



STATE OF NEW JERSEY

N J L R C

NEW JERSEY LAW REVISION COMMISSION

FINAL REPORT

Relating to

TITLE 1 – ACTS, LAWS AND STATUTES

DECEMBER, 2008

NEW JERSEY LAW REVISION COMMISSION

153 Halsey Street, 7th Fl., Box 47016

Newark, New Jersey 07101

973-648-4575

(Fax)973-648-3123

Email: njlrc@njlrc.com

Website: www.njlrc.org

Introduction

This draft of revised Title 1 retains most of the substance of the current provisions, but simplifies and clarifies the language. Oddities of legislative diction and verb forms were eliminated. The Commission chose not to make recommendations concerning the Legislative Commissions.

Certain provisions contain significant changes. Sections 5-1 and 5-2 contain clarifications regarding preparation of laws after enactment. Current provisions focus on the printing of the annual volume of laws. While that publication remains important, the legislative public internet site has become equally important in publication of the law. Revision is needed to reflect that change.

Section 5-3, dealing with the authority to correct statutes, also incorporates significant change. The section clarifies that, in accord with current practice, corrections can be made at any time. However, it also provides for a system to make and maintain a record of corrections; that provision is new. Section 5-4 gives the Office of Legislative Services the authority to recompile statutes. The concept is new, although there have been instances in the past when statutes were assigned new compilation numbers. The proposed section requires concurrence by the Attorney General (as in statutory corrections) and provides for a system of recording that a statute has been recompiled.

The last significant change is the creation of a simplified system for citing statutes. See, Section 1-7. The current system requires three different forms of citation depending on when and in what form the statute was enacted. No policy considerations support the current system; its complications are merely a matter of history.

Sections that were specific to the implementation of the Revised Statutes of 1937 or of Title 2A of the statutes (effective 1952) and that have no continuing importance have been deleted.

The sections concerning this Commission have been left unchanged. It seemed inappropriate to make any recommendation for changes that affect the Commission directly. The section on the Uniform Law Commissioners has also been left alone. It is one of those sections in limbo, saved from repeal but not compiled. Perhaps the Uniform Law on Uniform Law Commissioners should be considered.

Chapter 1: Provisions Relating to Statutes Generally

1A-1. Words and phrases defined; number, gender

a. Unless it is otherwise expressly provided or there is something in the subject or context repugnant to the meaning, the following words and phrases, when used in any statute, shall have the meaning given to them by this section.

(1) Affirmation; affirmed. See "Oath; sworn," infra, this section.

(2) "Assessor" when used in relation to the assessment of taxes or water rents or other public assessments includes all officers, boards or commissions charged with the duty of making assessments unless a particular officer, board or commission is specified.

(3) "Census" when used with reference to the population of this State, or of any subdivision, means the latest Federal census effective within this State.

(4) "Collector" when used in relation to the collection of taxes or water charges or other public assessments, includes all officers charged with the duty of collecting those taxes, water charges or assessments, unless a particular officer is specified.

(5) "Folio" or "sheet" consists of 100 words, and in all cases where an entry of any writing or copy is to be paid for, the sheet or folio shall consist of 100 words.

(6) "General election" means the annual election held on the first Tuesday after the first Monday in November. Any statute that provides that a public officer be elected, or a public question be voted on at an election at which members of the General Assembly are elected, or words to that effect, shall mean "at a general election."

(7) Month; year. The word "month" means a calendar month, and the word "year" means a calendar year.

(8) "Municipality and municipal corporation" include cities, towns, townships, villages and boroughs, and any municipality governed by a board of commissioners or an improvement commission.

(9) Oath; sworn. The word "oath" includes "affirmation" and the word "sworn" includes "affirmed."

(10) "Person" includes a corporation, association, partnership or other entity, as well as a natural person, unless restricted by the context to a natural person or specifically restricted as to some entities.

(11) "Personal property" includes goods and chattels, rights and credits, moneys and effects, evidences of debt, choses in action and all written instruments by which any right to, interest in, or lien or encumbrance upon, property or any debt or financial obligation is created, acknowledged, evidenced, transferred, discharged or defeated, in whole or in part, and everything which may be the subject of ownership except real property as defined in this section.

(12) "Population" means the population as shown by the latest Federal census effective within this State, and shall be construed as synonymous with "inhabitants."

(13) "Property" and "other property," unless limited by the context to either real or personal property, includes both real and personal property.

(14) "Real estate" and "real property" include lands, tenements and hereditaments and all rights thereto and interests therein.

(15) "Registered mail" includes "certified mail" and any commercial courier service that provides similar services.

(16) "Revision law" means a statute that is expressed in its title or body to be a revision of any part of the statutory law.

(17) "State" includes any State, territory or possession of the United States and the District of Columbia.

(18) "Taxing district" when used in a law relating to the assessment or collection of taxes, assessments or water rates or water rents, include every political division of the State, less than a county, whose inhabitants, governing body or officers have the power to levy taxes, assessments or rates.

(19) "Term of court" means a stated session or stated sessions of that court.

(20) "United States" includes every State, territory and possession of the United States, including the District of Columbia.

b. Number; gender. When a statute uses words importing the singular number or masculine gender, it shall include and apply to plural persons or things and to females and corporate bodies.

Source: 1:1-2; 1:1-25.

Comment

Most of this section is substantively identical with its source. However, the definitions of "sheet," "ship" and "territory" have been deleted as unnecessary and the definitions of "magistrate" and "Revised Statutes" have been deleted as anachronistic. The definition of "term of court" is derived from 1:1-25. The provision on number and gender has been moved to a separate section.

1A-2. Effect of definitions on treaties, compacts, or agreements

Definitions of words and phrases applicable to statutes generally shall not be construed to limit or enlarge any provision in any treaty, compact or agreement between this State and any other state or the United States, including agreements resulting from reciprocal legislation.

Source: 1:1-3.

Comment

This section is substantially identical to 1:1-3.

1A-3. Partial unconstitutionality

If any part of a statute is determined by a court to be unconstitutional, invalid or inoperative, the statute shall be enforced to the extent that it is not unconstitutional, invalid or inoperative, and the determination shall not invalidate or make ineffectual any other statute.

Source: 1:1-10.

Comment

This section is substantially identical to 1:1-10.

1A-4. Seal; sealed

Every instrument to which it is required or permitted by law that a seal be attached shall be deemed to be sealed when a mark or device indicating a seal is printed or marked on it or affixed to it. No instrument shall be questioned for lack of a wax seal.

This section shall apply to sealings by corporations and individuals; but any sealing required or permitted by law of a public officer, or body having an official seal shall be by the impress of that official seal.

Source: 1:1-2.1.

Comment

Though simplified in language, this section is substantially identical to 1:1-2.1. The section may be unnecessary but is included as an act of caution.

1A:1-5. Time; standard time

The standard time of this State shall be Eastern Standard Time, the time of the seventy-fifth meridian west from Greenwich, except that the standard time of this State shall be Eastern Daylight Time, 1 hour in advance of this prescribed time while daylight time is in effect.

Source: 1:1-2.3.

Comment

This section is substantially identical to 1:1-2.3 except that the specification of a particular period during which daylight time is in effect has been deleted.

1A:1-6. Notice or communication required to be sent, taken, or transmitted out of United States; Acts of Congress to control

If there is a legal requirement that notice be sent or an action be taken outside of the United States, and federal law prohibits the notice or action or requires license or consent as a condition for it, the requirement for the notice or action shall be dispensed with.

Source: 1:1-2.5.

Comment

This section is substantially similar to 1:1-2.5. That section was enacted in 1942 to deal with problems caused by World War II. It is retained because it may have continuing importance. The source statute dispensed with notice outside the United States that was prerequisite for "the granting of any relief, the holding of any meeting or the doing of anything under or pursuant to any such statute, law, ordinance, rule, regulation, requirement, practice, order, judgment, decree, charter, certificate of incorporation, by-law, resolution, contract, agreement, or undertaking." This section dispenses with any notice or action outside the United States that is prevented by federal law.

1A:1-7. Citation of statutes.

a. Every statute that has been assigned a compilation number and compiled within the New Jersey Statutes, whether the number was assigned as part of the Revised Statutes, or as part of a revision law enacted in the New Jersey Statutes, or by the compilation of the section of the pamphlet laws by the Office of Legislative Services, may be cited for any purpose as N.J.S. followed by the compilation number. Any other statute may be cited by its year and chapter number.

b. The legislation contained within any title, subtitle, part, chapter, article, section or group of sections of the New Jersey Statutes may be cited by reference to the title, subtitle, part, chapter, article, section or group of sections. References to more than one

title, subtitle, chapter, article, section or other division of statutes in series, shall be taken to include both the first and last numbers referred to.

c. If any statute or part of a statute, which is repealed or superseded by the enactment of a later statute, is re-enacted in substance in the later statute, a reference in any other statute to the repealed or superseded statute shall be deemed to be a reference to the part of the later statute that corresponds in substance to the repealed or superseded statute.

Source: 1:1-5.1; 1:1-7; 1:1-8; 1:1-9.

Comment

Subsection (a) is derived from 1:1-5.1 but has been changed to allow citation to any compiled in the form N.J.S. _____. Now, statutes in the 1937 Revised Statutes are referred to as R.S. ____, certain statutes enacted as revision laws as N.J.S. _____, and other statutes as P.L. ____, c. ____ followed by C. and the compilation number in parentheses. The complication of this system makes citation to statutes in legislation more difficult than it needs to be and obscure to the general public. Mistakes in citation have caused mistakes in listing the sections to be repealed. The complication of the system has caused the courts to ignore the official system and require citations to the New Jersey Statutes Annotated, a proprietary publication. The only reason for the current system is historical; its distinctions serve no substantive purpose.

Subsection (b) is an amalgam of 1:1-7 and 1:1-8. However, the changes in subsection (a) make this subsection far more important. Under the current system, if one cites N.J.S. 2C, Chapter 20, the citation would not be held to include such sections as 2C:20-1.1, -2.1, -3.1, -7.1, -11.1, and -23 through -37 which were enacted after the criminal code and technically are not to be cited in the form N.J.S. _____. As a result, caution is now necessary in using cumulative citations. With the abolition of the trifurcated system, the use of cumulative citations becomes simpler and safer.

Subsection (c) is a simplification of 1:1-9.

1A:1-8. Acts done, rights acquired, etc., under repealed acts not affected by repeal

The repeal of any statutory provision, by the enactment of

- a. the Revised Statutes,
- b. the New Jersey Statutes, or
- c. any other revision law,

shall not affect or invalidate any act done or right or limitation vested or accrued, or any bonds issued, or taxes or assessments levied or imposed, or any tax sale had, or invalidate, limit, or affect any right, title, estate, privilege, immunity or power or conveyance of either real or personal property, acquired, had, made under, or validated by, the statutory provision that was repealed.

Source: 1:1-11.

Comment

Though simplified in language, this section is substantially identical to 1:1-11.

Chapter 2: Construction of Statutes

1A:2-1. General rules of construction

In construing statutes of this State, both civil and criminal, words and phrases shall be construed with their context, and, unless inconsistent with the manifest intent of the Legislature or unless another or different meaning is expressly indicated, shall be given their generally accepted meaning, according to the customary usage of the language. Technical words and phrases, and words and phrases having a technical or special meaning in the law shall be construed in accordance with that meaning.

Source: 1:1-1.

Comment

This section is substantially identical to 1:1-1.

1A:2-2. Repeal of repealing statute

The repeal of a statutory provision that repealed an earlier statute or part of a statute shall not of itself revive the earlier statute or part.

Source: 1:1-3.2.

Comment

This section is substantially identical to 1:1-3.2.

1A:2-3. Reference to revised statute

A reference in a statute to another statute that is revised by a revision law shall be construed to be a reference to the provisions of the revision law corresponding in substance to, or superseding, the statute revised.

Source: 1:1-3.3.

Comment

This section is substantially identical to 1:1-3.3.

1A:2-4. Construction as continuation of heretofore existing laws

The provisions of a revision law not inconsistent with those of the laws revised shall be construed as a continuation of the prior laws.

Source: 1:1-4.

Comment

This section is substantially identical to 1:1-4.

1A:2-5. Classification and arrangement; effect on construction

The classification and arrangement of the sections of the Revised Statutes of 1937 and the classification and arrangement of statutes compiled by the Office of Legislative Services have been made for the purpose of convenience, reference and orderly arrangement, and therefore no implication or presumption of a legislative construction is to be drawn from them.

Source: 1:1-5.

Comment

The portion of the section that refers to the Revised Statutes is substantially identical to 1:1-5. The section has been expanded to apply the same rule to those sections that are compiled by the Office of Legislative Services. In both cases, an administrative body rather than the legislature arranged the sections. Since the Legislature did not determine the arrangement, the arrangement is no indication of legislative intent.

1A:2-6. Outlines, analyses and headnotes not part of statutes

In the interpretation of a statute, an outline or analysis of the contents of a title, chapter or article, a cross reference or cross reference note and a headnote or source note to a section shall not be deemed to be a part of the statute.

Source: 1:1-6.

Comment

This section is substantially identical to 1:1-6.

1A:2-7. Construction and effect of statutes compiled or saved from repeal

Statutes and parts of statutes included in the Revised Statutes designated as "saved from repeal" shall have effect only to the extent that they were effective at the time the Revised Statutes took effect. Such statutes or parts of statutes shall not be deemed repealed except insofar as they are inconsistent with the provisions of the Revised Statutes but, insofar as they may have been repealed, amended or superseded by legislation subsequent to their enactment, they shall remain superseded, amended or repealed.

Source: 1:1-21.

Comment

Though simplified in language, this section is substantially identical to 1:1-21.

Chapter 3: Technical Matters Relating to Statutes

1A:3-1. Enacting clause of laws; numbering sections; engrossing of bills

All laws of this State shall begin in the following style: "Be it enacted by the Senate and General Assembly of the State of New Jersey" after which shall follow the sections numbered consecutively 1, 2, 3, et cetera, in Arabic numerals, each number being followed immediately by the significant words of the section, without the prefix of the word "that" or the words "and be it enacted", or any other formal prefix whatsoever. The Legislature shall cause all bills to be engrossed in conformity to the provisions of this section and N.J.S. 1A:3-2.

Source: 1:2-1.

Comment

This section is substantially identical to 1:2-1.

1A:3-2. Chapters designated by Arabic numerals

Arabic numerals shall be used to designate the numbers of the chapters of the pamphlet laws in the order in which they are enacted.

Source: 1:2-2.

Comment

This section is identical to 1:2-2.

1A:3-3. Effective date of public laws

A public law shall go into effect on the fourth day of July after its passage, unless otherwise specially provided in the law.

Source: 1:2-3.

Comment

This section is substantially identical to 1:2-3.

1A:3-4. Format of bills, joint resolutions for Governor's signature.

Every bill and every joint resolution that has passed the Legislature shall be presented to the Governor in the same text as that in which it passed the Legislature. A bill or joint resolution in which material enclosed in bold-faced brackets is included shall, if it becomes law, be construed as though the material so enclosed was omitted from the bill. A legend shall be affixed to the bottom of the first page of the bill or joint resolution indicating that material so enclosed is intended to be omitted from the bill or joint resolution, when it becomes law.

Source: 1:2-3.1.

Comment

This section is substantially identical to the first part of 1:2-3.1. The material on summaries of appropriations has been deleted as unnecessary. That subject is covered by a later statute, 1:2-3.2, which has been retained.

1A:3-5. Display of summaries of appropriations

Unless it is otherwise expressly provided, the following display, or a substantially similar display, of summaries of appropriations as may appear within an annual appropriations act shall not be deemed to be part of that act but shall be for the purpose of displaying summaries of the items of appropriations made elsewhere within that act:

Summary of Appropriations - Department of [Name of Department]

Appropriations by Category:

Direct State Services.....\$(subtotal)

Grants-in-Aid..... \$(subtotal)

State Aid.....\$(subtotal)

Appropriations by Fund:

General Fund.....\$(subtotal)

Property Tax Relief Fund.....\$(subtotal)

Casino Revenue Fund.....\$(subtotal)

Source: 1:2-3.2.

Comment

This section is identical to 1:2-3.2.

Chapter 4: Enacted Bills and Resolutions

1A:4-1. Delivery to Governor; signing by Governor and delivery to Secretary of State

a. On the passage of a bill or the adoption of a joint resolution by both Houses of the Legislature, the bill or resolution shall be delivered to the Governor.

b. If the Governor approves the bill or joint resolution, the Governor shall sign it and deliver it to the Secretary of State to be filed. The laws and joint resolutions of each session of the Legislature shall be kept separately according to the year in which they were passed. Bills and joint resolutions shall be kept safely in the Secretary of State's Office and not allowed to be removed from there for any purpose.

Source: 1:2-5.

Comment

This section has been shortened and simplified but is substantially identical to 1:2-5.

1A:4-2. Bills not signed or vetoed by Governor; filing by Secretary of State

If a bill passes both Houses of the Legislature, and is presented to the Governor pursuant to Article V, Section I, paragraph 14, of the Constitution of this State, and the bill is not returned to the house in which it originated within the time limited by the Constitution, and as a result the bill has become a law, the Governor shall sign a certificate on the bill of the time the bill was presented and deliver the bill to the Secretary of State who shall endorse and sign a certificate on it of the time the bill was delivered and file the bill in the same manner as the other laws of the same session of the Legislature.

Source: 1:2-6.

Comment

Though simplified this section is substantially identical to 1:2-6.

1A:4-3. Bills passed after Governor's veto; filing by Secretary of State

a. If a bill that is passed by both Houses of the Legislature and presented to the Governor, returned to the House in which it originated by the Governor with objections, and shall nevertheless afterwards become a law in the manner prescribed by Article 5 §1 ¶14(a) of the Constitution notwithstanding the Governor's objections, the chief administrative officer of the House in which final legislative action occurred shall deliver

it to the Secretary of State, who shall file the bill in the same manner as the other laws of the same session of the Legislature.

b. If a bill that is passed by both Houses of the Legislature and presented to the Governor, is returned to the House in which it originated by the Governor with objections and a recommendation for amendment as prescribed by Article 5 §1 ¶14(b)(3), is amended and approved by both Houses of the Legislature and approved by the Governor, the Governor shall sign it and deliver it to the Secretary of State to be filed.

Source: 1:2-7.

Comment

Though simplified subsection (a) is similar to 1:2-7. However, it provides that the chief administrative officer of the house in which the last legislative action occurred, rather than the presiding officer of the house in which the bill originated delivers the bill to the Secretary of State. That reflects current practice. Subsection (b) is new. It provides a procedure when there is a conditional veto. There is no provision on that subject in current statutes.

1A:4-4. Certified copies of filed bills and resolutions; use as evidence

The Secretary of State shall give copies of any law or joint resolution filed pursuant to this title to any person requesting them. The copies, when certified by the Secretary of State to be true copies, shall be received in evidence in any court of the State, and shall have the same effect as if the originals were produced. The Secretary of State shall charge the fee set by law for furnishing copies.

Source: 1:2-8.

Comment

Though simplified this section is substantially identical to 1:2-8.

1A:4-5. Printed laws as evidence

Laws printed by authority of this State shall be received in evidence before any court in this State.

Source: 1:2-4.

Comment

This section is substantively identical to 1:2-4.

Chapter 5: Publication

1A:5-1. Preparation of laws.

a. Every bill enacted into law during the an annual session of a Legislature shall be given a chapter number as a law of that legislative year in the form: L.(year of law), ch.(chapter number of law). Chapter numbers shall be assigned sequentially in order of the time the bill became law.

b. As soon as practicable after any law is enacted, the Office of Legislative Services shall prepare the law for printing and for inclusion the public internet site established pursuant to N.J.S. 52:11-78. The Office of Legislative Services shall:

(1) assign a compilation number to each section of a law that is part of the general and permanent law to govern its placement within the New Jersey Statutes;

(2) add a headnote descriptive of a section's contents to the beginning of each section if the section was not enacted with a headnote; and

(3) correct errors in the text of a law as provided by N.J.S. 1A:5-3,

c. In preparing a law in the form for inclusion in the annual volume of laws and for compilation in the Laws of New Jersey, the Office of Legislative Services shall:

(1) omit from the text of a law all material that is enclosed in bold-faced brackets, together with the brackets and all related footnotes; and

(2) cause material appearing in the text as underlined or printed in italics to be printed in the same manner as other material is printed.

d. In preparing the annual appropriations act, the Office of Legislative Services shall include all displays of summaries of appropriations that appear within the act and include a legend indicating that material included within the summaries is for the purpose of displaying summaries of the items of appropriations set forth elsewhere within that law and, while included within the text of the law, is not intended to be part of the law.

Source 1:3-1

Comment

This section contains the parts of 1:3-1 that are concerned with the processing of an enacted statute immediately after it becomes law. Other parts of 1:3-1 that directly relate to the annual printing of statutes enacted during the legislative year are in the next section. Subsection (a) is derived from parts of the first paragraph of 1:3-1 and from 1:3-3.1. Subsection (b) is also derived from the first paragraph of 1:3-1. Subsection (c) is derived from the same source. The distinction between the two subsections is that subsection (c) refers to preparation of the version of a statute that contains only the final version of a section and does not show the changes made during the legislative process, or in the case of an amendment to an existing section, the changes from prior law. Subsection (d) continues the special provisions on appropriation acts found in 1:3-1.

1A:5-2. Annual volume of laws

a. The Legislative Services Commission, through the Office of Legislative Services, shall direct and superintend the printing of the annual volume of laws containing:

(1) every law and joint resolution enacted during the annual session of a Legislature;

(2) every concurrent resolution for submission to the people of a proposed amendment of the Constitution agreed to during the annual session of a Legislature; and

(3) those proclamations of the Governor made during the previous year that are to be printed with the laws.

b. Every bill enacted into law during an annual session of a Legislature shall be printed in numerical order by chapter number. Every joint and concurrent resolution shall be numbered according to the date it was approved and printed in numerical order.

c. The laws enacted at each session of the Legislature shall be printed in the style established by the Legislative Services Commission, through the Office of Legislative Services. Preceding the first chapter of the pamphlet laws, shall be the legislative list of members' names arranged by Senate and General Assembly districts. Following the last chapter of the pamphlet laws, shall be the joint resolutions arranged in numerical order, proposed amendments to the Constitution, and those proclamations of the Governor made during the annual session that are to be printed with the laws.

Source: 1:3-2; 1:3-3; 1:3-3.1; 1:3-4.

Comment

The introductory language in subsection (a) is substantially identical to section 1:3-3. The numbered paragraphs of that subsection that govern the contents of the annual volume of laws are derived from 1:3-4. The subsection has been changed to indicate that, in accord with settled practice, concurrent resolutions, other than those proposing Constitutional amendments are not printed in the Annual Volume of Laws. The same material is duplicated in 1:3-2. Though simplified in form, subsection (b) is substantially identical to section 1:3-3.1. Subsection (c) is substantially identical to section 1:3-4. The reference in the source section to printing "in the same general style as heretofore" has been deleted as unnecessary given the power of the Legislative Services Commission to modify the style.

1A:5-3. Correction of statutes.

a. The Office of Legislative Services, with the concurrence of the Attorney General, may correct errors in the text, but not the title, of a law that will not affect the substance of the law. Errors that may be corrected include:

- (1) errors in references to other laws,
- (2) errors in punctuation and spelling, and other obvious errors in form, and,
- (3) errors caused when two or more amendments to the same section of law inadvertently omit provisions of, and fail to refer to, one another.

b. When a correction is made, a note shall be made in the public internet site established pursuant to N.J.S. 52:11-78. If a correction is made before the annual volume of laws is printed that includes the law that was corrected, a note shall be appended to the law in the annual volume indicating the correction that was made. If correction was made at a later time, a note shall be made in the next annual volume of laws indicating the compilation number of the section corrected and the correction made.

Source: 1-3-1.

Comment

Subsection (a) is substantially identical to the parts of section 1:3-1 that provide for the correction of statutes. However, separating this material from the provision on preparation of statutes for printing makes it more clear that if an error is found after printing of the annual volume of laws, the error may be corrected.

Subsection (b) is new. There is no current requirement that the substance of an error correction be published. Corrections are made internally within the Office of Legislative Services and parties known to be interested, such as law publishers, are notified. Most corrections are small and obvious in their cause and purpose. A few, however, may be puzzling to a person who compares the law as enacted to the law as compiled. Better practice would seem to provide a mechanism to record corrections and thereby obviate any possible problem. That is the purpose of subsection (b).

1A:5-4. Change of compilation number assigned to statute

- a. When the Office of Legislative Services determines that a change in the compilation numbers assigned to a section or group of sections would serve the convenience of users of the statutes, the Office may change the compilation numbers with the concurrence of the Attorney General.
- b. When the Office of Legislative Services changes the compilation numbers assigned to a section or group of sections, a note shall be made in the next annual volume of laws and on the public internet site established pursuant to N.J.S. 52:11-78 indicating the old and new compilation number of each section changed.

Source: new.

Comment

The authority to decide where to compile statutes is stated in 1:3-1 and is repeated in 52:11-61(g). The power to compile laws is stated in the context of the process that takes place immediately after enactment. As a result, the Office of Legislative Services has been hesitant to change the compilation number assigned to a statute at a later time. In a few instances the compilation numbers assigned to statutes have been changed. The most significant of these, where material was moved between titles of the statutes, occurred many years ago. But there have been some instances in the past few years where statutes have been renumbered, usually within the same chapter. While the Office of Legislative Services may now recognize a recompilation power, it has used it cautiously and in very limited cases.

Obviously, the power to recompile statutes would be useful. Not all decisions on compilation turn out to be right. Some may be errors, but others, while correct when made, become less appropriate with the passage of time and more legislation on related subjects. Minor arrangement problems and problems of numeration could be solved by changes in compilation. As a matter of caution, the proposed section requires the concurrence of the Attorney General for any recompilation. That requirement is taken for current statutory provisions on correction of errors.

However, recompilation of a statute years after it was enacted can cause problems. A person who follows an old citation and looks for the statute is apt to find a blank without explanation. Certainly, some form of paper trail needs to be provided to prevent confusion. For that reason, subsection (b) requires that a note be made in the next annual volume of laws and on the Legislature's public internet site whenever a statute is recompiled.

1A:6-1. Preparation of Senate Journal and Assembly Minutes

- a. The Senate Journal and the Assembly Minutes shall be printed in the manner the Senate and General Assembly direct. The Senate Journal shall include the minutes of joint meetings of the Legislature. The Senate Journal and the Assembly Minutes shall each contain an index for the entire session
- b. The Secretary of the Senate shall prepare the Senate Journal for printing. The Clerk of the General Assembly shall prepare the Assembly Minutes for printing.
- c. The Senate and General Assembly shall determine the number of copies of the Senate Journal and Assembly Minutes to be printed and distribution of the copies. The Office of Legislative Services shall supervise the printing, binding and distribution.
- d. After the Senate Journal and Assembly Minutes have been prepared, the originals shall be deposited in the Office of the Secretary of State.

Source: 1:4-1; 1:4-2; 1:4-4; 1:4-5.

Comment

The first sentence of subsection (a) is derived from 1:4-1. The second sentence is derived from 1:4-2 and the third from 1:4-4. Though some detail has been deleted as unnecessary, subsections (b) and (d) are substantially similar to the balance 1:4-2. Subsection (c) is substantially identical to 1:4-5. The second sentence of the subsection also replaces 1:4-7.

1A:6-2. Current legislative printing; subscriptions; cost; advance copies of laws

a. The Office of Legislative Services shall provide a complete set of the bills and resolutions introduced in any year in the Legislature, together with the usual index slips, daily memoranda, advance parts of the Senate Journal and the Assembly Minutes and advance copies of laws, to any person who requests them and pays the annual subscription fee in an amount to be set by the Legislative Services Commission. The bills and resolutions, slips, daily memoranda, advance parts of the Journal and Minutes and advance copies of laws shall be mailed to the person at the time they are mailed to members of the Legislature.

b. The Office of Legislative Services shall provide an advance copy of each law, prior to the printing of the annual edition of the laws, to any person who requests them and pays the annual subscription fee set by the Legislative Services.

Source: 1:4-6.

Comment

Though much shortened, this section is substantially identical to 1:4-6.

Chapter 7: Referendums

1A:7-1. Acceptance filed with Secretary of State

When a statute is adopted or accepted by the voters of a county or municipality at an election, the clerk of the county or municipality shall make a return stating that fact to the Secretary of State within ten days after the result of the election is ascertained. The Secretary of State shall file the return.

Source: 1:5-1.

Comment

This section is substantially identical to 1:5-1.

1A:7-2. Statement of adoption or acceptance published in volume of laws; effect

a. When a statute is adopted or accepted by the voters of the State, or a proposed statute becomes effective by action of the voters of the State, and when the clerk of a county or municipality makes a return as required by this chapter, the volume of laws enacted by the next ensuing Legislature shall include a statement setting forth the title of the act, the year of its enactment, its chapter number in the printed volume of laws and the date when it was adopted, accepted or made effective.

b. The statement published by the Secretary of State pursuant to this section shall be prima facie evidence of the fact that such statute has been adopted, accepted or made effective, and of the date when it was adopted, accepted or made effective.

Source: 1:5-2.

Comment

This section is substantially identical to 1:5-2.

7-3. Format of petition for referendum

When a petition is circulated within a county, municipality, school district, or special district for the purpose of gathering the signatures of registered voters to place a referendum question on the ballot, each page of the petition shall be arranged to contain, in addition to such other content required by law, double spacing between the signature lines of the petition so that each signer is afforded sufficient space to provide his or her printed name, address and signature.

Source: 1:5-3

Comment

This section is substantially identical to subsection (a) of 1:5-3. Subsection (b) of the source statute, which required notification of the content of the statute, has been deleted as executed.

Chapter 8: Private laws

1A:8-1. Notice of application for passage of private, local or special bill; publication

a. When the Constitution requires notice of the intention to apply for the passage of a bill, the notice shall contain a correct statement of the general object of the bill, be signed by at least one of the parties intending to apply for its passage, and be published, except as provided by subsection (b), at least one week before the introduction of the bill, and after the first day of January preceding introduction, in at least one of the newspapers published in each county in which the bill is, or is likely, to take effect.

b. The notice of intention to apply for the passage of a bill to repeal the charter of a corporation, or bill to repeal the charter and dispose of the property of a corporation, shall publish it in a daily newspaper published in Trenton for at least six consecutive days prior to the introduction of the bill. A copy of the notice shall be served personally on the president, secretary, registered agent or a director of the corporation, if such officer or agent can be found within the State. If no officer or agent can be found within the State, by personal service of such copy upon them or one of them out of the State, or by mailing a copy to them or one of them, directed to the residence or post-office address of the officer or agent, if known.

c. Proof of the publications required by this section shall be by oath or affirmation in writing, made by the publisher, or authorized agent, of every newspaper in which publication was made. The proof shall contain a copy of the published notice, and shall be presented with the bill when introduced, and, after final vote on the bill, shall be filed and deposited by the officers of the Legislature the Office of the Secretary of State. After the adjournment of each Legislature, the Secretary of State shall record every proof of

publication that relates to any bills that have become laws. Certified copies of recorded proof of publication shall be received in evidence for any purpose for which the original proof would be received.

d. The publication in the pamphlet laws published by the State of any law, as to which notice of intention to apply for its passage is required by the constitution, shall be prima facie evidence that the notice required by the Constitution has been given in the manner required by this chapter.

Source: 1:6-1; 1:6-3; 1:6-4; 1:6-5; 1:6-6.

Comment

Subsection (a) is substantially identical to 1:6-1. Subsection (b) is substantially identical to 1:6-3. Subsection (c) is substantially identical to 1:6-4 and 1:6-5. Subsection (d) is identical to 1:6-6. Section 1:6-7, which punished false statements of proof of publication, has been deleted as unnecessary.

1A:8-2. Assessments on private, local and special acts

a. Each private, local or special act or supplement thereto, except those that refer to benevolent, religious, charitable or educational institutions shall be assessed the sum of twenty-five dollars, and, until the assessment is paid into the State Treasury, the act shall not have the force and effect of law. If a person interested in the act fails to pay the assessment before the first day of July after its passage, the act shall cease, and be void to all purposes as though it had not been passed.

b. The State Treasurer, during the month of July, shall report to the Governor every law, with its date of approval or passage, which has become inoperative or void by reason of nonpayment of the assessment levied pursuant to this section, and the Governor shall issue a proclamation under the Great Seal of the State, setting forth the particulars of the report. The proclamation shall be filed by the Secretary of State and be printed as required of other proclamations. A printed copy of the proclamation, shall be evidence that the laws listed in it have become void, and no such law shall be received in evidence as a valid and operative law, unless proof is made to the satisfaction of the court that the assessment was in fact paid into the Treasury within the time prescribed by this section.

Source: 1:6-8; 1:6-9.

Comment

Subsection (a) is substantially identical to 1:6-8. Subsection (b) is substantially identical to 1:6-9.

1A:8-3. Petition for passage of private, special local law

The governing body of a municipality or county may petition the Legislature for the passage of a private, special or local law regulating the internal affairs of the municipality or county when authorized by ordinance of the municipality or by resolution of the county, specifying the general nature of the law sought to be passed, adopted by the municipality or county.

Source: 1:6-10.

Comment

This section is substantially identical to 1:6-10.

1A:8-4. Petition requesting filing of petition with Legislature

a. When a petition signed by at least 20% or 15,000, whichever is less, of the registered voters of the municipality or county requesting the Legislature for passage of a private, special or local law regulating the internal affairs of the municipality or county and specifying the general nature of the law sought to be passed, is filed with the clerk of the municipality or county, the clerk shall examine the petition and ascertain whether or not it is signed by the required number of registered voters. Within ten days after the petition is filed, the clerk shall attach a certificate showing the result of the examination and submit the petition to the governing body of the municipality or county.

b. If the clerk certifies the sufficiency of the petition, the governing body, within 30 days after the filing of the petition, shall either adopt a resolution authorizing the filing of a petition with the Legislature for the passage of a private, special or local law of the general nature described in the petition, or adopt a resolution authorizing the submission of the proposal to file such a petition to the voters at the next general election, or if the resolution is adopted within 90 days preceding the election, then at the succeeding general election, in the case of a county or at the succeeding general or municipal election, whichever occurs first, in the case of a municipality.

c. If the resolution adopted provides for submission of the proposal to the voters of the municipality or county, the question shall be placed upon the official ballots at the election specified.

d. If a majority of all of the votes cast favors adoption, within 30 days after the election, the governing body shall adopt a resolution authorizing the filing of a petition with the Legislature for the passage of a private, special or local law of the general nature described in the petition.

e. If an ordinance or resolution authorizing the filing of a petition with the Legislature for the passage of a private, special or local law is adopted, it shall be the duty of the chief executive officer of the municipality or county, to cause a petition, describing the general nature of the private, special or local law sought to be passed, to be prepared and signed by the officer and attested by the clerk of the municipality or county, and to cause notice of the intention to apply for the passage of a bill to be published as required by this chapter at the next session of the Legislature at which the application can be made, and to prepare a private, special or local bill for the action of the Legislature.

f. The original of the petition for the passage of such a law, together with a certified copy of the ordinance or resolution authorizing its filing, shall be presented and filed with the bill when the bill is introduced and, after final vote upon the bill, shall be filed in the office of the Secretary of State with the proof of publication of the notice of intention to apply for the passage of the bill.

g. A private, special or local law passed pursuant to a petition as provided in this section shall become operative in the municipality or county only when adopted by the voters of the municipality, unless otherwise prescribed in the law. The question of the adoption of the law shall be submitted to the voters of the municipality or county at the next general election succeeding its passage unless it was passed within 25 days preceding that election, in which case it shall be submitted at the next general election, in

the case of a county, or the next general or municipal election, whichever shall occur first, in the case of a municipality.

Source: 1:6-11; 1:6-12; 1:6-13; 1:6-14; 1:6-15; 1:6-17; 1:6-18.

Comment

Subsection (a) is substantially identical to 1:6-11. Subsection (b) is substantially identical to 1:6-12. Most of 1:6-13 relates to use of paper ballots; that part has been deleted; the remaining substance is continued as subsection (c). Subsection (d) is substantially identical to 1:6-14. Subsection (e) is substantially identical to 1:6-15. Subsection (f) is substantially identical to 1:6-16. Subsection (g) is substantially identical to 1:6-17 and 1:6-18. Sections 1:6-19 and 1:6-20 have been deleted as unnecessary.

Chapter 9; Application to determine validity of statute or joint resolution

1A:9-1. Application to determine validity of statute or joint resolution

a. If, at any time within one year after any law or joint resolution has been filed with the Secretary of State, the Governor has reason to believe that the law or joint resolution was not duly passed by both Houses of the Legislature, or approved by the Governor or otherwise made effective as law in the manner required by the Constitution, the Governor may direct the Attorney General to apply to the Superior Court, to have the law or joint resolution adjudged void. Thereupon the Attorney General shall prepare, sign and prosecute the application.

b. Any two or more citizens of the State may, within the time prescribed by subsection (a), present to the Superior Court an application, of the kind authorized by that subsection to be presented by the Attorney General. The applicants may prosecute the application, and the Attorney General may, if required so to do by the Governor, defend on behalf of the State.

c. The court, on the application, shall inquire summarily into the circumstances and may, for that purpose, order witnesses to be subpoenaed and sworn or depositions taken. Any citizen of the State may appear before the court in defense and subpoena and examine and cross-examine witnesses.

d. After a full hearing the court may, if satisfied that the constitutional and statutory provisions relating to the enactment and approval of laws and joint resolutions have not been complied with, adjudge the law or joint resolution or any part thereof to be void.

e. If the court adjudges a law or joint resolution, or any part of it, to be void, the clerk of the court shall deliver a certified copy of the judgment to the Governor, who shall issue a proclamation under the great seal of the State, setting forth the judgment. The proclamation shall be filed, published and printed with the laws and shall be judicially noticed in courts of the State. After the entry of the judgment, a law or joint resolution adjudged void shall not be judicially noticed by the courts of the State.

f. When an application presented by citizens under subsection (b) of this section is dismissed, the court shall tax the costs and necessary expenses of the Attorney General, including a fee to the Attorney General not to exceed \$500 in any one case, and shall order payment by the citizens. Payment may be enforced by execution.

Source: 1:7-1; 1:7-2; 1:7-3; 1:7-4; 1:7-5; 1:7-6; 1:7-7.

Comment

Subsection (a) is identical to 1:7-1 except for minor changes in wording and the deletion of the reference to the Appellate Division rather than the Superior Court generally. Subsection (b) is substantially identical to 1:7-3. The first sentence of subsection (c) is substantially similar to 1:7-2 except that material on notice has been deleted as unnecessary. The second sentence is substantially identical to 1:7-5. Subsection (d) is identical to 1:7-3. Subsection (e) 1:7-6. Subsection (f) 1:7-7.

Sections On Which No Recommendation Is Made

1:8-1. Appointment, powers and duties of commissioners

L.1909, c. 154, p. 229 [C.S. p. 4987, s.s. 79 to 82], entitled "An act to authorize the appointment of commissioners to represent this State in the commission for the promotion of uniform legislation in the United States," approved April seventeenth, one thousand nine hundred and nine, saved from repeal. [This act authorizes the appointment of three commissioners for three-year terms, without compensation, except traveling and other expenses incurred in the discharge of their official duties, whose duties are to examine certain subjects such as marriage and divorce, et cetera, as to which uniformity of legislation in the various states is desirable, to confer as to such legislation with commissioners appointed by other states for the same purposes, to consider and draft uniform acts to be submitted for approval by the several states, to devise and recommend such other and further course of action as will tend to promote uniformity of legislation, and to make annual and other reports to the Governor for transmission to the Legislature.]

1:12A-1. Law Revision Commission

There is created in the Legislative Branch of State Government a commission to be known as the New Jersey Law Revision Commission.

L. 1985, c. 498, s. 1, eff. Jan. 21, 1986.

1:12A-2. Membership

The commission shall consist of:

- a. The chairman of the Senate Judiciary Committee, or its successor, who shall serve while chairman of that committee;
- b. The chairman of the Assembly Judiciary, Law, Public Safety and Defense Committee, or its successor, who shall serve while chairman of that committee;
- c. The Deans, or their designees, of Rutgers Law School, Newark; Rutgers Law School, Camden; and Seton Hall Law School; and
- d. Four attorneys admitted to the practice of law in this State, two to be appointed by the President of the Senate, no more than one of whom shall be of the same political party, and two to be appointed by the Speaker of the General Assembly, no more than one of whom shall be of the same political party.

L. 1985, c. 498, s. 2, eff. Jan. 21, 1986.

1:12A-3. Terms

Of the members of the commission first appointed, two shall be appointed for terms of four years and two for terms of five years. Thereafter, members shall be appointed for terms of five years. Members shall serve until the appointment and qualification of their successors.

L. 1985, c. 498, s. 3, eff. Jan. 21, 1986.

1:12A-4. Vacancies

Vacancies shall be filled for the unexpired terms in the same manner as the original appointments were made.

L. 1985, c. 498, s. 4, eff. Jan. 21, 1986.

1:12A-5. No compensation

Members of the commission shall not receive any compensation, but they shall be reimbursed for expenses incurred in the performance of their duties.

L. 1985, c. 498, s. 5, eff. Jan. 21, 1986.

1:12A-6. Chairman

The commission shall elect one member thereof as chairman, who shall serve for a term of two years.

L. 1985, c. 498, s. 6, eff. Jan. 21, 1986.

1:12A-7. Employees

The commission may appoint employees and consultants as may, in its judgment, be necessary, prescribe their qualifications and duties, and fix their compensation within the availability of amounts appropriated for that purpose.

L. 1985, c. 498, s. 7, eff. Jan. 21, 1986.

1:12A-8. Functions; duties

The commission shall promote and encourage the clarification and simplification of the law of New Jersey and its better adaption to present social needs, secure the better administration of justice and carry on scholarly legal research and work. It shall further be the duty of the commission to:

a. Conduct a continuous examination of the general and permanent statutory law of this State and the judicial decisions construing it, for the purpose of discovering defects and anachronisms therein, and to prepare and submit to the Legislature, from time to time, legislative bills designed to

- (1) Remedy the defects,
 - (2) Reconcile conflicting provisions found in the law, and
 - (3) Clarify confusing and excise redundant provisions found in the law;
- b. Carry on a continuous revision of the general and permanent statute law of the State, in a manner so as to maintain the general and permanent statute law in revised, consolidated and simplified form under the general plan and classification of the Revised Statutes and the New Jersey Statutes;
- c. Receive and consider suggestions and recommendations from the American Law Institute, the National Conference of Commissioners on Uniform State Laws, and other learned bodies and from judges, public officials, bar associations, members of the bar and from the public generally, for the improvement and modification of the general and permanent statutory law of the State, and to bring the law of this State, civil and criminal, and the administration thereof, into harmony with modern conceptions and conditions; and
- d. Act in cooperation with the Legislative Counsel in the Office of Legislative Services, to effect improvements and modifications in the general and permanent statutory law pursuant to its duties set forth in this section, and submit to the Legislative Counsel and the Division for their examination such drafts of legislative bills as the commission shall deem necessary to effectuate the purposes of this section.

L. 1985, c. 498, s. 8, eff. Jan. 21, 1986.

1:12A-9. Annual report

The commission shall report annually to the Legislature on or before February first in each year.

L. 1985, c. 498, s. 9, eff. Jan. 21, 1986.

1:14-12. New Jersey Corporate and Business Law Study Commission

- a. There is created in the Legislative branch of State Government a permanent commission to be known as The New Jersey Corporate and Business Law Study Commission.
- b. The commission shall consist of three members who are admitted to practice law in New Jersey, and who are distinguished in the field of corporate and business law to be appointed as follows: one member shall be appointed by the Governor; one by the President of the Senate; and one by the Speaker of the General Assembly. All members shall serve for a term of three years and shall be eligible for reappointment.
- c. Vacancies shall be filled in the same manner as the original appointment, but for the unexpired term only.
- d. The members of the commission shall serve without compensation, but shall be reimbursed for necessary expenses actually incurred in the performance of their duties under this act.

L.1989,c.163,s.1.

1:14-13. Organization

The commission shall organize as soon after the appointment of its members as is practicable, shall choose a chairman from among its members and shall appoint a secretary who need not be a member of the commission.

L.1989,c.163,s.2.

1:14-14. Duties, powers

a. It shall be the duty of the commission to study and review all aspects of the statutes, legislation and decisions of the courts in this State and other states relating to business entities, including business corporations and partnerships and the issuance of ownership interests or securities thereby. In addition the commission shall study and review all aspects of the law governing non-profit corporations in this State and other states.

b. The commission shall have the power to call to its assistance and avail itself of the services of employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for its purposes, to hold public hearings from time to time, and to employ counsel, stenographic and clerical assistants and incur traveling and other miscellaneous expenses as it may deem necessary in order to perform its duties, and as may be within the limits of funds appropriated or otherwise made available to it for its purposes.

L.1989,c.163,s.3.

1:14-15. Annual report; recommended legislation

The commission shall file annually with the Governor and the Legislature a report containing its findings and recommendations, accompanying its report with any proposed legislation which it may desire to recommend for enactment.

L.1989,c.163,s.4.

Statutes To Be Compiled in Other Places

1:1-2b. "Blighted area" and "renewal area"

The term "blighted area" as defined and used in the statutes of this State may also be designated as a "renewal area" and the terms "blighted area" and "renewal area" may be used interchangeably in all ordinances, resolutions, determinations and official actions taken by governmental bodies and agencies in connection with projects and programs for the clearance, planning, development or redevelopment of areas pursuant to law.

1:1-2.2. Surety; sureties

When a bond, recognizance, guarantee or obligation is required or permitted to be given by any law, or by any charter, ordinance, rule or regulation of any county, municipality, school district, board, body, organization, court or public officer, with surety or sureties or security, including freehold security, for the performance of any act, duty or obligation or the refraining from the doing of any act, the same may be executed as surety or sureties by any company or corporation authorized to carry on the business specified in paragraph "g" of section 17:17-1 or authorized to transact such business in this State by section 17:32-1 of the title Corporations and Institutions for Finance and Insurance, with the operation and effect provided and prescribed by chapter 31 of said title (s. 17:31-1 et seq.).