

STATE OF NEW JERSEY

MANUAL

FOR USE IN DRAFTING LEGISLATION
FOR INTRODUCTION
IN THE
NEW JERSEY LEGISLATURE

Published by Direction of the
LEGISLATIVE SERVICES COMMISSION

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ROOM 227, STATE HOUSE
TRENTON, N. J. 08625
October, 1979

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OFFICE OF LEGISLATIVE SERVICES

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REVISED OCTOBER, 1979

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MANUAL

This Manual has been adopted by the Senate and General Assembly from year to year as the official manual of practice and procedure governing the form of bills proposed for introduction in the New Jersey Legislature. Compliance with the principles set forth in this Manual will facilitate the preparation, and expedite the review and release, of legislation proposed for introduction.

The following should also be consulted, in connection with the drafting of proposed legislation, viz.:

(a) The New Jersey Constitution of 1947, with particular reference to Article IV, Section VII, paragraphs 3 to 10, both inclusive, which relate to the form of legislative bills, see Appendix C of this Manual;

(b) Title 1, "Acts, Laws and Statutes," of the Revised Statutes, with particular reference to the definitions found in Chapter one of that Title which are applicable to all statutes; and

(c) The Rules of the New Jersey Senate and of the General Assembly, which relate to the form of bills.

Public notice of intention to introduce a private, special or local bill is required; the statutory requirements are set forth in R. S. 1:6-1 to 1:6-9, inclusive. Special statutory requirements are also prescribed with respect to petitioning the Legislature for enactment of a private, special or local law regulating the internal affairs of a municipality or county; these provisions are set forth in P. L. 1948, c. 199 (C. 1:6-10 to 1:6-20). The foregoing provisions should be consulted and complied with before a private, special or local bill is proposed for introduction in the Legislature.

PROPOSAL FOR INTRODUCTION AND INTRODUCTION OF BILLS

The Rules and practice of the Senate and General Assembly require that a bill to be introduced in either House shall be proposed for introduction by a member or members of that House by presenting it *in quadruplicate*, to the Secretary of the Senate, if it is to be introduced in the Senate, or to the Clerk of the General Assembly, if it is to be introduced in that House.

The bill is then numbered and delivered to counsel to the Senate or Assembly Judiciary Committee for examination and approval as to form before it can be formally introduced. One copy is made available to the Press as soon as the bill is numbered, often prior to the examination as to form.

When the bill has been examined and approved as to form, it is returned to the House and is read by its title in open session and then only is it "introduced" in the Legislature.

The examination as to form is conducted by the staff of the Division of Legal Services of the Office of Legislative Services, acting as counsel to the aforementioned committees, and the purpose of the examination is the detection of defects in the form of the bill.

When defects can be corrected by the making of purely editorial changes and the like, the corrections are made and the bill is returned to the House of its origin without further consultation with the introducer.

When defects cannot be corrected without obtaining further information, the introducer is notified accordingly and the bill is held until correction can be made.

The Office of Legislative Services is not concerned with and has no authority to formulate legislative policy. It may make suggestions relating to the constitutionality of the title or body of a bill or as to the bill's legal effect but

it may not withhold any bill from introduction because of any objection founded upon any supposed substantive defect.

If, however, during the examination, any defect in the substance of the bill is found, the introducer's attention will be called to it, if opportunity affords, but no change in the substance of any bill will be made without the introducer's concurrence.

The Office of Legislative Services has no authority to make public any information concerning the contents of any bill while it is in preparation or in its custody, except with the introducer's consent or where the contents of the bill have been made public in some other manner.

Bills intended to be introduced in the Legislature may be presented to the Division of Legal Services for examination during the recesses of the Legislature and before proposal for introduction by any member of the Legislature or by a State Department. Joint Rules of the Senate and General Assembly authorize and provide procedures for the pre-filing of bills in the period from November 15 to the first Tuesday in January preceding the first annual session of a two year Legislature.

Research and drafting services of the Office of Legislative Services are not available to the general public. While the Office, within reasonable limits, attempts to answer general inquiries as to legislative practices, procedures, form and status of legislation, research and drafting requests by others than members of the Legislature and State agencies require the authorization or referral by a member of the Legislature.

WHERE THE STATUTE LAW IS TO BE FOUND

The official text of the statutes of New Jersey is to be found in Titles 1 through 58 and Appendix A of the Revised Statutes (1937), in Titles subsequently revised or added as Titles of the New Jersey Statutes and in the annual editions of the Pamphlet Laws. The official text of statutes "compiled" as distinguished from "revised" in the Revised Statutes or the New Jersey Statutes, is to be found in the Pamphlet Laws, as is the official text of all private, local, temporary, special and validating acts.

Proposed amendments to existing law are to be prepared from and will be checked as to form against the official texts.

The general and permanent legislation of the State is also to be found in unofficial form in the bound volumes and pocket parts of the *New Jersey Statutes Annotated*, published by the West Publishing Co. and their current service known as the *New Jersey Session Law Service* and other commercial publications. The State also publishes an *Advance Law Service* which is distributed to members of the Legislature and subscribers periodically during the year within two weeks of the enactment of each new law. State departments and private organizations also publish unofficial texts of portions of the statutory law.

RULES AND SUGGESTIONS AS TO THE FORM OF BILLS AND RESOLUTIONS

A. General Set Up

1. Each bill or resolution shall be presented for introduction in the form of an original copy on legal size paper (8½" x 13") with carbon copies or similarly duplicated copies, made from the original copy, in quadruplicate.

2. Each bill and joint and concurrent resolution shall begin with a title describing the "object" of the bill or resolution.

3. Each bill shall contain, following its title and preceding the body, the following enacting clause "BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey.*" The enacting clause of a Joint Resolution is "BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*" and for a Concurrent Resolution is "BE IT RESOLVED *by the Senate of the State of New Jersey (the General Assembly concurring)*" or "BE IT RESOLVED *by the General Assembly of the State of New Jersey (the Senate concurring)*", as the case may be.

4. Dates and numbers 10 and above, except when beginning a sentence, or as specified in Appendix B III of this Manual, are to be expressed in Arabic figures. The numbers one to nine, except in dates, dollars and cents and to designate or refer to section or paragraph numbers of existing law or of the bill or resolution, are to be written at length in proposed legislation.

5. Each bill amending, supplementing, repealing, citing or referring to existing legislation, shall use and refer to the official text of the statutes.

6. No new section numbers or other classification headings of the type appearing in the Revised Statutes and the New Jersey Statutes, should be incorporated in proposed legislation in an effort to tie it into the classification scheme of the statutes.

The section numbers found in headnotes to sections of the Pamphlet Laws preceded by the letter "C" and all new classification headings not found in the Revised Statutes or the New Jersey Statutes are not to be used as section numbers in proposed legislation ("C" numbers are inserted parenthetically, see Appendix A). These numbers and classification headings are part of a general numbering system of the statutes, assigned by the Division of Legal Services, pursuant to law, in order to insure uniformity in the compiling of legislation of a general and permanent nature enacted subsequent to the enactment of the Revised Statutes or the New Jersey Statutes, as the case may be. As subsequent legislation of this nature is enacted, appropriate section numbers will be assigned in accordance with the classification scheme.

7. Each bill proposing to amend existing law shall contain in full the official text of each section to be amended, with any material intended to be omitted inserted in its proper place but enclosed in brackets, [] and with new material inserted in its proper place and underlined if the bill be typewritten or *italicized* if it be printed. If any section to be amended has itself been amended, the full official text of the latest amendment shall be used but the amendment should be expressed as an amendment of the original section.

8. All statutes become effective on July fourth following their enactment "unless otherwise specially provided for in such act" (R. S. 1:2-3). If it is intended that the bill shall take effect immediately upon its enactment or upon a day other than July fourth following its enactment, a provision to that effect should be inserted in the bill. A bill containing no effective date introduced before, but enacted after, July fourth of one year will not become effective until July fourth of the following year. Different effective dates may be provided for separate sections or provisions of a bill.

9. The rules of both houses require that a brief explanation of the object of the bill or resolution shall be annexed under the caption "Statement" at the end of the bill or resolution. A "Committee Statement" which by the Rules

of both houses is required to be printed as to each bill reported by a standing reference committee is a factual statement of the contents of the bill.

B. Legislative Titles of Bills

1. The provisions of Article IV, Section VII, paragraph 4, of the New Jersey Constitution that "Every law shall embrace but one object, and that shall be expressed in the title" should be carefully complied with.

2. The titles under which the Titles of the Revised Statutes or the New Jersey Statutes were enacted should not be used in entitling bills.

3. The use in legislative titles of the main Title, Sub-titles, Parts, Articles, Subdivisions or other headings found in the Revised Statutes or the New Jersey Statutes, without the use of other language descriptive of the object of the bill, is not recommended because of the generality of the language usually used in these headings.

4. In amending, supplementing or repealing existing statutes other than those revised in the Revised Statutes or the New Jersey Statutes, the title of the statute to be amended, supplemented or repealed as found in the Pamphlet Laws should be used unless the subject matter of the proposed amendment or supplement goes beyond the object expressed in the title of the statute so to be amended or supplemented. In cases falling within this exception, the title of the act to be amended or supplemented should, itself, be amended in the proposed legislation, so as to broaden its scope accordingly. If the title has itself been amended, it should be used in its amended form. Many acts contain a "short title" which may be used in lieu of the full title to the act being amended, supplemented or repealed.

5. In amending the title of a statute for the purpose of changing its purview or broadening its scope, the title of the amended act should express the change intended to be accomplished in order to comply with the rule of law laid down in *Hedden vs. Hand*, 90 N. J. Eq. 583. To insure compliance with this rule, it is suggested that, in the title of the amendatory act, both the title of the act amended

and the amended title be set out as in the Example found in this Manual on page 26.

6. In amending, supplementing or repealing existing statutes other than those revised in the Revised Statutes or the New Jersey Statutes, it should first be ascertained whether or not the title of the statute has itself been amended. If so, the amended title of the statute to be amended with its original approval date and Pamphlet Law citation and with the Pamphlet Law designation by chapter and year of the statute by which the title was amended should be used in the bill. See Examples II B., II C. (2), and II E. (2) appearing in this Manual on page 23 et seq.

C. The Body of the Bill

1. The enacting clause for bills as set out on page 8 of this Manual is prescribed by Article IV, Section VII, paragraph 6, of the New Jersey Constitution.

2. Existing sections of the material revised in the Revised Statutes, the New Jersey Statutes or of other legislation may be amended when the subject matter of the new material is germane to the subject matter of the section or sections proposed to be amended, but no section of any statute should be supplemented.

3. Supplements should be used only when the subject matter of the new legislation is an addition to existing legislation which constitutes a specific legislative scheme or where it can properly be classified under a Title, chapter or other subdivision heading of the Revised Statutes or the New Jersey Statutes.

4. Proposed legislation should be so drawn that whenever possible the subject matter of each bill will fall within a single Title, or other classification or heading of the Revised Statutes or the New Jersey Statutes. An exception to this general rule is where an identical or similar change is proposed in sections in more than one Title or where the subject matter of the bill requires amendment to existing law classified under more than one Title; see Appendix A, V, page 33.

5. It is recognized that the general classification scheme of the Revised Statutes and the New Jersey Statutes does

not include all matters which may be the subject matter of future legislation, but no attempt should be made to expand the classification scheme of the Revised Statutes and the New Jersey Statutes by setting up in any bill any new classification unit or to designate the location of any proposed new legislation in the classification scheme by assigning to it section numbers designed for this purpose.

6. The Revised Statutes and the New Jersey Statutes are referred to and cited in proposed legislation as "Revised Statutes" or "New Jersey Statutes," as the case may be, without reference to the legislative title under which it was enacted or to its date of approval. The method of reference to, or of citation of, the various subdivision headings used in the Revised Statutes and the New Jersey Statutes is described in detail in this Manual on page 16 et seq.

7. In any bill to amend legislation revised in the Revised Statutes or the New Jersey Statutes reference thereto should be by the section numbers of the sections intended to be amended; and in repealing, supplementing or referring to any such legislation reference should be made to the main Title and subclassification headings under which, or by the numbers of the sections in which, the legislation affected is to be found.

8. In any bill amending, repealing, supplementing or referring to a statute not revised in the Revised Statutes or the New Jersey Statutes, the reference thereto should be to its title and the chapter number and year of the Pamphlet Laws in which the legislation is found and, where such reference is necessary, by the section numbers found in the Pamphlet Laws in the body of the legislation so affected. The "C" number assigned to the section is to be included parenthetically as an aid in locating the law in unofficial publications. In the case of the few sections "added to the Revised Statutes" by number by subsequent legislation, the chapter, numbers and year of the Pamphlet Laws in which this legislation is found shall be given in addition to the number so designated in order that the legislation may be identified.

9. In amending or repealing any section or sections of any preexisting legislation, which itself has been amended, it is recommended that the amendment or repealer be expressed as an amendment or repealer of the original section without mention of the amendment, although in such an amendment the text to be used must necessarily be that of the latest amendment.

D. Amendments to Pending Bills

Amendments proposed to a pending bill by the standing reference committee to which it was referred are entitled "Senate (or Assembly) (name of committee) Committee Amendments to Senate (or Assembly) Bill No. (identifying the copy of the bill, if other than the original print, to which the amendments are addressed)." Amendments proposed to a bill after its release from Committee or immediately preceding second reading, commonly referred to as "floor amendments" are entitled "Senate (or Assembly) Amendments to Senate (or Assembly) Bill No. (identifying the copy, as above)" and bear the name of the member sponsoring the amendment. The Rules of the Senate require that a Statement explaining the amendment be annexed to "floor amendments".

Words or material to be deleted or added are identified by the words "Omit," "Insert" or "Reinsert." To reinsert material previously enclosed in brackets, direct the reinsertion of the material immediately after the closing bracket. Do not indicate that brackets are to be omitted.

To facilitate reading an amended bill, multiple changes in a line, phrase or sentence should be avoided; omit the entire line or lines, phrase or sentence and insert the replacement language.

Six copies of proposed committee or floor amendments should be delivered to the Secretary of the Senate or the Clerk of the General Assembly. Arrangements for duplicating copies of floor amendments for members' desks should be made through the offices of the Senate Secretary or Assembly Clerk.

Examples of amendments will be found in Appendix A, VII, at pages 34 and 35.

TREATMENT AND CLASSIFICATION OF LEGISLATION FOUND IN THE REVISED STATUTES (1937) AND THE NEW JERSEY STATUTES

The Contents of the Revised Statutes

The Revised Statutes contains all of the general and permanent legislation in effect in this State on December 20, 1937, and no legislation of that character which was in effect prior to that date but which was omitted from the Revised Statutes remained in effect after that date. (See *DeLuca vs. Bodman*, 17 N. J. Misc. 1, *State vs. Czarnicki*, 124 N. J. L. 43, at p. 45.)

The legislation so included is either "revised" or "compiled," depending upon the treatment of it in the Revised Statutes.

The difference in the effect of "revision" of statutes in the Revised Statutes and of "compilation" of statutes therein is as follows:

Legislation "revised" in the Revised Statutes

These statutes, which comprise the great bulk of the general and permanent statute law in effect on December 20, 1937, are included in the Revised Statutes without their legislative titles as part of one statute enacted by the enactment of the Revised Statutes, under the single title of the Revised Statutes. The statutes from which this statute was derived, as indicated in the source notes appearing in the Revised Statutes, were completely superseded by its enactment and no longer are in effect.

All of the statutes so "revised" to be amended, supplemented, are referred to and cited by reference to, and by the use of the text of, the Revised Statutes.

Statutes "compiled" in the Revised Statutes

"Compiled" statutes are included in the Revised Statutes in the precise form in which they appeared upon the statute

books at the time of the enactment of the Revised Statutes, each statute so treated being preceded by its legislative title and a reference to its Pamphlet Law citation and the date of its approval. These statutes were not reenacted, when the Revised Statutes was enacted, but were included therein for convenience in reference only and their validity and effect was not affected by their inclusion in the Revised Statutes.

Some of the statutes so treated are set forth in full in the appropriate Title of the Revised Statutes; others are referred to by their titles as saved from repeal and are set out in full as "Acts Saved from Repeal" in Volume IV of the Revised Statutes. The fact that some of these statutes are to be found in a Title of the Revised Statutes and others are to be found in Volume IV of the Revised Statutes does not effect their status.

In the drafting of proposed legislation, acts compiled may be amended, supplemented, referred to, and cited by reference to, and by the use of the text of, the Pamphlet Laws in which they respectively appear without Revised Statutes citation or with the addition of the phrase "compiled as R. S. (section number or numbers)."

The Contents of the New Jersey Statutes

That body of the statutory law known as the New Jersey Statutes consists of revisions of certain Titles or portions of Titles of the Revised Statutes. In each case of enactment of a revision, known as the New Jersey Statutes, the new enactment contains, with the exception of Titles 2C, 12A, 17B, 38A, 40A, 54A and 59, a revision of all the material contained in a numbered Title of the Revised Statutes and subsequent legislation to the date of its introduction classified in the Title or portion of a Title of the Revised Statutes or the New Jersey Statutes. The new Titles other than Title 59 (added to the New Jersey Statutes) are readily identifiable and may be differentiated from Revised Statutes Titles by the letter "A," "B" or "C" following the Title number. To date they are:

Title 2A of the New Jersey Statutes, superseding Title 2 of the Revised Statutes, Administration of Civil and Criminal Justice;

Title 2C of the New Jersey Statutes, the Code of Criminal Justice;

Title 3A of the New Jersey Statutes, superseding Title 3 of the Revised Statutes, Administration of Estates-Decedents and Others;

Title 8A of the New Jersey Statutes, superseding Title 8 of the Revised Statutes, Cemeteries;

Title 12A of the New Jersey Statutes, a new Title containing the Uniform Commercial Code;

Title 14A of the New Jersey Statutes, superseding Title 14 of the Revised Statutes, Corporations, General.

Title 17B of the New Jersey Statutes, Insurance, superseding portions of Title 17 of the Revised Statutes relating to Life and Health Insurance;

Title 18A of the New Jersey Statutes, superseding Title 18 of the Revised Statutes, Education;

Title 22A of the New Jersey Statutes, superseding Title 22 of the Revised Statutes, Fees and Costs;

Title 38A of the New Jersey Statutes, superseding those portions of Title 38 of the Revised Statutes pertaining to the National Guard and Militia;

Title 40A of the New Jersey Statutes, superseding to date, portions of Title 40 of the Revised Statutes, Counties and Municipalities. Further chapters of Title 40A are in preparation;

Title 54A of the New Jersey Statutes, New Jersey Gross Income Tax Act;

Title 59 of the New Jersey Statutes, Claims Against Public Entities.

Citation of or Reference to the Revised Statutes and the New Jersey Statutes

The material revised in the Revised Statutes is arranged in 58 Titles numbered consecutively from 1 to 58 and Appendix A, each of which is divided into numbered Chapters which, in turn, are divided into numbered Sections.

Each Section is designated by a composite number indicating its exact location in the Revised Statutes, thus "R. S. 40:16-1." The first number of the composite number preceding the colon is the number of the Title, the second number preceding the dash is the number of the Chapter of that Title, and the third number indicates the location of the Section in the Chapter, in which the Section appears; thus: "Section 40:16-1 of the Revised Statutes" or "R. S. 40:16-1" means the section referred to is the first section in Chapter 16 of Title 40 of the Revised Statutes.

In addition to the foregoing, subclassification units known as Subtitles, Parts, Articles and Subdivisions are used for topical description and convenience in reference.

Under this scheme of arrangement the material revised in the Revised Statutes should be cited and referred to in the following manner:

(a) *Sections*, by the section number or numbers without any other description, thus "R. S. 40:16-1" or "R. S. 40:18-1 to 40:18-3, inclusive."

(b) *Titles*, by the Title number without any other description, thus: "Title 40 of the Revised Statutes."

(c) *Chapters*, by the Chapter number with the number of the Title in which the Chapter is found, thus: "Chapter 16 of Title 40 of the Revised Statutes."

(d) *Subtitles*, by the Subtitle number and the Title number in which the Subtitle is found, thus "Subtitle 1 of Title 17 of the Revised Statutes."

(e) *Parts*, by the Part number and the Subtitle and Title numbers in which the Part is found, thus: "Part 1 of Subtitle 2 of Title 17 of the Revised Statutes."

(f) *Articles*, by the Article number and the Chapter and Title numbers in which the Article is found, thus: "Article 1 of Chapter 3 of Title 26."

(g) *Subdivisions*, which are not numbered but are designated by a capital letter standing alone, by the Subdivision letter and the Article, Chapter and Title numbers in which the Subdivision is found, thus: "Subdivision A of Article 1 of Chapter 3 of Title 26."

The material found in the new Titles, 2A, 2C, 3A, 8A, 12A, 14A, 17B, 18A, 22A, 38A, 40A, 54A, 59 and others enacted from time to time as Titles of the "New Jersey Statutes," is arranged under the same general scheme of arrangement and system of classification and subclassification units, and should be cited in a similar manner, as material found in the Revised Statutes, substituting "N. J. S." for "R. S." and "New Jersey Statutes" for "Revised Statutes."

(APPENDIX A—EXAMPLES

I. Legislation "revised" in the Revised Statutes:

A. To amend

- (1) Where the sections to be amended *have not been amended* since the enactment of the Revised Statutes:

AN ACT concerning dissolution of certain nonprofit corporations and amending R. S. 15:1-19.

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

1. R. S. 15:1-19 is amended to read as follows:

15:1-19. (Set out text of Revised Statutes section in full, bracketing matter to be omitted, underlining new and substituted matter.)

*2. This act shall take effect

.....
("Immediately" or date desired)

- (2) Where the sections to be amended *have been amended* since the enactment of the Revised Statutes:

AN ACT concerning the sale of lands by religious, educational or charitable corporations and associations and the investment of the proceeds of such sales and amending R. S. 15:14-7 and R. S. 15:14-8.

* To be used if effective date other than July 4 following enactment is desired.

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

1. R. S. 15:14-7 is amended to read as follows:

15:14-7. (Set out text of latest amendment to the Revised Statutes section in full, bracketing matter to be omitted, underlining new and substituted matter.)

2. R. S. 15:14-8 is amended to read as follows:

15:14-8. (Set out text of latest amendment to the Revised Statutes section in full, bracketing matter to be omitted, underlining new and substituted matter.)

*3. This act shall take effect

.....
("immediately" or date desired)

B. To repeal

AN ACT concerning pension funds for employees of first class counties and repealing R. S. 43:10-16.

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

1. R. S. 43:10-16 is repealed.

*2. This act shall take effect

.....
("immediately" or date desired)

C. To amend or repeal a number of Revised Statutes sections

Where a bill contains amendments to or repealers of Revised Statutes sections, or

* To be used if effective date other than July 4 following enactment, is desired.

both, rather than using "R. S." before each section number, it is also proper to state them as follows, for example, "AN ACT concerning municipalities, amending sections 40:10-1, 40:10-3 to 40:10-5, inclusive, 40:10-9 and 40:10-10, and repealing sections 40:10-2 and 40:10-6, of the Revised Statutes."

D. To supplement

AN ACT to improve the condition of multiple dwellings in this State and supplementing Chapter 3 of Title 55 of the Revised Statutes.

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

- | | | |
|----|---|---|
| 1. | } | Insert supplemental matter in as many sections as may be required, with no bracketing or underlining. |
| 2. | | |
| 3. | | |
- etc.

* 6. This act shall take effect

(“immediately” or date desired)

II. Legislation “compiled” in the Revised Statutes or not included in the Revised Statutes or the New Jersey Statutes:

A. To amend body of a statute but not the title

- (1) Legislation “compiled” in the Revised Statutes: Examples taken from Sections 40:184-31 and 40:110-1 (saved from repeal in Vol. II and text appearing as section 40:110-1 (1) of Vol. IV) of the Revised Statutes.

* To be used if effective date other than July 4 following enactment is desired.

AN ACT to amend "An act concerning parks in cities of the second class," approved April 3, 1928 (P. L. 1928, c. 61).

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

1. Section 1 of P. L. 1928, c. 61 is amended to read as follows:

1. (Set out text of section to be amended in full, bracketing matter to be omitted, underlining new and substituted matter. If the section has been previously amended, use the text of the latest amendment.)

* 2. This act shall take effect

.....
(“immediately” or date desired)

AN ACT to amend "An act concerning cities having less than 10,000 inhabitants and more than 6,000 inhabitants," approved March 12, 1879 (P. L. 1879, c. 84).

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

1. Section 1 of P. L. 1879, c. 84 is amended to read as follows:

1. (Set out text of section to be amended in full, bracketing matter to be omitted, underlining new and substituted matter. If the section has been previously amended, use the text of the latest amendment.)

* 2. This act shall take effect

.....
(“immediately” or date desired)

* To be used if effective date other than July 4 following enactment is desired.

- (2) Legislation *not included* in the Revised Statutes or the New Jersey Statutes: Example taken from P. L. 1938, c. 48.

AN ACT to amend "An act to regulate aeronautics over and within this State," approved March 30, 1938 (P. L. 1938, c. 48).

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

1. Section 1 of P. L. 1938, c. 48 (C. 6:1-21) is amended to read as follows:

1. (Set out text of section to be amended in full, bracketing matter to be omitted, underlining new and substituted matter. If the section has been previously amended, use the text of the latest amendment.)

* 2. This act shall take effect

.....
("immediately" or date desired)

To amend or supplement an act *not included* in the Revised Statutes or New Jersey Statutes which has a lengthy or cumbersome title, a descriptive title is also authorized, example:

AN ACT concerning the investment by title insurance companies in bonds issued by the governments of certain foreign countries and amending and supplementing P. L. 1975, c. 106 (C. 17:46B-1 et seq.).

- B. To amend the body of a statute, the title of which has been previously amended

AN ACT to amend "An act fixing the compensation of guards, keepers, orderlies and industrial officers in the county jails, houses of detention and penitentiaries in

* To be used if effective date other than July 4 following enactment is desired.

counties of the first class in this State," approved March 30, 1938 (P. L. 1938, c. 54) as said title was amended by P. L. 1940, c. 134.

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

1. Section 1 of P. L. 1938, c. 54 (C. 30:8-13.1) is amended to read as follows:

1. (Set out text of section to be amended in full, bracketing matter to be omitted, underlining new and substituted matter. If the section has been previously amended, use the text of the latest amendment.)

* 2. This act shall take effect

.....
("immediately" or date desired)

C. To amend the title of a statute

(1) Where the title *has not been previously amended:*

AN ACT to amend the title of "An act fixing the compensation of guards, keepers and industrial officers in the county jails, houses of detention and penitentiaries in counties of the first class in this State," approved March 30, 1938 (P. L. 1938, c. 54), so that the same shall read "An act fixing the compensation of guards, keepers, orderlies and industrial officers in the county jails, houses of detention and penitentiaries in counties of the first class in this State."

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

1. The title of P. L. 1938, c. 54 (C. 30:8-13.1) is amended to read as follows:

* To be used if effective date other than July 4 following enactment is desired.

An act fixing the compensation of guards, keepers, *orderlies* and industrial officers in the county jails, houses of detention and penitentiaries in counties of the first class in this State.

* 2. This act shall take effect

.....
("Immediately" or date desired)

(2) Where the title *has been previously amended*:

AN ACT to amend the title of "An act concerning the purchase by counties, municipalities and school districts of war savings bonds of the United States of America," approved July 28, 1941 (P. L. 1941, c. 297), as said title was amended by P. L. 1942, c. 304, so that the same shall read "An act concerning the purchase by counties, municipalities and school districts of war savings bonds and other obligations of the United States of America."

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

1. The title of P. L. 1941, c. 297 (App. A:4-46.1 et seq.), as said title was amended by P. L. 1942, c. 304, is amended to read as follows: An act concerning the purchase by counties, municipalities and school districts of war savings bonds *and other obligations* of the United States of America.

* 2. This act shall take effect

.....
("Immediately" or date desired)

D. To amend both the title and body of a statute

(1) Where the title *has not been previously amended*:

* To be used if effective date other than July 4 following enactment is desired.

AN ACT to amend the title of "An act fixing the compensation of guards, keepers and industrial officers in the county jails, houses of detention and penitentiaries in counties of the first class in this State," approved March 30, 1938 (P. L. 1938, c. 54), so that the same shall read "An act fixing the compensation of guards, keepers, orderlies and industrial officers in the county jails, houses of detention and penitentiaries in counties of the first class in this State," and to amend the body of said act.

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

1. The title of P. L. 1938, c. 54 is amended to read as follows: An act fixing the compensation of guards, keepers, *orderlies* and industrial officers in the county jails, houses of detention and penitentiaries in counties of the first class in this State.

2. Section 1 of P. L. 1938, c. 54 (C. 30:8-13.1) is amended to read as follow:

1. (Set out text of section to be amended in full, bracketing matter to be omitted, underlining or italicizing new and substituted matter. If the section has been previously amended, use the text of the latest amendment.)

* 3. This act shall take effect

.....
("Immediately" or date desired)

* To be used if effective date other than July 4 following enactment is desired.

(2) Where the title *has been previously amended*:

AN ACT to amend the title of "An act concerning the purchase by counties, municipalities and school districts of war savings bonds of the United States of America," approved July 28, 1941 (P. L. 1941, c. 297), as said title was amended by P. L. 1942, c. 304, so that the same shall read "An act concerning the purchase by counties, municipalities and school districts of war savings bond and other obligations of the United States of America," and to amend the body of said act.

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

1. The title of P. L. 1941, c. 297, as said title was amended by P. L. 1942, c. 304, is amended to read as follows: An act concerning the purchase by counties, municipalities and school districts of war savings bonds *and other obligations* of the United States of America.

2. Section 1 of P. L. 1941, c. 297 (C. App. A:4-46.1) is amended to read as follows:

1. (Set out text of section to be amended in full, bracketing matter to be omitted, underlining or italicizing new and substituted matter. If the section has been previously amended, use the text of the latest amendment.)

* 3. This act shall take effect

.....
(“immediately” or date desired)

* To be used if effective date other than July 4 following enactment is desired.

E. To repeal a statute

- (1) Where the title *has not been previously amended*:

AN ACT to repeal Section one of "An act to regulate aeronautics over and within this State," approved March 30, 1938 (P. L. 1938, c. 48).

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

1. Section 1 of "An act to regulate aeronautics over and within this State," approved March 30, 1938 (C. 6:1-20), is repealed.

* 2. This act shall take effect

.....
(*"immediately"* or date desired)

- (2) Where the title *has been previously amended*:

AN ACT to repeal "An act authorizing veterans to waive payment and receipt of a portion of any pension to which they may be entitled," approved July 15, 1954 (P. L. 1954, c. 169), as said title was amended by P. L. 1957, c. 59.

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

1. "An act authorizing veterans to waive payment and receipt of a portion of any pension to which they may be entitled," approved July 15, 1954 (C. 43:4-7, C. 43:4-8) as said title was amended by P. L. 1957, c. 59, is repealed.

* 2. This act shall take effect

.....
(*"immediately"* or date desired)

* To be used if effective date other than July 4 following enactment is desired.

F. To supplement a statute

(1) Where the title *has not been previously amended*:

A SUPPLEMENT to "An act to regulate aeronautics over and within this State," approved March 30, 1938 (P. L. 1938, c. 48, C. 6:1-20 et seq.).

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

- 1. { Insert supplemental matter in as
- 2. { many sections as may be required,
- 3. { with no bracketing or underlining.

etc.

* 8. This act shall take effect

.....
("immediately" or date desired)

(2) Where the title *has been previously amended*:

A SUPPLEMENT to "An act concerning the purchase by counties, municipalities and school districts of war savings bonds and other obligations of the United States of America," approved July 28, 1941 (P. L. 1941, c. 297, C. App. A:4-46.1 et seq.), as said title was amended by chapter 208 of the Laws of 1943.

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

- 1. { Insert supplemental matter in as
- 2. { many sections as may be required,
- 3. { with no bracketing or underlining.

etc.

* 8. This act shall take effect

.....
("immediately" or date desired)

* To be used if effective date other than July 4 following enactment is desired.

G. To amend, supplement or repeal an act having a "short title."

Many acts have a "short title" enacted by a section reading such as the following:

"This act shall be known and may be cited as the 'Department of Transportation Act of 1966'".

Where a bill amends and supplements or either thereof an act with a short title and the subject matter is within the purview of the long title to the act, the title of the new bill may read:

An act to amend the "Department of Transportation Act of 1966," approved December 12, 1966 (P. L. 1966, c. 301).

or

A Supplement to the "Department of Transportation Act of 1966," approved December 12, 1966 (P. L. 1966, c. 301).

or

An Act to amend and supplement the "Department of Transportation Act of 1966," approved December 12, 1966 (P. L. 1966, c. 301).

or

An Act to repeal the "Department of Transportation Act of 1966," approved December 12, 1966 (P. L. 1966, c. 301).

III. Legislation "revised" in the New Jersey Statutes
(Titles 2A, 2C, 3A, 8A, 12A, 14A, 17B, 18A,
22A, 38A, 40A, 54A, 59):

A. To amend

- (1) Where the section to be amended has not been amended since the enactment of the Title of the New Jersey Statutes:

AN ACT concerning the jurisdiction of appeals from certain courts of limited jurisdiction and amending N. J. S. 2A:3-6.

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

1. N. J. S. 2A:3-6 is amended to read as follows:

2A:3-6. (Set out text of old section in full, bracketing matter to be omitted, underlining new and substituted matter.)

- * 2. This act shall take effect

.....
("immediately" or date desired)

- (2) Where the section to be amended *has been amended* since the enactment of the Title of the New Jersey Statutes:

AN ACT concerning county district courts and amending N. J. S. 2A:18-4.

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

1. N. J. S. 2A:18-4 is amended to read as follows:

2A:18-4. (Set out text of latest amendment of old section in full, bracketing matter to be omitted, underlining new and substituted matter.)

- * 2. This act shall take effect

.....
("immediately" or date desired)

* To be used if effective date other than July 4 following enactment is desired.

B. To repeal

AN ACT concerning applications to the County Court to continue the business of a decedent and repealing N. J. S. 3A:6-68.

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

1. N. J. S. 3A:6-68 is repealed.

* 2. This act shall take effect

.....
("immediately" or date desired)

C. To supplement

AN ACT concerning secretaries to certain assignment judges of the Superior Court and supplementing Chapter 11 of Title 2A of the New Jersey Statutes.

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

1. { Insert supplemental matter in as
2. { many sections as may be required,
3. { with no bracketing or underlining.
etc.

* 4. This act shall take effect

.....
("immediately" or date desired)

IV. Legislation containing both amendments and supplements to existing law.

A. Amendatory sections are prepared in accordance with the examples in I, II and III, supra.

B. Each supplementary section shall be identified parenthetically as a "new section."

* To be used if effective date other than July 4 following enactment is desired.

C. Example:

AN ACT concerning dissolution of certain nonprofit corporations, amending R. S. 15:1-19 and supplementing chapter 1 of Title 15 of the Revised Statutes.

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

1. R. S. 15:1-19 is amended to read as follows:

15:1-19. (Set out text of Revised Statutes section in full, bracketing matter to be omitted, underlining new and substituted matter.)

- 2. (New Section) { Insert supplemental matter with no
- 3. (New Section) { bracketing or underling.
- 4. This act shall take effect

.....
("Immediately" or date desired)

V. Legislation amending and supplementing the Revised Statutes, New Jersey Statutes and Pamphlet Laws or any combination thereof.

Where the subject matter of a bill meets the constitutional requirement of embracing only one object (Const. IV, VII, 4, Appendix C), it may contain amendments to sections in more than one title of the Revised Statutes or the New Jersey Statutes and chapters of the Pamphlet Laws, examples:

AN ACT concerning immunization of persons from communicable disease, amending R. S. 26:4-6 and N. J. S. 18A:40-20 and supplementing P. L. 1947, c. 177 (C. 26:1A-1 et seq.).

VI. Legislation deleting a numbered or lettered subsection.

Where it is desired to amend a section by deleting a numbered or lettered subsection, do not renumber

or reletter succeeding subsections. Enclose the text of the subsection to be deleted in brackets and add “(Deleted by amendment)” underlined or in italics.

Example:

1. Section 10 of P. L. 1979, c. 6 (C. 1:1-3.2) is amended to read as follows:

- 10.
 - a.
 - b.
 - c. [.....] (*Deleted by amendment*)
 - d.
 - e.
- 2.

VII. Amendments to Pending Bills

Committee Amendments:

Assembly Judiciary Committee Amendments

to

Senate Bill No. 1000 (OCR)

(6/6/77)

Amend:

Page	Sec.	Line	
1	2	3	Omit “further instruc-”
		4-6	Omit
		7	Omit “in all other cases” Insert “in accordance with rules and regulations to be issued pursuant to the Administrative Procedure Act (P. L. 1968, c. 410, C. 52:14B-1 et seq.)”
2	5	after 21	Insert a new section as follows: “6. (New section) The Commissioner of Insurance shall appoint a citizen advisory committee of at least five licensed real estate brokers to assist and advise him in formulating rules and regulations authorized by this act.”
3, 4	6-10		Renumber as sections “7.” through “11.”

Floor Amendments:

Assembly Amendments
to
Assembly Bill No. 2000 (Typed Copy)
Proposed by Assemblyman Smith
(6/6/77)

Amend:

Page	Sec.	Line	
1	2	3	Omit "July 1, 1977" Insert "January 1, 1978"
2	4	6	After "I" reinsert "There is appropriated for the purposes of this act the sum of \$55,000.00"
3, 4	5-9		Omit
4	10	1	Omit "10." insert "5."

APPENDIX B

STYLE OF LEGISLATIVE BILLS AND THE LAWS

I. In General

The *Style Manual* published by the United States Government Printing Office, Revised Edition, January 1973, is the standard guide as to style and the current edition of *Webster's New Collegiate Dictionary* is the authority for spelling and hyphenation of words used in the printing of legislation and the Pamphlet Laws.

II. Capitalization

State (when referring to New Jersey); state (when referring to states of the United States in general); Governor, Commissioner of Education; the commissioner; the Chief Justice; Supreme Court; justice of the supreme court; a justice; Superior Court; judge of the superior court; County Court; judge of the county court; juvenile and domestic relations court; county district court; municipal court; Jersey City Municipal Court; city of Elizabeth; Revised Statutes; New Jersey Statutes; the first word of a sentence or of a series of items following a colon or a comma is capitalized; the first word following a colon is not capitalized if the matter following is merely by way of clarification.

III. Words vs. Figures

An Arabic number is used for a number of 10 or more, except where it is the first word of a sentence.

Words are used for the numbers one through nine except where the number is a section or paragraph number of the legislation, is part of a date, states dollars or cents, time of day, measurement, a fraction, or is part of an authorized abbreviation or citation.

IV. Italics

Since italic is used to designate words to be inserted by amendment, it is not used for other purposes except as part of the official enacting clause of legislation.

V. Authorized Abbreviations

Use of the following abbreviations is authorized:

R. S. 1:1-1; N. J. S. 2A:1-1; P. L. 1968, c. 2, s. 1; R. S. 40:4-1 through 40:4-15, but sections 40:4-1, 40:4-2, 40:4-4 of the Revised Statutes, or 14A:4-1, 14A:4-2, 14A:4-4 of the New Jersey Statutes.

VI. Sections, Paragraphs and Subparagraphs

Avoid lengthy sections, paragraphs, subparagraphs and sentences.

Arabic numbers are used to designate sections of legislation. Subsections are designated as follows:

1. (Section number)

- a.
- b.
 - (1)
 - (2)
 - (a)
 - (i)
 - (ii)

Every effort should be made to avoid use of subsection designations below (1), (2) in the above example.

VII. Hyphenation of Words

Modern usage tends toward the elimination of hyphenated words but there are a few exceptions, such as the word attorney-at-law, but no hyphen in cooperate, coordinate, reemploy, nonresident or nonpublic.

VIII. "Plain Language" Guidelines

- A. *And/Or*. The use of the expression "and/or" in any bill should be avoided in order to comply with the rule of law laid down in *Montella vs. State* (not reported but cited with approval by the Court of Errors and Appeals in *Fisher vs. Healy's Special Tours, Inc.*, 121 N. J. L. 198).

B. *Tense*. Use the present tense.

Say: The fine for violating this act is not less than \$10.00 or more than \$50.00.

Do Not Say: Any person adjudged guilty of a violation of this act shall be subject to a fine of not less than \$10.00 or more than \$50.00.

C. *Active Voice*. Wherever possible name the actor first:

Say: The director shall review and approve or disapprove each application within 30 days of its receipt.

Do Not Say: Within 30 days of its receipt every application shall be subject to review by the director who shall indicate his approval or disapproval thereof.

D. *Redundancies*. Avoid pairs of words that have the same effect or one of which includes the other:

Examples:

any and all	order and direct
authorized and empowered	over and above
by and with	sole and exclusive
each and all	type and kind
each and every	unless and until
final and conclusive	authorize and direct
from and after	desire and require
full and complete	means and includes
full force and effect	necessary or desirable
null and void	

E. *Directness*. Express ideas positively; avoid exceptions.

Say: The director shall appoint an Assistant qualified under Civil Service.

Do Not Say: No person shall be appointed by the director as his Assistant unless he is qualified pursuant to Civil Service regulations.

Where an exception contributes to brevity and directness:

Say: Each municipality except a city of the first class shall

Do Not Say: The following classes of municipality shall

F. *Use Action Verbs.*

Say:

consider
recognize
know
need
to determine
applies
depends on
attends
appoint
apply
pay
provide for

Do Not Say:

give consideration to
give recognition to
have knowledge of
have need of
in the determination of
is applicable
is dependent on
is in attendance at
make an appointment of
make application
make payment
make provision for

G. *Provisos.* Avoid "provided" and "provided, however". Use "but", "except that" or "if".

H. "*Shall*", "*May*", "*Must*". Never use "must". Use "shall" or "shall not" when a command is intended.

I. *Definitions.*

Say: "Agency" means

Do Not Say: "Agency" shall mean

Avoid defining ordinary words used in their usual dictionary meaning or terms defined in Title 1 of the Revised Statutes unless a different definition is required for the particular act.

If a term is used only once or in a few closely related sections, define the term in the section where first used.

- J. *“Such” and “Said”*. In many cases “the”, “that”, “those”, “it” or “them” can be used and are preferable to “such” or “said”.
- K. *Gender*. It is not necessary to use “he or she”, “he/she”, “him or her”, “his/her”, “chairman or chairwoman”. See definition of “Number; gender” in R. S. 1:1-2.
- L. *“Chapter”, “Title”, “Act”, “Article”*. “Chapter” or “Title” in New Jersey legislation refers to a Chapter or Title of the *Revised Statutes* or *New Jersey Statutes*, not to a chapter of the Pamphlet Laws of a given year. “Act” refers to the bill being drafted or a Pamphlet Law act being amended or supplemented. “Article” may refer to an article in a *Revised Statutes* or *New Jersey Statutes* chapter or to an article in an Act so subdivided. New Jersey use of the foregoing terms is at variance with their use in Federal law and the laws of some other states.

M. *Caveat to the foregoing guidelines.*

In amending an existing law to make a particular change, such as a dollar amount, period of time, size of a body, or other amendment of limited impact on existing law, it is not necessary or advisable to change existing language violative of the foregoing guidelines unless the existing structure or language is so archaic or complicated as to offend modern standards. Bills to effect periodic topical revision of statutes are the appropriate vehicles for application of the foregoing guidelines.

APPENDIX C

New Jersey Constitution—1947

Article IV

LEGISLATIVE

Section VII

* * * * *

3. The Legislature shall not pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or depriving a party of any remedy for enforcing a contract which existed when the contract was made.

4. To avoid improper influences which may result from intermixing in one and the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title. This paragraph shall not invalidate any law adopting or enacting a compilation, consolidation, revision, or rearrangement of all or parts of the statutory law.

5. No law shall be revived or amended by reference to its title only, but the act revived, or the section or sections amended, shall be inserted at length. No act shall be passed which shall provide that any existing law, or any part thereof, shall be made or deemed a part of the act or which shall enact that any existing law, or any part thereof, shall be applicable, except by inserting it in such act.

6. The 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.*"

7. No general law shall embrace any provisions of a private, special or local character.

8. No private, special or local law shall be passed unless public notice of the intention to apply therefor, and of the general object thereof, shall have been previously given. Such notice shall be given at such time and in such manner

and shall be so evidenced and the evidence thereof shall be so preserved as may be provided by law.

9. The Legislature shall not pass any private, special or local laws :

(1) Authorizing the sale of any lands belonging in whole or in part to a minor or minors or other persons who may at the time be under any legal disability to act for themselves.

(2) Changing the law of descent.

(3) Providing for change of venue in civil or criminal causes.

(4) Selecting, drawing, summoning or empanelling grand or petit jurors.

(5) Creating, increasing or decreasing the emoluments, term or tenure rights of any public officers or employees.

(6) Relating to taxation or exemption therefrom.

(7) Providing for the management and control of free public schools.

(8) Granting to any corporation, association or individual any exclusive privilege, immunity or franchise whatever.

(9) Granting to any corporation, association or individual the right to lay down railroad tracks.

(10) Laying out, opening, altering, constructing, maintaining and repairing roads or highways:

(11) Vacating any road, town plot, street, alley or public grounds.

(12) Appointing local officers or commissions to regulate municipal affairs.

(13) Regulating the internal affairs of municipalities formed for local government and counties, except as otherwise in this Constitution provided.

The Legislature shall pass general laws providing for the cases enumerated in this paragraph, and for all other

cases which, in its judgment, may be provided for by general laws. The Legislature shall pass no special act conferring corporate powers, but shall pass general laws under which corporations may be organized and corporate powers of every nature obtained, subject, nevertheless, to repeal or alteration at the will of the Legislature.

10. Upon petition by the governing body of any municipal corporation formed for local government, or of any county, and by vote of two-thirds of all the members of each house, the Legislature may pass private, special or local laws regulating the internal affairs of the municipality or county. The petition shall be authorized in a manner to be prescribed by general law and shall specify the general nature of the law sought to be passed. Such law shall become operative only if it is adopted by ordinance of the governing body of the municipality or county or by vote of the legally qualified voters thereof. The Legislature shall prescribe in such law or by general law the method of adopting such law, and the manner in which the ordinance of adoption may be enacted or the vote taken, as the case may be.

