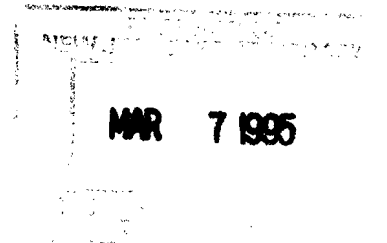




NEW JERSEY STATE LEGISLATURE
OFFICE OF LEGISLATIVE SERVICES
BILL DRAFTING MANUAL



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I. FOREWORD

This manual is prepared under the authority found at N.J.S.A. 52:11-1 to provide general standards for the staff of the Office of Legislative Services to draft, review, examine and edit legislation in New Jersey. Compliance with the guidelines set forth in this manual will facilitate the preparation and expedite the review and release of legislation when proposed for introduction and during its movement through the Legislature.

In addition to the guidelines contained in this manual, the following set forth requirements for and otherwise directly affect the drafting of legislation:

1. The New Jersey Constitution of 1947, with particular reference to Article IV, Section VII, paragraphs 3 through 10 and Article V, Section IV, paragraph 6.

2. Title 1, "Acts, Laws and Statutes," of the Revised Statutes, with particular reference to the definitions in Chapter one and the requirements of Chapter six with regard to private, special and local acts.

3. The Rules of the New Jersey Senate and of the New Jersey General Assembly.

II. PROPOSAL FOR INTRODUCTION AND INTRODUCTION OF BILLS

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

In the General Assembly, the bill is then numbered and delivered to the Office of Legislative Services for examination and approval as to form before it can be formally introduced (in the Senate the bill is numbered by the Office of Legislative Services). Once a bill is proposed for introduction, it is considered to be a public document and a copy is available to the public.

When the title of the bill is read in open session, only then is it "introduced" in the Legislature.

The examination as to form is conducted by the staff of the Office of Legislative Services for the purpose of ensuring compliance with legal and technical requirements for the form of the bill.

When defects can be corrected by the making of purely technical changes, the corrections are made and the bill is returned to the House of its origin without further consultation with the sponsor. See Assembly Rule 133 and Senate Rule 120A.

When defects cannot be corrected without obtaining further information, the sponsor is notified accordingly and the bill is held until the 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 sponsor's attention will be called to it, if opportunity affords; but no change in the substance of any bill will be made without the sponsor'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 sponsor's consent.

III. 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 59 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 may be accessed through the OLS computerized statute retrieval system. The printed 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 the official text on the statute retrieval system.

If a draft must be prepared prior to the correction and insertion of the text by the Legislative Counsel under R.S. 1:3-1 in the statute retrieval system, use of the latest version of the law in bill form may be required. Technical corrections may be required later to conform to corrections made under R.S. 1:3-1.

The compiled 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 its current service known as the New Jersey Session Law Service and, with respect to selected titles or parts of the law, in other commercial publications. The Legislature 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.

For a more complete discussion, see Appendix E on Organization of the Laws of New Jersey.

IV. THE FORM OF BILLS AND RESOLUTIONS

Physical Characteristics and Fronter

Each bill or resolution shall be presented for introduction in the form of three exact copies on legal size paper (8½" x 14").

A fronter shall be affixed to each bill or resolution before introduction. The fronter is the first page of a bill or resolution until the bill or resolution is printed. It is inserted into the bill document file while the bill is in the drafter's Personal Library, either when the file is created or when the bill is prepared for introduction.

The format of the fronter is established through a special glossary available through OLSGLOSS. (See manual on computer bill drafting.) This glossary supercopies the model fronter into the file, and the drafter must insert the following information:

Upper left-hand corner

Date and typist's initials.

Personal Library Document ID Number.

Upper right-hand corner

- Completed Bills Library Document ID Number. (To be inserted when the completed document is transferred from the drafter's Personal Library to the section's Completed Bills Library.)
- Bill drafter's number.
- SR number.
- TR number. (To be inserted when the bill is ready for printing and transfer to BPU.)
- FN (indicates whether the legislation is appropriate for a fiscal note) or
- DR (indicates drafter recommendation with regard to fiscal note or pension certification)
- CR number (indicates which committee the bill is referred to).

First Line Above "For Official House Use"

Circle appropriate term to indicate distribution of introductory copies. (Drafter should circle term on each of the three copies to designate where each copy should be sent after introduction.)

Under "Note to Sponsor"

Title of bill or resolution.

Synopsis. (The title and synopsis must read exactly as they read in the main body of the bill.)

Lower portion of page

Complete "Same as..." (This should be done only if the bill is a reintroduction or there is an identical bill in other house.)

Bottom of page

Complete the suggested allocation for permanent and general sections in the bill. Indicate: approp. for those sections that are appropriations, eff. date for effective dates, repealers and temporary and executed validating or private and local sections or laws.

Titles

Each bill and joint and concurrent resolution shall begin with a title describing the "object" of the bill or resolution. If the bill contains an appropriation, or if it amends, repeals, or supplements existing law, then the title must also indicate that fact.

Article IV, Section VII, paragraph 4 of the New Jersey Constitution provides that "Every law shall embrace but one object, and that shall be expressed in the title." This provision must be carefully complied with.

Simple Titles

The title of a bill begins with the words AN ACT (always in capital letters), followed by the participial form (not the infinitive form) of the verb which conveys the thrust of the bill, and a succinct description of the bill's content.

AN ACT concerning child labor in theatrical productions.
AN ACT establishing the Wicket Study Commission.
AN ACT prohibiting the sale of certain vegetables.
AN ACT requiring the registration of bicycles.
AN ACT directing the State Treasurer to count the money.
AN ACT designating January 27 as New Year's Day.

A title can only characterize the general purpose of a bill; it is certainly not possible or necessary to provide a listing of the many features and qualifications contained within the text. For this reason, the term "certain" or "in certain cases" is often used as a method for simplifying what would otherwise be a more complex statement.

AN ACT concerning certain standards for bill drafting.
AN ACT providing for extra vacation days in certain cases.
AN ACT authorizing certain municipalities to impose a hotel tax.

Amendatory Titles

If a bill amends existing law, that fact must be indicated in the title, either by specific reference to the section or pamphlet law being amended, or, in the case of numerous amendments, by a general statement to the effect that the bill amends various sections of law.

Amendments to the Revised Statutes

AN ACT concerning ... and amending R.S. 48:3-33.
AN ACT ... and amending R.S. 32:14-3 and 32:14-29.
AN ACT ... and amending R.S. 19:32-2 through 19:32-6.

AN ACT ... and amending R.S. 6:2-3, 6:2-6 and 17:1-1.
AN ACT ... and amending various sections of the Revised Statutes.

Amendments to the New Jersey Statutes

AN ACT ... and amending N.J.S. 18A:9-5
AN ACT ... and amending N.J.S. 40A:9-168 and 40A:9-175.
AN ACT ... and amending N.J.S. 2C:14-1 through 2C:14-5.
AN ACT ... and amending N.J.S. 2A:50-22, 2A:62-14 and 3B:10-3.
AN ACT ... and amending various sections of the New Jersey Statutes.

Amendments to the Pamphlet Laws

In the case of an amendment to a Pamphlet Law, the title need only cite the P.L. number rather than the specific section or sections being amended, because the section and compilation numbers will appear in the body of the bill. If several Pamphlet Laws are being amended, the title need only refer to "various parts of the statutory law".

AN ACT ... and amending P.L. 1985, c. 50.
AN ACT ... and amending P.L. 1977 c. 10 and P.L. 1983, c. 41.
AN ACT ... and amending various parts of the statutory law.

Mixed Amendments

If a bill amends a mixture of sections from the Revised Statutes, the New Jersey Statutes and the Pamphlet Laws, the sections may be listed separately or, more commonly, may be noted with the general statement that the bill amends (or revises) various parts of the statutory law.

AN ACT ... and amending R.S. 39:4-14 and P.L. 1975, c. 250.
AN ACT ... and amending N.J.S. 18A:4-34 and R.S. 39:4-98.
AN ACT ... and amending various parts of the statutory law.

Amendment of a Title of a Law

Because of the constitutional requirement that every law have but one object as expressed in its title, it is sometimes necessary to amend the title of a pamphlet law at the same time that the text of the law is amended. This assures that the title will reflect the object of the law as it stands after amendment. If a bill amends the title of a law, then this fact must be noted in the title of the bill.

Past practice required that the full title of the law under amendment be repeated in the title of the amendatory bill. This style has been abandoned. The proper form for indicating that a bill amends the title of a law is as follows:

AN ACT concerning ... and amending the title and body of P.L.
1985, c. 50.

Supplementary Titles

If it is the purpose of a bill to supplement a specific Title or chapter of the Revised Statutes or the New Jersey Statutes, or a specific Pamphlet Law, then the supplement must be referenced in the title. Since the compilation number of a Pamphlet Law will not appear in the body of a supplementary bill, it must be set out parenthetically in the title.

AN ACT ... and supplementing Title 48 of the Revised Statutes.
AN ACT ... and supplementing chapter 26B of Title 17B of the
New Jersey Statutes.
AN ACT ... and supplementing subtitle 6 of Title 2A of the New
Jersey Statutes.
AN ACT ... and supplementing P.L. 1961, c. 40 (C. 40:55C-40
et seq.)

Repealers

The title of a bill must cite the specific part of the law being repealed, except that a general statement of repeal will suffice if the repeal involves several parts of the law.

AN ACT ... and repealing Title 54A of the New Jersey Statutes.
AN ACT ... and repealing R.S. 40:155-3.
AN ACT ... and repealing P.L. 1944, c. 35.
AN ACT ... and repealing N.J.S. 15A:12-10 and P.L. 1984, c. 17.
AN ACT ... and repealing parts of the statutory law.

Appropriations

If a bill makes an appropriation, the title must so indicate. The amount of the appropriation is not specified in the title.

An ACT concerning motorized bicycles, amending parts of the statutory law, and making an appropriation.

Combination Forms

If a bill amends, supplements and repeals, or any combination thereof, list those objectives in the title in the order in which they are placed in the bill, if appropriate, or by groupings of the objectives, all amendatory sections together, or supplemental sections together and all repealers together.

Short Titles

Although in the past short titles were used in the titles of bills, this style is no longer preferred and should be avoided whenever possible since the short title usually does not provide an adequate description of the bill's purpose.

However, if the short title is included in the title, the infinitive form of the verb is used, except as indicated below:

AN ACT to amend the "Health Care Facilities Planning Act," approved May 10, 1971 (P.L. 1971, c. 136, C. 26:2H-1 et seq.).

AN ACT to amend and supplement the "Alcoholism Treatment and Rehabilitation Act," approved February 9, 1976 (P.L. 1975, c. 305, C. 26:2B-1 et seq.).

A SUPPLEMENT to the "Local Health Services Act," approved March 3, 1976 (P.L. 1975, c. 329, C. 26:3A2-1 et seq.)

Enacting Clause

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."

The enacting clause for a Senate concurrent resolution is "BE IT RESOLVED by the Senate of the State of New Jersey (the General Assembly concurring)."

The enacting clause for an Assembly concurrent resolution is "BE IT RESOLVED by the General Assembly of the State of New Jersey (the Senate concurring)."

The enacting clause for bills is prescribed by Article IV, Section VII, paragraph 6 of the New Jersey Constitution.

The enacting clauses for the various forms of resolutions necessarily evolved from the form of the resolution itself and have become standardized over long and consistent use.

Amending Versus Supplementing the Law

In the broadest sense, every section of a bill either amends or supplements the existing law. These two terms have distinct technical meanings. An amendatory section of a bill adds or deletes language to an existing section of law. A supplementary section of a bill creates a new section of law.

Sometimes it is obvious as to whether a section of a bill should be drafted as an amendment or a supplement. If the purpose of a bill can be met by adding or deleting language (whether just one word, a sentence or a paragraph) in an existing section of law, then the section is clearly amendatory. On the other hand, if a section of the bill deals with a subject that is not addressed by any existing law, then the section is supplementary in nature.

Other times the choice is not so obvious. A situation may present itself in which language could be added to an existing section of law (usually in a sentence or paragraph at the end of the section) or could just as readily stand alone as a new (supplemental) section. In this case, the bill drafter must use judgment in deciding on the appropriate form. One bill-drafting guideline that weighs in favor of a supplement rather than an amendment is the instruction to avoid lengthy sections.

It is also a matter of judgment as to whether a bill composed of entirely new material should be specifically identified in its title as a supplement to an existing body of law. It may make sense -- indeed it may be imperative -- that the bill supplement a law in order to incorporate the existing definitions, penalty provisions, and other administrative particulars. But if a bill calls for the establishment of an entirely independent scheme of definitions and regulation, then there would be little purpose in drafting it as a supplement to a specific law.

A bill may be entirely amendatory, entirely supplementary, or a mixture of the two. A bill (or an individual section of the bill) may supplement a Title, Chapter or Article of the Revised or New Jersey Statutes, or a Chapter of the Pamphlet Laws.

Amendatory Provisions

Each section proposing to amend existing law shall contain in full the official text of the section to be amended, with any material intended to be omitted enclosed in brackets [], and with new material inserted in its proper place and underlined. 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. In addition, a citation to the most recent version of the law should be noted at the end of each amendatory section of a bill to enable the reader to know what version of law was used when the bill was drafted, whether or not the law has ever been amended.

Example:

1. Section 1 of P.L. 1969, c. 7 (C. 1:14-7) is amended to read as follows:

1. The Legislature finds it to be desirable that the Corporation Law Revision Commission created by P.L. 1958, c. 10 (C. 1:14-1 et seq.) be continued in existence for the purpose of [observing] monitoring and evaluating the operation of the new Title 14A, Corporations, General, of the New Jersey Statutes, enacted as P.L. 1968, c. 350, during the years 1969 and 1970, in order to consider and report to the 1971 Legislature and Legislatures thereafter such amendments or refinements to said Title 14A as it may deem appropriate.
(cf: P.L. 1971, c. 254, s. 1)

NOTE:

* If the law has been amended but the amendments enacted have not yet been added in the computer statute retrieval system (STATUS), as will be the case with bills recently signed by the Governor, the most recent amendatory language should be added by the drafter without underlining or the unedited text may be retrieved from the advance law library or the public bills library.

Supplementary Provisions

No new section numbers or other classification headings of the type appearing in the Revised Statutes and the New Jersey Statutes should be incorporated into the proposed supplementary legislation in an effort to tie it into the classification scheme of the statutes. This does not, however, preclude consideration by the drafter of where new sections of a permanent and general nature belong in the scheme of existing law (See Allocation of Supplementary Sections of Law below).

When a bill contains supplementary and amendatory sections, a parenthetic "New section" is inserted after the section number and before the text of the supplementary section. This parenthetic designation is not used if the bill is supplementary with no amendatory sections.

Example:

2. (New section) A bill proposed for introduction in the Legislature shall contain, after the statement, a synopsis of 35 words or less.

Allocation of Supplementary Sections of Law

Every supplemental section of law (other than those of a temporary or special nature) is assigned a compilation number by the Legislative Counsel upon its enactment. The Legislative Counsel is assigned this responsibility under R.S. 1:3-1 in order to ensure the maintenance of a uniform classification system for the arrangement and numbering of the statutes.

In developing a bill, the drafter must consider the substantive and numerical arrangement of the statutes. A law does not stand alone in a vacuum. It must be interpreted in the context of all other law, and its codification should place it in proximity to the laws with which it is substantively related. In short, a law concerning the operation of motor vehicles should be allocated to Title 39 (Motor Vehicles) and not, for example, Title 27 (Highways).

Of course, the choice is not always this obvious. Some material might just as logically belong within one Title as another; or a bill might contain a general provision which applies to a number of situations in different Titles; or it might consist of a number of sections, each one of which could be assigned to a separate Title. In many cases, the manner in which the bill is drafted will dictate one allocation over another, even though that allocation may not be the most useful for legal research. Thus, it is important to keep in mind the practical effects of the internal construction of a bill. For example, if one were imposing a new requirement on each of the three toll road authorities, it would be inappropriate to impose this requirement on "every toll road authority" in a one section bill. Where would this material be allocated? The proper approach would be to supplement the enabling law for each of the three authorities in a three-section bill.

Consideration as to the proper allocation of supplementary material should be one of the first, not one of the last, items on a bill drafter's checklist. A bill should not be drafted and then "plugged in" to the statutes. Rather, the drafter should construct the bill with an initial understanding of the existing statutory scheme and content for the subject at hand. (Certainly this is the only way to determine whether to draft an amendatory or supplementary bill in the first place.) The drafter should take note of the existing definitions, requirements, penalties, etc. that will apply to the supplementary material. Furthermore, the supplementary material should be written in a style consistent with that of the existing law.

Each draft of supplementary material must contain a suggested allocation as to Title, chapter and section on the fronter of the OLS copy. If absolutely necessary in order to place the supplemental material in an appropriate location, the section number

may include a decimal (5:12-144.1) or a letter (26:2H-18b). These designations should be used with caution as they can be easily misread. Moreover, in the case of a letter, it can be confused with internal subsection references (as, for example, subsection b. of 26:2H-18). If a bill is entirely supplementary and independent of any existing law, it may be better to create a new chapter within a Title (26:2M-1) than to squeeze the allocation into an existing chapter by means of a decimal or letter.

Unitary Scheme

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 rule is when an identical or similar change is proposed in sections in more than one Title or where the subject matter of the bill requires amendment or supplement to existing law classified under more than one Title. An example of a bill of this nature is as follows:

1. A hospital service corporation contract entered under P.L. 1938, c. 366 (C. 17:48-1 et seq.) shall provide for a conversion to an individual policy under the following conditions. . . .
2. A medical service corporation contract entered under P.L. 1940, c. 74 (C. 17:48A-1 et seq.) shall provide for a conversion to an individual policy under the following conditions. . . .
3. A group health service corporation contract entered under P.L. 1985, c. 236 (C.17:48E-1 et seq.) shall provide for a conversion to an individual policy under the following conditions. . . .
4. A group health insurance policy issued under Article 2 of chapter 27 of Title 17B of the New Jersey Statutes shall provide for a conversion to an individual policy under the following conditions. . . .
5. A health maintenance organization operating under P.L. 1973, c. 337 (C. 26:2J-1 et seq.) shall provide for a converted health services plan to enrollees under the following conditions. . . .

Classification Scheme

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. This does not obviate the drafter's duty to consider and suggest allocations for new sections as discussed earlier.

Reference and Citation of New Jersey Law

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

Examples: P.L. 1987, c. 1
R.S. 1:1-1
N.J.S. 2A:2-2

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 title of the bill under which it was enacted or to its date of approval.

In any bill to amend 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 the legislation affected is to be found.

Examples: R.S. 1:1-1
N.J.S. 2A:2-2

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 the chapter number and year of the Pamphlet Laws in which the legislation is found.

Example: P.L. 1987, c. 1

And, where such reference is necessary, by the section numbers found in the Pamphlet Laws in the body of the legislation so affected.

Example: Section 1 of P.L. 1987, c. 1

The "C" number or compilation number assigned to the section is to be included parenthetically as an aid in locating the law in unofficial publications.

Example: Section 1 of P.L. 1987, c. 1 (C. 1:1A-1)

In the case of the few sections "added to the Revised Statutes" by number by subsequent legislation, the chapter number 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.

Example: R.S. 54:51A-1, P.L. 1983, c. 45

In amending or repealing any section of law which has been amended, the amendment or repealer is expressed as an amendment to or repealer of the original section. No mention or citation of the subsequent acts which amended the original statute is necessary. In any amendatory bill, the latest text of the section should be used. The latest version of the section includes the language added to the section by those acts. In addition, a citation to the most recent version of the law should be noted at the end of the text of all amendatory sections, as discussed earlier.

Effective Date

An effective date is the date on which a provision of a law takes effect.

Although R.S. 1:2-3 provides that an act shall become effective on the Fourth of July following its enactment "unless otherwise specifically provided for in such act," it is nonetheless standard practice to include an effective date in every bill draft.

An effective date can be immediate, retroactive, prospective, or a combination of all three. The choice of an effective date (and, in some cases, an operative date) entails the consideration of a number of practical issues such as:

Is all or part of the act intended to be retroactive?

Should the various parts of the act have different effective dates?

Is the act's implementation contingent on the enactment of another act?

Should the effective date be delayed in order that affected parties have an opportunity to become informed of its provisions before they are implemented?

Does proper implementation of the act require that certain administrative actions be taken in advance of the effective date?

Does the act concern a situation which requires immediate implementation or implementation on a date certain?

Immediate Effective Date

If an act is to take effect immediately upon enactment, the effective date should read as follows:

This act shall take effect immediately.

Delayed Effective Date

Certain options are available with respect to a delayed effective date. The act could take effect a specified number of days after enactment, such as 30, 60 or 90. One drawback to this approach is that it can result in a law taking effect at an administratively awkward time such as the middle of a week, on a holiday, or on the next to last day of the month. It is generally accepted that a law with a delayed effective date takes effect as of 12:01 a.m. of its effective day. (The specific time of day is certainly of importance with regard to such matters as tax laws or

criminal penalties.) It is sometimes appropriate to provide that an administering agency may take anticipatory actions in advance of the effective date in order to be ready to implement the law when it becomes effective. Some examples of delayed effective dates are as follows:

This act shall take effect on the 61st day after enactment. - (Note: The day of signing is not included in the calculation of days. If the bill is signed on 8-14 then 61 days after signing would be 10-14. ((17 days in August, 30 days in September and 14 days in October))).

This act shall take effect on the first day of the month which follows enactment by at least 180 days.

This act shall take effect on the first day of the fourth month after enactment.

This act shall take effect on the 180th day after enactment, but the Commissioner of the Department of Environmental Protection may take such anticipatory administrative action in advance as shall be necessary for the implementation of the act.

Date Certain Effective Date

Sometimes it may be necessary to specify that an act take effect on a date certain. Of course, there is no guarantee at the time of the drafting that the bill will be enacted by the date contained in the effective date section. It is the accepted legal interpretation that if an act is enacted after the date specified in the effective date section, then the law is effective immediately upon enactment. A date certain effective date is written as follows:

This act shall take effect on March 1, 1992.

This act shall take effect on September 1 following enactment.

Retroactive Effective Date

If a law is designed to be applied retroactively to a date certain, the effective date section is written in the following manner:

This act shall take effect immediately and shall be retroactive to July 1, 1986.

Linked Effective Date

If the effective date of an act is contingent on the enactment or effective date of another act, the effective date section should be similar to the following:

This act shall take effect upon the enactment into law of P.L. , c. (C.) (now pending before the Legislature as Senate Bill No. 626 of 1992).

This act shall take effect upon the enactment of the "Bill of Rights Act," now pending before the Legislature as Senate Bill No. 1246 or Assembly Bill No. 1842 of 1992.

This act shall take effect upon the effective date of Title 2C, the New Jersey Code of Criminal Justice (P.L. 1978, c. 95).

Mixed Effective Date

Sometimes it is intended that the various sections of a law take effect at different times. Examples of these effective date provisions are as follows:

Sections 1 through 5 of this act shall take effect immediately and sections 6 through 10 shall take effect on the 45th day after enactment.

Sections 23 and 28 of this act shall take effect immediately and the remainder of this act shall take effect on October 1, 1992.

This act shall take effect immediately, and section 1 shall be retroactive to January 1, 1986, and sections 2 and 3 shall be retroactive to January 1, 1985.

Sections 22 and 23 of this act shall take effect immediately and the remainder of this act shall take effect as and when provided in section 22.

(Note: A mixed effective date is the standard form for the effective date of a bond act. The provisions regarding submission to the voters become effective at once; the authority to sell bonds is effective only upon voter approval.)

Operative Date

An operative date is a sub-category of the effective date. It specifies the date on which an effective provision of law is to be implemented or made applicable to a given situation. For most bills, the operative date and the effective date are one and the same, and therefore there is no need to specify an operative date. Sometimes it is appropriate to distinguish between an operative date and an effective date as, for example, when a department needs the immediate authority to develop regulations that are not to be imposed until a later date.

An operative date is specified in those cases where a statute is to become effective on one date and its provisions made applicable on a later date. It is often used in tax and regulatory law in order to give a department the authority to begin to establish the machinery and procedures to implement the law in advance of the date on which the tax or regulation is to be operative. Examples of operative dates are as follows:

This act shall take effect immediately and be operative as of January 1, 1990.

This act shall take effect immediately and shall be applicable to sales and exchanges of residences on and after July 1, 1990.

The operative provision can also be written in the negative:

This act shall take effect immediately but shall be inoperative until the 180th day after enactment.

Expiration Date

An expiration date is the date on which the provisions of a law expire and are thereafter no longer in effect. Most laws are intended to be of a continuing, or permanent, nature and do not contain an expiration date. An expiration date is provided only when all or part of an act is designed to be in existence for a temporary period of time (although the length of the temporary period can be years). Typical acts of this nature include those which create a study commission, establish a demonstration program, or provide a benefit or service for a limited period of time. It is inappropriate to amend a permanent and general section of law for a temporary period. The method to achieve that purpose is to provide the substance of the change in a supplementary section of limited duration.

If an expiration date is required, it is usually placed in the same section of a bill as the effective date. Some examples follows:

This act shall take effect immediately and shall expire one year thereafter.

This act shall take effect 60 days after enactment and shall expire six months after the effective date.

This act shall take effect immediately and shall expire on June 30 following the second anniversary of the effective date.

This act shall take effect immediately and shall expire upon the submission of the commission's report to the Legislature.

This act shall take effect immediately, and section 4 shall expire 180 days thereafter.

Statement

The Senate and Assembly rules require that each bill or resolution contain, under the caption "Statement" at the end of the bill or resolution, a brief explanation of the object and effect of the bill or resolution. Under Senate Rule No. 106, the statement shall not exceed 300 words, and shall explain the object of the legislation and the persons and localities it will affect. Under Assembly Rule No. 111, the statement shall not exceed 450 words and shall summarize the contents of the legislation and the localities or persons it will affect.

Beyond these general requirements, the drafter in preparing the statement should recognize first that the statement is the sponsor's and shall reflect his individual policy objective in introducing the bill. This policy perspective, which is individual by its nature, may well be stated with different emphasis or style than the same policy would be, say, in a committee statement, where the policy perspective is that of a policy-making body. It is not appropriate, however, to "create" a policy objective for the sponsor if it has not been supplied.

The bill or sponsor's statement provides legislators, legislative staff, lobbyists, and the interested public with a concise summary of the subject, purpose, and major provisions of the bill. At a minimum, the statement should explain how the bill amends, supplements, or repeals current law, indicate the objective of the legislation, and identify any appropriation. While the statement should be as short as possible, the statement may also include, when necessary to convey the gist of the bill, an explanation of the bill's relationship to current law, a summary of the provisions of any law being amended or repealed by the bill, or relevant fiscal or background information.

References to or citations of current law, whether State or federal, should be made in the statement according to the formal method of citation described on page 20 of this drafting manual.

For a discussion of committee statements, see Appendix D. For a discussion of statements to floor amendments, see page 31 of this manual.

Synopsis

Below the title of the fronter, the bill shall contain a synopsis of the bill in not more than 35 words. (The synopsis should be identical on both the fronter and the last page of the bill.) See the model bill in appendix A.

The bill synopsis serves as a guide to a bill's general subject matter. It is used in the compilation of various bill lists such as the proposed list, the committee reference list, the board list and committee agendas. It is also used by LIS to identify bills in response to inquiries from legislators and the public.

The purpose of the synopsis is to permit ready identification of the bill. The purpose is not to provide a mini-essay on the bill's contents or a summary of the sponsor's statement. The synopsis should contain only the information necessary to distinguish one bill's general subject matter from another.

The synopsis must be succinct. The 35-word limit is a maximum, not a goal. (Elimination of a few words on each synopsis can save hours in typing, proofreading and printing bill lists.) Further, the synopsis should state only the general nature of the bill. The more specific, the more likely that it will need revision if the bill is amended. If a bill is amended in committee, it is the obligation of the committee aide to review the synopsis and revise it if necessary. A synopsis must indicate the amount of an appropriation if the bill provides one. If a synopsis must be revised as a result of a committee amendment, the new synopsis is placed at the end of the amendment sheet under the caption: REPLACE SYNOPSIS AS FOLLOWS.

Following are guidelines for writing a succinct synopsis:

1. Begin with a verb: prohibits, permits, appropriates, requires, establishes, etc.
2. If the bill has a short title, the synopsis need only state the short title: "Liability Insurance Disclosure Act."
3. Include the amount of any appropriation:

Appropriates \$25 million to DEPE for recycling grants.

Establishes day care programs for disabled veterans,
appropriates \$5 million.

4. Note a dollar amount as \$5 million, not \$5,000,000.00; \$25 not \$25.00; \$14,700 not \$14,700.00.
5. Omit articles: a, an, the.
6. Use abbreviations if commonly understood: DEP, AFDC, DOT.
7. Do not attempt to describe specific provisions of the bill.
8. Eliminate unnecessary words, replace long words with short words or rewrite to reduce the number of words:

Before: Appropriates \$740,000 to the Department of Labor to supplement the funding of its Vocational Rehabilitation Program so that operating levels can be maintained in light of higher program costs.

After: Appropriates \$740,000 to Dept. of Labor for Vocational Rehabilitation

Before: Permits members of PFRS to purchase credit for temporary service by agreeing, within one year of the effective date of the act, to make the required contributions.

After: Permits purchase of temporary service in PFRS.

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) (committee initials) Committee Amendments", and bear the name of the member proposing the amendment, if appropriate, to Senate (or Assembly) Bill No. (identifying the copy of the bill, if other than the original print, to which the amendments are addressed and bear the name of the sponsor of the original bill).

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 proposing the amendment followed by the name of the sponsor of the original bill. The Rules of each House require that a statement explaining the amendment be annexed to "floor amendments". (See page 31)

Material to be deleted should be enclosed in brackets. Material to be added should be underlined. To reinsert material previously enclosed in brackets, insert the material immediately after the closing bracket and underline material. Do not omit brackets.

Sections of pending bills which are to be amended shall be set forth in their entirety with the following instruction preceding each section to be amended: "REPLACE SECTION # (as appropriate) TO READ:"

Any changes that are being made to the section by amendment should be enclosed by superscript numerals indicating the order in which the amendments are adopted.

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

Although efforts should be made to save punctuation, bracket the entire line or phrase if it will facilitate reading the bill.

Technical corrections which can be made under R.S. 1:3-1 should not be set out as amendments unless they are joined with other amendments of a different purpose.

Five copies of proposed floor amendments should be delivered to the Legislator or partisan staff person.

Floor Amendment Statements

Senate Rule 123 and General Assembly Rule 121 require that floor amendments have statements attached. The purpose of a floor amendment statement is to describe how the proposed amendments affect or alter the provisions of the bill. The statement should summarize the provisions of each proposed amendment including any technical and clarifying amendments.

Floor amendment statements are not meant to duplicate the functions of the bill statement or a committee statement by providing a description of the major provisions of the bill or the bill's objective (unless that information is relevant to the effect of the amendments). The floor amendment statement may include information about why the amendments are proposed if the sponsor so requests or if the information is necessary to explain the effect of the amendments upon the bill and the intent of its sponsor.

While there are no limits on the length of floor amendment statements, the statements should be as succinct as possible.

V. GUIDELINES ON PREFERRED STYLE FOR BILL DRAFTING

As authority for basic rules of writing, the Office of Legislative Services uses the "Handbook of Style" included in the current edition of Webster's New Collegiate Dictionary. This dictionary is also the authority for spelling and hyphenation of words.

In amending an existing law to make a minor change, such as in a dollar amount, period of time, size of a body, it is not necessary or advisable to change existing language that violates these 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 these guidelines to existing statutes.

Reference to State and Federal Statutes

See generally the Organization of the Laws of New Jersey, Appendix E. Follow these models in referring to statutes:

R.S. 1:1-1

N.J.S. 2A:1-1

P.L. 1985, c. 2, s. 1

R.S. 40:4-1 through R.S. 40:4-15

Sections 40:4-1, 40:4-2, 40:4-4 of the Revised Statutes

Sections 14A:4-1, 14A:4-2, 14A:4-4 of the New Jersey Statutes

Section 1 of P.L. 1968, c. 410 (C. 52:14B-1)

The "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.)

Section 3304 of the federal Internal Revenue Code (26 U.S.C. §3304)

The "Migrant and Seasonal Agricultural Worker Protection Act, Pub.L. 97-470 (29 U.S.C. §1801 et seq.)

Section 3 of Pub.L. 97-470 (29 U.S.C. §1802)

Sections, Paragraphs, Subparagraphs

Avoid lengthy sections, paragraphs and subparagraphs.

Sections are subdivided as follows:

1. (Section number)
 - a. (Subsection letter)
 - b.
 - (1) (Paragraph number)
 - (2)
 - (a) (Subparagraph letter)
 - (b)
 - (i) (Subsubparagraph number)
 - (ii)

Every effort should be made to avoid the use of designations below paragraph number (i.e. paragraph (2) of subsection b. of section 1.

A subdivision designation can never stand alone. That is, do not use the designation (a) without following with (b). The purpose of subdividing is to set forth two or more parallel sentences or phrases.

If you are amending a section of law which is subdivided according to a scheme other than the one presented here, follow the scheme in that law.

Definitions

A word or phrase should be defined in a bill in the following circumstances:

If the word or phrase has more than one meaning and the intended meaning is not apparent from the context.

If the word or phrase is intended to have a more specific meaning than its generally recognized meaning.

If the word or phrase carries a meaning that is unique for the purpose of the bill.

To avoid the frequent repetition of a lengthy or complex phrase.

To define a technical word or phrase.

It is not necessary to define a word or phrase if the word or phrase is used in accordance with its ordinary and unambiguous dictionary meaning, or if the word or phrase is defined in Title 1 of the Revised Statutes (applicable to all laws) or in the law, chapter or Title which the bill supplements or amends. (This assumes, of course, that the existing definition is suitable for the purpose of the new bill.)

When writing definitions:

Use the form "Word" means ..., not "Word" shall mean.

Arrange the definition section in alphabetical order. In new bill drafts, the definitions should not be lettered. This will permit the addition of any subsequent definition in the proper alphabetical sequence without the need for relettering each definition.

If a definition applies to or is necessary for only one section of a bill, or to a few sections in proximity to one another, place the definition within the section where the term is first used rather than in the general definition section at the beginning of the bill.

Limit the definition to a definition and do not include substantive language that serves other purposes. Substantive provisions belong in the operational sections of the bill.

Use the term "includes" or "includes but is not limited to" only if it is intended to provide only a partial definition that may be expanded by an administering agency or a court. (The term "means" is complete and terms such as "shall be deemed to include" or "means and includes" are only partial.)

To the greatest extent possible, define a word or phrase in a manner consistent with the definition of the word or phrase that already exists in other statutes. One way to accomplish this is to incorporate the existing definition by reference (i.e. "definition" means definition as defined in P.L. 1986, c. 100). Unfortunately, there are certain constitutional and practical disadvantages to this approach. An alternative method is to supplement an existing Title, chapter or law, in which case the definition already provided in the Title, chapter or law would apply to the supplementary bill.

Do not use more than one word or phrase to define the same term. For example, do not write "member or participant means" Use either the term "member" or "participant", but not both.

Avoid illogical, confusing or deceptive definitions, such as defining the term "municipality" to include the State. In such a case, rewrite the definition in a more general form, such as "governmental unit."

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.

"Act" refers to the bill being drafted or a Pamphlet Law act being amended or supplemented.

"Article" may refer to an article in a chapter of the Revised Statutes or New Jersey Statutes or to an article in an Act so subdivided.

New Jersey use of these terms is at variance with their use in federal law or the laws of some other states.

Names of Officers and Agencies

In drafting a bill, use the proper title and capitalization of governmental officers and agencies. Check the statute or reorganization plan, if appropriate, authorizing the office or agency, if you are in doubt.

Renumbering Subdivisions of Statutory Sections

When adding or eliminating subdivisions to or from existing statutes, the usual practice is not to renumber the existing subdivisions. If you are adding a subdivision to a group of subdivisions in an existing statute, add it at the end. If you are eliminating a subdivision, retain the number or letter of the subdivision, omit the language of the subdivision, and insert the words: "(Deleted by amendment, P.L., c.)." This practice is necessary if subdivisions are cross-referenced elsewhere in the statutes. It may be appropriate to reletter or renumber subdivisions of a statute if subdivisions are not referenced elsewhere and it may even be desirable to reletter or renumber to preserve an existing scheme or order as changed by the bill.

Singular and Plural Construction

Use the singular instead of the plural when possible.

R.S. 1:1-2 provides that the use of the singular construction in New Jersey law is deemed to include the plural. Thus, it is not necessary to cover all contingencies by using both singular and plural references.

Preferred: The governing body of a municipality may enact an ordinance regulating the burning of leaves.

Avoid: The governing body of a municipality may enact an ordinance or ordinances regulating the burning of leaves.

Preferred: A defendant in a criminal action is presumed innocent until the contrary is proved.

Avoid: Defendants in criminal actions are presumed innocent until the contrary is proved.

Note the treatment of subsection a., b., or c. as singular and of subsections a., b., and c. as plural in making reference to a disjunctive or conjunctive list of subsections or other singular items in a list.

Gender

R.S. 1:1-2 provides that the use of the masculine gender is deemed to include the feminine gender.

Because this statute governs the interpretation of the general and permanent statutory law of the State, there is no danger that the use of the words "he" and "his" in existing law will result in discrimination. Consequently, a bill proposing to amend existing law needs no amendment for purposes of gender neutralization.

A bill proposing to supplement existing law, however, should be written in gender neutral language. Do not use "he or she" or "his or her". Instead, use neutral words such as: person, individual, candidate, applicant, etc.

Capitalization

Standard rules of capitalization are followed in bill drafting, except for the following deviations from standard usage:

1. Capitalize State when referring to New Jersey. Do not capitalize state when referring to other states of the United States in general.
2. Capitalize the proper names of State departments and agencies and the actual titles of State officials.

Example: Commissioner of Education
the commissioner

Example: Division of Motor Vehicles
the division

Underlining

Underlining is used to designate words to be inserted by amendment. It is not used for other purposes.

Quotation Marks

In American usage, printers usually place a period or comma inside closing quotation marks whether it belongs logically to the quoted matter or to the whole sentence or context.

Do not overuse quotation marks. Generally, in drafting legislation, quotation marks are used only to enclose titles or texts of acts or laws referred to or incorporated by reference or to enclose defined words or phrases.

Words and Figures

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

Words are used for the numbers one through nine except when the number is a section or paragraph number of the legislation, or is used in a term of measurement (amounts of money, fractions, time of day, date), or is part of an authorized abbreviation or citation.

Whole dollar amounts of money should be written without a decimal point and cents designation (\$25 not \$25.00; \$1,500,000 not \$1,500,000.00).

Abbreviations and Acronyms

Abbreviations should be avoided in bill drafting except in making references to statute citations and times of day (a.m. and p.m.)

Acronyms should likewise be used sparingly and must be defined.

Tense

Use the present tense.

Preferred: A person who drives recklessly. . . .

Avoid: A person who shall drive recklessly. . . .

Preferred: The fine for violating this act is. . . .

Avoid: A person who violates this act shall be subject to a fine of. . . .

(Note: The phrase "This act shall take effect. . . ." is traditionally used in effective date provisions.)

Active Voice

Use the active voice.

Preferred: The director shall review and approve or disapprove each application.

Avoid: Every application shall be reviewed by the director.

The active voice is more direct and less subject to misinterpretation than the passive voice. A verb in the passive is sometimes appropriate if the actor is unknown, but in the case of a bill, it is important to identify the person or entity responsible for each action.

Articles and Demonstrative Adjectives

"A person who violates" is preferred to "any person who violates" or "each person who violates" or "all persons who violate." Consistent use of the articles "a" and "an" results in smoother writing and more precise expression.

Pronouns

Use a pronoun only if its antecedent is unmistakable. A pronoun must agree with its antecedent in number, gender and person.

Use a plural pronoun when the antecedent consists of two nouns joined by "and". Use a singular pronoun when the antecedent consists of two singular nouns joined by "or" or "nor." When "or" or "nor" join a singular noun and a plural noun, a pronoun should agree in number with the nearer noun.

And/Or

Do not use the expression "and/or." Its uncertainty was criticized long ago in case law. See State v. Jefferson, 19 N.J. Misc. 678 (Co. Ct. 1941). The correct technique to express two items in the alternative or together is as follows: "The fine for violating this act is either \$1,000 or a prison term of six months, or both."

Such and Said

The use of "such" and "said" as in "such person" or "said board" should be avoided. Less stilted and archaic alternatives (if one is needed at all) are: the, that, those, it, them.

Shall, May and Must

It is important in using "shall", "may" and "must" to preserve the distinction between mandatory and permissive directives, but see Harvey v. Essex County Board of Freeholders, 30 N.J. 381 (1959) at pp. 391-393, for interchangeability of these terms to carry out legislative intent.

"Shall" is mandatory and normally implies that to accomplish the purpose of the provision someone must act. "Shall" is used to impose a duty, direction or command unless the context indicates that the Legislature wished discretion to be exercised.

"May" is permissive and confers a right, privilege or power. Normally, the use of "may" implies discretion or permission.

Use "may" when giving an officer or agency the option of acting or not acting.

Use "shall" when imposing a duty to act. If imposing a duty not to act use "shall not."

Use "shall" to prescribe a rule of conduct, rather than to declare a legal result. Do not say "The equipment shall remain in the property of the State." Instead, say "The equipment remains...."

Avoid using "shall" to confer a right as with "He shall receive compensation." Instead use "his compensation is" or "he is eligible to receive compensation."

Avoid the negative subject with the affirmative "shall" as in "No person shall." Literally, this means that no one is required to act. It negates the obligation but not the permission to act. "No person may" negates the permission also and is in reality the stronger proscription. The legal subject should be stated affirmatively and preferably in the single case, as "a person shall not."

Confusion also has been caused by the use of "shall" in conveying future meaning. Since statutes are generally prospective in application, those unfamiliar with drafting often incorrectly use future tense in writing proposed statutory text. A statute speaks as of the time it is being read, however, not merely as of the time it was enacted. In addition, present tense is more readily understood and presents more forceful admonitions. Hence, use "it is unlawful" or "if a member resigns" not "it shall be unlawful" or "if a member shall resign."

The imperative "must" has rarely been used in New Jersey to state a condition precedent to a right such as "A person must comply with the following conditions to be eligible to obtain a license...." In New Jersey, however, "shall" is employed to indicate the force of requirements that should not be mistaken for duties, but should be recognized from the context to merely establish conditions precedent.

Exceptions

Use an exception when it will contribute to brevity and directness.

EXAMPLE:

Preferred:	Each municipality except a city of the first class shall. . . .
Avoid:	The following classes of municipality shall. . . .

Directness

Express ideas positively; avoid convoluted expressions.

EXAMPLE:

Preferred:	The director shall appoint an assistant qualified under Civil Service.
Avoid:	No person shall be appointed by the director as his assistant unless he is qualified pursuant to Civil Service regulations.

Synonyms

In drafting legislation, it is preferable to use short, simple words. Use of synonyms should always be avoided. Use the same word, if the same meaning is intended. Statute drafting requires uniformity as a price for precision in communicating. The creative writing rule of varying terminology to provide more reader appeal is not applicable.

Provisos

Avoid "provided" and "provided, however". Use "but", "except that", "if" or start a new sentence for clarity of expression.

Action Verbs

Use action verbs instead of linking verbs in combination with nouns and prepositional phrases.

Preferred:

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

Avoid:

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

Nor

Do not use "nor" in the same clause with another negative; use "or" instead.

EXAMPLE:

(correct) Upon conviction he shall be fined not less than \$25 or more than \$500.

(incorrect) Upon conviction he shall be fined not less than \$25 nor more than \$500.

Redundancies

Avoid pairs of words that have the same effect or one of which includes the other:

Do not use:

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

or other similar pairs

If, When, Where, Whenever

The word "where" denotes place only.

If the application of a provision of an act is limited by the single occurrence of a condition that may never occur, use "if" to introduce the condition, not "when" or "where".

EXAMPLE: If the suspect resists arrest, the officer may use force to subdue him.

If the condition may occur more than once with respect to the object to which it applies, use "whenever", not "if", "when", or "where".

EXAMPLE: Whenever the officer receives a call, he shall note the time in his report.

If the condition is certain to occur, use "when", not "if", "where", or "whenever".

EXAMPLE: When the statute takes effect, all pending proceedings shall be dismissed.

APPENDIX A.

MODEL BILL
(With Comments and Amendments)

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APPENDIX B. TECHNICAL REVIEW OF BILLS, RESOLUTIONS AND AMENDMENTS

The technical review of proposed legislation is an integral part of the bill drafting process and a function of the Office of Legislative Services mandated by statute and the rules of the two houses.

Each bill, resolution and amendment should be prepared or reviewed in compliance with the technical and stylistic standards specified in the Constitution, the statutes, the rules of the houses, and the directives of the Office of Legislative Services. Observance of these standards by OLS staff ensures that substantive objectives of legislation are communicated in a manner that is clear and that preserves the integrity and uniformity of statutory law. Thus, they should be considered and incorporated during the initial drafting process; a measure should not be drafted in a vacuum and then technically adjusted after the fact. The purpose of a review is to double-check the technical aspects of the original work, not to redraft a measure that was prepared without regard to these standards (except perhaps in the case of a bill drafted outside of OLS). In other words, it is the responsibility of every bill drafter to attend to the technical aspects of bill drafting and not leave these matters to a "technical reviewer."

Following are two checklists of the major technical considerations to bear in mind during the drafting or review of a bill, resolution or amendment.

Technical Checklist for Bills and Resolutions

Fronter

Is the drafter's personal library I.D. # in the top left hand corner?

Is the section and number of the bill drafter and technical and substantive reviewers inserted under the Document I.D. #? Is the drafter's recommendation designation and suggested committee reference number also inserted under the Document I.D., #?

Is the synopsis located under the bill's title on the fronter, and is it identical to the synopsis at the end of the bill; is it as succinct as possible, and not longer than 35 words?

Does the synopsis specify the amount of any appropriation?

If the measure is a reintroduction of a bill or resolution from the previous two-year session or if it is identical to a bill pending in the opposite house, is the number of the other bill indicated at the bottom of the fronter?

If the bill contains supplementary sections, is the suggested allocation or "T&E" (temporary and executed) notation indicated in the appropriate space at the bottom of the fronter?

Title

Does the title express the bill's purpose?

If the bill amends the title of an existing law, does the title of the bill express this purpose?

If the bill amends existing law, does the title contain the proper citation to the source law?

If the bill supplements existing law, does the title contain the proper citation to the source law?

If the bill appropriates money, does the title so indicate?

Suggestion: Draft the title after the bill is completed in order to ensure that all necessary items are expressed in the title.

Enactment and Resolved Clauses

In the case of a bill, does it contain the enactment clause?

In the case of a joint resolution, is it resolved by the "Senate and General Assembly" in that order (even if it is an Assembly joint resolution)?

In the case of a concurrent resolution, is it resolved by the house of origin (with the concurrence of the other house)?

In the case of a one-house resolution, is it resolved by that house?

Sections

Are the sections of the bill numbered sequentially?

If there are subsections, are the subsections lettered or numbered in proper form and in a consistent manner throughout the measure?

Suggestion: If a section requires more than two levels or subdivision, or if a section is lengthy, break it up into two or more sections.

Text

Does the text meet proper standards of grammar, spelling, punctuation and style?

Is the language clear and concise?

Is the singular construction used?

Cross-referenced Laws

Is a cross-referenced law properly cited to its source law (and compilation number, in the case of a compiled law)?

Has a cross-referenced law been amended or repealed?

Does a cross-referenced law, as most recently amended, serve the intended purpose for which it is referenced?

Suggestion: Place a check or "ok" over each citation in order to identify that the citation has been reviewed.

Official Titles, Names and Definitions

Is an agency referenced by its official name and proper department and proper capitalization as designated in the enabling statute, transfer act, reorganization plan, administrative regulation or executive order by which it was established?

Is a State official referenced by the proper title (i.e., commissioner versus director versus executive director)?

Is a municipality cited by its official name?

Does the use of a word or phrase comply with the existing definition of that word or phrase in the law being amended or supplemented?

If a law is referenced by its short title, has the short title been amended and is the title cited properly?

Suggestion: Place a check or "ok" over each title, name or defined word to indicate that it has been reviewed.

Amendatory Sections

Is the source of the section being amended properly cited?

Is the most recent version of the section used and is it cited at the end of the amendatory section?

Does amendment of this section of law suffice, or does it necessitate an amendment of any other section?

Is new language, including necessary punctuation, underlined?

Is new language inserted immediately after the deletion of existing language and is as much existing language and punctuation as practical saved?

Is the numbering and lettering of existing subsections retained so as not to affect cross-references to the subsections which may be contained in other laws?

Does the amendment so alter the scope of the law as to require that the title or short title of the underlying act be amended?

Supplementary Sections

If appropriate, does the title of the bill contain a reference to the pamphlet law or chapter or Title of the Revised Statutes or New Jersey Statutes that is being supplemented?

If a law is being supplemented, does the supplementary material so alter the scope of the law so as to require that the title or short title of the law be amended?

Is a suggested allocation noted on the fronter of the OLS copy in the case of a "general and permanent" section of law?

Is a note of "T&E" indicated on the fronter of the OLS copy in the case of a "temporary and executed" section of law?

If the bill is both supplementary and amendatory, is each supplemental section identified as "(New section)"?

Effective Date

Does a bill or joint resolution have an effective date?

Does the context of a concurrent or one-house resolution require an effective date?

If different sections of the bill are to take effect at different times, are the section references correct and the directions clear?

If the bill becomes effective upon the enactment of other legislation, is the dependency and sequence of enactments clearly stated?

Do not make amendments of temporary duration to permanent sections of law.

Sponsor Statement

Is there a sponsor statement?

Does the statement exceed 300 words on a Senate bill or 450 on an Assembly bill?

Synopsis

Is there a synopsis?

Is the synopsis as succinct as possible and not longer than 35 words (articles are not always necessary and abbreviations of commonly recognized agencies and programs are recommended)?

Does the synopsis specify the amount of any appropriation?

Technical Checklist for Amendments

Generally, the technical review of amendments requires consideration of the same matters as the review of bills and resolutions. In the case of a committee substitute, of course, the review is conducted in a manner identical to the review of a new bill (with additional attention given to the listing of the order of the bills being substituted and the sponsor and cosponsors). In the case of a pre-filed bill, the bill must be technically reviewed when reported by a committee, even if it is not amended. (If the pre-filed bill was "freshly" drafted, no review is necessary since the review took place at the time of drafting.)

This checklist is a supplement to the checklist for the review of bills and both should be consulted when drafting or reviewing committee and floor amendments as well as amendments proposed in a Governor's conditional veto statement.

Title

Do the amendments require a change in the title of the bill or resolution?

Do the amendments amend or supplement a section of law not referenced in the title of the bill?

Do the amendments delete any section in the bill that affects an existing law which is referenced in the title, thus rendering that reference unnecessary?

Sections

If sections are deleted or inserted, have the section numbers in the bill been renumbered accordingly?

If sections have been renumbered, are there internal references to sections in the bill that must be changed (including the effective date, which sometimes lists specific sections with special effective dates)?

Are the sections being amended (whether amendatory or supplementary) set forth in their entirety?

Are the sections or title preceded by an instruction: "REPLACE SECTION # TO READ;" "OMIT SECTION # IN ENTIRETY;" "INSERT NEW SECTION TO READ."

Do superscript numerals enclose any changes that are being made by amendment?

Cross-references

Are any cross-references in the original bill affected by any changes in definitions, titles, names, etc., in the amendments?

Are all definitions, titles, names, etc., consistent with those in the original bill?

Amendatory Sections

Has any section of the law in the original bill been amended since it was drafted, thus requiring technical amendments to insert the current text of the law?

Supplementary Sections

If the amendments add a new supplementary section, is there a suggested allocation for the section in the right hand corner of the copy?

Committee Statement

If the amendments are reported by a committee, is the committee statement based on the content of the bill as amended? Does the committee statement contain a section which outlines the amendments adopted by the committee?

Synopsis

Do the amendments so alter the nature of the bill, or change the amount of an appropriation, so as to require that a new synopsis be provided at the end of the amendments?

Instructions to Technical Reviewer

If the amendments make the bill identical to a bill of the other house for the purpose of a merger, is there a notice to that effect at the top left corner of the first page of the amendments?

APPENDIX C. REVIEW OF OLS WORK PRODUCTS

Substantive Review of Work Products

Every work product of substance must be reviewed and approved by a second member of a section prior to its delivery to the requester. The purpose of this review is to assess whether the work represents an appropriate, thorough, clear and accurate response to the request. (In the case of a bill, resolution or amendment, the substantive review is followed by a technical review.)

The Section Chief is responsible for assuring the completion of the substantive review and for making final determinations regarding any differences of opinion between the reviewer and the original assignee.

The substantive reviewer enters his or her drafting number directly under the bill drafter's number with the prefix "SR."

Technical Review of Bills and Amendments

Every draft of a bill, resolution or amendment must be technically reviewed for form. Unless impractical (or in the obvious case of a bill sent to a section after introduction), this review should be conducted before the draft is delivered to the requester, or in the case of committee amendments, before the amendments are submitted with the committee report. The review is conducted in accordance with the guidelines set forth for technical review in Appendix B of the Bill Drafting Manual.

The Section Chief is responsible for assuring the completion of the technical review and for making final determinations regarding any differences of opinion between the reviewer and the drafter. Standards for the drafting of legislation are established by the Legislative Counsel and set forth in the OLS Bill Drafting Manual. Questions of proper style, form and compliance with the standards should be discussed first with the counsel in the Central Management Unit and then with the Counsel's office if the manual does not provide ready guidance.

The technical reviewer enters his bill drafting number directly under the substantive reviewer's number with the prefix "TR." On bills the number will be entered on the bill's fronter and on amendments the number will be entered on the upper right hand corner of the first page.

NOTE: In order to avoid any confusion in the processing of bills by the BPU, the technical reviewer's bill drafting number should not be entered on a bill or amendment electronically until the technical reviewer is certain that the bill or amendment is camera-ready. The "TR" number on a bill or amendment will serve as the "good stamp".

APPENDIX D. THE PREPARATION OF COMMITTEE STATEMENTS

Who Reads a Committee Statement

A. The Legislature is the most important audience for which committee statements are written. The rules of the Senate and General Assembly require committees to provide a written statement for each bill or resolution they report, and these rules also require that committee statements contain certain kinds of information. Senate Rules 79, 84, and 85 and Assembly Rule 79 set forth each house's requirements for committee statements. The Senate's and Assembly's rules require a basic mandatory formula for the contents of a committee statement.

The purpose of a standing reference committee is to provide a forum for the detailed investigation of the merits of a bill. The committee's statement on the bill documents this investigation and constitutes a record of the committee's action on the bill. The committee statement is prepared for the benefit of other members of the house who may be faced with a vote on the bill at some future time.

Legislators may benefit from information obtained by the committee by reading the committee statement itself and reading the bill comments written by the partisan staffs for their members. The committee statement often is the starting point of a bill comment by the partisan staff.

B. Committee statements are printed by the Bill Processing Unit and distributed upon request by the Bill room. They are available to participants in the legislative process who are not members of the Legislature, such as lobbyists, the press, and the general public.

The committee statement functions for this audience not only as a record of the committee's action, but also as a means of understanding the substance of the bill without going through what might be a lengthy and technical document.

C. Committee statements appended to bills that have become law often are printed for informational purposes in both the New Jersey Session Law Service and the New Jersey Statutes Annotated. Attorneys, students, and researchers in New Jersey and other states can obtain a useful summary of a new law from the committee statements that appear in these publications. They may also learn why certain provisions were adopted by committee amendments.

D. The courts may consult committee statements in order to ascertain the Legislature's intent with regard to a specific law.

After the plain meaning of the law itself, the Legislature's intent is the most important factor in the courts' interpretation of statutes. The primary rule followed by the courts in construing statutes is to discover by all available means the intention of the Legislature and to carry out that intention to the fullest degree possible, unless it conflicts with constitutional provisions or is inconsistent with the organic law of the State.

In the words of Corpus Juris Secundum:

Reports and explanatory statements of legislative committees in charge of a bill, while not binding on the courts in interpreting statutes, may be resorted to as indicative of the intent of the Legislature where the meaning of the statute is obscure, or for the purpose of ascertaining the necessity for the enactment, the situation under earlier laws, and the proposed remedy of the new law, but not for the purpose of construing a statute contrary to its plain terms nor for the purpose of overturning well established principles or rules of interpretation (82 CJS 755-757).

E. The regulatory oversight provisions of the New Jersey Constitution, (Article V, Section IV, paragraph 6) do not recognize a committee statement as a basis for interpretation of legislative intent. Legislative intent must be "...expressed in the language of the statute which the rule or regulation is intended to implement." While the committee statement may provide direction with respect to an executive agency in implementing an act, an executive rule or regulation may be invalidated only if it is inconsistent with the express language of the statute.

F. Committee aides read committee statements written in prior legislative sessions for bills that have been reintroduced in the current session. The statements to bills proposed in one house are helpful when the bill is considered in the other house. Thorough, accurate, and readable committee statements save time for everyone.

What Should a Committee Statement Contain?

It is difficult to devise a foolproof formula for the writing of a committee statement, because there is no uniform set of circumstances facing all committee aides as they sit down to write statements on each bill. The committee aide is a professional employee whose good judgment, tact, discretion, and expertise are relied upon by the committee and by the entire Legislature to produce a statement that is accurate and useful. Consequently, what is offered here is a set of guidelines, a few ideas that bear consideration, and a bit of advice.

In writing a committee statement, it is helpful to remember the discussion in Section I about who reads the statement. It also is helpful to remember that the committee statement is the committee's document. It should contain what the committee wants it to contain. Finally it is a good idea to be familiar with the rules on committee statements of both houses.

The Minimum requirements

All committee statements should be reviewed by the aide's supervisor or by another member of the aide's section before they are handed to the Secretary of the Senate or the Clerk of the General Assembly. Committee statements are public documents. Their wide availability and their importance in statutory construction necessitate that great care be taken in their preparation. Committee statements must be reviewed in the section to ensure that the statement supports legally the intent of the bill.

A committee statement that includes the following items will meet the minimum requirements of the Senate and Assembly rules.

1. The statement should begin with a paragraph stating the motion by which the bill was reported. Bills can be reported favorably or without recommendation, and in the Senate they can also be reported unfavorably. Bills also can be reported without amendment, with amendment, or by committee substitute. If the bill being reported has been amended prior to being referred to committee, be sure to cite the appropriate reprint designation as well as the bill number.

Begin a statement with a paragraph such as one of the following:

a. The Senate Judiciary Committee reports favorably (unfavorably) (without recommendation) Assembly, No. 617 (1R).

b. The Senate Judiciary Committee reports favorably (unfavorably) (without recommendation) and with committee amendments the Assembly Committee Substitute for Assembly, No. 246.

c. The Senate Judiciary Committee reports favorably (unfavorably) (without recommendation) a Senate Committee Substitute for Senate, No. 617.

2. The statement should contain a digest of the bill's provisions in the form in which it is reported by the committee. If the bill has been amended by the committee or if a committee substitute has been reported, it is important to state clearly that the description applies to the changed version.

A committee statement saying merely that the bill's title or preamble or the sponsor's statement adequately expresses the purpose and provisions of the bill is never appropriate.

One of the following examples may serve as a model:

a. As amended by the committee, this bill authorizes the State registrar of vital statistics to issue an amended certificate of birth upon request of a person who has undergone sex reassignment surgery. The provisions in this bill for issuing an amended certificate of birth are similar to those pertaining to the issuing of a new certificate of birth for a child who is adopted. The bill provides that the amended certificate shall be issued upon receipt of (1) a court order which indicates that the name of a person has changed and (2) a medical certificate from the person's physician indicating the sex of the person has been changed by surgical procedure. The amended certificate shall state the name and sex of the person as provided in the court order and medical certificate and shall be of the same general type as the original certificate of birth. Finally, the bill provides that the original certificate of birth be placed under seal.

b. As amended by the committee, this bill changes current law to provide that the president of the Real Estate Commission receive a salary of \$15,000 per year and the other members of the commission a salary of \$10,000 per year. Under the bill's provisions there will be no additional money for expenses.

c. This bill transfers the Bureau of Alcohol Countermeasures in the Division of Motor Vehicles to the Division of Alcoholism in the Department of Health.

d. This bill permits members of the Benevolent Fraternal Order of Raccoons to obtain special license plates.

3. The statement should contain a paragraph explaining the way in which the bill changes current law. For very simple bills and supplementary bills establishing new programs, the way in which current law is being changed may be evident from the statement containing a digest of the bill's provisions (see examples c. and d. in paragraph 2 above).

The following examples may serve as models:

a. Presently in New Jersey, the practice of issuing a new or amended birth certificate to persons who undergo sex reassignment surgery is not permitted under the provisions of R.S. 26:8-54. This law requires that when changes are made to certificates of birth the certificate shall show both the information as originally given and the corrected information. The result of this requirement is that under the heading "sex" the certificate may read "female, corrected from male."

b. The members of the Real Estate Commission, along with those of the other professional and occupational boards, are currently subject to the provisions of P.L. 1971, c. 60 which provide that they be compensated on a \$25 per diem basis or an amount as established by the Attorney General. However, this amount may not exceed \$100 per day or \$2,500 annually. Board members may also be reimbursed for expenses reasonably incurred in the performance of their duties.

4. If appropriate, the statement should contain a paragraph summarizing the provisions of any law being repealed by the bill.

The following examples may serve as models:

a. The bill repeals section 12 of P.L. 1971, c. 366 (C. 24:14A-12), the section of existing law that imposes upon the State Department of Health the responsibility for developing, implementing, and coordinating a program to control lead poisoning. The section of law being repealed is replaced by section 3 of the bill, the provisions of which are similar to those of the section of law being repealed. The repealer is necessary to ensure that these provisions will be compiled in Title 26 of the Revised Statutes, along with the other sections of this bill on lead poisoning, rather than in Title 24.

b. Because the bill places within the discretion of the municipal governing body the additional number of municipal court judges to be appointed in a municipality, the bill repeals those statutes that specifically authorize the appointment of additional judges in certain municipalities.

5. The statement should contain a summary of any amendments adopted by the committee.

The following examples may serve as models:

a. The committee adopted various amendments to clarify the sponsor's intent. The amendment deleted the requirement in the bill that the court order state that the sex of the person as well as the name has been changed, because this information may not be available to the court when the person's name is changed. Also, the amendments delete the requirement in the bill that the amended birth certificate state that the facts on the certificate were changed by court order and, instead, provide that the amended birth certificate shall be of the same general type as the original certificate. The amendments also clarify that the provisions in this act shall apply to persons who underwent the surgery both prior to and after the effective date of this act.

b. The committee amended the bill to clarify that the executive department representative serves on the commission without compensation, as stipulated in section 2 of P.L. 1971, c. 60 (C. 45:1-2.2). The committee also added a \$75,000 appropriation to the bill to fund the increase in salary.

c. The committee amended the bill to:

(1) include a \$75,000 appropriation to the Department of Health to provide medical support services for the homeless;

(2) substitute the Department of Community Affairs for the Division of Housing and Development as the official entity for establishing standards, guidelines and regulations.

d. Through amendment the committee:

(1) Added appropriations of \$35,000 to the Department of Human Services and \$35,000 to the Department of Public Advocate to effectuate the purposes of the bill.

(2) Added a provision to serve notice of complaints seeking guardianship with the county adjuster of the county of settlement.

(3) Added a provision to have the State, instead of the county of settlement, pay attorney fees if an alleged incompetent cannot afford them.

(4) Added a section directing the Department of Human Services to conduct a study of the number and type of cases brought to obtain guardianship.

(5) Added a section to provide notice to the Public Advocate in cases where the Commissioner of Human Services serves as guardian.

(6) Changed the effective date from immediately to March 1, 1985.

NOTE:

It is never sufficient in describing amendments to say merely that amendments adopted by the committee are technical. Some characterization of the nature of the technical amendments is necessary, as in the following example:

The committee adopted technical amendments to conform sections 1 and 2 of the bill to current law and to recognize in the bill's amendatory language a recently enacted law (P.L. 1985, c. 69; C. 53:1-20.5 et seq.) that establishes the circumstances under which fees can be charged to cover the costs of processing checks of fingerprints and criminal history records through the federal Bureau of Investigation.

6. The statement should contain any minority statement offered by a committee member who voted against the motion to report the bill. Each member of the committee who votes against the motion to report the bill may present a statement of dissent from the motion. A minority statement or statements should be included within the committee statement under a separate designation. (*See further discussion on page 83.)

ADVICE:

It is generally expected that a committee aide can write a committee statement containing the minimum requirements despite the following impediments, which may arise from time to time:

-- Background information is not available or obtained prior to a meeting.

-- Departments and interest groups do not return phone calls prior to a meeting.

-- The chairman puts a bill on the agenda the day of the meeting.

-- The chairman does not return phone calls or set the agenda until the day before the meeting.

-- No discussion of the bill takes place before the committee votes to release it.

Additional Information to Include in a Statement

A more detailed description of a bill often is useful, particularly when the bill is long and complicated and when the committee has adopted lengthy, complex amendments. Additional information is most useful in understanding what an amendment accomplishes and why the committee adopted the amendment.

Additional information can be included in the committee statement if it is available and if the committee wants the information to be included. It is worth repeating:

A committee statement is the committee's document.

1. Purpose. Sometimes the purpose of the bill is identical to the description of its provisions (as in the example about the Benevolent Fraternal Order of Raccoons in item 2d. above). At other times, however, the purpose of the bill may go beyond its obvious provisions to include stated or unstated public policy objectives. In those cases, the committee statement might contain a separate statement of purpose, as in the following example:

The purpose of the bill is to eliminate the cost and burden to parents of obtaining guardianship over their mentally incompetent children who are 18 years of age and older and to ensure the due process rights of these persons in guardianship proceedings.

NOTE:

When including a paragraph about the bill's purpose in the statement, the aide should be sure to review the description of the bill's purpose in the sponsor's statement and, if appropriate, in the section of the bill containing the findings and declarations of the Legislature. It is not appropriate to contradict these descriptions of the bill's purpose unless the committee specifically has taken issue with them.

2. Provisions. Committee statements on long, technically complex bills might contain a section-by-section description of the bill's provisions as a way of helping readers learn what the bill contains.

When the committee has adopted complex amendments to several sections of a long bill, it will help readers of the statement to understand the amendments if the amendments are discussed as part of the section-by-section description of the bill's provisions.

3. Background. A committee statement might include information about the problem that the bill is intended to solve, or data for evaluating a program that the bill creates or alters, or an explanation of the development of the bill over several legislative sessions.

The following example may be used as a model:

This bill is similar to Assembly, No. 3474 of 1983 which passed both houses of the Legislature but was vetoed by the Governor after the end of the 1982-83 session. The changes made in this bill address the Governor's concerns and recommendations as presented in his veto message to Assembly, No. 3474.

4. Fiscal Information. Fiscal information gathered by the committee in a public hearing or meeting might supplement the information presented in a fiscal note, if a note has been completed. It is not uncommon to discover that a bill needs a fiscal note, and none has been prepared. In this case, it is important to obtain as much fiscal information as possible.

5. The Committee's Understanding of its Action. A committee statement might contain a statement of the committee's intent in taking action on the bill, or its interpretation of the bill's provisions. The statement also might contain a description of the way in which the committee's action on the bill is consistent with its action on other bills on the same subject, or the way in which the committee is departing from its past policies.

6. Minority Statement. Pursuant to Assembly Rule 79, each committee member who voted against the motion to report the bill or resolution may offer a minority statement, which statement shall be included within the committee statement under a separate designation. An example of a minority statement is as follows:

MINORITY STATEMENT

Submitted by Assemblymen Hardwick and Penn

Historically, the position of chairman of the State's independent authorities has been a gubernatorial appointment.

In most cases, the chairman is a sitting public member of the authority, appointed to a term set by statute by the Legislature. Terms of office are set to provide continuity of focus, balance of ideas, and, periodically, changes of leadership which assure the continuance of the work of the authority with renewed vision.

This bill removes the continuity of leadership from the Casino Reinvestment Development Authority (CRDA). Its immediate effect will be to remove the current chairman who has had the opportunity to serve only half of his appointed term. The bill sets a dangerous precedent by putting every appointed chairman on notice that his visions must be the visions of the current political force, or he will be allowed no leadership voice. This bill puts every appointed chairman on notice that independent thought, even if in conformance with the mandate of the authority, may not be tolerated. This bill does not further the work of the CRDA, and does not encourage true leadership. There is little purpose for changing the leadership role of this important agency at this juncture since the bill has not been initiated in answer to concerns regarding the way the CRDA has been operating, and certainly has nothing to do with the authority's significant accomplishments to date.

Additional Advice

The following bits of advice most likely are obvious. Nonetheless, they are offered in the hope that they may stimulate thought or discussion.

A. Most aides use either bill memos or proposed committee statements, prepared for the committee's use before and during the meeting, as the basis of final committee statements. When the memo or proposed statement is converted into the final committee statement, it is important to take care that all information in the memo or proposed statement is applicable to the bill as it is reported by the committee. Information no longer applicable should be removed.

B. The atmosphere in which an aide works when preparing a committee report after a meeting usually is not the most conducive to the production of accurate, well conceived writing. The aide knows that by the end of the day, statements and unforeseen amendments must be drafted, typed, proofread,

copied, collated and reported. But every five minutes the telephone rings, reporters want to know the outcome of the meeting, legislators want bills to be prepared for introduction that day, partisan staff wants to know whether Bill X was supported by the N.J. Association for the Protection of the Mosquito, the aide's secretary cannot read the aide's handwriting, and a child of the aide wants to know whether friends can be invited over for dinner on Saturday. In spite of this chaos, in fact, because of it, it is important to double check everything to be sure that the committee statement reflects accurately the actions of the committee during the meeting. It is also important to be sure that the aide's supervisor or someone else on the aide's team reviews every committee statement before it is reported.

C. Readers of those parts of this report that contain suggestions may feel an overwhelming desire to follow them to the letter, even when doing so is not appropriate. Do not do this.

1. If the members of a committee never utter a word on the public policy implications of the bill or anything else, it is not a good idea to try to include such information in a committee statement. As an example, if the committee does not discuss the bill giving the Benevolent Fraternal Order of Raccoons the right to obtain special license plates, but simply votes to release it, do not try to force something to put in the statement under the heading "Purpose". Including a statement such as: "The committee believes that this bill will right a longstanding injustice suffered by the Benevolent Fraternal Order of Raccoons for these many years" is inappropriate.

2. Never insert your own opinions in the absence of any opinion being offered by the committee. Unless the chairman instructs you to include it, do not add a statement such as "The committee is of the opinion that the Benevolent Fraternal Order of Raccoons is too obscure an organization to deserve the right to receive special plates but is willing to release the bill to give the entire Senate an opportunity to vote on it."

3. Unless the committee instructs that a statement refer to individuals, organizations or State agencies that presented testimony on the bill, the statement should not do so. This includes any reference as to what legislator, State

department or agency or interest group offered amendments adopted by the committee. The committee aide should note this information for the bill file, so that it may be made available to the Legislature upon request.

In short: Use your judgment, but if you have a question about what to include, make sure you find an answer. Discuss it with your supervisor, your other colleagues, or your committee chairman.

Summary

A committee statement should be useful to the Legislature and others involved in the legislative process. It should, above all, be accurate, informative, and readable.

It may be useful to think about what a committee statement is not. It is not a bill, a legislative history, a newspaper article, a sponsor's statement (unless all of the committee members are the cosponsors of the bill), or a legal opinion. It may contain elements of all of the above, but it has its own purposes and requirements.

APPENDIX E. ORGANIZATION OF THE LAWS OF NEW JERSEY

The laws of the State of New Jersey are organized in both a chronological and topical format. The acts of each legislative year are numbered sequentially in their order of enactment, and the sections of each act are codified according to subject matter.¹

Chronological Arrangement

The laws of each legislative year are numbered as Chapter Laws (abbreviated as c.) of the legislative year of enactment.² The numbering begins anew with Chapter 1 of each legislative year. The Chapter Laws are so named because each law is regarded as a chapter in the annual volume of Pamphlet Laws (P.L.) that is published at the conclusion of each legislative year. The term pamphlet law derives from the publication of each law in pamphlet form during the course of the year. Thus, Chapter 162 of the Laws of 1985 is officially cited as P.L. 1985, c. 162.

The Pamphlet Laws represent the official source for the text of each Chapter Law. The official text may be accessed through the OLS computerized statute retrieval system. While other reference publications may provide the text of New Jersey's statutes, they are unofficial versions. This distinction is of the utmost importance in the preparation of legislation to amend existing law, because the official text of a section to be amended must be reproduced in the bill draft. Reproduction of the official text guarantees that the bill draft accurately incorporates the current statutory language. Failure to use the official text could result in the inadvertent repeal of existing language or the enactment of language that had previously been deleted from the law.

¹ The codification of law by subject matter applies only to those sections of a general and permanent nature. Acts (or sections of acts) which are of a temporary, private, special or local character are cited only by their chapter law.

² The legislative year extends from the second Tuesday in January to the second Tuesday of the following January. At the end of the second annual session of a two year legislature, the Governor has until noon on the third Tuesday of January to act on bills passed in the last 10 days of the session. An act of the outgoing legislative session which is signed into law in early January is designated as a Chapter Law of the session just concluding, even though it is signed in the new calendar year.

Because there is often a substantial time lag between the enactment of a law and its publication in pamphlet form, an interim loose-leaf copy of each law is issued as part of the Advance Law Service. An advance law is simply a reproduction of the version of the bill that was enacted, complete with all the symbols applied to the bill during the legislative process (such as brackets to indicate deletions, underlining to designate new language or amendments, and superscript numerals to note the order in which amendments were adopted). These markings are eliminated when the law is published in final form as a Pamphlet Law.

If a bill draft requires the amendment of a law which is only available in print as an Advanced Law, then it is the responsibility of the bill drafter to remove these various markings before reproducing the text for use in the bill draft.

Topical Arrangement

The general and permanent laws of New Jersey are classified by subject matter in accordance with the scheme established in the Revised Statutes (R.S.). The five volumes of the Revised Statutes were adopted as one act, P.L. 1937, c. 188, and provided a codification, revision and rearrangement of the entire body of New Jersey law. The volumes of the Revised Statutes represent the official source for the text of the law in existence as of December 20, 1937.

The Revised Statutes established the modern framework for the topical indexing of the statutes. The full display of general and permanent law in the Revised Statutes is divided into 58 subject categories, known as Titles. The Titles are organized alphabetically by subject and numbered consecutively from 1 through 58. Each Title is further divided into numbered Chapters, which are in turn subdivided into numbered sections. This system provides each section of law with a unique reference number. The citation R.S. 15:1-19, for example, refers to the 19th section of Chapter 1 of Title 15. (The use of the term "chapter" should not be confused with the Chapter Laws.)

As new laws have been enacted over the years, the topical index has been expanded to accommodate new Titles, chapters and sections. In so doing, however, a distinction has been maintained between those sections of law which were enacted as part of the Revised Statutes in 1937 and the Titles, chapters and sections which have been added since then.

New laws which constitute an expansion of the original classification are not cited as part of the Revised Statutes. Instead, they are considered as either part of the New Jersey Statutes (N.J.S.) or as parts of the Pamphlet Laws which are compiled in the topical index by a Compilation number (C.). In essence, these three prefixes (R.S., N.J.S. and C.) denote the method by which a section of law was enacted. The particular abbreviation, however, does not affect the numerical placement of a section in the topical index. For example, R.S. 54:43-5 is followed by C. 54:43-6 and N.J.S. 18A:66-58 is followed by C. 18A:66-58.1).

The New Jersey Statutes constitute all new and revised Titles which have been enacted since the adoption of the Revised Statutes. There are currently 15 Titles in the New Jersey Statutes. Each Title was enacted as a separate Chapter Law, and the official text for a section of the New Jersey Statutes is found in the edition of the Pamphlet Laws for the year of its enactment.

The purpose of a new Title is either to add a new category of law to the array of subject Titles, such as the Income Tax (Title 54A) or the Uniform Commercial Code (Title 12A), or to revise and replace all or part of an existing Title of the Revised Statutes, such as the Titles dealing with Education (18A) or the Criminal Code (2C). Except for Title 59, all other Titles of the New Jersey Statutes are designated by number and letter.

In the case of both the Revised Statutes and the New Jersey Statutes, the numbers assigned to each Title, chapter and section are enacted into law as part of the text. In the case of a law which does not amend a section of the Revised Statutes or the New Jersey Statutes, (that is, it sets forth new material), the number (officially called the Compilation number) is assigned to the Chapter Law by the Legislative Counsel after its enactment. These laws are considered to be "compiled" and carry the prefix C. with their index number. Thus, P.L. 1979, c. 8 is compiled as C. 52:11-54 et seq. The official text for a compiled law is published in the annual edition of the Pamphlet Laws.

It should be noted that a section of law, whether it be part of the Revised Statutes, New Jersey Statutes, or a compiled Pamphlet Law, retains its original index number even if amended at a later date.

Table of Contents to the laws of New Jersey

As previously described, New Jersey's laws are published in official form in the Revised Statutes of 1937 and in the subsequent annual editions of the Pamphlet Laws. There is no official publication that integrates the text of the Revised Statutes with amendments or new laws enacted as Chapter Laws in each year.

The topical arrangement of the laws is maintained only in outline form through the assignment of index numbers to each new section of law. These numbers, bearing the prefix of either R.S., N.J.S. or C., are listed in numerical sequence in the Cumulative Table of Contents. This table, available on the computer system and revised as each new law is enacted, serves as a guide to the source of the official text of every section of law.

Two sequential entries from the Cumulative Table illustrate how the index works:

R.S. 4:13-2 amended 1966, c. 286, s. 2

C. 4:13-2.1 1966, c. 286, s. 3; amended 1971, c. 324, s.1

The first entry carries an R.S. designation. This indicates that it was enacted as part of the Revised Statutes in 1937. The original text is located in section 2 of chapter 13 of Title 4 of the Revised Statutes. This section of law was later amended by P.L. 1966, c. 286 in section 2. The current official text of this section is located at section 2 of chapter 286 of the 1966 volume of the Pamphlet Laws.

The second entry is a section of law that was added by section 3 of P.L. 1966, c. 286. Because it was substantively related to the material in R.S. 4:13-2, this section was compiled to follow that section, with a compilation number of C. 4:13-2.1. This section of law was subsequently amended in 1971 and the current text is found at section 1 of Chapter 324 of the 1971 volume of Pamphlet Laws.

New Jersey Statutes Annotated

The full display of the text of all general and permanent New Jersey law in its proper topical arrangement is found in unofficial form in the New Jersey Statutes Annotated (N.J.S.A.). A commercial product of the West Publishing Company, N.J.S.A. provides ready access to New Jersey laws and also contains annotations to court decisions, attorney general opinions, legislative committee statements, cross references to other sections of law and other reference material. All sections of law are identified with the prefix N.J.S.A. regardless of whether their official designation is R.S., N.J.S. or C. This convenient format makes N.J.S.A. a valuable reference source for lawyers, judges, legislators and the public.

The volumes are updated annually with the publication of supplemental "pocket parts" which contain the text of any revisions in the laws enacted during the previous year. In addition, West Publishing Company issues annotated copies of the chapter laws from time to time through the publication of the New Jersey Session Law Service.

APPENDIX F. GUIDELINES FOR THE PREPARATION AND REVIEW OF LEGISLATIVE PROPOSALS FOR THE ESTABLISHMENT OF STUDY COMMISSIONS AND SIMILAR ENTITIES

Introduction

Numerous legislative proposals are introduced each year to establish special commissions to undertake a variety of duties. Commissions (and similar entities which are sometimes labeled as committees, councils, task forces and the like) may be authorized to conduct studies, serve in an advisory capacity to an agency, monitor the implementation of a law, organize or provide support for the celebration of an event, or carry out any number of other non-administrative functions. They are considered to be "special" in that they are usually set up on an ad hoc, temporary basis to meet a specific need. In general, they fall outside the normal organization chart of State government, since they usually have no administrative responsibility and their membership may be composed of a mixture of representation from different branches of government, different levels of government, and the public and private sector.

One should take care to consider a number of substantive, procedural and technical issues when drafting enabling legislation for a commission. This statement of caution must seem rather off in the face of the abundance of commission "boilerplate" language which has evolved over the years. It is that abundance, however, which gives cause for concern: these standard formats are sometimes used without proper regard for their content or implications. Also, the differences in language from one boilerplate approach to another are often overlooked or unappreciated; one format is not necessarily the equivalent of another, and the provisions are not always readily interchangeable. For example, there is a great deal of difference in stipulating that a legislator will serve on a commission for a two-year term than in stating that the legislator will serve during the two-year legislative session in which the appointment is made, or during the legislator's continuance in office.

As with many of the stylistic and linguistic features employed in general bill drafting, the form and content of enabling legislation for commissions by and large represent an evolution in customs rather than a prescribed legal mandate. The origins of many of these customs are obscure. Some may have a basis in court decisions; others in the opinions of the Attorney General or the Legislative Counsel; and still others (perhaps the great majority) probably owe their existence to the unilateral and expedient work of a bill drafter of a previous generation. (Bill drafters place a great value on precedent; that which is first writ often becomes the standard.)

The purpose of this discussion is neither to elevate one custom over another, nor to invent new boilerplate, nor to prescribe a rigid doctrine of technique. The purpose is to review the issues which ought to be considered in the drafting process and to suggest instances when one approach may be more appropriate than another. When all is said and done, however, the final product of any legislative proposal will continue to be shaped by the stylistic preferences of the exigencies of the situation, and (most important) the desires of the sponsor.

For those who may find the lengthy discussions of the following topics somewhat more than necessary for their bill drafting or bill reviewing purposes, a quick reference guide to the do's and don'ts of commission legislation begins on page 104.

Form of the Proposal

There are four different formats which may be used for the establishment of a commission: a one-house ("simple") resolution, a concurrent resolution, a joint resolution, or a bill. The choice of format will depend on a variety of technical and practical considerations.

One-House Resolution

This resolution is adopted by one house only. It represents the sentiment or opinion of the house and does not require any action by the other house or the Governor. The advantage of this format is that it can gain final approval more quickly than a measure which must pass both houses.

A simple resolution is appropriate only when the membership of the commission is limited to members of the adopting house or persons appointed by the presiding officer of that house.

The major disadvantage of this format is that it establishes a commission which may be considered less prestigious than one which has been established by action of both houses or with the approval of the Governor. This is, of course, a value judgment which would not necessarily affect the work of the commission or the impact of its findings and recommendations. A one-house commission would have a status similar to that of any standing committee (i.e. an internal entity established by rule or order of the house), and its activities and reports would no doubt garner public attention. It is certainly legitimate and appropriate for a house to seek advice from its own advisory or study group. Yet, few commissions are set up exclusively by one house. If a matter is to be reviewed within one house, the usual course is for the house to direct a standing reference committee to undertake the task.

A second disadvantage of this format is that it does not allow for the immediate appropriation of money for the work of the commission. It has been well established that funds may be appropriated only through enactment of a law. A commission established by any form of resolution (simple, concurrent or joint) may receive funds only through the subsequent passage of an appropriations bill. (A legislative commission may, however, request staff support from the Office of Legislative Services, regardless of its enabling format or whether or not it has received an appropriation.)

Unless the resolution sets an earlier date, the effect of a simple resolution expires with the end of the two-year legislative term in which it was adopted. A commission established by a simple resolution would therefore go out of existence on the second Tuesday in January of an even-number year. Case law has found, however, that an expired commission may still file a report with the new Legislature which convenes after the commission's expiration. Further, a commission established by a simple resolution may be continued in existence in the new legislative term upon adoption of a resolution of reconstitution.

One final technical point regarding the use of a simple resolution to establish a commission is that it has been customary to apply the term "commission" only to an entity established by both houses. A one-house study or advisory panel has been traditionally cited as a "committee". This distinction preserves the use of the term "commission" for the more broadly-based two-house panel. The drafter should maintain this distinction if possible.

Concurrent Resolution

A concurrent resolution is effective upon adoption by both houses. No gubernatorial action is required. As an expression of the sentiments or opinions of both houses, the concurrent resolution is the appropriate format for the establishment of a commission composed entirely of legislators or appointees of the President of the Senate and the Speaker of the General Assembly. From an institutional view point, there is no reason for the Legislature to seek the Governor's approval or risk the Governor's disapproval of a measure which sets up an entity solely within the Legislature's jurisdiction. Thus, one would not usually establish a commission composed entirely of legislative appointees by means of either a joint resolution or a bill, unless one wanted to overcome the concurrent resolution's inherent limitations regarding funding and length of effectiveness (discussed below). By the same reasoning, it is not appropriate to call for either gubernatorial appointments or for ex officio membership by executive agency personnel on a commission established by a concurrent resolution.

In parliamentary terms, a concurrent resolution is obviously more difficult to pass than a simple resolution since it is subject to committee review and floor action in two houses rather than one. On the other hand, it does represent a more broadly based and higher order of legislative action and therefore imbues a commission with a greater aura of importance.

As is the case with a simple resolution, a commission established by concurrent resolution may receive funds only by enactment of a subsequent appropriations bill. Likewise, it expires at the end of the two-year legislative session, but may be continued by adoption of a concurrent resolution of reconstitution in the new legislative term. Because of these restrictions on funding and tenure, it may be appropriate in some cases to establish a legislative commission by law (through a bill) rather than by a concurrent resolution.

Joint Resolution

A joint resolution is effective upon passage by both houses and approval by the Governor. It is the only form of a resolution described in the State Constitution and is considered to have the force of law. It is the format for the establishment of a commission with members representing both the legislative and executive branches.

As with other types of resolutions, funds may not be appropriated in a joint resolution (although at one time this was considered permissible). Unlike the simple and concurrent resolution, however, the effect of a joint resolution does not automatically expire at the end of a two-year legislative term. Under the terms of R.S. 52:14-14, a commission or other body established by joint resolution continues in effect until the "sine die adjournment of the session of the legislature next following the session at which the joint resolution is passed, unless otherwise provided in the joint resolution." This statute was adopted in 1917, when each session was only one year long. In consideration of the modern two-year session, this language means that a commission established by joint resolution will expire at the end of the two-year session next following the two year session in which the resolution is adopted -- a life which can vary from two to almost four years. Of course, the resolution itself can specify longer or shorter longevity, and an expired commission may be reconstituted anew in the following legislative session.

A commission established by joint resolution, by virtue of its mix of legislative and executive appointees and its anticipated longer existence, may be considered to be a more broadly-based and prestigious body than a commission established by a lesser form of resolution.

Bill

A bill is enacted into law when passed by both houses and approved by the Governor. Any type of commission (one-house, two-house or mixed branch) can be established by law, but the predominant type is one in which both the Legislature and the Governor provide appointees. The use of a bill rather than a resolution to establish a commission offers three major benefits: 1) funds can be appropriated to the commission in the bill; 2) the commission can be established as a permanent entity (since a law continues in force until terminated either by a built-in expiration date or by enactment of a repealer) or as a temporary entity whose life extends beyond the two-year legislative session in which it is created; and 3) the commission gains an extra measure of status as a statutory body.

Name of Commission

A commission should be given a formal name. This seems rather obvious, but some proposals fail to do so. As one example, consider a resolution which states that "There is established a commission to consist of two members of the General Assembly and two members of the Senate ..." The resolution then sets forth the commission's purpose: "It shall be the duty of the commission to study the purchase and allocation of widgets among the various State agencies and to examine possible alternate methods for implementing the laws pertaining to widget usage." This resolution never provides the commission with a name, such as the "Commission on Widget Management" or the "Widget Usage Study Commission." The lack of a name creates an awkward and potentially confusing situation for the members, the press, the public, and those charged with maintaining the commission's official records. The commission may come to be known by a number of different unofficial titles or nicknames, or it may be cited by reference to its ungainly mandate: the commission to study the purchase and allocation of widgets among the various State agencies and to examine possible alternate methods for implementing the laws pertaining to widget usage.

These special study or advisory bodies need not always be labeled as "commissions." On occasion they have been identified with other terms (such as the Coastal Bay Clam Resources Task Force or the Council on Armed Forces and Veterans Affairs). Also, as noted previously, special ad hoc bodies which serve only one house have traditionally been cited as "committees."

Starting Date of Commission

Once a commission is established, a certain amount of time will elapse before all the appointments are made (particularly if Senate confirmation is required for gubernatorial appointments) and the commission holds its organizational meeting. It is common to provide that a commission "shall organize as soon as possible after the appointment of its members." If the chairman is appointed (rather than selected by the members at the organizational meeting), the language may stipulate that "the chairman shall convene an organizational meeting as soon as possible after the appointment of its members." If members are to be appointed by more than one appointing authority, and there is a concern that all appointments may not be made on a timely basis, one may provide that the commission shall organize "upon the appointment of a majority of its authorized membership."

In those cases when a commission must issue its final report or take some official action within a specific period of time, permanent statute (R.S. 52:14-14b and section 2 of P.L. 1989, c. 166 (C. 52:14-14.1)) provides that the time period will not begin to run until the appointment and qualification of a number of members sufficient to constitute a quorum if the commission is established by joint resolution and the joint resolution does not provide otherwise. Depending on the exigencies of the situation, other time tables may be appropriate. These provisions might read: "Within six months after [its organizational meeting] [the commission organizes] [final appointment of its members] ..." On the other hand, if time is of the essence, it may be necessary to provide a specific date by which the commission must carry out its task (such as six months after enactment of the enabling resolution or by November 15). This approach always runs the risk that the commission may be just getting ready to operate by the time the deadline occurs.

Expiration Date of Commission

Most commissions are established for a temporary period since their usual purpose is to conduct a study and issue a report by a given date. A commission may be instituted as a permanent entity, however, when it is expected to function on a continuing basis. (A commission may even represent a blend of both a permanent and temporary status, as for example the Joint Committee to Review the Activities of the State Commission of Investigation. Established by statute, the Joint Committee convenes every four years to conduct a six-month study of the SCI to assist the Legislature in its deliberations as to whether or not to renew the SCI).

The intended longevity of a commission's life can be complicated by the form of its enabling legislation. A commission established by a bill will continue to exist as a permanent entity (on paper, at least) unless a specific date of expiration is included in the enabling legislation. This can take the form of an

expiration date for the bill ("This act shall expire on ...") or a termination date for the commission itself ("The commission shall expire on ..." or "The commission shall expire upon issuance of its final report").

On the other hand, a commission established by a simple or concurrent resolution will automatically terminate with the expiration of the two-year legislative session in which it is established (unless terminated sooner by the terms of the resolution). A commission of this type could continue to function in the new legislative session only if it were renewed by adoption of a resolution of reconstitution. As discussed earlier, a commission established by joint resolution will expire at the end of the next two-year session, absent any other direction in the joint resolution.

These two commission time frames (permanence in the case of a bill, eventual automatic termination in the case of a simple, concurrent or joint resolution) represent the "default" situation in the absence of any specific termination language in the enabling bill or resolution. There are situations when it may be appropriate to avoid mention of an expiration date and to rely on these default provisions. A commission intended to continue as a permanent entity would best be established by a bill with no expiration date or a joint resolution with a specific statement in the body of the resolution that the commission is established on a permanent basis.

A temporary commission whose work might continue beyond the current two-year legislative session would best be organized by a simple, concurrent, or joint resolution, with no specific reporting or expiration date. If this commission completes its mission by the end of the session, no renewal would be necessary. If it needed additional time, the new Legislature would have the option to reconstitute it. (This approach would be appropriate only for a commission composed solely of legislative appointees. As previously discussed, the composition of the membership of a commission will often dictate the form of its enabling measure.)

When possible, the drafter of commission legislation should make efforts either to provide the commission with an appropriate time frame for its work or to specify at what point the commission will cease to exist (such as upon the issuance of a final report, or 30 days after the issuance of a final report). Not only will this guide the commission as to the Legislature's expectations regarding the intensity and duration of the commission's work, but it will eliminate future uncertainty as to the commission's status as an active or defunct entity. Even when a commission is mandated to provide a report by a certain date, the commission's status after the report is filed remains uncertain. Following are examples of language which may be suitable for this purpose:

This [act, joint resolution] shall take effect immediately and shall expire

on December 31, 19--.

three years following enactment

three years following the organization of the commission

three years following the final appointment of the commission's original members

upon the submission by the commission of its report.

The task force shall dissolve upon the final report and recommendations no later than [March 15, 19--] and shall dissolve [upon issuance of the report] [30 days after issuance of the report].

It may be necessary on occasion to establish a commission by simple or concurrent resolution so late in the two-year session that it may not have sufficient time to issue its report by the end of the legislative year. While the new Legislature could reconstitute the commission, it is also permissible to provide a reporting date in the original resolution that falls beyond the end of the session. Since it has been established that a commission may issue its report after the end of the two-year term, the enabling resolution could establish a specific reporting date (such as March 15) or a general reporting date (six months after adoption of the resolution) which carries beyond the end of the session.

Statement of Total Membership

(It should not be the reader's chore to have to figure out how many people serve on a commission by wading through a lengthy section on appointments (complete with parenthetical remarks concerning qualifications or party membership). A simple statement of total membership should precede the description of appointments and ex officio members (i.e. "The commission shall have 15 members as follows..." or "There is established a 21-member commission..." or "The commission shall have 12 voting and four non-voting members as follows...").

Ex Officio Members

There are two general types of commission memberships: appointed and ex officio. As the term implies, appointed members are selected to serve by an appointing authority (generally, but not always, the Senate President, Assembly Speaker and Governor). Ex officio members are identified by office or position and are placed on the commission in the enabling legislation itself. For example, the Governor, State Treasurer and Comptroller are ex officio members of the State House Commission, while the appointed members consist of two members of each house selected by the respective presiding officers.

An individual serves as an ex officio member only while holding the office or position specified in the enabling legislation. If another person obtains that office or position, then the new office-holder automatically replaces the former occupant on the commission.

It is sometimes assumed that the term "ex officio" means "non-voting." It does not. Members who serve on an ex officio basis (whether or not the term "ex officio" is actually used in the enabling language) are equal voting members of a commission. If the sponsor's intent is to place a non-voting member on a commission, then that person must be identified in the enabling measure as "non-voting" or as a member "who shall not be eligible to vote."

The purpose of an ex officio appointment is to ensure that a particular official or office is represented on a commission. While most ex officio members are heads of State agencies, it is not uncommon to place representatives of private organizations on commissions as ex officio members. (The more normal course is to directly appoint representatives of particular interest groups rather than to place them on commissions as ex officio members.) Following is a sample of public and private representatives who currently serve or have served as ex officio members on a variety of commissions:

- Commissioner of [any state department]
- Director of [any division in a state department]
- President, Board of [any state licensing agency]
- Mayor of [any town]
- President, N.J. League of Municipalities
- President, County Prosecutors Association
- President, N.J. Police Benevolent Association
- President, N.J. Food Council
- President, N.J. Catholic Conference

Appointed Members

The appointed members of a commission are placed on the commission by their respective appointing authority in the manner specified in the enabling legislation. These members may be legislators, State or local government officials or employees, representatives of public or private interest groups, or private citizens. The enabling legislation may be silent or specific as to the background, employment, knowledge, interest or geographical dispersion which the appointees should evidence.

In general, detailed qualifications for an appointed member are not required unless specifically requested by the sponsor or to ensure representation of a certain quality or character. On the other hand, one can be unintentionally vague by failing to provide any guidance whatsoever to the appointing authority. In one instance, the requirement that each presiding officer appoint "four persons" to a commission resulted in the appointment of four private citizens by one officer and four legislators by the other.

Care should be taken when providing for appointments with general terms such as "persons", "citizens of this State", "members of the public," "residents of this State," or just "members." Sometimes a qualifying phrase is useful to clarify the meaning. As an example, "persons" who are to be appointed to a particular commission "shall not hold elective office." It should also be borne in mind that the terms "a member of the public" and a "person who shall represent the public interest" do not necessarily convey the same meaning.

Appointing Authority

An appointing authority is the official or entity empowered by the enabling legislation to make appointments to a commission. In the case of ex officio commission members, the appointing authority is the enabling measure itself, since the ex officio members derive their appointment from the terms of the legislation. (If a commission were composed entirely of ex officio members, there would be no mention of an appointing authority.)

The standard appointing authorities are the President of the Senate, the Speaker of the General Assembly, and the Governor. Whether any one or all three of these officials are specified as appointing authorities for any commission will depend, of course, on the form of the measure and the desire of the sponsor. For example, it is not appropriate to include the Governor as an appointing authority for a commission established by concurrent resolution. The use of this format implies a strictly legislative endeavor. Further, the Legislature cannot unilaterally impose any duties or responsibilities on the Governor (or any executive branch officer or agency). A commission with participation from both legislative and executive branches should be established either by a joint resolution or a bill.

It is permissible, though neither commonplace nor desirable, to vest the power to appoint members to a commission in other public or private officials or entities. For example, the following individuals or bodies have been designated in commission legislation to make appointments to a commission:

- various State agencies
- President, Mercer County Freeholders
- Mayor of Trenton
- New Jersey Advisory Council on Alcoholism
- Senate and General Assembly
- Commission on Interstate Cooperation

Designating a non-State or non-public entity to appoint a member to a commission actually violates the principle of hierarchical governmental organization, since it assigns a governmental duty (the appointment of a member to a State commission) to an entity that is outside State government. There are two alternate ways to insure that a particular interest group is represented on a commission while reserving the right of appointment for the Governor, President or Speaker: 1) require that one of the appointees represent that interest group, or 2) require that an appointee be selected upon the recommendation of (or from a list submitted by) the interest group.

Joint Appointments

Joint appointments to be made by the President of the Senate and the Speaker of the General Assembly should be avoided. The requirement serves little purpose and can lead to delays in action for either procedural or political reasons. It is more simple, straightforward and practical to permit each presiding officer to act independently in making appointments.

Terms of Office

In establishing a commission of a permanent or long-standing nature (i.e. one which will continue in existence beyond the expiration of the two-year legislative session), it is appropriate to specify the length of the term of office for each appointed member. If it is intended that a member serve until the expiration of the commission, then of course no reference to a term need be made. In the case of a permanent commission, however, it would be unusual to provide a member with a life-time appointment; some provision for periodic reappointment or replacement would be in order.

The need to specify terms is most important with regard to legislators who serve on commissions. There is often considerable uncertainty as to whether or not a legislator upon reelection automatically continues as a member of a commission to which he or she was appointed in the previous term. As a practical matter, it may be prudent to provide that a legislator serves "during the two-year legislative session in which the appointment is made." This reserves to the presiding officer the right to reappoint or replace the legislator in the new session. Other arrangements are also possible. For example, members of the Joint Legislative Committee on Ethical Standards are appointed annually "to serve during the legislative year." Whatever language is used, care should be taken to avoid introducing confusion as to the meanings of the words "term," "session" and "year."

Sometimes distinctions are made in commission language in the terms of office of members of the General Assembly versus members of the Senate, because of the difference in the lengths of their elected terms. This may not always be appropriate, since once in each decade the Senate term equals the General Assembly term and, of greater institutional importance, it does not take into consideration the changes which may take place in Senate leadership positions and committee memberships when the Senate reorganizes in the mid-point of a four-year term (i.e. at the start of a new two-year legislative term.) Again, it is best to provide that a legislator of either house serve on a commission for the two-year legislative term in which the appointment is made.

Political Affiliation of Members

Commission legislation often contains language to provide that the appointed members be drawn from both political parties. The aim may be to provide for equal or near-equal representation of both major parties or merely to insure that at least each party is accorded some recognition. It is conventional, but certainly not required, that the appointed members represent both parties in equal proportion (or near-equal if the total number of members is uneven). Commissions with ex-officio executive branch members will necessarily be weighted in favor of the Governor's party, since the ex-officio members can be presumed to be members of the Governor's party. The sponsor of the legislation can, of course, offer any combination of political party preferences for the appointed members that he or she wishes. In fact, it is not necessary to specify any political affiliation at all.

If members are to be chosen with regard to their political affiliation, the enabling legislation must specify the number from each party to be selected by each appointing authority. For example, when a 12-member commission is established with four appointees each of the Governor, the President and the Speaker, it is totally inappropriate, as well as practically and politically troublesome, to merely state that "not more than six of the 12 members shall be members of the same political party."

Such an approach leaves open the obvious question of how to allocate (let alone who referees the allocation of) the political preferences among the three appointing authorities. Although it is probably intended that each appointing authority select two members from each party, there is nothing to prevent each of them from attempting to pick their four appointees from the same party. Clearly, the proper approach is to require that each appointing authority select not more than two members from the same party.

(Incidentally, this same problem occurs where appointees are supposed to meet specific qualifications or represent certain interests groups, and when there is likewise no specific and separate direction to each appointing authority as to the particular qualifications which their appointees are to demonstrate.)

Subpoena Power

A legislative committee or commission does not have inherent subpoena power. The Legislature (or one house for a committee of that house) may grant this authority by providing in the enabling resolution that the committee or commission "shall have all the powers granted pursuant to chapter 13 of Title 52 of the Revised Statutes."

Commission Expenses

As noted earlier, funds can be appropriated to a commission only in a bill, not in a resolution. Many commissions are established without funding, and in these cases minor operating expenses for stationery, postage, office supplies and refreshments are usually absorbed by the agency which serves as the commission's secretariat. For most legislative study commissions, the Office of Legislative Services or the two houses may cover these costs.

While standard commission language provides that members shall serve without compensation, it usually states that members "shall be eligible for reimbursement for necessary and reasonable expenses incurred in the performance of their official duties" and that the commission "may incur traveling and other miscellaneous expenses as it may deem necessary." It is imperative to add that reimbursement of expenses and the incurring of costs can only be "within the limits of funds appropriated or otherwise made available to the commission for its purposes."

DO'S AND DON'TS FOR DRAFTING PROPOSALS TO ESTABLISH COMMISSIONS

1. Do use a bill or resolution form which is appropriate for the type of membership, manner of appointment, purpose and intended longevity.

- Use a simple resolution if the appointed members are from only one house or are appointed by the presiding officer of one house and there are no executive branch ex officio members.

- Use a concurrent resolution if the appointed members are from both houses or appointed by the presiding officers of both houses and there are no executive branch ex officio members.

- Use a Joint Resolution when members represent both the legislative and executive branches or when a commission will continue beyond the two-year legislative term.

- Use a bill when members represent both the legislative and executive branches, when a commission will continue beyond the two-year legislative term, or when an appropriation is made to the commission.

2. Do provide the commission with a formal name. Other terms besides "commission" may be used. A one-house study panel should be labeled as a "committee."

3. Do establish a starting date for the commission's work when time is of the essence or when the report date is set at a fixed interval after the establishment of the commission.

4. Do provide an expiration date for the commission unless a) it is of a permanent nature or b) if established by resolution, it is intended that it remain in existence until the end of the two-year legislative session or c) if established by joint resolution, it is intended that it remain in existence until the end of the two-year session following the session in which it is adopted.

5. Do provide a statement of the total number of commission members, and indicate if any are non-voting.

6. Do not confuse the term "ex officio" with "non-voting"; ex officio members vote unless specifically exempted from voting, regardless of whether or not the term "ex officio" is used.

7. Do not confer ex officio membership on a non-State official unless absolutely necessary.

8. Do not confer appointing authority on a non-State official unless absolutely necessary.

9. Do not provide for joint appointments; each appointing authority should act independently.

10. Do specify the terms of office of members when appropriate, particularly in the case of legislators who serve on commissions which continue in existence beyond the expiration of the two-year legislative term.

11. Do not provide for joint decision-making with respect to any required political balance on a commission; each appointing authority should be given an independent allocation of the number of members to be appointed from each party.

12. Do specify the qualifications for members to be appointed by each appointing authority when political affiliation or certain other qualifications are required for commission members.

13. Do not assume that commissions have inherent subpoena power; it must be specifically conferred.

14. Do provide that any commission expenses or reimbursement to members is subject to the limits of the funds made available to the commission.

15. Do not provide for members of the Legislature to serve on a permanent commission which has an inherently executive function.

16. Do allocate a permanent commission to one of the executive departments in compliance with the requirements of Art. V, Sec. IV, par. 1 of the Constitution.

APPENDIX G

LEGISLATIVE OVERSIGHT OF EXECUTIVE RULES AND REGULATIONS

I. The procedure for exercise of legislative veto of executive rules and regulations is set forth in Article V, Section IV, paragraph 6. The constitutional procedure contains sufficient detail to be self executing. The Legislature is not required to enact any rules in order to give legal effect to the procedure. Either House may adopt rules to facilitate its use of the procedure. To this end, both houses established Regulatory Oversight Committees.

Basic Procedure

The basic elements of the legislative procedure are:

1. A concurrent resolution adopted by both Houses stating the Legislature's finding that the rule or regulation is inconsistent with legislative intent.
2. A public hearing held after the executive agency fails to amend or withdraw the rule or regulation.
3. A second concurrent resolution adopted by both Houses to invalidate or prohibit the rule or regulation.

Schedule of Legislative Actions

The constitutional provision contains a schedule for the Legislature to follow in the exercise of the legislative veto power:

1. Legislative Review

The Legislature reviews a rule or regulation to determine if it is consistent with legislative intent;

2. Concurrent Resolution of Legislative Findings

If not consistent, the Legislature adopts a concurrent resolution stating its finding, and transmits it to the Governor and the executive agency;

3. Time for Executive Action

The Legislature waits 30 days for the executive agency to withdraw or amend the rule or regulation;

4. Public Hearing

If the executive agency does not withdraw or amend the rule or regulation, either House of the Legislature holds a public hearing on the invalidation or prohibition of the rule or regulation. A transcript of the public hearing must be placed on the desks of the members of each House;

5. Concurrent Resolution to Invalidate

The Legislature adopts a concurrent resolution to invalidate or prohibit the rule or regulation, no sooner than 20 calendar days after the public hearing transcript is placed on the desks.

II. Legislative Regulatory Oversight: A Guide for Bill Drafters

Article V, Section IV, paragraph 6 of the New Jersey Constitution authorizes the Legislature to review rules and regulations of executive agencies, and if inconsistent with legislative intent, to invalidate them. A rule or regulation may be invalidated only if it is inconsistent with the intent of the Legislature as expressed in the language of the statute which the rule or regulation is intended to implement. The constitutional authorization raises several considerations for bill drafters.

A. Expression of Legislative Intent

If one considers that it is the express language of the statute which will control interpretation of legislative intent, it is obvious that legislative intent should be plainly stated in the language of the bill. The place where it can be most easily and plainly summarized is, of course, in the sponsor's statement. But this does not become part of the enacted statute. After enactment it is, at most, an aid to interpretation of the statutory language, and is not recognized under the constitutional provision. One should not rely, then, solely upon the statement to indicate intent. The language in the sections of the bill should, itself, give clear indication of the legislative intent.

The section of the bill where legislative intent can be best expressed is, perhaps, in the findings and declarations. If a bill is of sufficient complexity as to invite misconstruction of legislative intent, or if the proper execution of the legislation is problematic, it merits a separate section of findings and declarations. It is important, however, that the language used in stating legislative findings or declarations be reflected in that of the remaining sections.

Many bills are not of sufficient complexity to merit a separate section of findings and declarations. In most instances the drafter must rely on the language in the main text of the bill to indicate legislative intent. It is useful to have a declaration of legislative intent in mind, even if it is not included in the bill, as an aid in drafting the language of the various sections. The drafter should always bear in mind that each bill should fit into the overall statutory law, and the language of the bill should be consistent with that law and the sponsor's intent.

Occasionally, it is useful to place a declaration of legislative intent within another section of the bill. If a bill is particularly long, or if a section of the bill is to be compiled within another long law, it may be useful to address a question as to interpretation or execution of a particular provision directly in the section where the question may arise.

The goal of the drafter is to create a statutory scheme wherein the findings and declarations, definitions and language used in the sections of the bill mutually reinforce and support each other and the overall intent of the bill. It is also important to examine the existing language of any laws that are to be amended by the bill to guard against creating any conflict or inconsistency. Obviously, it is difficult to demonstrate a rule or regulation to be inconsistent with a statute if the statutory law is itself inconsistent.

B. Authorizations of Regulatory Power

The constitutional amendment will inevitably increase awareness of legislative authorizations of executive regulatory power. The question will arise more frequently as to whether or not to authorize rules and regulations. Since State departments and agencies possess residual or general regulatory authority by virtue of their individual enabling statutes, it is generally unnecessary to include a general authorization of regulatory action in a bill.

An authorization of regulatory action should be included in a bill if there is a question as to the existing regulatory authority of the department or agency, or if the Legislature is seeking to limit or direct the use of the department's or agency's regulatory authority. For example, the Legislature may wish to require a certain aspect of the bill to be addressed by regulation, to require regulations to be proposed within a particular time, to require or prohibit the charging of fees or the hiring of employees, etc.

The following are examples:

1. The Commissioner of the Department of Health shall, within 90 days following the effective date of this act, promulgate rules and regulations to effectuate sections 8 through 10 of this act, and shall, within 180 days following that effective date, promulgate rules and regulations to effectuate sections 1 through 7 of this act.

2. The Commissioner of the Department of Health shall promulgate rules and regulations to effectuate this act, except that the Director of Taxation in the Department of the Treasury shall promulgate rules and regulations to effectuate section 10 of this act.

3. The Commissioner of the Department of Health shall promulgate rules and regulations to effectuate this act. Notwithstanding any other provision of law granting the department the power to establish fees to be charged for department services, the department is not authorized to charge fees for the filing of applications submitted pursuant to section 10 of this act.

4. The Commissioner of the Department of Community Affairs shall promulgate rules and regulations to establish procedures and standards of eligibility for grants of housing assistance to be provided under this act. It is the intent of the Legislature that the income standards contained in those rules and regulations shall conform as nearly as practicable to the income standards established from time to time by the United States Department of Housing and Urban Development to determine eligibility for low and moderate income housing constructed with federal assistance.

ASSEMBLY CONCURRENT RESOLUTION No. 80

STATE OF NEW JERSEY

EXAMPLE: Resolution
determining regulations
are inconsistent with
legislative intent

INTRODUCED JUNE 13, 1994

By Assemblymen WARSH and DeCROCE

1 A CONCURRENT RESOLUTION concerning legislative review of
2 Department of Law and Public Safety regulations pursuant to
3 Article V, Section IV, paragraph 6 of the Constitution of the
4 State of New Jersey.

5
6 BE IT RESOLVED by the General Assembly of the State of
7 New Jersey (the Senate concurring):

8 1. Pursuant to Article V, Section IV, paragraph 6 of the
9 Constitution of the State of New Jersey, the Legislature may
10 review any rule or regulation of an administrative agency to
11 determine if the rule or regulation is consistent with the intent of
12 the Legislature.

13 2. The Legislature finds that regulations adopted by the
14 Department of Law and Public Safety with regard to the conduct
15 of autopsies by the State Medical Examiner (N.J.A.C.13:49-1.1 et
16 seq.) are not consistent with the legislative intent of P.L.1993,
17 c.276 (C.52:17B-88.7 et seq.).

18 3. The Secretary of the Senate and the Clerk of the General
19 Assembly shall transmit a duly authenticated copy of this
20 concurrent resolution to the Governor and the Attorney General.

21 4. The Department of Law and Public Safety shall, pursuant to
22 Article V, Section IV, paragraph 6 of the Constitution of the
23 State of New Jersey, have 30 days following transmittal of this
24 resolution to amend or withdraw this regulation or the
25 Legislature may, by passage of another concurrent resolution,
26 exercise its authority under the Constitution to invalidate the
27 regulation.

28

29

30

STATEMENT

31

32 P.L.1993, c.276 (C.52:17B-88.7 et seq.) imposes special
33 requirements on the State Medical Examiner or a county medical
34 examiner or designee for performing an autopsy or analysis of
35 tissues or organs of a person who is a designated organ donor.
36 The autopsy or analysis must be performed in a manner and
37 within a time period compatible with preservation of the tissue or
38 organ for purposes of transplantation. The law also provides that
39 an anatomical gift may be removed from a body by an authorized
40 health care professional prior to an autopsy under certain
41 circumstances.

42 However, current regulations of the Department of Law and
43 Public Safety at N.J.A.C.13:49-1.1 et seq. fail to reflect the
44 intention of the Legislature as expressed in P.L.1993, c.276.

45 The Department of Law and Public Safety shall have 30 days

1 following transmittal of this resolution to amend or withdraw the
2 regulations or the Legislature may, by passage of another
3 concurrent resolution, exercise its authority under the
4 Constitution to invalidate the regulations.
5
6
7
8
9 Determines that DLPS regulation regarding autopsies by the
10 State Medical Examiner is inconsistent with legislative intent.

APPENDIX H: PROOFREADER'S MARKS

PUNCTUATION

- Insert period or "full point"
- ↑ ~ / Insert comma
- ~ : Insert colon
- ;/ Insert semicolon
- ∨ ~ ∨ Apostrophe or 'single quote'
- ∩/∩ Insert quotation marks " " ' '
- ?/ Insert question mark or "query"
- !/ Insert exclamation point or "bang!"
- / ~ / Insert hyphen
- ≡ ~ ≡ En dash
- ≡ ~ ≡ One-em dash
- ≡ ~ ≡ Two-em dash
- (/) Insert parentheses (curves; "fingernails")
- [/] Insert brackets (crochets)

PARAGRAPHING

- ¶ Begin a paragraph
- no ¶ No paragraph
- run in Run in or run on
- ¶ Indent the number of em quads shown
- flush No indentation ¶ L Flush left

INSERTION AND DELETION

- carel. Caret. Insert marginal addition
- del. Take out (delete)
- Close up Delete and close up
- c/ Correct letter or word marked
- let it stand Let it stand—(all matter above dots)

POSITION

-] Move to right
- [Move to left
- center] Put in center of line or page [(center)
- Lower (letters or words).
- Elevate (letters or words)
- ≡ Straighten line (horizontally)
- | Align type (vertically)
- Transpos. space
- Transpos. enclosed in ring matter
- Transpos. (order letters of or words)

SPACING

- Close up entirely; take out space
- Close up partly; leave some space
- Insert space (or more space)
- More space between words
- Insert space (amount specified)
- Take out space (amount specified)
- 1/2-em quad (nut) space or indentation
- Em quad (mutton) space or indentation

SIZE AND STYLE OF TYPE

- Wrong font (size or style of type)
- Lower case letter
- Set in LOWER CASE or LOWER CASE
- capital letter
- SET IN capitals
- Lower Case with Initial Capitals u.c.; c.c.
- SET IN small capitals
- SMALL CAPITALS WITH INITIAL CAPITALS
- Set in roman type
- Set in italic type
- ITALIC SMALL CAPITALS
- ITALIC CAPITALS
- Set in lightface type
- Set in boldface type
- Boldface italic
- BOLDFACE CAPITALS
- Superior letter or figure
- Inferior letter or figure

- Replace broken or imperfect type
- Reverse (upside down type or cut)
- Spell out (twenty et)
- Question of grammar
- Question of fact
- Query to author ~ a?
- Query to editor ~ E
- Mark off or break; start new line

APPENDIX I. THESAURUS:

A Guide For Locating Valid Subject Headings Used in Indexing Bills

Note: Valid subject headings appear in all CAPITAL letters.
Terms appearing in *italics* are not valid subject headings
and simply refer you to the valid heading.

ABORTION

Absentee Ballots - See ELECTIONS - VOTING PROCEDURES

Adoption - See HUMAN SERVICES - ADOPTION AND FOSTER CARE

Administrative Regulations - See STATE GOVERNMENT

Advertising - See CONSUMER AFFAIRS - ADVERTISING

Affordable Housing - See HOUSING - AFFORDABLE HOUSING

Aged - See SENIOR CITIZENS

AGRICULTURE

AIDS - See HEALTH - AIDS

Air Pollution - See ENVIRONMENT - POLLUTION - AIR POLLUTION

Aircraft Noise - See AVIATION

Airports - See AVIATION

Alcohol Abuse - See HEALTH - DRUG AND ALCOHOL ABUSE

See also MOTOR VEHICLES - DRUNK DRIVING

Alcohol Tax - See TAXATION - ALCOHOL, GASOLINE AND TOBACCO TAXES

ALCOHOLIC BEVERAGES

See Also HEALTH - DRUG AND ALCOHOL ABUSE

See Also MOTOR VEHICLES - DRUNK DRIVING

See Also TAXATION - ALCOHOL, GASOLINE AND TOBACCO TAXES

Alzheimer's Disease - See HEALTH - DISEASE

Ambulances - See PUBLIC SAFETY - EMERGENCY SERVICES

Amusements - See SPORTS AND RECREATION

ANIMALS

See Also ENVIRONMENT - NATURAL RESOURCES - FISH, GAME AND

WILDLIFE

Appropriations - See STATE BUDGET AND FINANCE

Appropriations, Supplemental - See STATE BUDGET AND FINANCE -
SUPPLEMENTAL APPROPRIATIONS

ARTS AND CULTURE

Asbestos - See ENVIRONMENT - HAZARDOUS SUBSTANCES

Atlantic City Expressway - See TRANSPORTATION - TOLL ROADS

Auditor, State - See STATE GOVERNMENT - OFFICERS

AUTHORITIES

AUTHORITIES - LOCAL AUTHORITIES

AUTHORITIES - PORT AUTHORITIES

AUTHORITIES - TRANSPORTATION AUTHORITIES

See Also TRANSPORTATION - HIGHWAYS

See Also TRANSPORTATION - TOLL ROADS

Automobile Insurance - See INSURANCE - AUTOMOBILE INSURANCE

Automobiles - See MOTOR VEHICLES

AVIATION

Awards - See COMMEMORATIONS

Bail - See CRIMINAL JUSTICE - PROCEDURES

Ballots - See ELECTIONS - VOTING PROCEDURES

BANKING AND FINANCE

See Also HOUSING - HOUSING FINANCE

BANKING AND FINANCE - CONSUMER CREDIT

Bankruptcy - See BANKING AND FINANCE - CONSUMER CREDIT

See PROPERTY

BEACHES AND SHORES

See Also TOURISM

Benefits, Private Employee - See LABOR - WAGES AND BENEFITS

Benefits, Public Employee - See PUBLIC EMPLOYEE BENEFITS

Bicycles - See SPORTS AND RECREATION

Billboards - See CONSUMER AFFAIRS - ADVERTISING

Bioethics - See HEALTH - BIOETHICS

Bingo - See GAMBLING

Blind - See HUMAN SERVICES - DISABLED

Blood Donors - See HEALTH

Boarding Homes - See HOUSING - BOARDING HOMES

Boards of Education - See EDUCATION - SCHOOL BOARDS AND DISTRICTS

BOATS AND VESSELS

BONDS

Bottle Bills - See ENVIRONMENT - WASTE MANAGEMENT - RECYCLING

Bridges - See TRANSPORTATION - BRIDGES

Broadcasting - See COMMUNICATIONS

Budget - See LOCAL GOVERNMENT - COUNTIES - BUDGET AND FINANCE

Budget - See LOCAL GOVERNMENT - MUNICIPALITIES - BUDGET AND FINANCE

Budget - See STATE BUDGET AND FINANCE

Budget - See STATE BUDGET AND FINANCE - SUPPLEMENTAL APPROPRIATIONS

Buses - See TRANSPORTATION - MASS TRANSIT

Buses, School - See EDUCATION - SCHOOL TRANSPORTATION

Business Assistance See COMMERCE - BUSINESS ASSISTANCE

Business Tax - See TAXATION BUSINESS TAXES

Cable Television See COMMUNICATIONS - TELEVISION

Campaign Finance - See ELECTIONS - CAMPAIGN FINANCE

Capital Finance - See BONDS

Capital Punishment - See CRIMINAL JUSTICE - CAPITAL PUNISHMENT

Car Insurance - See INSURANCE - AUTOMOBILE INSURANCE

Cars - See MOTOR VEHICLES

Casinos - See GAMBLING - CASINOS

Casualty Insurance - See INSURANCE - PROPERTY AND CASUALTY INSURANCE

Cats - See ANIMALS

Cemeteries - See MEMORIALS

CHARITIES AND NON PROFIT ORGANIZATIONS

Child Abuse - See HUMAN SERVICES - CHILD ABUSE

Child Care - See HUMAN SERVICES - DAY CARE

Child Support - See HUMAN SERVICES - CHILD SUPPORT

Children - See HUMAN SERVICES - CHILDREN

Cigarette Tax - See TAXATION - ALCOHOL, GASOLINE AND TOBACCO TAXES

Cities - See LOCAL GOVERNMENT - MUNICIPALITIES

City Finance - See LOCAL GOVERNMENT - MUNICIPALITIES - BUDGET AND FINANCE

CIVIL JUSTICE

CIVIL JUSTICE - PENALTIES

CIVIL JUSTICE - PROCEDURES

CIVIL JUSTICE - TORT LIABILITY

CIVIL RIGHTS

See Also MINORITIES AND ETHNIC GROUPS

See Also WOMEN

Clinics - See HEALTH - FACILITIES

Coast Guard - See MILITARY

Coastal Areas - See BEACHES AND SHORES

Cogeneration - See ENERGY

Colleges - See HIGHER EDUCATION - INSTITUTIONS

COMMEMORATIONS

COMMERCE

COMMERCE - BUSINESS ASSISTANCE

COMMERCE - ECONOMIC DEVELOPMENT

Commercial Vehicles - See MOTOR VEHICLES - COMMERCIAL

COMMUNICATIONS

COMMUNICATIONS - TELEPHONES

COMMUNICATIONS - TELEVISION

Composting - See ENVIRONMENT - WASTE MANAGEMENT - RECYCLING

Condominiums - See HOUSING - CONDOMINIUMS AND COOPERATIVES

Conflict of Interest - See ETHICS

Congress - See FEDERAL RELATIONS

Conservation (Energy) - See ENERGY - CONSERVATION AND
ALTERNATIVE ENERGY SOURCES

Conservation (Land) - See ENVIRONMENT - NATURAL RESOURCES - OPEN
SPACE PRESERVATION

Constitution, New Jersey - See CONSTITUTIONAL AMENDMENTS

Constitution, United States - See FEDERAL RELATIONS

CONSTITUTIONAL AMENDMENTS

Construction - See HOUSING

Construction Codes See HOUSING - CONSTRUCTION CODES

CONSUMER AFFAIRS

CONSUMER AFFAIRS - ADVERTISING

CONSUMER AFFAIRS - CONSUMER FRAUD

CONSUMER AFFAIRS - PRODUCT SAFETY

Consumer Credit - See BANKING AND FINANCE - CONSUMER CREDIT

Consumer Fraud - See CONSUMER AFFAIRS - CONSUMER FRAUD

Contracts - See PUBLIC CONTRACTS

Cooperatives - See HOUSING - CONDOMINIUMS AND COOPERATIVES

Corporation Tax - See TAXATION - BUSINESS TAXES

CORPORATIONS

See Also CHARITIES AND NON PROFIT CORPORATIONS

CORRECTIONS

See Also CRIMINAL JUSTICE

CORRECTIONS - PROBATION AND PAROLE

Counties - See LOCAL GOVERNMENT - COUNTIES

County Employees - See LOCAL GOVERNMENT - COUNTIES - OFFICERS
AND EMPLOYEES

County Finance - See LOCAL GOVERNMENT - COUNTIES - BUDGET AND
FINANCE

Courts - See JUDICIARY - COURT ADMINISTRATION

Credit Cards - See BANKING AND FINANCE - CONSUMER CREDIT

Crimes - See CRIMINAL JUSTICE - CRIMES AND PENALTIES
 CRIMINAL JUSTICE
 See Also CORRECTIONS
 CRIMINAL JUSTICE - CAPITAL PUNISHMENT
 CRIMINAL JUSTICE - CRIME VICTIMS
 CRIMINAL JUSTICE - CRIMES AND PENALTIES
 See Also MOTOR VEHICLES - OFFENSES
 See Also MOTOR VEHICLES - DRUNK DRIVING
 CRIMINAL JUSTICE - CRIMINAL PROCEDURES
 CRIMINAL JUSTICE - JUVENILE JUSTICE
Cultural Centers - See ARTS AND CULTURE
Curricula - See EDUCATION - CURRICULA
Day Care - See HUMAN SERVICES - DAY CARE
Deaf - See HUMAN SERVICES - DISABLED
Death Penalty - See CRIMINAL JUSTICE - CAPITAL PUNISHMENT
Debt - See BANKING AND FINANCE - CONSUMER CREDIT
Defense - See MILITARY
Delaware River Port Authority - See AUTHORITIES - PORT
 AUTHORITIES
Dentists - See HEALTH - PROFESSIONALS
Developmentally Disabled - See HUMAN SERVICES - DEVELOPMENTALLY
 DISABLED
Diagnosis Related Groups - See HEALTH - FINANCE
Diapers, Disposable - See ENVIRONMENT - WASTE MANAGEMENT - SOLID
 WASTE
Disabled - See HUMAN SERVICES - DISABLED
Discrimination - See CIVIL RIGHTS
Disease - See HEALTH - DISEASE
Distressed Municipalities - See LOCAL GOVERNMENT - STATE AID
Divorce - See DOMESTIC RELATIONS
Doctors - See HEALTH - PROFESSIONALS
Dogs - See ANIMALS
Domestic Animals - See ANIMALS
 DOMESTIC RELATIONS
Domestic Violence - See DOMESTIC RELATIONS
DRG - See HEALTH - FINANCE
Drinking Water - See ENVIRONMENT - NATURAL RESOURCES - WATER
 SUPPLY
Drug Abuse (Crimes) - See CRIMINAL JUSTICE - CRIMES AND PENALTIES
Drug Abuse (Treatment) - See HEALTH - DRUG AND ALCOHOL ABUSE
Drug Offenses - See CRIMINAL JUSTICE - CRIMES AND PENALTIES
Drug Testing (in Workplace) - See LABOR
Drugs, Illicit - See CRIMINAL JUSTICE - CRIMES AND PENALTIES
Drugs (Pharmaceuticals) - See HEALTH PHARMACEUTICALS
Drunk Driving - See MOTOR VEHICLES - DRUNK DRIVING
Economic Development - See COMMERCE - ECONOMIC DEVELOPMENT
ECRA - See ENVIRONMENT - WASTE MANAGEMENT - HAZARDOUS WASTE
 EDUCATION
 See Also HIGHER EDUCATION
 EDUCATION - CURRICULA
 EDUCATION - FINANCE

- EDUCATION - PRIVATE SCHOOLS
- EDUCATION - SCHOOL BOARDS AND DISTRICTS
- EDUCATION - SCHOOL ELECTIONS
- EDUCATION - SCHOOL FACILITIES
- EDUCATION - SCHOOL TRANSPORTATION
- EDUCATION - SPECIAL EDUCATION
- EDUCATION - TEACHERS
- EDUCATION - VOCATIONAL EDUCATION
- Elderly* - See SENIOR CITIZENS
- ELECTIONS
 - See Also EDUCATION - SCHOOL ELECTIONS
 - See Also INITIATIVE AND REFERENDA
- ELECTIONS - CAMPAIGN FINANCE
- ELECTIONS - LOCAL ELECTIONS
- ELECTIONS - PUBLIC QUESTIONS
 - See Also BONDS
 - See Also CONSTITUTIONAL AMENDMENTS
- ELECTIONS - VOTER REGISTRATION
- ELECTIONS - VOTING PROCEDURES
- Electricity* - See ENERGY
- Electromagnetic Fields* - See ENERGY
- Emergency Services* - See PUBLIC SAFETY - EMERGENCY SERVICES
- Eminent Domain* - See PROPERTY
- Employee Benefits, Private* - See LABOR - WAGES AND BENEFITS
- Employee Benefits, Public* - See PUBLIC EMPLOYEE BENEFITS
- Endangered Species* - See ENVIRONMENT - NATURAL RESOURCES - FISH, GAME AND WILDLIFE
- ENERGY
 - See Also MOTOR VEHICLES - FUELS
 - See Also PUBLIC UTILITIES
- ENERGY - CONSERVATION AND ALTERNATIVE ENERGY SOURCES
- Enterprise Zones* - See COMMERCE - ECONOMIC DEVELOPMENT
- ENVIRONMENT
 - ENVIRONMENT - HAZARDOUS SUBSTANCES
 - ENVIRONMENT - NATURAL RESOURCES
 - See Also BEACHES AND SHORES
 - ENVIRONMENT - NATURAL RESOURCES - FISH, GAME AND WILDLIFE
 - ENVIRONMENT - NATURAL RESOURCES - FLOOD CONTROL
 - ENVIRONMENT - NATURAL RESOURCES - OPEN SPACE PRESERVATION
 - ENVIRONMENT - NATURAL RESOURCES - PARKS AND FORESTS
 - ENVIRONMENT - NATURAL RESOURCES - WATER SUPPLY
 - ENVIRONMENT - POLLUTION
 - ENVIRONMENT - POLLUTION - AIR POLLUTION
 - ENVIRONMENT - POLLUTION - NOISE POLLUTION
 - ENVIRONMENT - POLLUTION - WATER POLLUTION
 - ENVIRONMENT - WASTE MANAGEMENT
 - ENVIRONMENT - WASTE MANAGEMENT - FACILITY SITING
 - ENVIRONMENT - WASTE MANAGEMENT - HAZARDOUS WASTE
 - ENVIRONMENT - WASTE MANAGEMENT - RECYCLING
 - ENVIRONMENT - WASTE MANAGEMENT - RESOURCE RECOVERY

ENVIRONMENT - WASTE MANAGEMENT - SOLID WASTE
 ENVIRONMENT - WASTE MANAGEMENT - WASTEWATER
Environmental Cleanup Responsibility Act
 - See ENVIRONMENT - WASTE MANAGEMENT - HAZARDOUS
 WASTE
Estates - See PROPERTY - ESTATES
 ETHICS
Ethnic Affairs - See MINORITY AND ETHNIC AFFAIRS
Eviction - See HOUSING - LANDLORD AND TENANT
Excise Taxes - See TAXATION - ALCOHOL, GASOLINE AND TOBACCO TAXES
Expressway - See TRANSPORTATION - TOLL ROADS
Eye care - See HEALTH
Facility Siting - See ENVIRONMENT - WASTE MANAGEMENT - FACILITY
 SITING
Faculty - See HIGHER EDUCATION - FACULTY AND STAFF
Fair Housing - See HOUSING - AFFORDABLE HOUSING
Family - See DOMESTIC RELATIONS
Farmland Preservation - See ENVIRONMENT - NATURAL RESOURCES -
 OPEN SPACE PRESERVATION
Farms - See AGRICULTURE
Federal Aid - See FEDERAL RELATIONS - FEDERAL AID
 FEDERAL RELATIONS
 FEDERAL RELATIONS - FEDERAL AID
 FEDERAL RELATIONS - MEMORIALIZATIONS
Fees - See PUBLIC FEES
Fire Safety - See PUBLIC SAFETY - FIRE SAFETY
Firemen - See PUBLIC SAFETY - FIREFIGHTERS
First Aid - See PUBLIC SAFETY - EMERGENCY SERVICES
Fish - See ENVIRONMENT - NATURAL RESOURCES - FISH, GAME AND WILDLIFE
Flag, United States - See FEDERAL RELATIONS
Flood Control - See ENVIRONMENT - NATURAL RESOURCES - FLOOD
 CONTROL
 FOOD
Food Stamps - See HUMAN SERVICES - PUBLIC ASSISTANCE
Foreclosures - See PROPERTY
Foreign Affairs - See INTERNATIONAL AFFAIRS
Forests - See ENVIRONMENT - NATURAL RESOURCES - PARKS AND FORESTS
Foster Care - See HUMAN SERVICES - ADOPTION AND FOSTER CARE
Fraud - See CONSUMER AFFAIRS - CONSUMER FRAUD
Freeholders - See LOCAL GOVERNMENT - COUNTIES - OFFICERS AND
 EMPLOYEES
Fuels - See ENERGY
Fuels - See MOTOR VEHICLES - FUELS
Fuels, Alternative - See ENERGY - CONSERVATION AND ALTERNATIVE
 ENERGY SOURCES
 GAMBLING
 GAMBLING - CASINOS
 GAMBLING - HORSE RACING
 GAMBLING - LOTTERIES
Game - See ENVIRONMENT - NATURAL RESOURCES - FISH, GAME AND WILDLIFE

Garden State Parkway - See TRANSPORTATION - TOLL ROADS
Gas Stations - See MOTOR VEHICLES - FUELS
Gasoline - See MOTOR VEHICLES - FUELS
Gasoline Tax - See TAXATION - ALCOHOL, GASOLINE AND TOBACCO TAXES
 GOVERNOR
Green Acres - See ENVIRONMENT - NATURAL RESOURCES - OPEN SPACE
 PRESERVATION
Gross Receipts and Franchise Tax - See TAXATION - PUBLIC
 UTILITIES TAX
Guardianship - See HUMAN SERVICES - CHILDREN
Guns - See PUBLIC SAFETY - WEAPONS
Hackensack Meadowlands - See AUTHORITIES
Handicapped - See HUMAN SERVICES - DEVELOPMENTALLY DISABLED
Handicapped - See HUMAN SERVICES - DISABLED
Hazardous Substances - See ENVIRONMENT - HAZARDOUS SUBSTANCES
Hazardous Waste - See ENVIRONMENT - WASTE MANAGEMENT - HAZARDOUS
 WASTE
 HEALTH
 See Also INSURANCE - HEALTH
 HEALTH - AIDS
 HEALTH - BIOETHICS
 HEALTH - DISEASE
 HEALTH - DRUG AND ALCOHOL ABUSE
 HEALTH - FACILITIES
 See Also HEALTH - NURSING HOMES
 HEALTH - FINANCE
 HEALTH - NURSING HOMES
 HEALTH - PHARMACEUTICALS
 HEALTH - PROFESSIONALS
Health Costs - See HEALTH - FINANCE
Health Insurance - See INSURANCE - HEALTH
Health Maintenance Organizations - See INSURANCE - HEALTH
 HIGHER EDUCATION
 HIGHER EDUCATION - FINANCE
 HIGHER EDUCATION - FACULTY AND STAFF
 HIGHER EDUCATION - INSTITUTIONS
 HIGHER EDUCATION - STUDENT AID
Highways - See TRANSPORTATION - HIGHWAYS
Highways - See TRANSPORTATION - TOLL ROADS
 HISTORIC PRESERVATION
HMO's - See INSURANCE - HEALTH
Homeless - See HUMAN SERVICES - HOMELESS
Homestead Rebate - See TAXATION - HOMESTEAD REBATE
Horse Racing - See GAMBLING - HORSE RACING
Hospitals - See HEALTH - FACILITIES
Hotels - See HOUSING - HOTELS AND MULTIPLE DWELLINGS
 HOUSING
 See Also PROPERTY - REAL ESTATE
 HOUSING - AFFORDABLE HOUSING

HOUSING - BOARDING HOMES
 HOUSING - CONDOMINIUMS AND COOPERATIVES
 HOUSING - CONSTRUCTION CODES
 HOUSING - HOTELS AND MULTIPLE DWELLINGS
 HOUSING - HOUSING FINANCE
 HOUSING - LANDLORD AND TENANT
 HOUSING - MOBILE HOMES
 HUMAN SERVICES
 See Also SENIOR CITIZENS
 HUMAN SERVICES - ADOPTION AND FOSTER CARE
 HUMAN SERVICES - CHILD ABUSE
 HUMAN SERVICES - CHILD SUPPORT
 HUMAN SERVICES - CHILDREN
 HUMAN SERVICES - DAY CARE
 HUMAN SERVICES - DEVELOPMENTALLY DISABLED
 HUMAN SERVICES - DISABLED
 HUMAN SERVICES - HOMELESS
 HUMAN SERVICES - MEDICAID
 HUMAN SERVICES - MEDICARE
 HUMAN SERVICES - MENTAL HEALTH
 HUMAN SERVICES - PAAD
 HUMAN SERVICES - PUBLIC ASSISTANCE
Hunting - See ENVIRONMENT - NATURAL RESOURCES - FISH, GAME AND WILDLIFE
I & R - See INITIATIVE AND REFERENDA
Impaired Drivers - See MOTOR VEHICLES - DRUNK DRIVING
Incinerators - See ENVIRONMENT - WASTE MANAGEMENT - RESOURCE RECOVERY
Income Tax - See TAXATION - PERSONAL INCOME TAX
Industry - See COMMERCE
Inheritance Tax - See TAXATION - INHERITANCE TAX
 INITIATIVE AND REFERENDA
Insanity Defense - See CRIMINAL JUSTICE - CRIMINAL PROCEDURES
Inspection, Motor Vehicle - See MOTOR VEHICLES - REGULATION
 INSURANCE
 INSURANCE - AUTOMOBILE INSURANCE
 INSURANCE - HEALTH INSURANCE
 INSURANCE - LIFE INSURANCE
 INSURANCE - PROPERTY AND CASUALTY INSURANCE
 INTERNATIONAL AFFAIRS
 INTERSTATE RELATIONS
Jails - See CORRECTIONS
Job Training - See LABOR - JOB TRAINING
Judges - See JUDICIARY - JUDGES
 JUDICIARY
 See Also CIVIL JUSTICE
 See Also CRIMINAL JUSTICE
 JUDICIARY - COURT ADMINISTRATION
 JUDICIARY - JUDGES

JUDICIARY - JURIES

Juries - See JUDICIARY - JURIES

Juvenile Delinquency - See CRIMINAL JUSTICE - JUVENILE JUSTICE

Juvenile Justice - See CRIMINAL JUSTICE - JUVENILE JUSTICE

LABOR

LABOR - JOB TRAINING

LABOR - LABOR RELATIONS

LABOR - OCCUPATIONAL SAFETY

LABOR - UNEMPLOYMENT COMPENSATION

LABOR - WORKERS COMPENSATION

Labor Relations - See LABOR - LABOR RELATIONS

Labor Unions - See LABOR - LABOR RELATIONS

LAND USE

Landlord and Tenant - See HOUSING - LANDLORD AND TENANT

Landfills - See ENVIRONMENT - WASTE MANAGEMENT - SOLID WASTE

Lead - See ENVIRONMENT - HAZARDOUS SUBSTANCES

Leaf Composting - See ENVIRONMENT - WASTE MANAGEMENT - RECYCLING

Leases, State - See STATE GOVERNMENT - OPERATIONS

Legislative Agents - See LOBBYISTS

LEGISLATURE

Liability Insurance - See INSURANCE - PROPERTY AND CASUALTY

INSURANCE

LIBRARIES

Licenses, Motor Vehicle - See MOTOR VEHICLE REGULATION

Licensing, Professional - See REGULATED PROFESSIONS

Life Insurance - See INSURANCE - LIFE INSURANCE

Limousines - See MOTOR VEHICLES - COMMERCIAL

Liquor - See ALCOHOLIC BEVERAGES

Literacy - See EDUCATION

Litter - See ENVIRONMENT - WASTE MANAGEMENT - SOLID WASTE

Living Wills - See HEALTH - BIOETHICS

LOBBYISTS

LOCAL GOVERNMENT

See Also AUTHORITIES - LOCAL AUTHORITIES

See Also ELECTIONS - LOCAL ELECTIONS

LOCAL GOVERNMENT - COUNTIES

LOCAL GOVERNMENT - COUNTIES - BUDGET AND FINANCE

LOCAL GOVERNMENT - COUNTIES - OFFICERS AND EMPLOYEES

LOCAL GOVERNMENT - MUNICIPALITIES

LOCAL GOVERNMENT - MUNICIPALITIES - BUDGET AND FINANCE

See Also TAXATION - PROPERTY TAX

LOCAL GOVERNMENT - MUNICIPALITIES - OFFICERS AND EMPLOYEES

LOCAL GOVERNMENT - STATE AID

Lotteries - See GAMBLING - LOTTERIES

Lyme Disease - See HEALTH - DISEASE

Malpractice - See HEALTH - PROFESSIONALS

Manufacturing - See COMMERCE

Marriage - See DOMESTIC RELATIONS

Mass Transit - See TRANSPORTATION - MASS TRANSIT

Mayors - See LOCAL GOVERNMENT - MUNICIPALITIES - OFFICERS AND EMPLOYEES

Meadowlands - See AUTHORITIES
Medicaid - See HUMAN SERVICES - MEDICAID
Medicare - See HUMAN SERVICES - MEDICARE
Medicine - See HEALTH - PHARMACEUTICALS
Memorializations - See FEDERAL RELATIONS - MEMORIALIZATIONS
 MEMORIALS
Mental Health - See HUMAN SERVICES - MENTAL HEALTH
 MILITARY
 See Also VETERANS
Minimum Wage - See LABOR - WAGES AND BENEFITS
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 MINORITY AND ETHNIC AFFAIRS
 See Also CIVIL RIGHTS
Mobile Homes - See HOUSING - MOBILE HOMES
Mortgages - See HOUSING - FINANCE
Motels - See HOUSING - HOTELS
Motor Fuels - See MOTOR VEHICLES - FUELS
 MOTOR VEHICLES
 MOTOR VEHICLES - COMMERCIAL
 MOTOR VEHICLES - DRUNK DRIVING
 MOTOR VEHICLES - FUELS
 MOTOR VEHICLES - OFFENSES
 MOTOR VEHICLES - REGULATION
 MOTOR VEHICLES - TRAFFIC SAFETY
Mount Laurel - See HOUSING - AFFORDABLE HOUSING
Multiple Dwellings - See HOUSING - HOTELS AND MULTIPLE DWELLINGS
Municipal Employees - See LOCAL GOVERNMENT - MUNICIPALITIES -
 OFFICERS AND EMPLOYEES
Municipalities - See LOCAL GOVERNMENT - MUNICIPALITIES
Museums - See ARTS AND CULTURE
Music - See ARTS AND CULTURE
Narcotics - See CRIMINAL JUSTICE - CRIMES AND PENALTIES
National Guard - See MILITARY
Natural Gas - See ENERGY
Natural Resources - See ENVIRONMENT - NATURAL RESOURCES
New Jersey Constitution - See CONSTITUTIONAL AMENDMENTS
New Jersey History - See STATE GOVERNMENT - NEW JERSEYANA
New Jersey History - See HISTORIC PRESERVATION
New Jersey Transit - See TRANSPORTATION - MASS TRANSIT
New Jersey Turnpike - See TRANSPORTATION - TOLL ROADS
Noise Pollution - See ENVIRONMENT - POLLUTION - NOISE POLLUTION
Non Profit Organizations - See CHARITIES AND NON PROFIT
 ORGANIZATIONS
Nuclear Energy - See ENERGY
Nurses - See HEALTH - PROFESSIONALS
Nursing Homes - See HEALTH - NURSING HOMES
Obscenity - See CRIMINAL JUSTICE - CRIMES AND PENALTIES
Occupational Safety - See LABOR - OCCUPATIONAL SAFETY
Occupations - See REGULATED PROFESSIONS
Oil - See ENERGY

Public Employees - See LOCAL GOVERNMENT - MUNICIPALITIES - OFFICERS AND EMPLOYEES
Public Employees - See PUBLIC EMPLOYEE BENEFITS
Public Employees - See PUBLIC EMPLOYEE BENEFITS - PENSIONS
Public Employees - See STATE GOVERNMENT - OFFICERS AND EMPLOYEES
PUBLIC FEES
PUBLIC NOTICE AND MEETINGS
Public Questions - See ELECTIONS - PUBLIC QUESTIONS
PUBLIC RECORDS
PUBLIC SAFETY
PUBLIC SAFETY - EMERGENCY SERVICES
PUBLIC SAFETY - FIRE SAFETY
PUBLIC SAFETY - FIREFIGHTERS
PUBLIC SAFETY - POLICE
PUBLIC SAFETY - WEAPONS
Public Schools - See EDUCATION
PUBLIC UTILITIES
 See Also ENERGY
 See Also COMMUNICATIONS - TELEPHONES
Public Utilities Tax - See TAXATION - PUBLIC UTILITIES TAX
Radio - See COMMUNICATIONS
Radioactive Waste - See ENVIRONMENT - WASTE MANAGEMENT - HAZARDOUS WASTE
Radon - See ENVIRONMENT - HAZARDOUS SUBSTANCES
Raffles - See GAMBLING
Railroads - See TRANSPORTATION - MASS TRANSIT
Real Estate - See PROPERTY - REAL ESTATE
Reapportionment - See ELECTIONS
Records, Public - See PUBLIC RECORDS
Recreation - See SPORTS AND RECREATION
Recycling - See ENVIRONMENT - WASTE MANAGEMENT - RECYCLING
Redistricting - See ELECTIONS
Referenda - See ELECTIONS - PUBLIC QUESTIONS
 See INITIATIVE AND REFERENDA
Regulations - See STATE GOVERNMENT
REGULATED PROFESSIONS
Reorganization - See STATE GOVERNMENT - DEPARTMENTS AND AGENCIES
Rescue Squads - See PUBLIC SAFETY - EMERGENCY SERVICES
Resource Recovery - See ENVIRONMENT - WASTE MANAGEMENT - RESOURCE RECOVERY
Retirement - See PUBLIC EMPLOYEE BENEFITS - PENSIONS
Roads - See TRANSPORTATION - HIGHWAYS
Rutgers University - See HIGHER EDUCATION - INSTITUTIONS
Safety - See LABOR - OCCUPATIONAL SAFETY
Safety - See PUBLIC SAFETY
Sales - See COMMERCE
Sales Tax - See TAXATION - SALES TAXES
Savings and Loan - See BANKING AND FINANCE
Scholarships - See HIGHER EDUCATION - STUDENT AID

School Boards - See EDUCATION - SCHOOL BOARDS AND DISTRICTS
School Budgets - See EDUCATION - FINANCE
School Buildings - See EDUCATION - SCHOOL FACILITIES
School Buses - See EDUCATION - SCHOOL TRANSPORTATION
School Districts - See EDUCATION - SCHOOL BOARDS AND DISTRICTS
School Elections - See EDUCATION - SCHOOL ELECTIONS
School Facilities - See EDUCATION - SCHOOL FACILITIES
SCIENCE AND TECHNOLOGY
Seat Belts - See MOTOR VEHICLES - TRAFFIC SAFETY
Security Guards - See POLICE
SENIOR CITIZENS
 See Also HUMAN SERVICES - MEDICARE
 See Also HUMAN SERVICES - PAAD
Sentencing (Criminal) - See CRIMINAL JUSTICE - CRIMINAL PROCEDURES
Set Aside Programs - See COMMERCE - BUSINESS ASSISTANCE
Sewage - See ENVIRONMENT - WASTE MANAGEMENT - WASTEWATER
SEWERAGE
Sexual Harassment - See WOMEN
Shore Protection - See BEACHES AND SHORES
Shores - See BEACHES AND SHORES
Sludge - See ENVIRONMENT - WASTE MANAGEMENT - WASTEWATER
Small Business - See COMMERCE - BUSINESS ASSISTANCE
Smoking - See HEALTH
Solar Energy - See ENERGY - CONSERVATION AND ALTERNATIVE ENERGY SOURCES
Solid Waste - See ENVIRONMENT - WASTE MANAGEMENT - SOLID WASTE
Special Education - See EDUCATION - SPECIAL EDUCATION
SPECIAL LEGISLATION
SPORTS AND RECREATION
Spouse Abuse - See DOMESTIC RELATIONS
State Agencies - See STATE GOVERNMENT - DEPARTMENTS AND AGENCIES
State and Federal Relations - See FEDERAL RELATIONS
State Auditor - See STATE GOVERNMENT - OFFICERS
STATE BUDGET AND FINANCE
STATE BUDGET AND FINANCE - SUPPLEMENTAL APPROPRIATIONS
State Buildings - See STATE GOVERNMENT - STATE OPERATIONS
State Departments - See STATE GOVERNMENT - DEPARTMENTS AND AGENCIES
STATE GOVERNMENT
STATE GOVERNMENT - DEPARTMENTS AND AGENCIES
STATE GOVERNMENT - EMPLOYEES
STATE GOVERNMENT - NEW JERSEYANA
STATE GOVERNMENT - OFFICERS
 See Also GOVERNOR
 LEGISLATURE
STATE GOVERNMENT - OPERATIONS
State Leases - See STATE GOVERNMENT - OPERATIONS
State Officers - See STATE GOVERNMENT - OFFICERS
State Operations - See STATE GOVERNMENT - OPERATIONS
State Planning - See LAND USE

State Printing - See STATE GOVERNMENT - OPERATIONS
State Property - See STATE GOVERNMENT - OPERATIONS
State Song - See STATE GOVERNMENT - NEW JERSEYANA
State Treasurer - See STATE GOVERNMENT - OFFICERS
Student Aid - See HIGHER EDUCATION - STUDENT AID
Substance Abuse (Crimes) - See CRIMINAL JUSTICE - CRIMES AND PENALTIES
Substance Abuse (Treatment) - See HEALTH - DRUG AND ALCOHOL ABUSE
Superfund - See ENVIRONMENT - WASTE MANAGEMENT - HAZARDOUS WASTE
Suppl. Appropriations - See STATE BUDGET AND FINANCE - SUPPLEMENTAL APPROPRIATIONS
Surrogate Parenting - See HEALTH - BIOETHICS
TAXATION
 TAXATION - ALCOHOL, GASOLINE AND TOBACCO TAXES
 TAXATION - BUSINESS TAXES
 TAXATION - HOMESTEAD REBATE
 TAXATION - INHERITANCE TAX
 TAXATION - PERSONAL INCOME TAX
 TAXATION - PROPERTY TAX
 TAXATION - PUBLIC UTILITIES TAX
 TAXATION - SALES TAXES
Taxi Cabs - See MOTOR VEHICLES - COMMERCIAL
Teachers - See EDUCATION - TEACHERS
Technology - See SCIENCE AND TECHNOLOGY
Telecommunications - See COMMUNICATIONS
Telephones - See COMMUNICATIONS - TELEPHONES
Television - See COMMUNICATIONS - TELEVISION
Tenant Rights - See HOUSING - LANDLORD AND TENANT
Tenure - See EDUCATION - TEACHERS
Tenure - See HIGHER EDUCATION - FACULTY AND STAFF
Tobacco Smoking - See HEALTH
Tobacco Tax - See TAXATION - ALCOHOL, GASOLINE AND TOBACCO TAXES
Toll Roads - See TRANSPORTATION - TOLL ROADS
Tort Liability - See CIVIL JUSTICE - TORT LIABILITY
TOURISM
 See Also BEACHES AND SHORES
Toxic Substances - See ENVIRONMENT - HAZARDOUS SUBSTANCES
Trade - See COMMERCE
Traffic Safety - See MOTOR VEHICLES - TRAFFIC SAFETY
Trains - See TRANSPORTATION - MASS TRANSIT
Transfer Inheritance Tax - See TAXATION - INHERITANCE TAX
TRANSPORTATION
 See Also AVIATION
 See Also BOATS AND VESSELS
 TRANSPORTATION - BRIDGES
 TRANSPORTATION - HIGHWAYS
 TRANSPORTATION - MASS TRANSIT
 TRANSPORTATION - TOLL ROADS
Traps, Animal - See ENVIRONMENT - NATURAL RESOURCES - FISH, GAME AND WILDLIFE

Treasurer, State - See STATE GOVERNMENT - OFFICERS
Trucks - See MOTOR VEHICLES - COMMERCIAL
Trusts - See PROPERTY - ESTATES
Tuition - See HIGHER EDUCATION - FINANCE
Turnpike - See TRANSPORTATION - TOLL ROADS
Uncompensated Care - See HEALTH - FINANCE
Underground Storage - See ENVIRONMENT - POLLUTION
Unemployment Compensation - See LABOR - UNEMPLOYMENT
 COMPENSATION
Unemployment Insurance - See LABOR - UNEMPLOYMENT COMPENSATION
United States Constitution - See FEDERAL RELATIONS
Universities - See HIGHER EDUCATION - INSTITUTIONS
Urban Aid - See LOCAL GOVERNMENT - STATE AID
Urban Enterprise Zones - See COMMERCE - ECONOMIC DEVELOPMENT
Utilities - See PUBLIC UTILITIES
 VALIDATING ACTS
Vessels - See BOATS AND VESSELS
 VETERANS
Victims of Crime - See CRIMINAL JUSTICE - CRIME VICTIMS
Vocational Education - See EDUCATION - VOCATIONAL EDUCATION
Voter Registration - See ELECTIONS - VOTER REGISTRATION
Voting Procedures - See ELECTIONS - VOTING PROCEDURES
Wages - See LABOR - WAGES AND BENEFITS
Waste Management - See ENVIRONMENT - WASTE MANAGEMENT
Wastewater - See ENVIRONMENT - WASTE MANAGEMENT - WASTEWATER
Water Pollution - See ENVIRONMENT - POLLUTION - WATER POLLUTION
Water Supply - See ENVIRONMENT - NATURAL RESOURCES - WATER SUPPLY
Watercraft - See BOATS AND VESSELS
Waterways - See BOATS AND VESSELS
Weapons - See PUBLIC SAFETY - WEAPONS
Welfare - See HUMAN SERVICES - PUBLIC ASSISTANCE
Wells - See ENVIRONMENT - NATURAL RESOURCES - WATER SUPPLY
Wetlands - See ENVIRONMENT - NATURAL RESOURCES
Wildlife - See ENVIRONMENT - NATURAL RESOURCES - FISH, GAME AND
 WILDLIFE
Wills - See PROPERTY - ESTATES
 WOMEN
 See Also ABORTION
 See Also CIVIL RIGHTS
 See Also DOMESTIC RELATIONS
Worker Safety - See LABOR - OCCUPATIONAL SAFETY
Workers Compensation - See LABOR - WORKERS COMPENSATION
Zoning - See LAND USE

APPENDIX J. SAMPLE GENERAL OBLIGATION ACT

[NOTE: See P.L. 1992, Chapter 182 which allows the refinancing of all general obligation bonds under the Refunding Bond Act of 1985.]

(Basic language taken from A-4444 (ACA) (AA) of 1987, known as the "New Jersey Baseball Stadium Bond Act of 1987," S-2555 (OCR) SCS of 1987, known as the "Correctional Facilities Construction Bond Act of 1987," and the "Water Resources Development Bond Act of 1987," a bond draft prepared for the 1987 session.)

3302 (Backup for emergency use <u>only</u> at)	EA	0091
9/17/87jc;9/18/87		SR EA	0050
		TR EA	0050

[SAMPLE GENERAL OBLIGATION BOND ACT (NOT APPLICABLE TO A PROGRAM OF GRANTS AND LOANS TO OTHER UNITS)]

[NOTE: BRACKETED BOLD MATERIAL THROUGHOUT THIS BILL INDICATES LANGUAGE THAT SHOULD BE REVIEWED, AND REVISED IF NECESSARY, TO MEET THE PARTICULAR NEEDS OF EACH NEW BOND ACT. DEPENDING UPON THE SUBJECT MATTER, OTHER LANGUAGE MAY ALSO NEED TO BE MODIFIED. BE CERTAIN THAT ALL DEFINITIONS APPEAR IN THE TEXT, THE SECTIONS AND SUBSECTIONS ARE NUMBERED CONSECUTIVELY, AND ALL INTERNAL AND EXTERNAL CROSS-REFERENCES ARE CORRECT.]

AN ACT authorizing the creation of a debt of the State of New Jersey by the issuance of bonds of the State in the aggregate principal amount of [\$200,000,000.00] for the purpose of [providing project-sharing funds required by the "Water Resources Development Act of 1986"]; providing the ways and means to pay and discharge the principal of and interest on the bonds; providing for the submission of this act to the people at a general election; and making an appropriation therefor.

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

1. This act shall be known and may be cited as the ["Water Resources Development Bond Act of 1987."]

2. The Legislature finds and declares that:

[a. The restoration, maintenance, and protection of our harbors, inlets, channels, stream banks, lakes, and shorelines are essential to the welfare, commerce, and prosperity of the people of the State.

b. The State's growing population, expanding commercial development, and tourist industry all require water resources that are adequately protected and managed.

c. The federal "Water Resources Development Act of 1986" has identified the need for additional State share funding for harbor, flood control, shoreline protection, and water resource conservation projects and water resource studies.]

3. As used in this act:

"Bonds" mean the bonds authorized to be issued, or issued, under this act;

["Commission" means the New Jersey Commission on Capital Budgeting and Planning;

"Commissioner" means the Commissioner of Environmental Protection;

"Construction means, in addition to the usual meaning thereof, acts of construction, reconstruction, improvement, rehabilitation, relocation, demolition, renewal, repair, replacement, extension, improvement, and betterment;

"Cost" means the expenses incurred in connection with: the acquisition by purchase, lease, or otherwise, and the construction of a project authorized by this act; the acquisition by purchase, lease, or otherwise, and the development of any real or personal property for use in connection with a project authorized by this act, including any rights or interests therein; the execution of any agreements and franchises deemed by the department to be necessary or useful and convenient in connection with any project authorized by this act; the procurement of engineering, inspection, planning, legal, financial, or other professional services, including the services of a bond registrar or an authenticating agent; the issuance of bonds, or any interest or discount thereon; the administrative, organizational, operating, or other expenses incident to the financing, completing, and placing into service of any project authorized by this act; the establishment of a reserve fund or funds for working capital, operating, maintenance, or replacement expenses and for the payment or security of principal or interest on bonds, as the Director of the Division of Budget and Accounting in the Department of the Treasury may determine; and reimbursement to any fund of the State of moneys which may have been transferred or advanced therefrom to any fund created by this act, or of any moneys which may have been expended therefrom for, or in connection with, any project authorized by this act;

"Department" means the Department of Environmental Protection;

"Government securities" means any bonds or other obligations which as to principal and interest constitute direct obligations of, or are unconditionally guaranteed by, the United States of America, including obligations of any federal agency, to the extent those obligations are unconditionally guaranteed by the United States of America, and any certificates or any other evidences of an ownership interest in those obligations of, or unconditionally guaranteed by, the United States of America or in specified portions which may consist of the principal of, or the interest on, those obligations;

"Project" means any work relating to any of the water resources projects identified in the federal "Water Resources Development Act of 1986."]

[4. The commissioner shall adopt, pursuant to the "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et seq.), rules and regulations necessary to implement the provisions of this act. The commissioner shall review and consider the findings and recommendations of the commission in the administration of the provisions of this act.]

5. [a.] Bonds of the State of New Jersey are authorized to be issued in the aggregate principal amount of [\$200,000,000.00] for the purpose of [financing the State share of the cost of projects authorized pursuant to the federal "Water Resources Development Act of 1986."]

b. Of the total moneys available pursuant to this act: (i) \$25,000,000.00 is allocated for harbor projects; (ii) \$75,000,000.00 is allocated for flood control projects; and (iii) \$100,000,000.00 is allocated for shoreline protection projects, lake programs, and studies.

c. The State and local shares of a project shall be computed after deducting the federal contribution.]

6. The bonds authorized under this act shall be serial bonds, term bonds, or a combination thereof, and shall be known as ["Water Resources Development Bonds."] They shall be issued from time to time as the issuing officials herein named shall determine and may be issued in coupon form, fully-registered form or book-entry form. The bonds may be subject to redemption prior to maturity and shall mature and be paid not later than 35 years from the respective dates of their issuance.

7. The Governor, the State Treasurer and the Director of the Division of Budget and Accounting in the Department of the Treasury, or any two of these officials, herein referred to as "the issuing officials," are authorized to carry out the

provisions of this act relating to the issuance of bonds, and shall determine all matters in connection therewith, subject to the provisions of this act. If an issuing official is absent from the State or incapable of acting for any reason, the powers and duties of that issuing official shall be exercised and performed by the person authorized by law to act in an official capacity in the place of that issuing official.

8. Bonds issued in accordance with the provisions of this act shall be a direct obligation of the State of New Jersey, and the faith and credit of the State are pledged for the payment of the interest and redemption premium thereon, if any, when due, and for the payment of the principal thereof at maturity or earlier redemption date. The principal of and interest on the bonds shall be exempt from taxation by the State or by any county, municipality or other taxing district of the State.

9. The bonds shall be signed in the name of the State by means of the manual or facsimile signature of the Governor under the Great Seal of the State, which seal may be by facsimile or by way of any other form of reproduction on the bonds, and attested by the manual or facsimile signature of the Secretary of State, or an Assistant Secretary of State, and shall be countersigned by the facsimile signature of the Director of the Division of Budget and Accounting in the Department of the Treasury and may be manually authenticated by an authenticating agent or bond registrar, as the issuing officials shall determine. Interest coupons, if any, attached to the bonds shall be signed by the facsimile signature of the Director of the Division of Budget and Accounting in the Department of the Treasury. The bonds may be issued notwithstanding that an official signing them or whose manual or facsimile signature appears on the bonds or coupons has ceased to hold office at the time of issuance, or at the time of the delivery of the bonds to the purchaser thereof.

10. a. The bonds shall recite that they are issued for the purposes set forth in [section 5] of this act, that they are issued pursuant to this act, that this act was submitted to the people of the State at the general election held in the month of [November, 19 ,] and that this act was approved by a majority of the legally qualified voters of the State voting thereon at the election. This recital shall be conclusive evidence of the authority of the State to issue the bonds and their validity. Any bonds containing this recital shall, in any suit, action or proceeding involving their validity, be conclusively deemed to be fully authorized by this act and to have been issued, sold, executed and delivered in conformity herewith and with all other provisions of laws applicable hereto, and shall be incontestable for any cause.

b. The bonds shall be issued in those denominations and in the form or forms, whether coupon, fully-registered or book-entry, and with or without provisions for interchangeability thereof, as may be determined by the issuing officials.

11. When the bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials. Each series of bonds shall bear such rate or rates of interest as may be determined by the issuing officials, which interest shall be payable semiannually; except that the first and last interest periods may be longer or shorter, in order that intervening semiannual payments may be at convenient dates.

12. The bonds shall be issued and sold at the price or prices and under the terms, conditions and regulations as the issuing officials may prescribe, after notice of the sale, published at least once in at least three newspapers published in this State, and at least once in a publication carrying municipal bond notices and devoted primarily to financial news, published in this State or in the City of New York, the first notice to appear at least five days prior to the day of bidding. The notice of sale may contain a provision to the effect that any bid in pursuance thereof may be rejected. In the event of rejection or failure to receive any acceptable bid, the issuing officials, at any time within 60 days from the date of the advertised sale, may sell the bonds at a private sale at such price or prices and under the terms and conditions as the issuing officials may prescribe. The issuing officials may sell all or part of the bonds of any series as issued to any State fund or to the federal government or any agency thereof, at a private sale, without advertisement.

13. Until permanent bonds are prepared, the issuing officials may issue temporary bonds in the form and with those privileges as to their registration and exchange for permanent bonds as may be determined by the issuing officials.

14. The proceeds from the sale of the bonds shall be paid to the State Treasurer to be held by the State Treasurer in [a separate fund, which shall be known as the "Water Resources Development Fund."] The proceeds of this [fund] shall be deposited in those depositories as may be selected by the State Treasurer to the credit of the [fund].

15. a. The moneys in the ["Water Resources Development Fund"] are specifically dedicated and shall be applied to the [cost] of the purposes set forth in [section 5] of this act. However, no moneys in the fund shall be expended for those purposes, except as otherwise authorized by this act, without

the specific appropriation thereof by the Legislature, but bonds may be issued as herein provided, notwithstanding that the Legislature shall not have then adopted an act making a specific appropriation of any of the moneys. Any act appropriating moneys from the ["Water Resources Development Fund"] shall identify the [project] to be funded by the moneys.

b. At any time prior to the issuance and sale of bonds under this act, the State Treasurer is authorized to transfer from any available moneys in any fund of the treasury of the State to the credit of the ["Water Resources Development Fund"] those sums as the State Treasurer may deem necessary. The sums so transferred shall be returned to the same fund of the treasury of the State by the State Treasurer from the proceeds of the sale of the first issue of bonds.

c. Pending their application to the purposes provided in this act, the moneys in the ["Water Resources Development Fund"] may be invested and reinvested as are other trust funds in the custody of the State Treasurer, in the manner provided by law. Net earnings received from the investment or deposit of moneys in the ["Water Resources Development Fund"] shall be paid into the General Fund.

16. If any coupon bond, coupon or registered bond is lost, mutilated or destroyed, a new bond or coupon shall be executed and delivered of like tenor, in substitution for the lost, mutilated or destroyed bond or coupon, upon the owner furnishing to the issuing officials evidence satisfactory to them of the loss, mutilation or destruction of the bond or coupon, the ownership thereof, and security, indemnity and reimbursement for expenses connected therewith, as the issuing officials may require.

17. The accrued interest, if any, received upon the sale of the bonds shall be applied to the discharge of a like amount of interest upon the bonds when due. Any expense incurred by the issuing officials for advertising, engraving, printing, clerical, authenticating, registering, legal or other services necessary to carry out the duties imposed upon them by the provisions of this act shall be paid from the proceeds of the sale of the bonds by the State Treasurer, upon the warrant of the Director of the Division of Budget and Accounting in the Department of the Treasury, in the same manner as other obligations of the State are paid.

18. Bonds of each series issued hereunder shall mature, including any sinking fund redemptions, not later than the 35th year from the date of issue of that series, and in amounts as shall be determined by the issuing officials. The issuing officials may reserve to the State by appropriate provision in

the bonds of any series the power to redeem any of the bonds prior to maturity at the price or prices and upon the terms and conditions as may be provided in the bonds.

19. Any bond or bonds issued hereunder which are subject to refinancing pursuant to the "Refunding Bond Act of 1985," P.L.1985, C.74 as amended by P.L.1992, c.182 (C.49:2B-1 et seq.), shall no longer be deemed to be outstanding, shall no longer constitute a direct obligation of the State of New Jersey, and the faith and credit of the State shall no longer be pledged to the payment of the principal of, redemption premium, if any, and interest on the bonds, and the bonds shall be secured solely by and payable solely from moneys and government securities deposited in trust with one or more trustees or escrow agents, which trustees and escrow agents shall be trust companies or national or state banks having powers of a trust company, located either within or without the State, as provided herein, whenever there shall be deposited in trust with the trustees or escrow agents, as provided herein, either moneys or government securities, including government securities issued or held in book-entry form on the books of the Department of Treasury of the United States, the principal of and interest on which when due will provide money which, together with the moneys, if any, deposited with the trustees or escrow agents at the same time, shall be sufficient to pay when due the principal of, redemption premium, if any, and interest due and to become due on the bonds on or prior to the redemption date or maturity date thereof, as the case may be; provided the government securities shall not be subject to redemption prior to their maturity other than at the option of the holder thereof. The State of New Jersey hereby covenants with the holders of any bonds for which government securities or moneys shall have been deposited in trust with the trustees or escrow agents as provided in this section that, except as otherwise provided in this section, neither the government securities nor moneys so deposited with the trustees or escrow agents shall be withdrawn or used by the State for any purpose other than, and shall be held in trust for, the payment of the principal of, redemption premium, if any, and interest to become due on the bonds; provided that any cash received from the principal or interest payments on the government securities deposited with the trustees or escrow agents, to the extent the cash will not be required at any time for that purpose, shall be paid over to the State, as received by the trustees or escrow agents, free and clear of any trust, lien, pledge or assignment securing the bonds; and to the extent the cash will be required for that purpose at a later date, shall, to the extent practicable and legally permissible, be reinvested in government securities maturing at times and in amounts sufficient to pay when due the principal of, redemption premium, if any, and interest to become due on the bonds on and prior to the redemption date or maturity date thereof, as the

case may be, and interest earned from the reinvestments shall be paid over to the State, as received by the trustees or escrow agents, free and clear of any trust, lien or pledge securing the bonds. Notwithstanding anything to the contrary contained herein: a. the trustees or escrow agents shall, if so directed by the issuing officials, apply moneys on deposit with the trustees or escrow agents pursuant to the provisions of this section, and redeem or sell government securities so deposited with the trustees or escrow agents, and apply the proceeds thereof to (1) the purchase of the bonds which were refinanced by the deposit with the trustees or escrow agents of the moneys and government securities and immediately thereafter cancel all bonds so purchased, or (2) the purchase of different government securities; provided however, that the moneys and government securities on deposit with the trustees or escrow agents after the purchase and cancellation of the bonds or the purchase of different government securities shall be sufficient to pay when due the principal of, redemption premium, if any, and interest on all other bonds in respect of which the moneys and government securities were deposited with the trustees or escrow agents on or prior to the redemption date or maturity date thereof, as the case may be; and b. in the event that on any date, as a result of any purchases and cancellations of bonds or any purchases of different government securities, as provided in this sentence, the total amount of moneys and government securities remaining on deposit with the trustees or escrow agents is in excess of the total amount which would have been required to be deposited with the trustees or escrow agents on that date in respect of the remaining bonds for which the deposit was made in order to pay when due the principal of, redemption premium, if any, and interest on the remaining bonds, the trustees or escrow agents shall, if so directed by the issuing officials, pay the amount of the excess to the State, free and clear of any trust, lien, pledge or assignment securing the refunding bonds.

20. Refunding bonds issued pursuant to P.L. 1985, c. 74 as amended by P.L. 1992, c. 182 (C. 49:2B-1 et seq.) may be consolidated with bonds issued pursuant to [section 6] of this act or with bonds issued pursuant to any other act for purposes of sale.

21. To provide funds to meet the interest and principal payment requirements for the bonds and refunding bonds issued and outstanding, there is appropriated in the order following:

[a. Revenue derived from the collection of taxes under the "Sales and Use Tax Act," P.L. 1966, c.30 (C.54:32B-1 et seq.), or so much thereof as may be required; and

b.] If, at any time, funds necessary to meet the interest, redemption premium, if any, and principal payments on outstanding bonds issued under this act are insufficient or not available, there shall be assessed, levied and collected annually in each of the municipalities of the counties of this

State, a tax on the real and personal property upon which municipal taxes are or shall be assessed, levied and collected, sufficient to meet the interest on all outstanding bonds issued hereunder and on the bonds proposed to be issued under this act in the calendar year in which the tax is to be raised and for the payment of bonds falling due in the year following the year for which the tax is levied. The tax shall be assessed, levied and collected in the same manner and at the same time as are other taxes upon real and personal property. The governing body of each municipality shall cause to be paid to the county treasurer of the county in which the municipality is located, on or before December 15 in each year, the amount of tax herein directed to be assessed and levied, and the county treasurer shall pay the amount of the tax to the State Treasurer on or before December 20 in each year.

If on or before December 31 in any year, the issuing officials, by resolution, determine that there are moneys in the General Fund beyond the needs of the State, sufficient to meet the principal of bonds falling due and all interest and redemption premium, if any, payable in the ensuing calendar year, the issuing officials shall file the resolution in the office of the State Treasurer, whereupon the State Treasurer shall transfer the moneys to a separate fund to be designated by the State Treasurer, and shall pay the principal, redemption premium, if any, and interest out of that fund as the same shall become due and payable, and the other sources of payment of the principal, redemption premium, if any, and interest provided for in this section shall not then be available, and the receipts for the year from the tax specified in [subsection a.] of this section shall be considered and treated as part of the General Fund, available for general purposes.

22. Should the State Treasurer, by December 31 of any year, deem it necessary, because of the insufficiency of funds collected from the sources of revenues as provided in this act, to meet the interest and principal payments for the year after the ensuing year, then the State Treasurer shall certify to the Director of the Division of Budget and Accounting in the Department of the Treasury the amount necessary to be raised by taxation for those purposes, the same to be assessed, levied and collected for and in the ensuing calendar year. The director shall, on or before March 1 following, calculate the amount in dollars to be assessed, levied and collected in each county as herein set forth. This calculation shall be based upon the corrected assessed valuation of each county for the year preceding the year in which the tax is to be assessed, but the tax shall be assessed, levied and collected upon the assessed valuation of the year in which the tax is assessed and levied. The director shall certify the amount to the county board of taxation and the treasurer of each county. The county board of taxation shall include the proper amount in the current tax levy of the several taxing districts of the county in proportion to the rateables as ascertained for the current year.

23. For the purpose of complying with the provisions of the State Constitution, this act shall be submitted to the people at the general election to be held in the month of [November, 19]. To inform the people of the contents of this act, it shall be the duty of the Secretary of State, after this section takes effect, and at least 60 days prior to the election, to cause this act to be published at least once in one or more newspapers of each county, if any newspapers be published therein, and to notify the clerk of each county of this State of the passage of this act; and the clerks respectively, in accordance with the instructions of the Secretary of State, shall have printed on each of the ballots the following:

If you approve of the act entitled below, make a cross (x), plus (+), or check () mark in the square opposite the word "Yes."

If you disapprove of the act entitled below, make a cross (x), plus (+), or check () mark in the square opposite the word "No."

If voting machines are used, a vote of "Yes" or "No" shall be equivalent to these markings respectively.

[WATER RESOURCES DEVELOPMENT BOND ACT
OF 1987

YES	Shall the "Water Resources Development Bond Act of 1987," which authorizes the State to issue bonds in the amount of \$200,000,000.00 for the purpose of financing the State share of federal harbor, flood control, and shore preservation projects; and providing the ways and means to pay the interest on the debt and also to pay and discharge the principal thereof, be approved?
-----	--

INTERPRETIVE STATEMENT

NO	Approval of this act would authorize the sale of \$200,000,000.00 in State general obligation bonds to be used for the State share of federal harbor, flood control, and shore preservation projects.]
----	--

The fact and date of the approval or passage of this act, as the case may be, may be inserted in the appropriate place after the title in the ballot. No other requirements of law of any kind or character as to notice or procedure, except as herein provided, need be adhered to.

The votes so cast for and against the approval of this act, by ballot or voting machine, shall be counted and the result thereof returned by the election officer, and a canvass of the election had in the same manner as is provided for by law in the case of the election of a Governor, and the approval or disapproval of this act so determined shall be declared in the same manner as the result of an election for a Governor, and if there is a majority of all the votes cast for and against it at the election in favor of the approval of this act, then all the provisions of this act not made effective theretofore shall take effect forthwith.

24. There is appropriated the sum of [\$5,000.00] to the Department of State for expenses in connection with the publication of notice pursuant to [section 23] of this act.

[25. The commissioner shall submit to the State Treasurer and the commission with the department's annual budget request a plan for the expenditure of funds from the "Water Resources Development Fund" for the upcoming fiscal year. This plan shall include the following information: a performance evaluation of the expenditures made from the fund to date; a description of programs planned during the upcoming fiscal year; a copy of the regulations in force governing the operation of programs that are financed, in part or in whole, by funds from the "Water Resources Development Fund"; and an estimate of expenditures for the upcoming fiscal year.]

[26.] Immediately following the submission to the Legislature of the Governor's annual budget message, the [commissioner] shall submit to the [relevant standing committees of the Legislature, as designated by the President of the Senate and the Speaker of the General Assembly,] and to the Joint Budget Oversight Committee, or its successor, a copy of the plan called for under [section 25] of this act, together with such changes therein as may have been required by the Governor's budget message.

[27. Not less than 30 days prior to entering into any contract, lease, obligation, or agreement to effectuate the purposes of this act, the [commissioner] shall report to and consult with the Joint Budget Oversight Committee, or its successor.]

[28. All appropriations from the bond fund shall be by specific allocation for each major project, and any transfer of any funds so appropriated shall require the approval of the Joint Budget Oversight Committee or its successor.]

[29.] This section and [sections 23 and 24] of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in [section 23].

STATEMENT

[This measure would authorize the sale of State bonds, in the aggregate amount of \$200,000,000 to provide for the State share for what is estimated to be more than \$1 billion of federally funded water resources projects authorized under the "Water Resources Development Act of 1986." The projects are for the restoration, maintenance, and protection of harbors, inlets, channels, stream banks, lakes, and shorelines. The projects identified are harbor, flood control, shorelines protection, and water resources conservation projects and resource studies.]

["Water Resources Development Bond Act of 1987", authorizes bonds for \$200 million, and appropriates \$5,000.]

Appendix K:
Example of Supplemental Appropriations Act
with
Committee Statement

[THIRD REPRINT]
ASSEMBLY, No. 60

STATE OF NEW JERSEY

INTRODUCED DECEMBER 14, 1992

By Assemblymen COLLINS, BRYANT, Assemblywoman Heck
and Assemblyman Roma

AN ACT to amend and supplement "An Act making appropriations for the support of the State Government and the several public purposes for the fiscal year ending June 30, 1993 and regulating the disbursement thereof," passed June 30, 1992 (P.L.1992, c.40).

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

1. In addition to the amounts appropriated in P.L.1992, c.40 and the general provisions contained therein, there is appropriated the following sums for the purposes specified:

GENERAL FUND

DIRECT STATE SERVICES

³LEGISLATIVE BRANCH

09 Legislative Commissions

0025 Commission to Study Sex Discrimination in the Statutes

09-0025 Commission to Study Sex Discrimination

in the Statutes \$70,000

Special Purpose:

Expenses of Commission (\$70,000)³

26 DEPARTMENT OF CORRECTIONS

10 Public Safety and Criminal Justice

7025 System-Wide Program Support

13-7025 Institutional Program Support \$26,500,000

Special Purpose:

Increased operating costs (\$26,500,000)

³From the amount hereinabove appropriated for increased operating costs, there shall be deducted and allocated a grant in the amount of \$113,000 for the Joint Connection Program.³

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

7540 Division of Medical Assistance and Health Services

21-7540 Health Services Administration and

Management \$1,000,000

Special Purpose:

Payments to Fiscal Agents (\$1,000,000)

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus in section 3 is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AAP committee amendments adopted December 17, 1992.

² Assembly floor amendments adopted December 17, 1992.

³ Senate SBA committee amendments adopted January 12, 1993.

67 DEPARTMENT OF MILITARY AND VETERANS' AFFAIRS

80 Special Government Services

83 Services to Veterans

3610 Veterans' Programs Support

50-3610 Veterans' Outreach and Assistance \$50,000

Special Purpose:

Agent Orange Commission (\$50,000)

Total Appropriation,

Direct State Services ³[\$27,550,000] \$27,620,000³

GRANTS-IN-AID

¹50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor--Grants-In-Aid

There is appropriated \$1,000,000. of which amount \$750,000 shall be allocated to the New Jersey Institute of Technology and \$250,000 shall be allocated to Thomas A. Edison State College for the purpose of developing a system of portable personal data cards for the storage and retrieval of patient medical history and health care cost reimbursement information.¹

54 DEPARTMENT OF HUMAN SERVICES

20 Physical and Mental Health

24 Special Health Services

7540 Division of Medical Assistance and Health Services--

Grants-In-Aid

22-7540 General Medical Services \$56,117,000
 24-7540 Pharmaceutical Assistance to the Aged
 and Disabled 11,637,000
 28-7540 Lifeline Programs 3,046,000
 Total Appropriation, Division of Medical
 Assistance and Health Services \$70,800,000

33 Grants:

34 Payments for Medical Assistance

Recipients - Inpatient Hospital (\$22,387,000)

Maternal and Child Health Expansion ... (12,781,000)

37 Payments for Medical Assistance

Recipients - Outpatient Hospital (9,549,000)

Medicaid Expansion - SOBRA (8,048,000)

40 Community Care Programs for Elderly

and Disabled (3,352,000)

42 Pharmaceutical Assistance to the

Aged--Claims (11,637,000)

Payments for Lifeline Credits (1,364,000)

45 Payments for Tenants Assistance

Rebates (1,682,000)

²[Notwithstanding P.L.1975, c.413 (C.30:4D-20 et seq.), any participant in the Pharmaceutical Assistance to the Aged and Disabled program as of December 31, 1992, who would become ineligible as a result of the January 1, 1993, federal Social Security cost-of-living adjustment shall retain eligibility during calendar year 1993.] Notwithstanding the annual income

limit amounts in section 2 of P.L.1975, c.194 (C.30:4D-21), effective January 1, 1993, a resident of this State who is either a recipient of disability insurance benefits under Title II of the federal Social Security Act (42 U.S.C. §401 et seq.) or 65 years of age and over and whose annual income is less than \$16,171 if single or, if married, whose annual income combined with that of the resident's spouse is less than \$19,828, shall be eligible for "Pharmaceutical Assistance to the Aged and Disabled" if the resident is not otherwise qualified for assistance under P.L.1968, c.413 (C.30:4D-1 et seq.).²

9 Total Appropriation, Department of Human Services \$70,800,000

62 DEPARTMENT OF LABOR

50 Economic Planning, Development and Security

54 Manpower and Employment Services--Grants-In-Aid

14 07-4535 Vocational Rehabilitation Services \$1,500,000

15 Grants:

16 Sheltered workshop support (\$1,500,000)

17 Total Appropriation, Department of Labor \$1,500,000

18 Total Appropriation, Grants-In-Aid \$72,300,000

STATE AID

34 DEPARTMENT OF EDUCATION

30 Educational, Cultural and Intellectual Development

34 Educational Support Services--State Aid

24 39-5095 Teachers' Pension and Annuity Assistance \$7,238,000

25 State Aid:

26 Additional health benefits (\$7,238,000)

50 DEPARTMENT OF HIGHER EDUCATION

30 Educational, Cultural and Intellectual Development

36 Higher Educational Services

5400 Office of the Chancellor--State Aid

32 06-5400 Aid to County Colleges \$1,379,000

33 State Aid:

34 Additional health benefits (\$1,379,000)

54 DEPARTMENT OF HUMAN SERVICES

50 Economic Planning, Development and Security

53 Economic Assistance and Security--State Aid

7550 Division of Family Development

40 15-7550 Income Maintenance Management \$28,000,000

41 State Aid:

42 Payments to Municipalities for Cost

43 of General Assistance (\$28,000,000)

44 ¹The Commissioner of Human Services shall, in cooperation with the
45 Commissioner of Labor and in consultation with the directors of the local
46 welfare agencies, develop a system for the coordination of procedures and
47 the exchange of information to ensure that "employable persons" receiving
48 assistance also actively participate in an applicable training or employment
49 program. The Commissioner of Human Services shall submit a report to the
50 Senate Budget and Appropriations Committee and the Assembly
51 Appropriations Committee by April 1, 1993, detailing the actions taken by
52 the departments to achieve this coordination and exchange.

The Commissioner of Human Services, in consultation with the Commissioner of Labor, shall review the current definition of "employable person" as set forth in statute and regulation to assess its effectiveness in clearly defining those persons who are physically and mentally capable of working and to assess its clarity and specificity as it relates to the use of the definition by a local agency in determining the applicant's eligibility for assistance and the amount of assistance to be granted. The commissioner shall initiate action to modify the definition if deemed necessary. The commissioner's report shall also include a discussion of the commissioner's review, and any actions taken to modify, the definition of "employable person."

The Commissioner of Human Services shall submit a report to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee by April 1, 1993, detailing the actions, regulations or directives the commissioner will take, promulgate or issue, pursuant to the authority granted under P.L.1947, c.156 (C.44:8-107 et seq.), to standardize the forms used by all persons to apply for public assistance, to enhance procedures and improve efforts for the verification of the merits of each application and to ensure that an applicant for public assistance is receiving public assistance through one local agency only. The commissioner shall also conduct and include in this report a demographic survey of all general assistance recipients in this State.¹

Total Appropriation, State Aid	<u>\$36,617,000</u>
Total Appropriation, General Fund	³ <u>(\$136,467,000)</u> <u>\$136,537,000³</u>

³CAPITAL CONSTRUCTION

42 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND ENERGY

40 Community Development and Environmental Management

42 Natural Resource Management

There is appropriated, subject to allotment by the Director of the Division of Budget and Accounting, such amounts as may be necessary, not to exceed \$12,500,000, for the State and local match of Federal Emergency Management Agency grants for emergency shore restoration and other projects awarded as a result of damage claims arising from the December, 1992 storm. To the extent that the undesignated fund balance of the General Fund is insufficient to support this appropriation, and in order that the amounts necessary to be expended under this provision are available, the Governor shall set aside a reserve of up to \$12,500,000 from other General Fund appropriations authorized in P.L.1992, c.40, or any other available funds, the amount of which reserve shall be not be expended.³

GUBERNATORIAL ELECTIONS FUND

DIRECT STATE SERVICES

66 DEPARTMENT OF LAW AND PUBLIC SAFETY

10 Public Safety and Criminal Justice

1420 Election Law Enforcement Commission

17-1420 Election Law Enforcement	<u>\$12,500,000</u>
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Special Purpose:

Public Financing of the Gubernatorial

Election (\$12,500,000)

1 The amount hereinabove for the Gubernatorial Elections Fund is payable out of
2 the General Fund undesignated fund balance.

3 Grand Total Appropriation,

4 All State Funds ³[\$148,967,000] \$149,037,000³

5 2. The following language provision in section 1 of P.L.1992, c.40, (on page
6 141 of Senate, No. 1000 (1R)) is amended to read as follows:

GENERAL FUND

STATE AID

54 DEPARTMENT OF HUMAN SERVICES

50 *Economic Planning, Development and Security*

53 *Economic Assistance and Security--State Aid*

7550 *Division of Family Development*

14 [Notwithstanding the provisions of P.L.1947, c.156 (C.44:8-107 et seq.) to the
15 contrary, "employable persons" shall be limited to a total of six months of
16 assistance during Fiscal Year 1993.]

17 (cf: P.L.1992, c.40, s.1)

18 3. The following items in Section 1 of P.L.1992, c.40 (on page 149 of
19 Senate Bill No. 1000 (1R)) are amended to read as follows:

GENERAL FUND

CAPITAL CONSTRUCTION

78 DEPARTMENT OF TRANSPORTATION

60 *Transportation Programs*

61 *State Highway Facilities*

27 Capital Project:

28 Transportation Trust Fund

29 Account [(\$331,000,000)] ²[\$142,000,000] (\$155,000,000)²

31 [The sum provided hereinabove for the Transportation Trust Fund account shall
32 be provided from revenues received from motor fuel taxes pursuant to
33 Article VIII, Section II, paragraph 4 of the State Constitution, P.L.1984, c.73
34 (C.27:1B-1 et al.) and R.S.54:39-27 as amended by P.L.1987, c.460, from
35 increases in fees charged for commercial motor vehicles, and from funds
36 received or receivable from the various transportation-oriented authorities.]

37 The sum provided hereinabove for the Transportation Trust Fund Account shall
38 represent amounts equivalent to revenues receivable from motor fuel taxes
39 dedicated by Article VIII, Section II, paragraph 4 of the State Constitution,
40 and an amount equivalent to amounts due in Fiscal Year 1993 pursuant to
41 contracts between the toll road authorities and the State together with such
42 additional sums as may be necessary to support the amount hereinabove
43 appropriated which shall be credited to the "Transportation Trust Fund
44 Account." The moneys provided hereinabove shall be sufficient to enable the
45 New Jersey Transportation Trust Fund Authority to satisfy all of its Fiscal
46 Year 1993 debt service and any bond reserve requirements.

47 Total Appropriation, Department of

48 Transportation .. [\$331,000,000] ²[\$142,000,000] \$155,000,000²

49 (cf: P.L.1992, c.40, s.1)

1 4. Throughout P.L.1992, c.40, where appropriate, corresponding adjustments
2 for fund totals, subtotals and other totals are amended to be in accordance
3 with the supplements and amendments made by this act.

4 5. This act shall take effect immediately.
5
6
7

8
9 _____
9 Makes supplemental appropriations for FY1993 of \$136,537,000 from the
10 General Fund, \$12,500,000 from the Gubernatorial Elections Fund and reduces
11 FY1993 Transportation Trust Fund Account appropriation.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[SECOND REPRINT]

ASSEMBLY, No. 60

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 7, 1993

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 60 (2R), with committee amendments.

Assembly Bill No. 60 (2R), as amended, makes supplemental appropriations for fiscal year 1993 of \$136,537,000 from the General Fund, \$12,500,000 from the Gubernatorial Elections Fund, reduces fiscal year 1993 appropriations to the Transportation Trust Fund account by \$176,000,000 and eliminates the six month limit on General Assistance benefits for employable persons.

In conjunction with a State Aid appropriation to the Department of Human Services for payments to municipalities for the cost of general assistance, the bill requires the Commissioner of Human Services, in cooperation with the Commissioner of Labor and in consultation with the directors of local welfare agencies, to develop a system for the coordination of procedures and the exchange of information to ensure that "employable persons" receiving assistance also actively participate in an applicable training or employment program described above. The Commissioner of Human Services is to submit a report to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee by April 1, 1993, detailing the actions taken by the departments to achieve this coordination and exchange.

In addition, the bill requires the Commissioner of Human Services, in consultation with the Commissioner of Labor, to review the current definition of "employable person" as set forth in statute and regulation to assess its effectiveness in clearly defining those persons who are physically and mentally capable of working and to assess its clarity and specificity as it relates to the use of the definition by a local agency in determining the applicant's eligibility for assistance and the amount of assistance to be granted. The commissioner is to initiate action to modify the definition if deemed necessary. The commissioner's report must also include a discussion of this review, and any actions taken to modify the definition of "employable person."

Also, the Commissioner of Human Services is to include in the report to the Senate Budget and Appropriations Committee and the Assembly Appropriations Committee the actions, regulations or directives the commissioner will take, promulgate or issue to standardize the forms used by all persons to apply for public assistance, to enhance procedures and improve efforts for the verification of the merits of each application and to ensure that an applicant for public assistance is receiving public assistance through one local agency only. The commissioner must also conduct and

include in the report a demographic survey of all general assistance recipients in this State.

This bill is identical to the Senate Committee Substitute for Senate Bill No. 1440 of 1992 as reported by this committee on January 7, 1993.

COMMITTEE AMENDMENTS:

The committee amended the bill to include a \$70,000 appropriation for the Commission to Study Sex Discrimination in the Statutes; a \$113,000 grant for the Joint Connection Program which is to be deducted from the appropriation to the Department of Corrections for increased operating costs; and an appropriation not to exceed \$12,500,000 for the State and local match of Federal Emergency Management Agency grants for emergency shore restoration and other projects awarded as a result of damage claims arising from the December 1992 storm.

FISCAL IMPACT

The bill makes the following appropriations and changes:

The bill reduces the General Fund appropriation to the Transportation Trust Fund Account by \$176,000,000, while appropriating an additional \$149,037,000.

DIRECT STATE SERVICES: The Legislature is appropriated \$70,000 for the Commission to Study Sex Discrimination in the Statutes. The Department of Corrections is appropriated \$26.5 million for increased operating costs in fiscal year 1993 for overtime and non-salary expenditures; however, \$113,000 of this appropriation is to be allocated as a grant for the Joint Connection Program.

The Department of Human Services is appropriated \$1,000,000 for the Payments to Fiscal Agents account, necessary to continue the system which processes payments to vendors.

The \$50,000 supplemental appropriation to the Department of Military and Veterans Affairs provides additional funds to the Agent Orange Commission.

GRANTS-IN-AID: The Human Services General Medical Services Grants-in-Aid supplemental appropriation of \$56,117,000 is due to deficits in: Inpatient and Outpatient Hospital, the Maternal and Child Health Expansion, the SOBRA expansion (covering the aged, blind and disabled to 100% of the federal poverty level) and the waiver programs.

The \$11,637,000 supplemental appropriation for Pharmaceutical Assistance to the Aged and Disabled (PAAD) is for increased utilization and cost per prescription. In addition, funding is provided to protect eligible recipients from losing PAAD benefits due to the 3% Social Security benefit cost of living adjustment effective January, 1993. This \$3,046,000 is for Lifeline Programs driven by an increase in participants.

The Department of Labor supplemental appropriation of \$1.5 million is for expanded sheltered workshop support.

The bill makes an appropriation of \$1 million of which \$750,000 is allocated to the New Jersey Institute of Technology and \$250,000 is allocated to Thomas A. Edison State College for the purpose of developing a system of portable personal data cards for the storage

and retrieval of patient medical history and health care cost reimbursement information.

STATE AID: Supplemental appropriations of \$7,238,000 for Teachers' Pension and Annuity Assistance and \$1,379,000 for Aid to County Colleges are necessary to meet the State's obligations, effective November 1, 1992.

Of the Department of Human Services supplemental appropriation of \$28 million for Income Maintenance Management, \$18 million is needed to cover the projected deficit costs for the General Assistance program and \$10 million is to remove the limitation for employable recipients.

GOVERNMENTAL ELECTIONS FUND: The Department of Law and Public Safety supplemental appropriation of \$12.5 million is for gubernatorial candidates who qualify for public funds in the primary elections and to relieve the existing deficit in the Fund. This amount is provided from the General Fund undesignated fund balance.

CAPITAL CONSTRUCTION: The bill includes an appropriation not to exceed \$12,500,000 for the State and local match of Federal Emergency Management Agency grants for emergency shore restoration and other projects awarded as a result of damage claims arising from the December 1992 storm.

Finally, the bill reduces the FY 1993 Transportation Trust Fund Account appropriation from \$331,000,000 to \$155,000,000. The Commissioner of Transportation and the State Treasurer indicated to the committee that this reduction will not affect FY 1993 or FY 1994 expenditures from the fund.

Appendix L.

Examples of:

One House Resolution

Concurrent Resolution

Joint Resolution

ASSEMBLY RESOLUTION No. 42

Example: one house
resolution

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

INTRODUCED FEBRUARY 7, 1994

By Assemblymen ROCCO and SOLOMON

1 **AN ASSEMBLY RESOLUTION** requesting the Department of
2 Health to provide for a broader range of early intervention
3 services for hearing impaired infants and toddlers.

4
5 WHEREAS, It is in the best interests of the State to provide a
6 comprehensive system of early intervention services to support
7 infants and toddlers with disabilities, those at risk for
8 disability, and their families; and

9 WHEREAS, These services are needed to enhance the
10 development of infants and toddlers with disabilities to
11 minimize their potential for developmental delay and to
12 enhance the capacity for families to meet the needs of these
13 infants and toddlers; and

14 WHEREAS, The Department of Health, effective July 1, 1993, is
15 responsible for administering the State's early intervention
16 program in accordance with Part H of the "Individuals with
17 Disabilities Education Act," Pub.L.99-457 (20 U.S.C. §1471 et
18 seq.); and

19 WHEREAS, In the case of hearing impaired children, different
20 levels of hearing loss suggest different communication
21 approaches, and while there are at least four established
22 approaches that are used to teach communication, including
23 oral, total, auditory-verbal and cued speech, the State
24 recognizes only a limited number of these approaches even
25 though other approaches may be more effective for certain
26 children in teaching needed communication skills; and

27 WHEREAS, The Department of Health, through its early
28 intervention program, should recognize all established
29 approaches that are used to teach communication, particularly
30 the auditory-verbal approach, and make every effort to ensure
31 that the most appropriate approach is available to each child in
32 the State in need of such services; now, therefore,

33
34 **BE IT RESOLVED** by the General Assembly of the State of
35 New Jersey:

36 1. The Department of Health, through its early intervention
37 program, is urged to recognize all established approaches used to
38 teach communication to hearing impaired children, and to make
39 every effort to ensure that the most appropriate and effective
40 approach is available to each child in this State in need of such
41 services.

42 2. A duly authenticated copy of this resolution, signed by the
43 Speaker of the General Assembly and attested by the Clerk of the
44 General Assembly shall be transmitted to the Commissioner of
45 Health.

STATEMENT

1
2
3 This resolution urges the Department of Health, through its
4 early intervention program, to recognize all established
5 approaches that are used to teach communication to hearing
6 impaired children, and to make every effort to ensure that the
7 most appropriate approach is available to each child in this State
8 in need of such services.
9

10
11
12
13 _____
14 Urges Commissioner of Health to recognize various approaches to
teaching communication to hearing impaired children.

ASSEMBLY CONCURRENT RESOLUTION No. 32

STATE OF NEW JERSEY

Example: concurrent
resolution

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblymen KAMIN and GARRETT

1 A CONCURRENT RESOLUTION applying to the Congress of the
2 United States for the calling of a convention for the purpose of
3 proposing an amendment to the Constitution of the United
4 States.

5
6 WHEREAS, The federal budget has not been balanced in 21
7 consecutive years and has been balanced just once in the past
8 30 years; and

9 WHEREAS, The Congress of the United States has repeatedly
10 repealed statutory requirements that mandate a balanced
11 federal budget; and

12 WHEREAS, The failure of the federal budget process has
13 produced a large and permanent federal budget deficit and
14 growing national debt; and

15 WHEREAS, Such large deficits and debt endanger the jobs,
16 incomes and retirement security of the American people; and

17 WHEREAS, Such deficits and debt also divert scarce public
18 resources from crucial programs to pay interest on the national
19 debt; and

20 WHEREAS, Such deficits and debt also constrict the federal
21 government's ability to address national problems and respond
22 to new needs; and

23 WHEREAS, Such deficits and debt also increase pressures to raise
24 taxes on the American people; now, therefore,

25
26 BE IT RESOLVED by the General Assembly of the State of
27 New Jersey (the Senate concurring):

28 1. The Legislature of the State of New Jersey makes
29 application to the Congress of the United States for a convention
30 to be called under Article V of the Constitution of the United
31 States for the sole, specific and exclusive purpose of proposing an
32 amendment to the Constitution of the United States to require a
33 balanced federal budget.

34 2. An amendment to the Constitution of the United States to
35 be proposed by a convention for submission to the states for
36 ratification shall:

37 a. Require that, with certain exceptions, each fiscal year the
38 President of the United States shall submit and the Congress of
39 the United States shall adopt a balanced federal budget;

40 b. Restrict federal debt, tax increases and the growth of total
41 federal government revenue and spending; and

42 c. Prohibit the federal government from taking any action that
43 will have the effect of requiring any state or local government to
44 incur any net cost increase, unless the federal government pays
45 for the entire net cost increase.

1 3. If Congress adopts, before 90 days after the legislatures of
2 two-thirds of the states have made application for a convention
3 as described in section 1 of this resolution, an amendment to the
4 Constitution of the United States containing provisions similar in
5 subject matter to that contained in section 2 of this resolution,
6 then this application for a convention shall no longer be of any
7 force or effect.

8 4. With the exception noted in section 3, the application
9 contained in section 1 constitutes a continuing application in
10 accordance with Article V of the Constitution of the United
11 States until at least two-thirds of the legislatures of the several
12 states have made application for a convention to propose an
13 amendment similar in subject matter to that contained in section
14 2 of this resolution.

15 5. This application for a limited constitutional convention shall
16 be automatically rescinded if the Supreme Court of the United
17 States holds that the Congress of the United States cannot call a
18 constitutional convention limited solely and exclusively to the
19 subject requested by two-thirds of the several states.

20 6. This application shall be deemed null and void, rescinded,
21 and of no effect in the event that a convention called pursuant to
22 this resolution is not limited to the specific and exclusive purpose
23 set forth in section 1 of this resolution.

24 7. Duly authenticated copies of this resolution, signed by the
25 Speaker of the General Assembly and the President of the Senate
26 and attested by the Clerk of the General Assembly and the
27 Secretary of the Senate, shall be transmitted to the President of
28 the United States Senate, the Speaker of the United States House
29 of Representatives, each member of Congress elected thereto
30 from New Jersey and the presiding officer of each house of each
31 state legislature in the United States.

32

33

34

STATEMENT

35

36 The purpose of this resolution is to serve as an application to
37 the Congress of the United States for the purpose of calling a
38 convention, pursuant to Article V of the Constitution of the
39 United States, for the sole, specific purpose of proposing an
40 amendment to the Constitution to require a balanced federal
41 budget.

42

43

44

45

46 Applies to Congress for constitutional convention for proposing
47 amendment to balance federal budget.

ASSEMBLY JOINT RESOLUTION No. 16

Example: Joint Resolution

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Assemblymen LoBIONDO and GAFFNEY

1 A *JOINT RESOLUTION* memorializing Congress to enact
2 legislation establishing uniform national minimum ocean water
3 quality standards and testing procedures for public beaches.
4

5 WHEREAS, The nation's coastline is a major natural and scenic
6 resource providing innumerable recreational, commercial, and
7 aesthetic benefits important to the health, safety, and welfare
8 of the citizens of, and visitors to, every coastal state; and

9 WHEREAS, The value of these benefits is heavily dependent on
10 ocean water quality, and poor ocean water quality is a
11 potential threat to public health and to the vitality of the
12 coastal tourism industry; and

13 WHEREAS, The ocean water quality standards and testing
14 procedures of the State of New Jersey are among the most
15 stringent in the nation, with careful and frequent monitoring
16 forming a key component of the State's efforts to safeguard
17 the public health; and

18 WHEREAS, Many other states have much less stringent standards
19 and less frequent testing, thereby giving the appearance that
20 their ocean waters are cleaner than those in New Jersey when
21 in reality that may not be the case; and

22 WHEREAS, This misconception not only results in a significant
23 negative economic impact upon New Jersey's coastal tourism
24 industry but may also have important health consequences if
25 the public is swimming in the waters of other states that are
26 actually more polluted than the public realizes; now, therefore,
27

28 BE IT RESOLVED *by the Senate and General Assembly of the*
29 *State of New Jersey:*

30 1. The Congress of the United States is respectfully
31 memorialized to enact legislation establishing uniform national
32 minimum ocean water quality standards and testing procedures
33 for public beaches.

34 2. Duly authenticated copies of this joint resolution shall be
35 transmitted to the President of the United States Senate, the
36 Speaker of the United States House of Representatives, the
37 Administrator of the United States Environmental Protection
38 Agency, the Region II Administrator of that agency, the
39 Commissioner of the New Jersey Department of Environmental
40 Protection, and every member of Congress elected from this
41 State.

42 3. This joint resolution shall take effect immediately.

STATEMENT

1
2
3 This joint resolution would memorialize Congress to enact
4 legislation establishing uniform national minimum ocean water
5 quality standards and testing procedures for public beaches. Such
6 federal legislation is needed because many other states have less
7 stringent requirements and test less frequently than New Jersey.
8 Consequently, there often is a public misconception that ocean
9 waters are cleaner in those states than in New Jersey. The
10 federal legislation would address this inequity by placing every
11 state on common ground in regard to this important public health
12 issue.

13
14
15
16
17 Memorializes Congress to enact uniform national minimum ocean
18 water quality standards and testing procedures for public beaches.

Acronym in Synopsis	Description of Acronym
ABC	Alcoholic Beverage Control
AFDC	Aid to Families with Dependent Children
AG	Attorney General
A	Acquired Immuno Deficiency Syndrome
AO	Administrative Office of the Courts
BPU	Board of Public Utilities
BRC	Board of Regulatory Commissioners
CAFRA	Coastal Areas Facilities Review Act
COAH	Council on Affordable Housing
CPFPF	Consolidated Police and Firemen's Pension Fund
DARE	Drug Abuse Resistance Education
DCA	Department of Community Affairs
DEP	Department of Environmental Protection
DEPE	Department of Environmental Protection and Energy
DHS	Department of Human Services
DLPS	Department of Law and Public Safety
DMAVA	Department of Military and Veterans' Affairs
DMV	Division of Motor Vehicles
DOC	Department of Corrections
DOE	Department of Education
DOH	Department of Health
DOL	Department of Labor
DOT	Department of Transportation
DRG	Diagnosis Related Groups
DRPA	Delaware River Port Authority
DWI	Driving While Intoxicated
DYFS	Division of Youth and Family Services
Dept.	Department
Div.	Division
ECRA	Environmental Cleanup Responsibility Act
EDA	Economic Development Authority
EEOC	Equal Employment Opportunity Commission
ELEC	Election Law Enforcement Commission
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FAIR	Fair Automobile Insurance Reform Act of 1990
FCC	Federal Communications Commission
	Food and Drug Administration
	Federal Deposit Insurance Corporation
FSLIC	Federal Savings and Loan Insurance Corporation
HIV	Human Immuno Deficiency Virus
HMDC	Hackensack Meadowlands Development Commission
HMFA	New Jersey Housing Mortgage and Finance Agency
HMO	Health Maintenance Organization
ICC	Interstate Commerce Commission
IRS	Internal Revenue Service
JTPA	Job Training Partnership Act
JUA	Joint Underwriting Association
MTF	Market Transition Facility
NJ	New Jersey
NJIT	New Jersey Institute of Technology
NJPDES	New Jersey Pollutant Discharge Elimination System
NJT	New Jersey Transit

Acronyms in Synopsis

<u>Acronym in Synopsis</u>	<u>Description of Acronym</u>
OAL	Office of Administrative Law
OLS	Office of Legislative Services
OMB	Office of Management and Budget
OTIS	Office of Telecommunications and Information Systems
PAAD	Pharmaceutical Assistance for the Aged and Disabled
PAC	Political Action Committee
PATH	Port Authority Trans Hudson
PEOSHA	Public Employees' Occupational Safety and Health Act
PERC	Public Employment Relations Commission
PERS	Public Employees' Retirement System
PFRS	Police and Firemen's Retirement System
PIP	Personal Injury Protection
QEA	Quality Education Act
REACH	Realizing Economic Achievement
RMEC	Residual Market Equalization Charge
SCI	State Commission of Investigation
SHBP	State Health Benefits Program
SLERP	State and Local Expenditure and Revenue Policy Commission
SPCA	Society for the Prevention of Cruelty to Animals
SPRS	State Police Retirement System
TDI	Temporary Disability Insurance
TPAF	Teacher's Pension and Annuity Fund
UCJF	Unsatisfied Claim and Judgement Fund
UEZA	New Jersey Urban Enterprise Zone Authority
UI	Unemployment Insurance
UMDNJ	University of Medicine and Dentistry of New Jersey
US	United States
VA	Veterans Administration
VCCB	Violent Crimes Compensation Board
WIC	Women, Infants and Children

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