

**NEW JERSEY STATE LEGISLATURE  
OFFICE OF LEGISLATIVE SERVICES  
BILL DRAFTING MANUAL**

**APRIL, 1988**

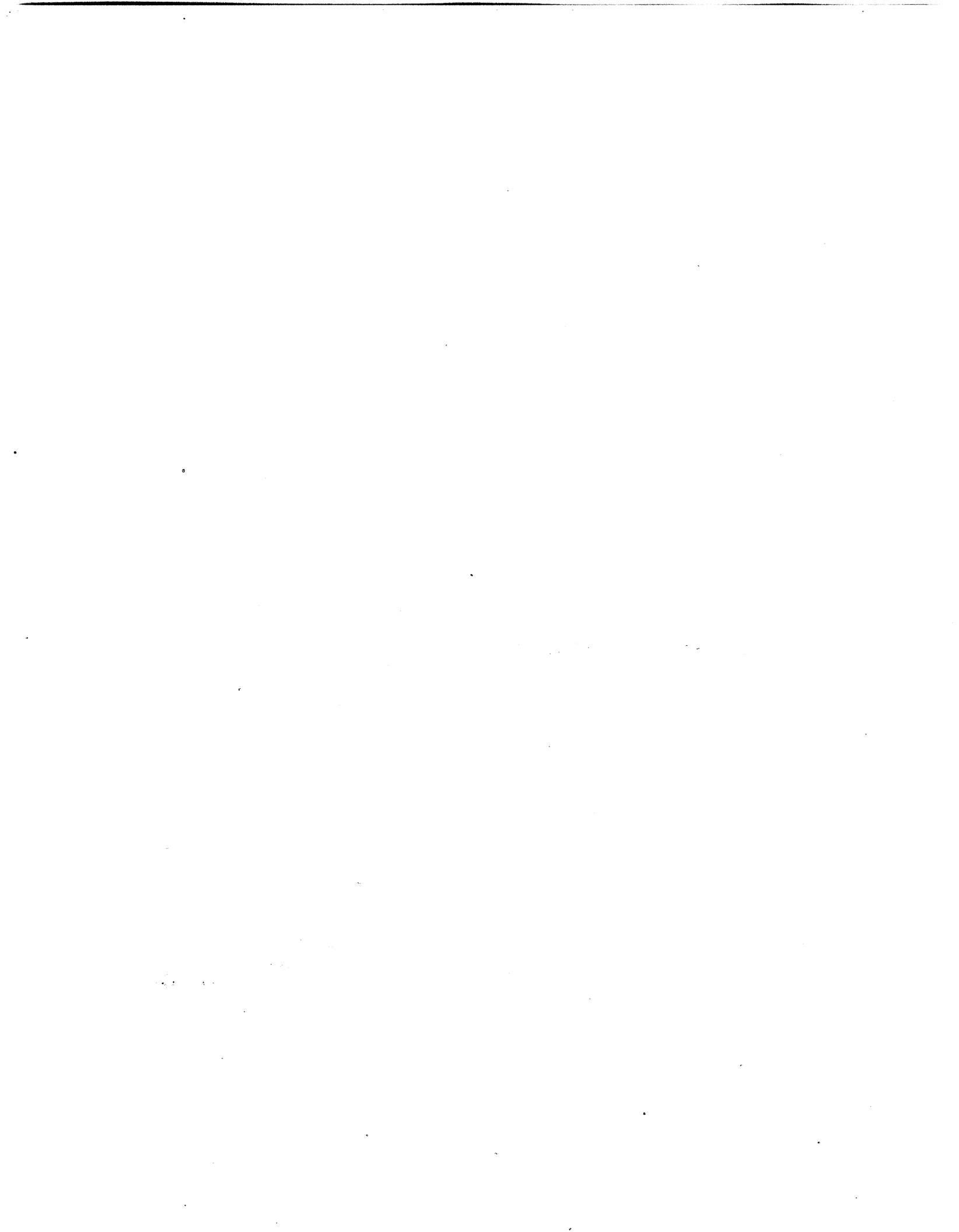


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## I FOREWARD

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.

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 a bill to be introduced in either House shall be proposed for introduction by a member or members of that House by presenting it in triplicate to the Secretary of the Senate or the Clerk of 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. 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 bill is read by its title 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 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 58 and Appendix A of the Revised Statutes (1937), in Titles subsequently revised or added as Titles of the New Jersey Statutes and in the annual editions of the Pamphlet Laws. The official text 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 and will be checked as to form against the printed texts.

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 D 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 13").

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.)

#### 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.  
Section name.  
Subject headings.  
Synopsis. (The title, subject headings, and synopsis must read exactly as they read in the main body of the bill.)

#### Bottom 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.)

## 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 compiled 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 Revised 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.

### 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.

## Statement of Legislative Findings and Declarations

A statement of legislative findings and declarations may be included as the first or second section of a bill which establishes a new program or in some other way sets forth a policy initiative. The statement offers a narrative of the facts, rationale and goals underlying the legislation. Legislative findings are designed to "introduce" a bill and to establish the context within which its provisions are to be interpreted and evaluated by legislators, administrators, the public, the courts, and, ultimately, the historians. The "findings and declarations" section is often viewed as a means to set forth a basis for the defense of an act against any challenge to its constitutionality or public purpose.

Unless the sponsor requests a section on legislative findings, the bill drafter need not feel compelled to include one and, in fact, should not include one if there is little substantive information to convey.

Obviously, findings and declarations placed in the bill should be kept in mind in drafting other legislative materials on the bill (sponsor's statement, committee statements, etc.) which may be used to construe legislative intent, so as to avoid conflicting interpretative guidance.

For example:

1. This act shall be known and may be cited as the "Environmental Cleanup Responsibility Act.

2. The Legislature finds and declares that the generation, handling, storage and disposal of hazardous substances and wastes pose an inherent danger of exposing the citizens, property and natural resources of this State to substantial risk of harm or degradation; that the closing of operations and the transfer of real property utilized for the generation, handling, storage and disposal of hazardous substances and wastes should be conducted in a rational and orderly way, so as to mitigate potential risks; and that it is necessary to impose a precondition on any closure or transfer of these operations by requiring the adequate preparation and implementation of acceptable cleanup procedures therefor.

## Short Titles

Because the actual title of a bill may be too general or cumbersome to permit easy identification or reference to the measure, a bill may be endowed with a formal name known as a "short title." If a short title is provided, it is usually specified in either the first section of the bill or in the second section after the statement of legislative findings, if any. Some examples follow:

This act shall be known and may be cited as the  
"Cigarette Tax Act."

This act shall be known and may be cited as the "Parking  
Authority Law."

This act shall be known and may be cited as the  
"Waterfront Commission Act."

If certain parts of a bill do not fall within the purview of the short title (such as sections which amend existing law), then the short title should be applied only to the appropriate sections:

Sections 1 through 24 of this act shall be known and may  
be cited as the "Bill Drafting Standardization Act."

By its very nature, a short title should be used only for a bill of substantial length that provides a complete and unified program or policy. It is not appropriate to set forth a short title for a bill of one paragraph or a bill that consists for the most part of amendments to existing sections of law.

The use of a year in the short title should be avoided (i.e. the "Clean Sidewalks Act of 1989") for the obvious reason that there is no certainty at the time of drafting as to the year in which the bill might eventually be enacted. Furthermore, the major purpose for placing a year in the title would be to distinguish among several laws with the same name that are enacted in different years (such as, on the federal level, the "Social Security Amendments of 19.."). This is rarely the case in New Jersey. Also, the inclusion of the year makes the title more cumbersome. One should not lose sight of the fact that the purpose of a short title is, indeed, to provide a simple title for ease of reference. Also, take note that the article "the" is never included within the short title.

Laws with short titles are listed in the index to NJSA under the entry "Popular Name Laws."

## 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 along as a new (supplemental) section. In this case, the bill drafter must use his or her 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 individual 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.

\*\* When preparing amendments to a bill in a committee of second reference which has been amended by the committee of first reference but which has not yet been processed by the Bill Processing Unit, the drafter should include the amendments as if they had been processed when preparing the amendment "replacement sheets."

## 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. However, if the bill is supplementary with no amendatory sections, this parenthetic designation is not used.

### Example:

2. (New section) A bill proposed for introduction in the Legislature shall contain, after the statement, appropriate subject headings and 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 in the right-hand corner 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 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 where an identical or similar change is proposed in sections in more than one Title or where the subject matter of the bill requires amendment 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  
(See generally p. 32)

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 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.

In amending or repealing any section of law, which has been amended, the amendment or repealer is expressed as an amendment or repealer of the original section without mention of the amendment, although in an amendment the text to be used must necessarily be that of the latest amendment. 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, 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 60th day after enactment.

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, 1990.

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 1986).

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 1986.

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, 1988.

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, where 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 180 days 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.

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 thereafter.

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 summarizing 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 19 of this drafting manual.

For a discussion of committee statements, see Appendix C. For a discussion of statements to floor amendments, see page 30 of this manual.

## Subject Headings and Synopsis

A bill shall contain two subject headings from a list established by the Central Management Unit. The subject headings appear immediately after the statement. Immediately after the subject headings, the bill shall contain a synopsis of the bill in not more than 35 words. (The subject headings and 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 as 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 DEP 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

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**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 30)

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 Secretary of the Senate or the Clerk of the General Assembly.

## 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 D. 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 the 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.

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**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.

## 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...

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**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 jointed by "and". Use a singular pronoun when the antecedent consists of two singular nouns jointed 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." 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 voided. 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:** Each municipality except a city of the first  
(preferred) class shall ...

(avoid) The following classes of municipality shall ...

## Directness

Express ideas positively; avoid convoluted expressions.

**EXAMPLE:** The director shall appoint an assistant  
(preferred) 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:        Upon conviction he shall be fined not less  
than  
(correct)        \$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)**

House Copy

OLS Copy

Public Copy

For Official House Use

```

.....
*
*   BILL NO. _____
*
*   Date of Intro.
*
*   Ref. _____
*
.....

```

- ```

.....
*   NOTE TO   *   Notify OLS if you require changes in this document.
*             *   A revised copy for introduction will be prepared on
*             *   the legislative computer system.
*   SPONSOR   *   Hand-written changes will not appear in the printed
*             *   bill.
*
.....

```

AN ACT requiring legislative agents to report certain information and to wear security tags. amending and supplementing P.L. 1971, c. 183.

LEGISLATURE

Public Notice, Meetings, Participation

Requires lobbyists to report certain information and wear security tags.

PRIME Sponsor \_\_\_\_\_

CO-Sponsors

Same as \_\_\_\_\_

Example: Introductory Copy

AN ACT requiring legislative agents to report certain information and to wear security tags, amending and supplementing P.L. 1971, c. 183.

No compilation number needed where act amends same area of law since amendatory section of bill will show compilation number. Basic technical requirement is one subject expressed in title.

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

1. Section 5 of P.L. 1971, c. 183 (C.52:13C-22) is amended to read as follows:

Correct citation to source law but using latest version as amended by later pamphlet law. Law must be correct.

5. a. Every legislative agent shall file with the Attorney General a signed quarterly report of his activity in attempting to influence legislation during each such quarter.

b. The quarterly reports required under this section shall be made in the form and manner prescribed by the Attorney General and shall be filed between the first and tenth days of each calendar quarter for such activity during the preceding calendar quarter. The Attorney General may, in his discretion, permit joint reports by persons subject to this act.

c. Each such quarterly report shall:

(1) describe the particular items of legislation and any general category or type of legislation regarding which the legislative agent acted as a legislative agent during the quarter, and any particular items or general types of legislation which he actively promoted or opposed during the quarter: [and]

← Bracket to delete.

(2) supply any information necessary to make the notice of representation filed by the legislative agent pursuant to section 4 of this act current and accurate as of the final day of the calendar quarter covered by the report; and

← Underline new language.

(3) indicate the name and address of any corporation or association for which the legislative agent acts as a legislative agent.

(cf: P.L.1971, c. 183, s.5)

← List most recent version of law at the end of amendatory sections.

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 is new matter.

2. (New section) Every legislative agent who is in the State House or State House Annex for the purpose of influencing legislation shall at all times wear, in addition to the name tag required pursuant to section 11 of P.L. 1971, c. 183 (C. 52:13C-28), a security tag of a type prescribed by the Attorney General.

3. This act shall take effect immediately.

Insert "(New section)" for supplementary sections in amendatory and supplementary bills. New section of Permanent General Law should be given allocation number through Legislative Counsel. Allocation number should be written on top right-hand corner of bill.

#### STATEMENT

This bill requires legislative agents to report quarterly the name and address of any corporation or association for which the legislative agent acts as a lobbyist and to wear a security tag as prescribed by the Attorney General.

#### LEGISLATURE

Public Notice, Meetings, Participation

Insert major subject heading.  
Insert minor subject heading.

Requires lobbyists to report certain information and to wear security tags.

SENATE, No. 100

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 4, 1987

By Senators JONES, Doe and Smith

1 AN ACT requiring legislative agents to report certain  
information and to wear security tags, amending and  
3 supplementing P.L. 1971, c. 183.

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

7 1. Section 5 of P.L.1971, c.183 (C.52:13C-22) is amended to  
read as follows:

9 5. a. Every legislative agent shall file with the Attorney  
General a signed quarterly report of his activity in attempting  
11 to influence legislation during each such quarter.

b. The quarterly reports required under this section shall be  
13 made in the form and manner prescribed by the Attorney  
General and shall be filed between the first and tenth days of  
15 each calendar quarter for such activity during the preceding  
calendar quarter. The Attorney General may, in his discretion,  
17 permit joint reports by persons subject to this act.

c. Each such quarterly report shall:

19 (1) describe the particular items of legislation and any  
general category or type of legislation regarding which the  
21 legislative agent acted as a legislative agent during the quarter,  
and any particular items or general types of legislation which  
23 he actively promoted or opposed during the quarter; [and]

(2) supply any information necessary to make the notice of  
25 representation filed by the legislative agent pursuant to section  
4 of this act current and accurate as of the final day of the  
27 calendar quarter covered by the report; and

(3) indicate the name and address of any corporation or  
29 association for which the legislative agent acts as a legislative  
agent.

31 (cf: P.L.1971, c.183, s.5)

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 is new matter.

1        2. (New section) Every legislative agent who is in the State  
 House or State House Annex for the purpose of influencing  
 3        legislation shall at all times wear, in addition to the name tag  
 required pursuant to section 11 of P.L.1971, c.183  
 5        (C.52:13C-28), a security tag of a type prescribed by the  
 Attorney General.

7        3. This act shall take effect immediately.

9

**STATEMENT**

11

13        This bill requires legislative agents to report quarterly the  
 name and address of any corporation or association for which  
 the legislative agent acts as a lobbyist and to wear a security  
 15        tag as prescribed by the Attorney General.

17

**LEGISLATURE**

19

**Public Notice, Meetings, Participation**

21

Requires lobbyists to report certain information and to wear  
 security tags.

SENATE REVENUE, FINANCE AND APPROPRIATIONS  
COMMITTEE

STATEMENT TO

**SENATE, No. 100**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: SEPTEMBER 4, 1987

Senate Bill 100, as amended, requires a legislative agent to include in his quarterly reports the name and address of any individual, corporation or association for which the legislative agent acts as a lobbyist and requires the agent to wear a security tag, which shall include a photograph, as prescribed by the Attorney General. The bill also appropriates \$100,000 to the Department of Law and Public Safety to effectuate the purposes of the act.

COMMITTEE AMENDMENTS

The committee amendments clarify that a legislative agent would be required to report the name and address of any individual for which the agent acted as a lobbyist in addition to any corporation and any organization. The amendments also provide that the security tag to be worn by an agent shall include a photograph and clarify the Attorney General's power to prescribe a security tag. Finally, the amendments include an appropriation of \$100,000 to effectuate the purposes of the act.

FISCAL IMPACT

This bill appropriates \$100,000 from the General Fund to the Department of Law and Public Safety to effectuate the purposes of the act.

SENATE SRF COMMITTEE

AMENDMENTS

to

**SENATE, No. 100**  
(Sponsored by Senator Jones)

**REPLACE THE TITLE TO READ:**

**AN ACT** requiring legislative agents to report certain information and to wear security tags, amending and supplementing P.L.1971, c.183<sup>1</sup>, and making an appropriation<sup>1</sup>.

**REPLACE SECTION 1 TO READ:**

1. Section 5 of P.L.1971, c.183 (C.52:13C-22) is amended to read as follows:

5. a. Every legislative agent shall file with the Attorney General a signed quarterly report of his activity in attempting to influence legislation during each such quarter.

b. The quarterly reports required under this section shall be made in the form and manner prescribed by the Attorney General and shall be filed between the first and tenth days of each calendar quarter for such activity during the preceding calendar quarter. The Attorney General may, in his discretion, permit joint reports by persons subject to this act.

c. Each such quarterly report shall:

(1) describe the particular items of legislation and any general category or type of legislation regarding which the legislative agent acted as a legislative agent during the quarter, and any particular items or general types of legislation which he actively promoted or opposed during the quarter; [and]

(2) supply any information necessary to make the notice of representation filed by the legislative agent pursuant to section 4 of this act current and accurate as of the final day of the calendar quarter covered by the report; and

(3) indicate the name and address of any <sup>1</sup>individual,<sup>1</sup> corporation or association for which the legislative agent acts as a legislative agent.

INSERT NEW SECTION 2 TO READ:

12. Section 6 of P.L.1971, c.183 (C.52:13C-23) is amended to read as follows:

6. The Attorney General shall:

a. permit public inspection of all statements filed pursuant to this act;

b. compile and summarize information contained in statements filed pursuant to this act, and report the same to the Legislature and the Governor;

c. ascertain whether any persons have failed to file statements as required by this act, or have filed incomplete or inaccurate statements, and give notice to such persons to file such statements as will conform to the requirements of this act;

d. investigate and prosecute violations of this act, and report to the Legislature and the Governor thereon;

e. make such recommendations to the Legislature and the Governor as will tend to further the objectives of this act and take such other action as shall be necessary and proper to effectuate the purposes of this act;

f. report to the Legislature and the Governor annually on the administration of this act;

g. develop and prescribe methods and forms for statements required to be filed by this act, and require the use of such forms by persons subject to this act;

h. compile and publish quarterly a list of all legislative agents then registered, together with the information contained in their notices of representation and last quarterly report, which compilation shall be distributed to all members of the Legislature and the Governor, and published in the New Jersey Register;

i. prepare and publish a summary and explanation of the registration and reporting requirements of this act for the use and guidance of those persons who may be required to file statements under this act;

j. in accordance with a fee schedule adopted by him as a rule or regulation establish and charge reasonable fees for the filing of notices of representation and quarterly reports pursuant to this act, provided that such fees shall not apply to the organizations which qualify under section 9(b) of chapter 30 of the laws of 1966, as amended (C. 54:32B-9(b));

k. during periods when the Legislature is in session, report monthly to the members of the Legislature and the Governor and his staff all new notices of representation, notices of termination and other notices filed pursuant to this act during the preceding month; and

l. prescribe a security tag to be worn by legislative agents pursuant to section 3 of this amendatory and supplementary act. P.L. .c. (C. ).<sup>1</sup>

(cf: P.L.1971, c.349, s.1)

REPLACE SECTION 2 TO READ:

<sup>1</sup>[2.] 3.<sup>1</sup> (New section) Every legislative agent who is in the State House or State House Annex for the purpose of influencing legislation shall at all times wear, in addition to the name tag required pursuant to section 11 of P.L.1971, c.183 (C.52:13C-28), a security tag of a type prescribed by the Attorney General <sup>1</sup>which shall include a photograph<sup>1</sup> .

INSERT NEW SECTION 4 TO READ:

<sup>1</sup>4. There is appropriated from the General Fund a sum of \$100,000 to the Department of Law and Public Safety to effectuate the purposes of this act.<sup>1</sup>

RENUMBER SECTION 3 AS SECTION 5

REPLACE SYNOPSIS TO READ:

Requires lobbyists to report certain information and to wear security tags; appropriates \$100,000.

SENATE, No. 100

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 4, 1987

By Senators JONES, Doe and Smith

1 AN ACT requiring legislative agents to report certain  
information and to wear security tags, amending and  
3 supplementing P.L.1971, c.183<sup>1</sup>, and making an appropriation<sup>1</sup>.

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

7 1. Section 5 of P.L.1971, c.183 (C.52:13C-22) is amended to  
read as follows:

9 5. a. Every legislative agent shall file with the Attorney  
General a signed quarterly report of his activity in attempting  
11 to influence legislation during each such quarter.

b. The quarterly reports required under this section shall be  
13 made in the form and manner prescribed by the Attorney  
General and shall be filed between the first and tenth days of  
15 each calendar quarter for such activity during the preceding  
calendar quarter. The Attorney General may, in his discretion,  
17 permit joint reports by persons subject to this act.

c. Each such quarterly report shall:  
19 (1) describe the particular items of legislation and any  
general category or type of legislation regarding which the  
21 legislative agent acted as a legislative agent during the quarter,  
and any particular items or general types of legislation which  
23 he actively promoted or opposed during the quarter; [and]

(2) supply any information necessary to make the notice of  
25 representation filed by the legislative agent pursuant to section  
4 of this act current and accurate as of the final day of the  
27 calendar quarter covered by the report; and

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 is new matter.  
Matter enclosed in superscript numerals has been adopted as follows:  
Senate SRF committee amendments adopted September 4, 1987.

1       (3) indicate the name and address of any <sup>1</sup>individual,<sup>1</sup>  
2       corporation or association for which the legislative agent acts as  
3       a legislative agent.

(cf: P.L.1971, c.183, s.5)

5       <sup>1</sup>2. Section 6 of P.L.1971, c.183 (C.52:13C-23) is amended to  
6       read as follows:

7       6. The Attorney General shall:

8       a. permit public inspection of all statements filed pursuant to  
9       this act;

10       b. compile and summarize information contained in  
11       statements filed pursuant to this act, and report the same to  
12       the Legislature and the Governor;

13       c. ascertain whether any persons have failed to file  
14       statements as required by this act, or have filed incomplete or  
15       inaccurate statements, and give notice to such persons to file  
16       such statements as will conform to the requirements of this act;

17       d. investigate and prosecute violations of this act, and report  
18       to the Legislature and the Governor thereon;

19       e. make such recommendations to the Legislature and the  
20       Governor as will tend to further the objectives of this act and  
21       take such other action as shall be necessary and proper to  
22       effectuate the purposes of this act;

23       f. report to the Legislature and the Governor annually on the  
24       administration of this act;

25       g. develop and prescribe methods and forms for statements  
26       required to be filed by this act, and require the use of such  
27       forms by persons subject to this act;

28       h. compile and publish quarterly a list of all legislative agents  
29       then registered, together with the information contained in  
30       their notices of representation and last quarterly report, which  
31       compilation shall be distributed to all members of the  
32       Legislature and the Governor, and published in the New Jersey  
33       Register;

34       i. prepare and publish a summary and explanation of the  
35       registration and reporting requirements of this act for the use  
36       and guidance of those persons who may be required to file  
37       statements under this act;

1 j. in accordance with a fee schedule adopted by him as a rule  
 or regulation establish and charge reasonable fees for the filing  
 3 of notices of representation and quarterly reports pursuant to  
 this act, provided that such fees shall not apply to the  
 5 organizations which qualify under section 9(b) of chapter 30 of  
 the laws of 1966, as amended (C. 54:32B-9(b));

7 k. during periods when the Legislature is in session, report  
 monthly to the members of the Legislature and the Governor  
 9 and his staff all new notices of representation, notices of  
 termination and other notices filed pursuant to this act during  
 11 the preceding month; and

l. prescribe a security tag to be worn by legislative agents  
 13 pursuant to section 3 of this amendatory and supplementary act,  
P.L. .c. (C. ).<sup>1</sup>

15 (cf: P.L.1971, c.349, s.1)

<sup>1</sup>[2.] 3.<sup>1</sup> (New section) Every legislative agent who is in the  
 17 State House or State House Annex for the purpose of influencing  
 legislation shall at all times wear, in addition to the name tag  
 19 required pursuant to section 11 of P.L.1971, c.183  
 (C.52:13C-28), a security tag of a type prescribed by the  
 21 Attorney General <sup>1</sup>which shall include a photograph<sup>1</sup>.

<sup>1</sup>4. There is appropriated from the General Fund a sum of  
 23 \$100,000 to the Department of Labor to effectuate the purposes  
of this act.<sup>1</sup>

25 <sup>1</sup>[3.] 5.<sup>1</sup> This act shall take effect immediately.

27

## LEGISLATURE

29

### Public Notice, Meetings, Participation

31 Requires lobbyists to report certain information and to wear  
 security tags; appropriates \$100,000.

SENATE Amendments  
(Proposed by Senator Johnson)

to

SENATE, No. 100 (LR)  
(Sponsored by Senator Jones)

REPLACE THE TITLE TO READ:

AN ACT requiring legislative agents <sup>2</sup>[to report certain information and]<sup>2</sup> to wear security tags, amending and supplementing P.L.1971, c.183<sup>1</sup>, and making an appropriation<sup>1</sup>.

OMIT SECTION 1 IN ITS ENTIRETY

RENUMBER SECTION 2 AS SECTION 1

REPLACE SECTION 3 TO READ:

<sup>1</sup>[2.] <sup>2</sup>[3.1] 2.<sup>2</sup> (New section) Every legislative agent who is in the State House or State House Annex for the purpose of influencing legislation shall at all times wear, in addition to the name tag required pursuant to section 11 of P.L.1971, c.183 (C.52:13C-28), a security tag of a type prescribed by the Attorney General which shall include a photograph<sup>1</sup> <sup>2</sup>and the name of the agent's employer<sup>2</sup>.

RENUMBER SECTIONS 4 AND 5 AS SECTIONS 3 AND 4

REPLACE SYNOPSIS TO READ:

Requires lobbyists to wear security tags; appropriates \$100,000.

STATEMENT

These amendments delete the provision requiring a legislative agent to include in his quarterly report, the name and address of any individual, corporation or association for which the legislative agent acts as an agent. In addition, the amendments require the security tag to be worn by legislative agents to include the name of the agent's employer in addition to including a photograph.

SENATE, No. 100

STATE OF NEW JERSEY

INTRODUCED SEPTEMBER 4, 1987

By Senators JONES, Doe and Smith

1 AN ACT requiring legislative agents <sup>2</sup>[to report certain  
information and]<sup>2</sup> to wear security tags, amending and  
3 supplementing P.L.1971, c.183<sup>1</sup>, and making an appropriation<sup>1</sup>.

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

7 <sup>2</sup>[1. Section 5 of P.L.1971, c.183 (C.52:13C-22) is amended to  
read as follows:

9 5. a. Every legislative agent shall file with the Attorney  
General a signed quarterly report of his activity in attempting  
11 to influence legislation during each such quarter.

b. The quarterly reports required under this section shall be  
13 made in the form and manner prescribed by the Attorney  
General and shall be filed between the first and tenth days of  
15 each calendar quarter for such activity during the preceding  
calendar quarter. The Attorney General may, in his discretion,  
17 permit joint reports by persons subject to this act.

c. Each such quarterly report shall:

19 (1) describe the particular items of legislation and any  
general category or type of legislation regarding which the  
21 legislative agent acted as a legislative agent during the quarter,  
and any particular items or general types of legislation which  
23 he actively promoted or opposed during the quarter; [and]

(2) supply any information necessary to make the notice of  
25 representation filed by the legislative agent pursuant to section  
4 of this act current and accurate as of the final day of the  
27 calendar quarter covered by the report; and

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 is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup> Senate SRF committee amendments adopted September 4, 1987.

<sup>2</sup> Senate floor amendments adopted September 7, 1987.

1       (3) indicate the name and address of any <sup>1</sup>individual,<sup>1</sup>  
2       corporation or association for which the legislative agent acts as  
3       a legislative agent.

(cf: P.L.1971, c.183, s.5)]<sup>2</sup>

5       <sup>2</sup>[12.] 1,<sup>2</sup> Section 6 of P.L.1971, c.183 (C.52:13C-23) is  
6       amended to read as follows:

7       6. The Attorney General shall:

8       a. permit public inspection of all statements filed pursuant to  
9       this act;

10       b. compile and summarize information contained in  
11       statements filed pursuant to this act, and report the same to  
12       the Legislature and the Governor;

13       c. ascertain whether any persons have failed to file  
14       statements as required by this act, or have filed incomplete or  
15       inaccurate statements, and give notice to such persons to file  
16       such statements as will conform to the requirements of this act;

17       d. investigate and prosecute violations of this act, and report  
18       to the Legislature and the Governor thereon;

19       e. make such recommendations to the Legislature and the  
20       Governor as will tend to further the objectives of this act and  
21       take such other action as shall be necessary and proper to  
22       effectuate the purposes of this act;

23       f. report to the Legislature and the Governor annually on the  
24       administration of this act;

25       g. develop and prescribe methods and forms for statements  
26       required to be filed by this act, and require the use of such  
27       forms by persons subject to this act;

28       h. compile and publish quarterly a list of all legislative agents  
29       then registered, together with the information contained in  
30       their notices of representation and last quarterly report, which  
31       compilation shall be distributed to all members of the  
32       Legislature and the Governor, and published in the New Jersey  
33       Register;

34       i. prepare and publish a summary and explanation of the  
35       registration and reporting requirements of this act for the use  
36       and guidance of those persons who may be required to file  
37       statements under this act;

1 j. in accordance with a fee schedule adopted by him as a rule  
 2 or regulation establish and charge reasonable fees for the filing  
 3 of notices of representation and quarterly reports pursuant to  
 4 this act, provided that such fees shall not apply to the  
 5 organizations which qualify under section 9(b) of chapter 30 of  
 6 the laws of 1966, as amended (C. 54:32B-9(b));

7 k. during periods when the Legislature is in session, report  
 8 monthly to the members of the Legislature and the Governor  
 9 and his staff all new notices of representation, notices of  
 10 termination and other notices filed pursuant to this act during  
 11 the preceding month; and

12 l. prescribe a security tag to be worn by legislative agents  
 13 pursuant to section 3 of this amendatory and supplementary act.

14 P.L. .c. (C. ).<sup>1</sup>

15 (cf: P.L.1971, c.349, s.1)

16 <sup>1</sup>[2.] <sup>2</sup>[3.1] <sup>2</sup>.<sup>2</sup> (New section) Every legislative agent who is in  
 17 the State House or State House Annex for the purpose of  
 18 influencing legislation shall at all times wear, in addition to the  
 19 name tag required pursuant to section 11 of P.L. 1971, c. 183 (C.  
 20 52:13C-28), a security tag of a type prescribed by the Attorney  
 21 General <sup>1</sup>which shall include a photograph<sup>1</sup> <sup>2</sup>and the name of  
 22 the agent's employer<sup>2</sup>.

23 <sup>2</sup>[14.] <sup>3</sup>.<sup>2</sup> There is appropriated from the General Fund a sum  
 24 of \$100.000 to the Department of Labor to effectuate the  
 25 purposes of this act.<sup>1</sup>

26 <sup>1</sup>[3.] <sup>2</sup>[5.1] <sup>4</sup>.<sup>2</sup> This act shall take effect immediately.

27

28

#### LEGISLATURE

#### Public Notice, Meetings, Participation

29

30 Requires lobbyists to wear security tags; appropriates \$100,000.

## 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

### I Fronter

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

Is the section and number of the bill drafter and technical and substantive reviewers inserted under the Document I.D. #?

Are the subject headings on the fronter and do they comply with the subject heading list established by OLS and are they identical to the subject headings located at the end of the bill?

Is the synopsis located under the subject headings 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?

### II 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.

### III 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?

### IV 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.

### V Text

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

Is the language clear and concise?

Is the singular construction used?

### VI 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.

## VII 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.

## VIII 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?

Is the section as contained in the bill draft compared to the most recent version of the printed text of the law?

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?

## **IX 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 in the margin of the OLS copy in the case of a "general and permanent" section of law?

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

Is a note of "Approp" indicated in the margin of the OLS copy in the case of a section that appropriates money?

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

## **X 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.

## **XI Sponsor Statement**

Is there a sponsor statement?

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

## **XII Subject Heading**

Are there subject headings after the statement?

Do the subject headings comply with the subject headings list established by OLS?

## **XIII 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 introduced pending technical review, 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.

### I 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?

### II 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?

### **III 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?

### **IV 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?

### **V Supplementary Sections**

If the amendments add a new supplementary section, is there a suggested allocation for the section?

### **VI Committee Statement**

If the amendments are reported by a committee, is the committee statement based on the content of the bill as amended?

### **VII 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?

### **VIII 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: THE PREPARATION OF COMMITTEE STATEMENTS

### I. 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. Assembly Rule 79 and Senate Rules 79, 84, 85, and 86 set forth each house's requirements for committee statements. The Assembly's rules were recently revised to include 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 poring 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. 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.

## II 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.

A. 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 detailed Assembly rules and the less detailed Senate 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 Bill No. 617 1R.

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

c. The Senate Judiciary Committee reports favorably (unfavorably) (without recommendation) a Senate Committee Substitute for Senate Bill 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 \$15,000.00 per year and the other members of the commission a salary of \$10,000.00 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 \$25.00 per diem basis or an amount as established by the Attorney General. However, this amount may not exceed \$100.00 per day or \$2,500.00 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 states 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 \$75,000.00 appropriation to the bill to fund the increase in salary.

c. The committee amended the bill to:

1. include a \$75,000.00 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 \$35,000.00 to the Department of Human Services and \$35,000.00 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.

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.

B. 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 goes beyond the provisions to include the public policy objectives that 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 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 Bill 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 Bill 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 Statements. Each member of the committee who votes against the motion to report the bill may present a statement of dissent from the motion.

### III 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 which appeared 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 judgement, 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 other 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 D: 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.<sup>1</sup>

### Chronological Arrangement

The laws of each legislative year are numbered as Chapter Laws (abbreviated as c.) of the legislative year of enactment.<sup>2</sup> 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.

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<sup>1</sup> 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.

<sup>2</sup> 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. In drafting a bill which amends a section of the Revised Statutes which has never been amended, the text of the section must be reproduced from the original volumes of the Revised Statutes.

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 following by C. 54:43-6 and N.J.S. 18A:66-58 is following 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 E: GUIDELINES FOR THE PREPARATION AND REVIEW OF  
LEGISLATIVE PROPOSALS FOR THE ESTABLISHMENT OF  
STUDY COMMISSIONS AND SIMILARY 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 just 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 where 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 100.

### **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 where 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. It has been determined, 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 may be read to mean 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 the "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 where a commission must issue its final report or take some official action within a specific period of time, it may be more appropriate to set the deadline from the time that either all the original appointments are made or the organizational meeting is held. 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, this body 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 where 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 where 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, 1989  
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, 1987] 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 4 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, represent particular interest groups rather than to directly place them on commissions as ex officio members.) Following is a sample of public and private representatives who currently serve 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, one would not require detailed qualifications for an appointed member unless specifically requested by the sponsor or unless one desired 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, there is one commission where the "persons" who are to be appointed "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 existing 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

There has been a tendency of late to provide for appointments to be made jointly by the President of the Senate and the Speaker of the General Assembly. This arrangement 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, in reflection 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, where 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 6 of the 12 members shall be members of the same political party."

Such an approach, which unfortunately appears in a number of commission bills and resolutions, 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 where 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 where members represent both the legislative and executive branches or where a commission will continue beyond the two-year legislative term.

.Use a bill where members represent both the legislative and executive branches, where a commission will continue beyond the two-year legislative term, or where 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 where 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 where 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. Where political affiliation or certain qualifications are required for commission members, do specify the qualifications for members to be appointed by each appointing authority.
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 F: 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 requestor. 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 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 requestor, 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 G: PROOFREADER'S MARKS

PUNCTUATION

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

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

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

POSITION

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

SPACING

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

SIZE AND STYLE OF TYPE

- wf Wrong font (size or style of type)
- lc Lower case letter
- lc Set in LOWER CASE or LOWER CASE
- ⊖ capital letter
- capa SET IN capitals
- capa + lc Lower Case with Initial Capitals v.l.c.; c.l.c.
- sm. capa SET IN small capitals
- capa + s.c. SMALL CAPITALS WITH INITIAL CAPITALS
- rom Set in roman type
- ital Set in italic type
- ital s.c. ITALIC SMALL CAPITALS
- ital capa ITALIC CAPITALS
- L.F. Set in lightface type
- bf Set in boldface type
- bf ital Boldface italic
- bf capa BOLDFACE CAPITALS
- ∨ Superior letter or figure<sup>1</sup>
- ∧ Inferior letter or figure<sub>1</sub>

- o/n x Replace broken or imperfect type
- ∩ Reverse (upside down type or cut)
- SP Spell out (twenty 20)
- G? Question of grammar
- F? Question of fact
- 2) n ? Query to author or 2u?
- 2) L Query to editor 2u L
- └ Mark-off or break; start new line

## APPENDIX H: SUBJECT HEADINGS

### MAJOR SUBJECTS

The first subject heading on a bill  
must be one of the following:

|                                      |                                |
|--------------------------------------|--------------------------------|
| Agriculture                          | Labor and Employment           |
| Arts and Culture                     | Land Use and Planning          |
| Authorities and Regional Commissions | Legislature                    |
| Banking and Financial Institutions   | Local Budget and Finance       |
| Civil Justice                        | Motor Vehicles                 |
| Commerce and Industry                | Municipalities                 |
| Corrections and Prisons              | Natural Resources              |
| Counties                             | Pensions and Retirement        |
| Criminal Justice                     | Property Taxes                 |
| Domestic Relations                   | Public Employees and Personnel |
| Education                            | Public Safety                  |
| Elections                            | Public Utilities               |
| Energy                               | Regulated Professions          |
| Environment                          | Senior Citizens                |
| Federal and Interstate Relations     | State Budget and Finance       |
| Gambling                             | State Government               |
| Health                               | Taxation                       |
| Higher Education                     | Taxation - Income              |
| Housing                              | Taxation - Sales               |
| Human Services                       | Transportation                 |
| Insurance                            | Veterans                       |
| Judiciary                            |                                |

SECONDARY SUBJECTS

The second heading on a bill may be one of the major subject headings or any of the following secondary subject headings:

|                                    |                                   |
|------------------------------------|-----------------------------------|
| Air and Water Pollution            | Corporations                      |
| Air Transportation                 | Courts                            |
| Alcohol and Drug Abuse             | Criminal Investigation and Arrest |
| Ambulance, Fire, Rescue Squads     | Criminal Sentences and Bail       |
| Alcoholic Beverages                |                                   |
| Animals - Domestic                 | Defense and Security              |
|                                    |                                   |
| Beaches and Shores                 | Economic Development              |
| Boarding Homes                     | Education - Finance and State Aid |
| Boats, Vessels, Waterways          | Ethics and Financial Disclosure   |
| Bridges and Tunnels                |                                   |
| Building and Construction          | Firemen and Fire Safety           |
|                                    |                                   |
| Fish, Game, Wildlife               |                                   |
| Capital Finance                    | Flood and Drought Control         |
| Casino Gaming                      | Food and Nutrition                |
| Charities and Social Organizations |                                   |
| Children                           | Gambling - Lottery, Racing, Other |
| Civil Rights                       | Governor                          |
| Communications and Broadcasting    |                                   |
| Consumer Affairs                   |                                   |

|                                      |                                     |
|--------------------------------------|-------------------------------------|
| Handicapped                          | Motor Vehicle - License and         |
| Hazardous Substance                  | Registration                        |
| Hazardous Waste                      | Motor Vehicle Offenses              |
| Health Care Facilities and Providers | Municipal and County Aid            |
| Health Planning and Costs            | Municipal Development               |
| Highways and Roads                   |                                     |
| Historic Preservation                | New Jersey - History, Symbols,      |
| Homeless                             | Holidays                            |
|                                      | Nonpublic Schools                   |
| Insurance - Automobile               | Nonprofit Corporations              |
| Insurance - Health                   |                                     |
| Insurance - Life                     | Parks and Forests                   |
| Insurance - Property and Casualty    | Pharmaceutical Assistance           |
| International Affairs                | Police Officers                     |
|                                      | Political Parties and Organizations |
| Judges                               | Probation and Parole                |
| Juries                               | Property and Estates                |
| Juvenile Justice                     | Prosecution and Defense             |
|                                      | Public Assistance                   |
| Landlord - Tenant and Condominiums   | Public Contracts                    |
| Libraries                            | Public Notice, Meetings,            |
| Local Officers and Employees         | Participation                       |
|                                      |                                     |
| Malpractice                          | Rail and Bus Transportation         |
| Memorials and Cemeteries             |                                     |
| Motor Fuels                          |                                     |

School Boards and Officers

Science and Technology

Sewerage

Solid Waste

Sports and Recreation

State Officers and Boards

Students

Teachers

Tobacco and Smoking

Tort Liability

Trucking

Tuition and Student Aid

Unemployment Compensation

Vote Procedures and Ballots

Water Supply

Weapons

Workers' Compensation

APPENDIX I: MODEL GENERAL OBLIGATION BOND ACT

(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 only at ) EA 0091  
9/17/87jc;9/18/87 SR EA 0050  
TR EA 0050

[MODEL GENERAL OBLIGATION BOND ACT]

[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. YOU WILL ALSO NEED TO DRAW A BOX AROUND THE SAMPLE BALLOT AND PLACE CHECK MARKS INSIDE THE APPROPRIATE PARENTHESES IN THE TEXT OF SECTION 24 OR ITS EQUIVALENT.]

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"]; authorizing the issuance of refunding bonds; providing the ways and means to pay and discharge the principal of and interest on the bonds and refunding 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. The issuing officials may issue refunding bonds in an amount not to exceed the amount necessary to effectuate the refinancing of any bonds issued pursuant to this act, at any time and from time to time, for the purpose of refinancing any bond or bonds issued pursuant to this act, subject to the following provisions:

a. Refunding bonds may be issued at any time prior to the maturity or redemption of the bonds to be refinanced thereby as the issuing officials shall determine.

b. Each series of refunding bonds may be issued in a sufficient amount to pay or to provide for the payment of the principal of the bonds to be refinanced thereby, together with any redemption premium thereon, any interest accrued or to accrue on the bonds to be refinanced to the date of payment of the outstanding bonds, the expense of issuing the refunding bonds and the expenses, if any, of paying the bonds to be refinanced.

c. No refunding bonds shall be issued unless the issuing officials shall first determine that the present value of the aggregate principal amount of and interest on the refunding bonds is less than the present value of the aggregate principal amount of and interest on the bonds to be refinanced thereby; provided, for the purposes of this limitation, present value shall be computed using a discount rate equal to the yield of those refunding bonds, and yield shall be computed using an actuarial method based upon a 360-day year with semiannual compounding and upon the price or prices paid to the State by the initial purchasers of those refunding bonds.

d. Any refinancing authorized hereunder may be effected by the sale of the refunding bonds and the application of the proceeds thereof to the immediate payment of the principal of the bonds to be refinanced thereby, together with any redemption premium thereon, any interest accrued or to accrue on those bonds to be refinanced to the date of payment of those bonds, the expenses of issuing the refunding bonds and the expenses, if any, of paying those bonds to be refinanced, or, to the extent not required for that immediate payment, shall be deposited, together with any other moneys legally available therefor, in trust with one or more trustees or escrow agents, which trustees or escrow agents shall be trust companies or national or state banks having powers of a trust company, located either within or without the State, to be applied solely to the payment when due of the principal of, redemption

premium, if any, and interest due and to become due on the bonds to be refinanced on or prior to the redemption date or maturity date thereof, as the case may be. The proceeds or moneys so held by the trustees or escrow agents may be invested in government securities, including government securities issued or held in book-entry form on the books of the Department of Treasury of the United States; provided those government securities shall not be subject to redemption prior to their maturity other than at the option of the holder thereof. Except as otherwise provided in this subsection, neither government securities nor moneys so deposited with the trustees or escrow agents shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the principal of, redemption premium, if any, and interest on the bonds to be refinanced thereby; provided that any cash received from the principal or interest payments on those 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 trustees or escrow agents, 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 to be refinanced, on and prior to the redemption date or maturity date thereof, as the case may be, and interest earned from those reinvestments, to the extent not required for the payment of bonds, shall be paid over to the State, as received by the trustees or escrow agents. Notwithstanding anything to the contrary contained herein: (1) 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 (a) the purchase of bonds which were refinanced by the deposit with the trustees or escrow agents of the moneys and government securities and immediately thereafter cancel all outstanding bonds so purchased or (b) 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 outstanding 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 (2) in the event that on any date, as a result of any purchases and cancellations of the outstanding bonds or any purchases of different government securities as provided in this subsection, 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 such deposit was made in order to pay when due the principal of, redemption premium, if any, and interest on those remaining bonds, the trustees or escrow agents shall, if so directed by the issuing officials, pay the amount of that excess to the State. Any amounts held by the State Treasurer in a separate fund or funds for the payment of the principal of, redemption premium, if any, and interest on bonds to be refinanced, as provided herein, shall, if so directed by the issuing officials, be transferred by the State Treasurer for deposit with one or more trustees or escrow agents, as provided herein, to be applied to the payment when due of the principal of, redemption premium, if any, and interest to become due on those bonds to be refinanced, as provided in this section, or be applied by the State Treasurer to the payment when due of the principal of, redemption premium, if any, and interest on refunding bonds issued hereunder to refinance those bonds. The State Treasurer is authorized to enter into contracts with one or more trust companies or national or state banks, as provided herein, to act as trustees or escrow agents, as provided herein, subject to the approval of the issuing officials.

e. Notwithstanding the provisions of [section 12] this act, any series of refunding bonds issued pursuant to this section shall mature at any time or times not later than five years following the latest scheduled final maturity date, determined without regard to any redemptions prior thereto, of any of the bonds to be refunded thereby, and in no event later than 35 years following the date of issuance of that series of refunding bonds, and those refunding bonds may be sold at public or private sale at prices and under terms, conditions and regulations as the issuing officials may prescribe. Refunding bonds shall be entitled to all the benefits of this act and subject to all its limitations, except as to sale provisions and to the extent therein otherwise expressly provided.

f. Upon the decision by the issuing officials to issue refunding bonds pursuant to this section, and prior to the sale of those bonds, the issuing officials shall transmit to the Joint Budget Oversight Committee, or its successor, a report that a decision has been made, reciting the basis on which the decision was made, including an estimate of the debt service savings to be achieved and the calculations upon which the issuing officials relied when making the decision to issue refunding bonds. The report also shall disclose the intent of the issuing officials to issue and sell the refunding bonds at public or private sale and the reasons therefor.

g. The Joint Budget Oversight Committee, or its successor, shall have authority to approve or disapprove the sale of refunding bonds as included in each report submitted in accordance with [subsection f.] of this section. The committee shall notify the issuing officials in writing of the approval or disapproval as expeditiously as possible.

h. No refunding bonds shall be issued unless the report has been submitted to and approved by the Joint Budget Oversight Committee, or its successor, as set forth in [subsection g.] of this section.

i. Within 30 days after the sale of the refunding bonds, the issuing officials shall notify the Joint Budget Oversight Committee, or its successor, of the result of that sale, including the prices and terms, conditions and regulations concerning the refunding bonds, the actual amount of debt service savings to be realized as a result of the sale of refunding bonds, and the intended use of the proceeds from the sale of those bonds.

j. The Joint Budget Oversight Committee, or its successor, shall, however, review all information and reports submitted in accordance with this section and may, on its own initiative, make observations and recommendations to the issuing officials, or to the Legislature, or both, as it deems appropriate.

20. Any bond or bonds issued hereunder 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 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.

21. Refunding bonds issued pursuant to [section 19] of this act 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.

22. To provide funds to meet the interest and principal payment requirements for the bonds and refunding bonds issued under this act 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.

23. 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 ratables as ascertained for the current year.

24. 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 15 days prior to the election, to cause this act to be published in at least 10 newspapers published in the State 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 in a principal amount sufficient to refinance any of the bonds if the same will result in a present value savings; 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 act also authorizes the issuance of bonds in a sufficient amount to refinance all or any of these bonds if the same will result in a present value savings.]

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.

25. 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 24] of this act.

[26. 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.]

[27.] 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 26] of this act, together with such changes therein as may have been required by the Governor's budget message.

[28. 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.]

[29. 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.]

[30.] This section and [sections 24 and 25] of this act shall take effect immediately and the remainder of the act shall take effect as and when provided in [section 24].

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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.]

[NATURAL RESOURCES]  
[Capital Finance]

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

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