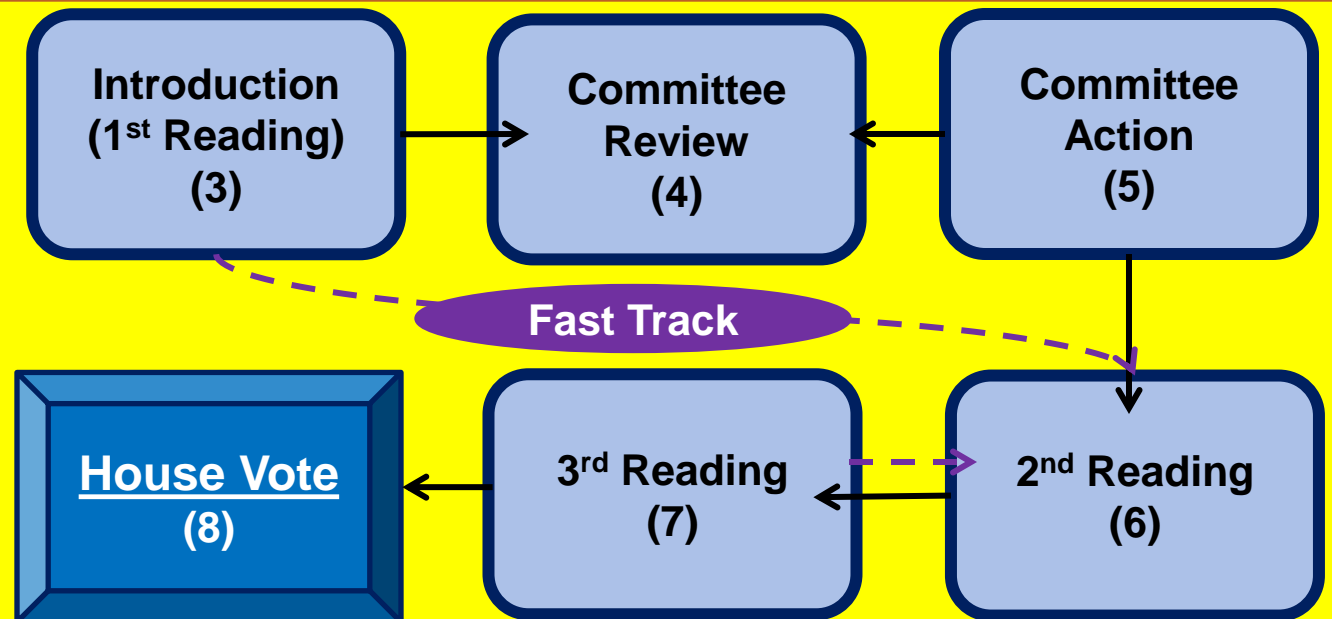
- At the legislator's direction, the Office of Legislative Services provides research, drafting assistance, and prepares the bill in proper technical form.

# LEGISLATIVE PROCESS: STAGES 1 & 2

## Stage 1: Birth of Bill



## Stage 2: Approval and Amendments by the 1<sup>st</sup> House



# LEGISLATIVE PROCESS: STAGE 2

- 3.) **Bill Introduced** (1<sup>st</sup> 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 1<sup>st</sup> reading. The bill is printed and released to the public.

## **[\*] 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.



# LEGISLATIVE PROCESS: STAGE 2

## ○ 4.) **Committee Reference** [\*]

- 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 in order to speed its consideration.

### **[\*] 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.

# LEGISLATIVE PROCESS: STAGE 2

## ○ 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.

## ○ 6.) **2nd Readings** [\*]

- 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.

If a bill is ***Fast Tracked***, then the President of the Senate or the Speaker of the Assembly makes a decision to bypass committee action (step 5) on a particular bill. The legislature then moves from the introduction of the bill to the 2<sup>nd</sup> reading of the bill. This process drastically decreases the amount of time it takes for a bill to be considered for a vote.

# LEGISLATIVE PROCESS: STAGE 2

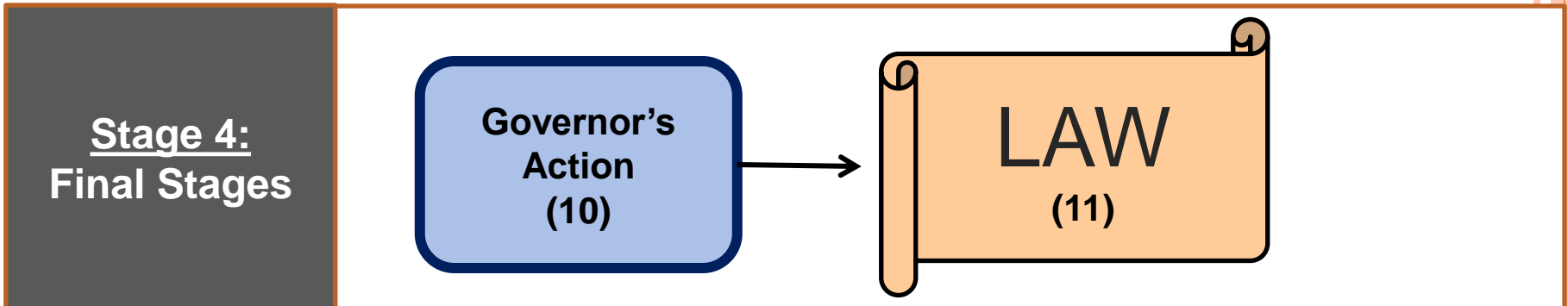
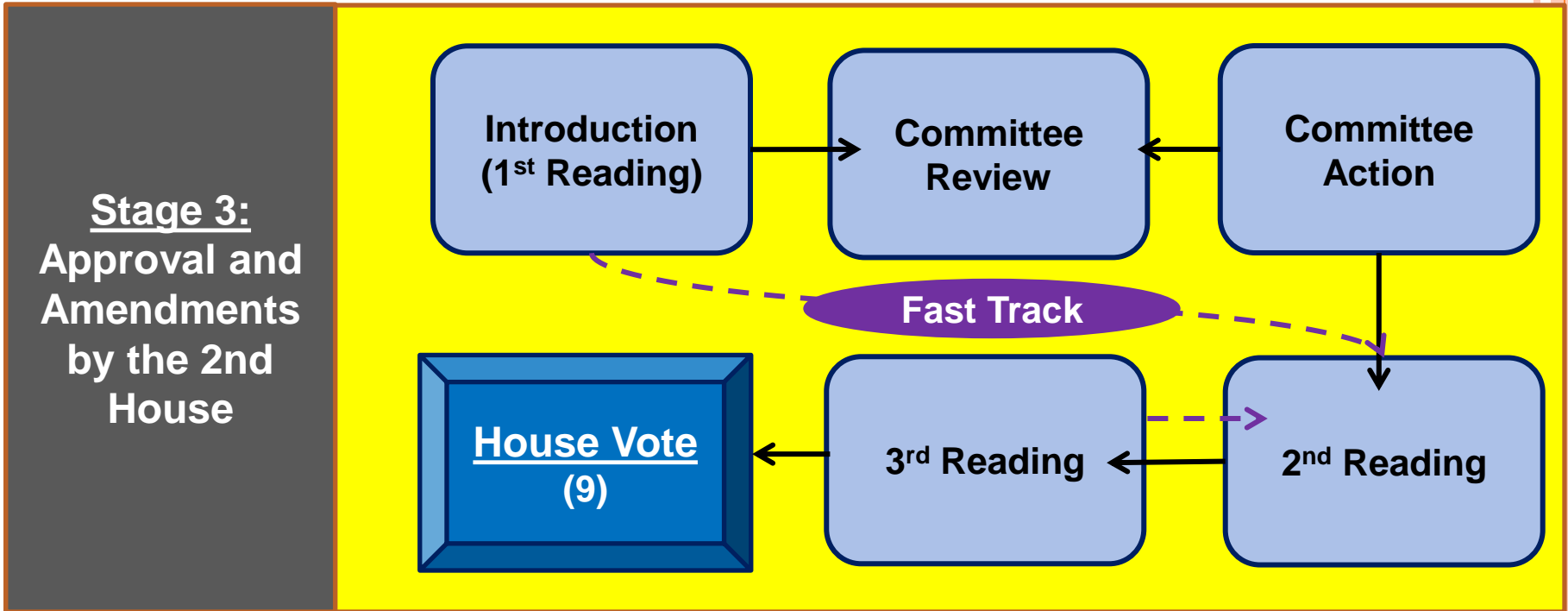
## ○ 7.) **3<sup>rd</sup> Hearing** [\*]

- 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 3/4 of the members (30 votes in the Senate, 60 in the Assembly).
- If amendments are made to a bill during the 3<sup>rd</sup> Hearing then the bill must be returned for a 2<sup>nd</sup> 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.

# LEGISLATIVE PROCESS: STAGES 3 & 4



# LEGISLATIVE PROCESS: STAGE 3

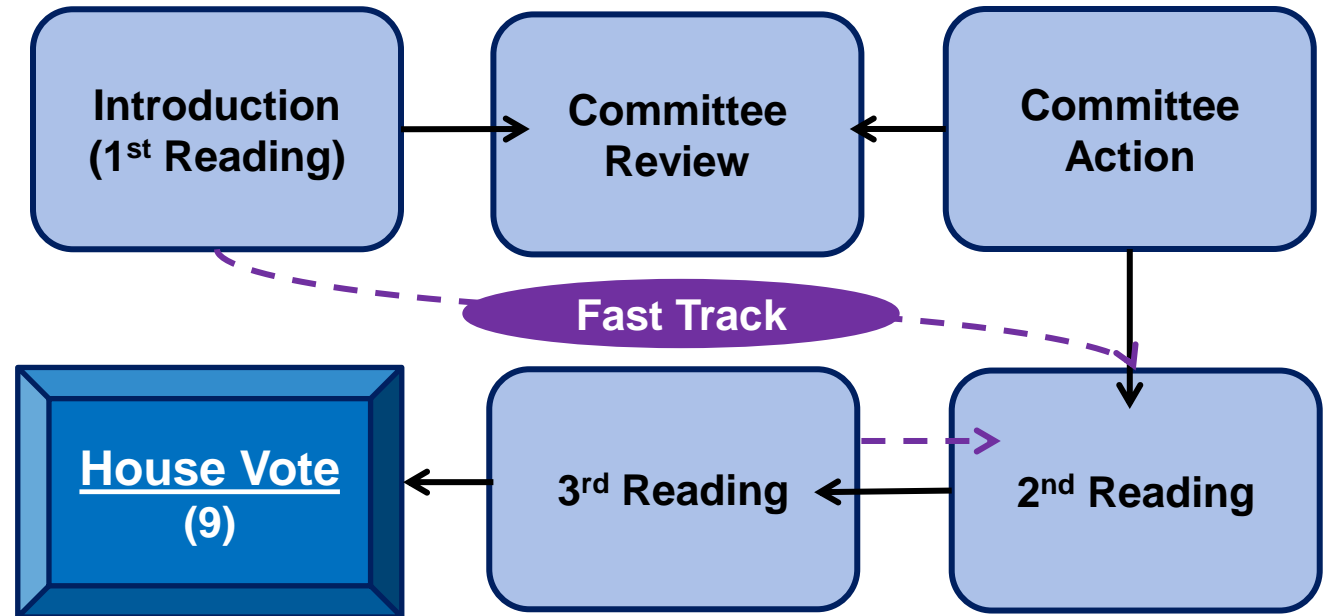
## ○ 9.) **Second House** [\*]

- 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.

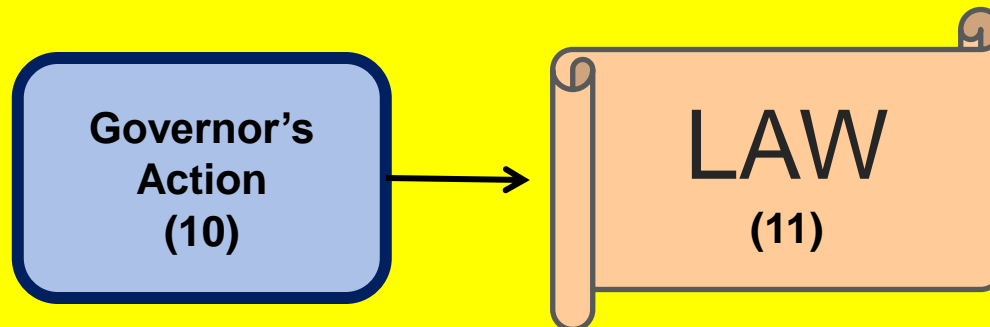


# LEGISLATIVE PROCESS – STAGES 3 & 4

**Stage 3:**  
**Approval and**  
**Amendments**  
**by the 2nd**  
**House**



**Stage 4:**  
**Final Stages**



# LEGISLATIVE PROCESS: STAGE 4

## 10.) Governor's Action

- After final passage, the bill is sent to the Governor. The Governor may:
  - 1) **Sign** – Bill becomes a law
  - 2) **Absolute Veto** –
    - 1) 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.
  - 3) **Conditional Veto** –
    - 1) 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.
  - 4) **Line Item Veto** –
    - 1) Allows the Governor to approve the bill but reduce or eliminate money appropriated for specific items.
  - 5) **“Pocket Veto”** –
    - 1) 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.

# LEGISLATIVE PROCESS: STAGE 4

## 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.



# LEGISLATIVE PROCESS: STAGE 4

## “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.

# LEGISLATIVE PROCESS: SUMMARY

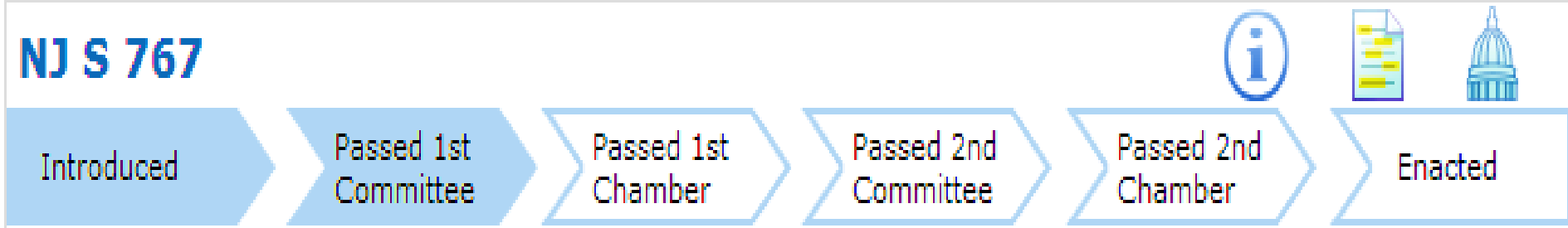


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Bill Information Service

**Start Search** | **State Information**

**NJ S 767**



**National Bill Volume Metrics:**

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

# NJ LEGISLATURE – PART 3

## B.) Streamlining the Legislative Process

# 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**.

# 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.

# NJ LEGISLATURE – PART 3

## C.) The NJ Legislative Calendar

# 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 – ANNUAL OR BIENNIAL

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.	

by political scientists, **William Keefe** and **Morris Ogul**.



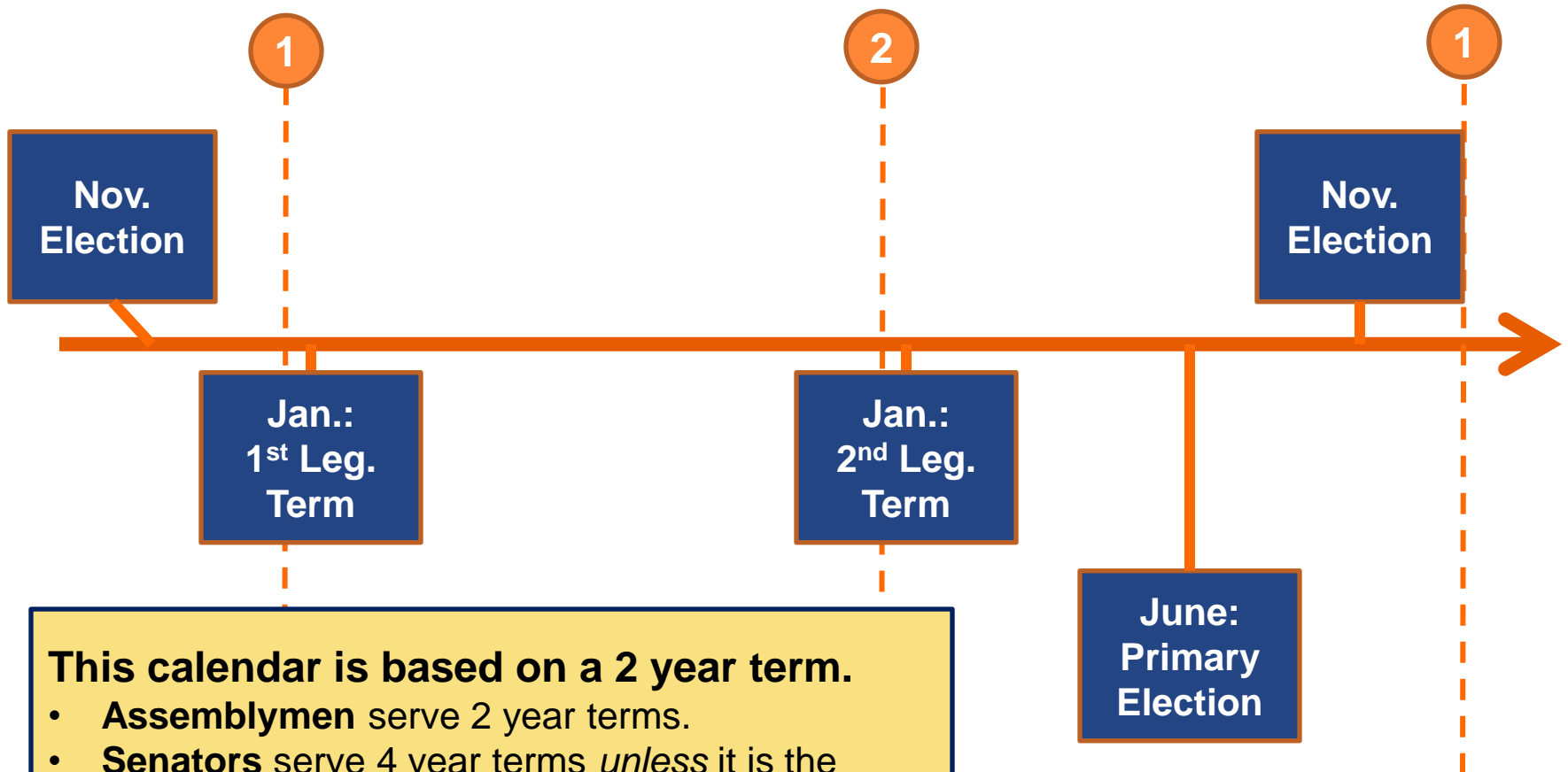
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# Legislative Calendar

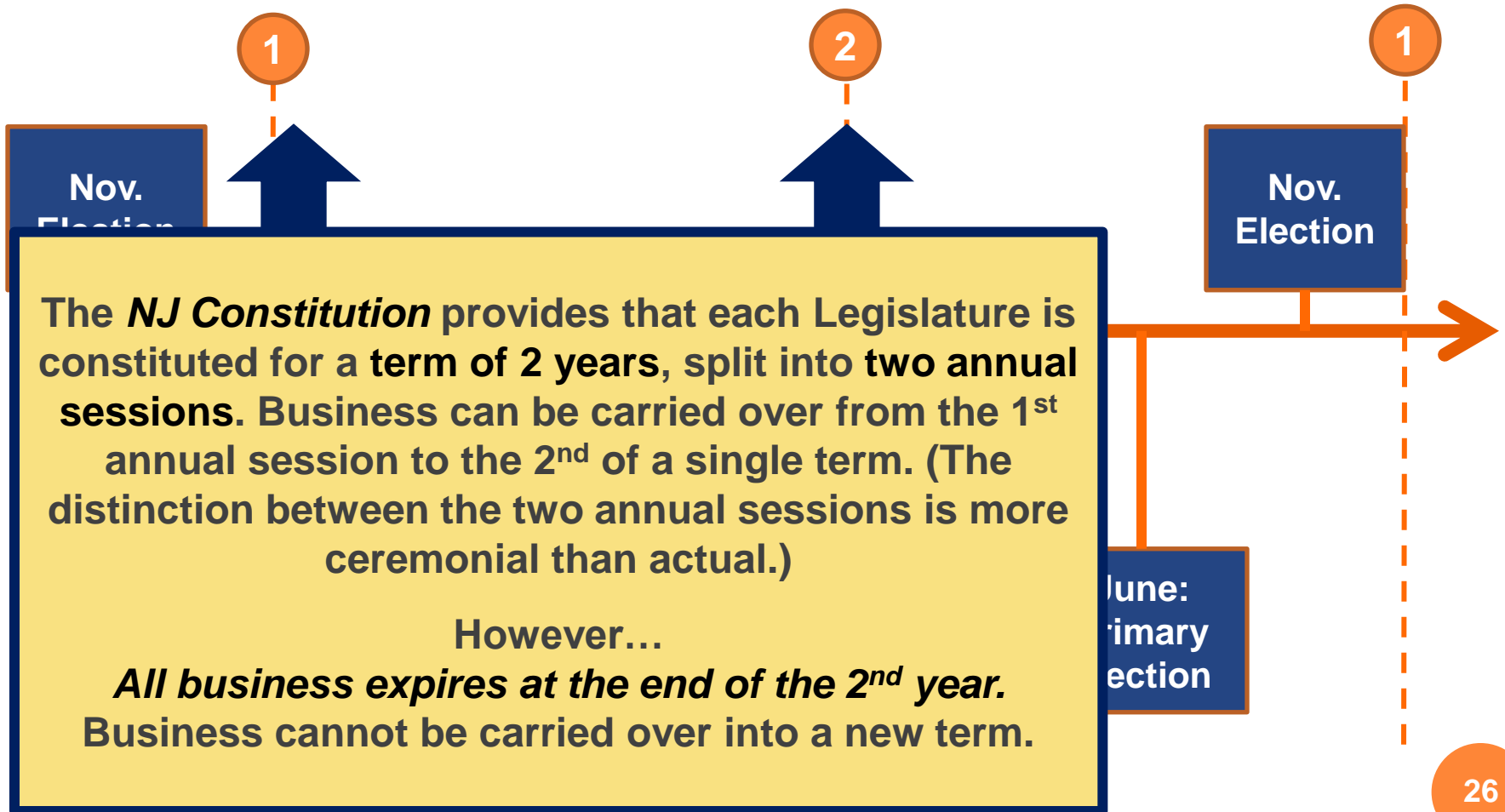
The NJ Legislature is in session all year.



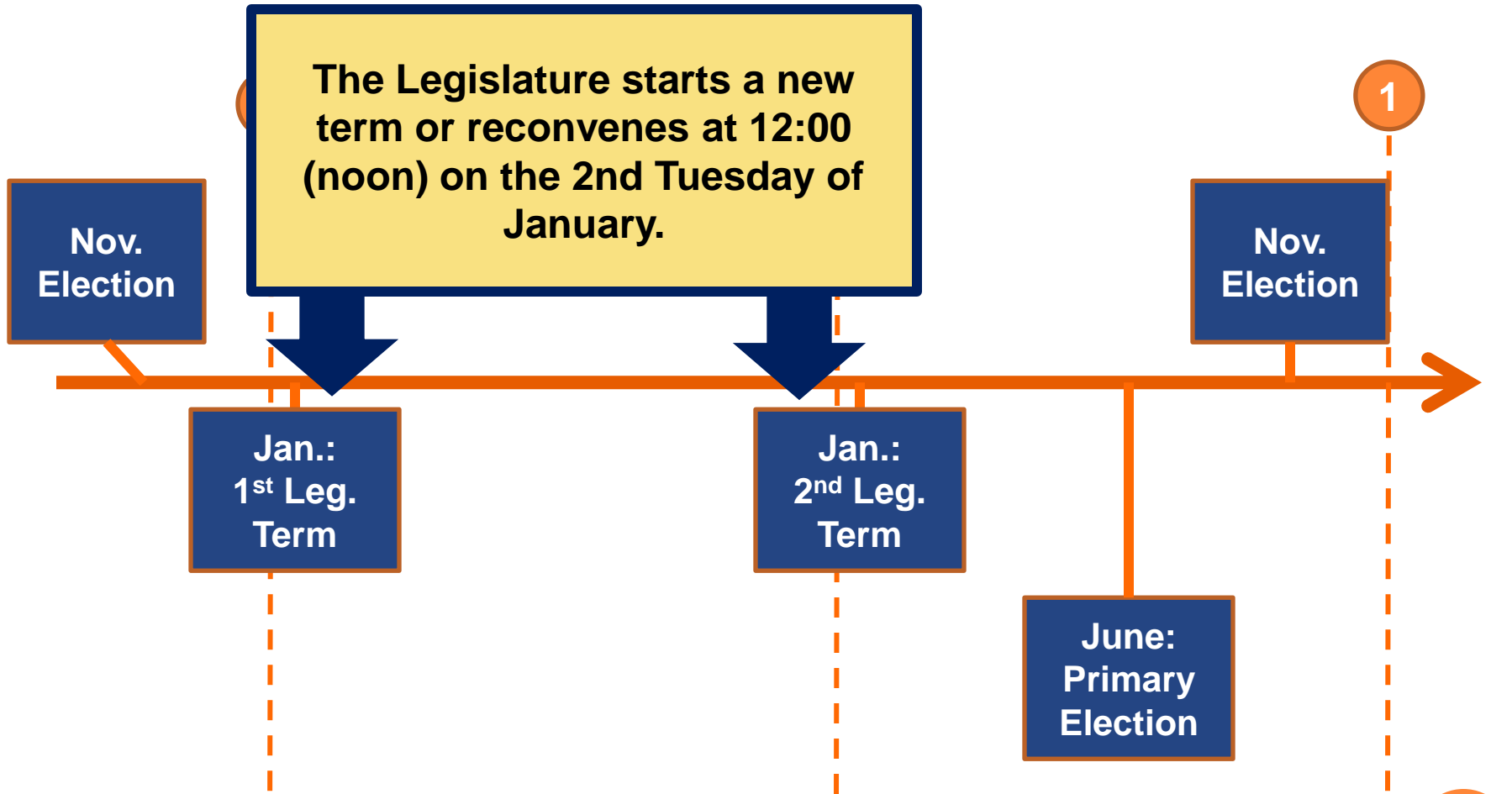
**This calendar is based on a 2 year term.**

- **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.

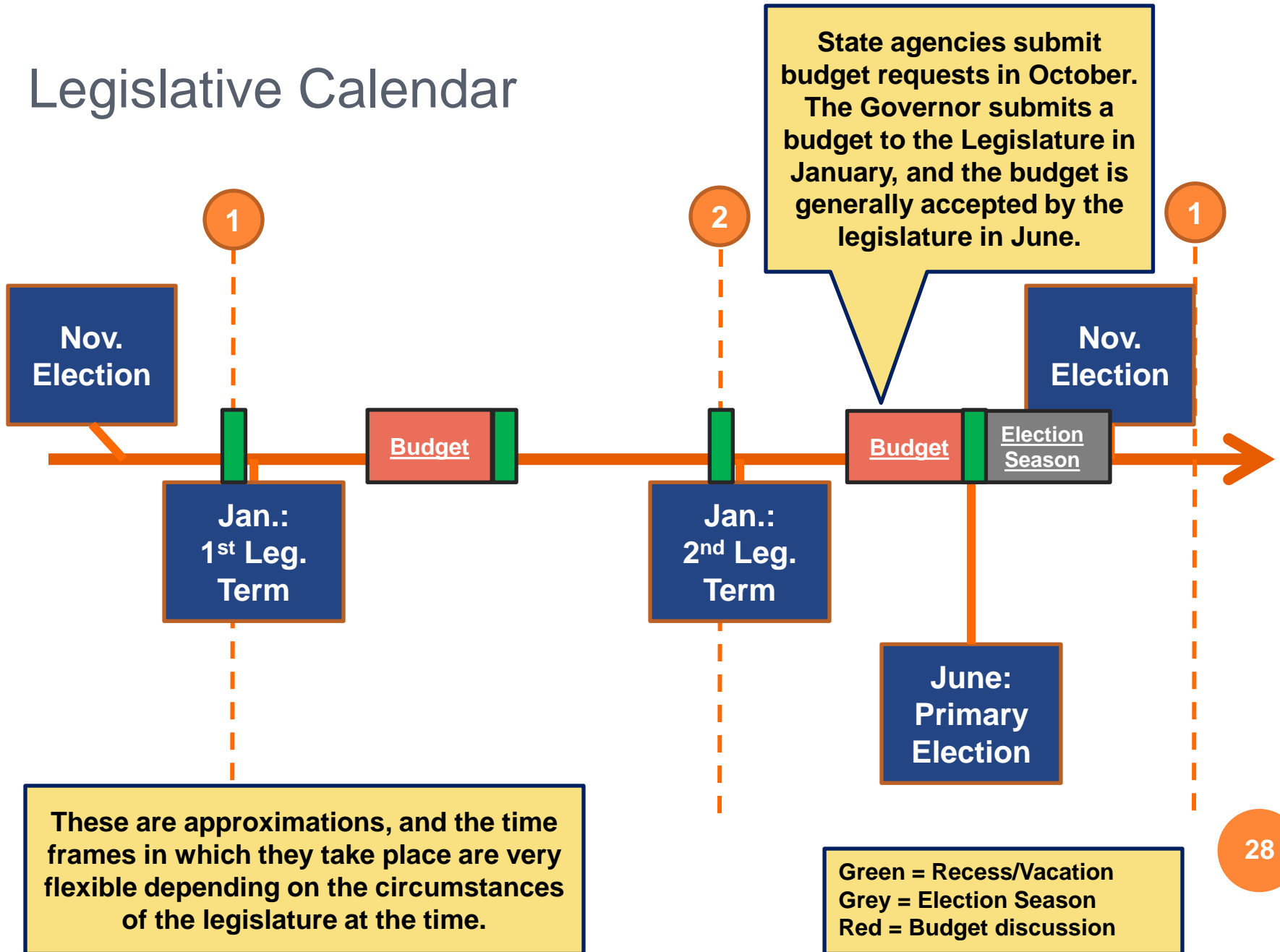
# Legislative Calendar



# Legislative Calendar

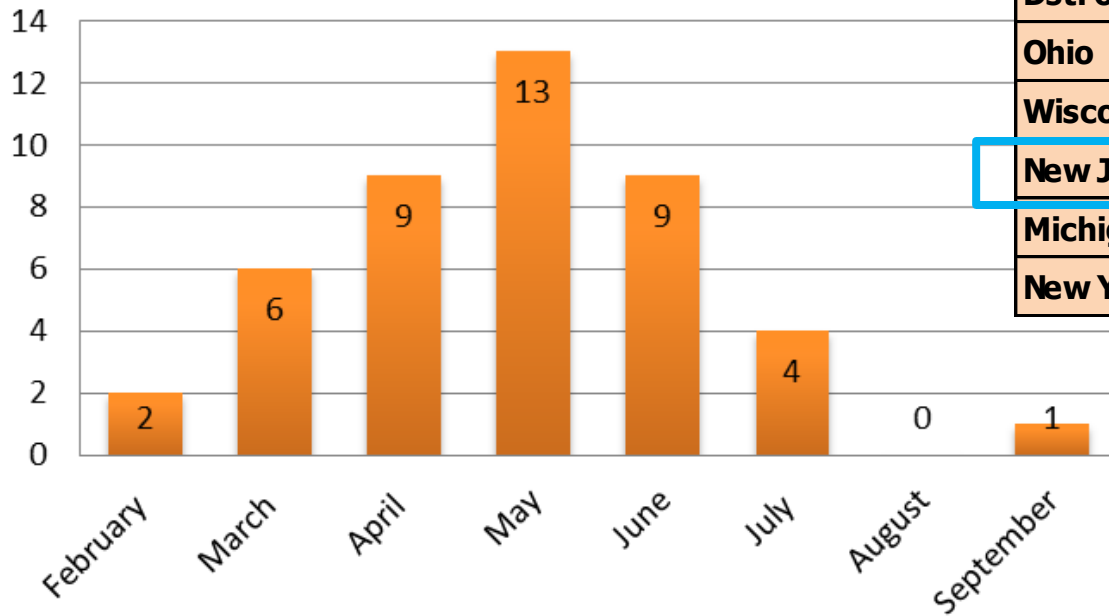


# Legislative Calendar



# LEGISLATIVE SCHEDULES – ENDING MONTHS

**Legislative Session End Date**

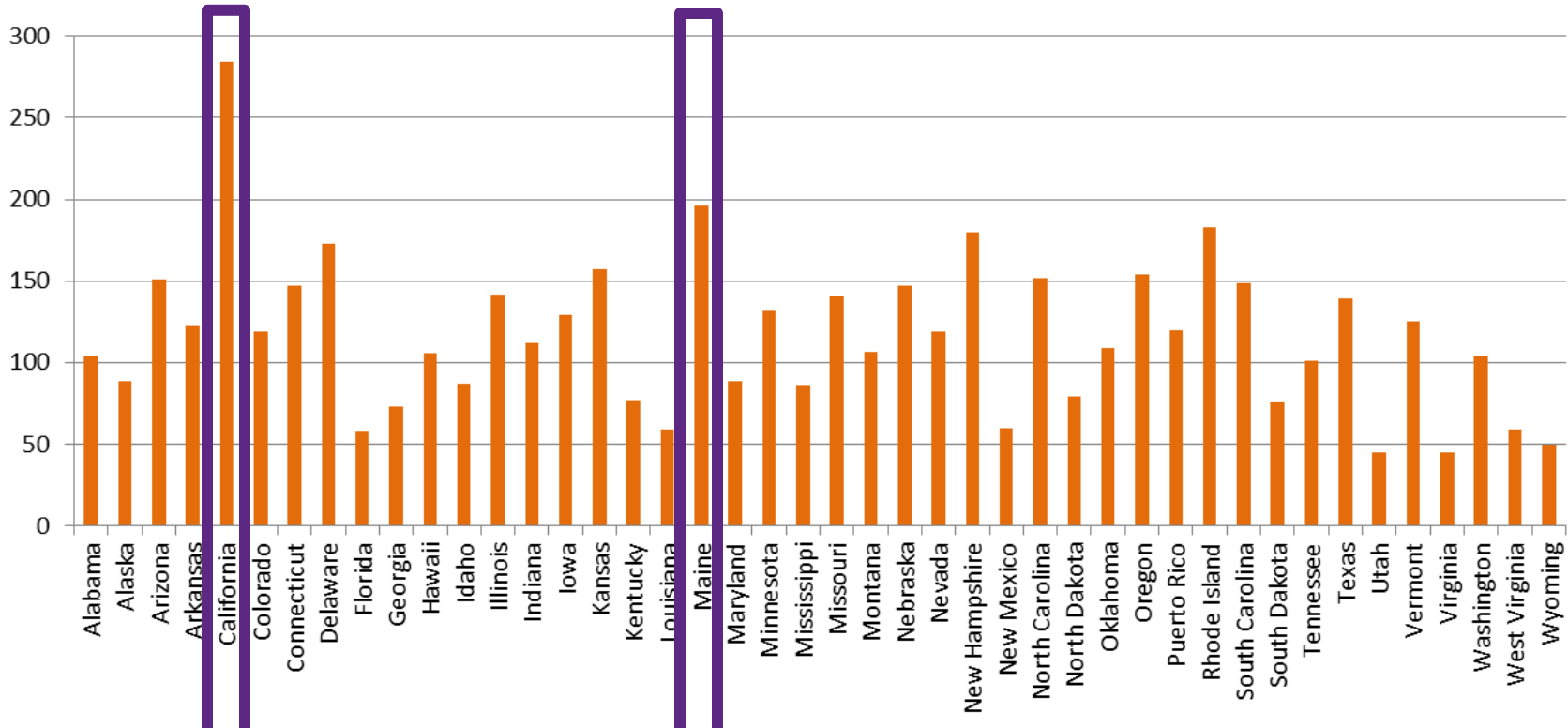


In Session All Year		
State	Convene	Adjourn
Pennsylvania	1/1/13	*
Massachusetts	1/2/13	*
Dst. of Columbia	1/2/13	*
Ohio	1/7/13	*
Wisconsin	1/7/13	*
New Jersey	1/8/13	*
Michigan	1/9/13	*
New York	1/9/13	*

# LEGISLATIVE SCHEDULES – DAYS IN SESSION

State	Convene	Adjourn	Days in Session
Maine	<b>12/5/12</b>	6/19/13	196
<b>California</b>	<b>12/3/12</b>	<b>9/13/13</b>	284

Days in Session



# 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

State	Convene	Adjourn	Days in Session
Colorado	1/9/13	5/8/13	119
Nevada	2/4/13	6/3/13	119
<b>Puerto Rico</b>	<b>1/14/13</b>	<b>5/14/13</b>	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
<b>South Carolina</b>	<b>1/8/13</b>	<b>6/6/13</b>	149
Arizona	1/14/13	6/14/13	151
<b>North Carolina</b>	<b>1/30/13</b>	<b>7/1/13</b>	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	<b>12/5/12</b>	6/19/13	196
<b>California</b>	<b>12/3/12</b>	<b>9/13/13</b>	284

# 2013 STATE LEGISLATIVE SESSIONS

State	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Convenes	Adjourns	Carry-over	Est. Bills Volume
Alabama						◀ 5/30							2/5/13	5/20/13	NO	2900
Alaska							◀ 6/30						1/15/13	4/14/13	13 - 14	650
Arizona						◀ 6/4							1/14/13	5/23/13	NO	1500
Arkansas					◀ 5/9								1/14/13	4/17/13	NO	2500
California										◀ 10/13			12/3/12	9/13/13	13 - 14	2900
Colorado						◀ 6/6							1/9/13	5/7/13	NO	800
Connecticut							◀ 7/15						1/9/13	6/5/13	NO	3200
Delaware										◀ 9/30			1/8/13	6/30/13	13 - 14	600
Florida					◀ 5/24								3/5/13	5/3/13	NO	2400
Georgia					◀ 5/23								1/14/13	4/4/13	13 - 14	3200
Hawaii							◀ 7/3						1/16/13	5/2/13	13 - 14	4500
Idaho					◀ 4/26								1/14/13	4/15/13	NO	700
Illinois												▶ 2/1/14	1/9/13	1/7/14	13 - 14	8500
Indiana					◀ 5/13								11/20/12	4/29/13	NO	1800
Iowa						◀ 6/7							1/14/13	5/3/13	13 - 14	2100
Kansas						◀ 6/9							1/14/13	5/30/13	13 - 14	950
Kentucky				◀ 4/1									1/8/13	3/21/13	NO	1300
Louisiana						◀ 6/26							4/8/13	6/6/13	NO	2000
Maine							◀ 7/1						12/5/12	6/19/13	13 - 14	1450
Maryland					◀ 5/28								1/9/13	4/8/13	NO	2650
Massachusetts												▶ 1/10/14	1/2/13	12/31/13	13 - 14	6700
Michigan												▶ 1/28/14	1/9/13	12/31/13	13 - 14	3200
Minnesota						◀ 6/5							1/8/13	5/20/13	13 - 14	4800
Mississippi					◀ 4/24								1/8/13	4/7/13	NO	3800
Missouri							◀ 7/14						1/9/13	5/30/13	NO	2000
Montana					◀ 5/7								1/7/13	4/27/13	NO	1350
Nebraska						◀ 6/4							1/8/13	5/30/13	13 - 14	1050
New Jersey												▶ 2/27/14	1/8/13	1/13/14	12 - 13	1650

Projected Exec. Action Deadline



# 2013 STATE LEGISLATIVE SESSIONS

State	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Convenes	Adjourns	Carry-over	Est. Bills Volume
Nevada							◀ 6/14						2/4/13	6/3/13	NO	1150
New Hampshire							◀ 7/8						1/2/13	7/1/13	13 - 14	1000
<b>New Jersey</b>													1/8/13	1/13/14	12 - 13	1650
New Mexico				◀ 4/5									1/15/13	3/16/13	NO	2250
New York													1/9/13	1/7/14	13 - 14	16000
North Carolina										◀ 9/6			1/30/13	8/7/13	13 - 14	2800
North Dakota						◀ 5/22							1/8/13	5/1/13	NO	1150
Ohio													1/7/13	12/31/13	13 - 14	1050
Oklahoma							◀ 6/18						2/4/13	5/31/13	13 - 14	2800
Oregon								◀ 8/5					2/4/13	6/29/13	NO	2800
Pennsylvania													1/1/13	1/7/14	13 - 14	4100
Rhode Island													1/1/13	6/24/13	13 - 14	2450
South Carolina													1/8/13	6/6/13	13 - 14	2100
South Dakota						◀ 4/11							1/8/13	3/27/13	NO	600
Tennessee													1/8/13	5/17/13	13 - 14	6550
Texas													1/8/13	5/27/13	NO	12400
Utah													1/28/13	3/14/13	NO	800
Vermont													1/9/13	5/31/13	13 - 14	750
Virginia													1/9/13	2/23/13	12 - 13	2600
Washington													1/14/13	4/24/13	13 - 14	2800
West Virginia													1/9/13	4/13/13	NO	2550
Wisconsin													1/7/13	1/13/14	13 - 14	1250
Wyoming													1/8/13	3/1/13	NO	500
U.S. Congress													1/3/13	1/3/14	13 - 14	9100
Washington, D.C.													1/2/13	12/31/13	13 - 14	1300
Puerto Rico													1/14/13	11/19/13	13 - 16	6000

# CONCLUSION:

This concludes Part 3 of this presentation on the NJ Legislative Process & Law Revision Commission. Please see the adjoining presentations (Part 1 and 2) for more information regarding this area. A summary of the topics covered is listed below.

- Part 1: New Jersey Legislature
  - A.) Structure of the NJ Legislature
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  - A.) A Bill becomes Law in NJ
  - B.) Streamlining the NJ Legislature
  - C.) The NJ Legislative Calendar

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