

1:12A-1 to 1:12A-9

LEGISLATIVE HISTORY CHECKLIST

NJSA: 1:12A-1 to 1:12A-9 (NJ Law Revision Commission)

LAWS OF: 1985 CHAPTER: 498

BILL NO: S3438

Sponsor(s): Orechio

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Committee: Assembly: -----

Senate: -----

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Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

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CHAPTER 498 LAWS OF N. J. 1985
APPROVED 1-21-86

SENATE, No. 3438

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 18, 1985

By Senator ORECHIO

(Without Reference)

AN ACT to create a law revision commission and to define its powers and duties, and amending section 8 of P. L. 1979, c. 8.

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

1 1. (New section) There is created in the Legislative Branch of
2 State Government a commission to be known as the New Jersey
3 Law Revision Commission.

1 2. (New section) The commission shall consist of:

2 a. The chairman of the Senate Judiciary Committee, or its suc-
3 cessor, who shall serve while chairman of that committee;

4 b. The chairman of the Assembly Judiciary, Law, Public Safety
5 and Defense Committee, or its successor, who shall serve while
6 chairman of that committee;

7 c. The Deans, or their designees, of Rutgers Law School, Newark;
8 Rutgers Law School, Camden; and Seton Hall Law School; and

9 d. Four attorneys admitted to the practice of law in this State,
10 two to be appointed by the President of the Senate, no more than
11 one of whom shall be of the same political party, and two to be
12 appointed by the Speaker of the General Assembly, no more than
13 one of whom shall be of the same political party.

1 3. (New section) Of the members of the commission first
2 appointed, two shall be appointed for terms of four years and two
3 for terms of five years. Thereafter, members shall be appointed for
4 terms of five years. Members shall serve until the appointment
5 and qualification of their successors.

1 4. (New section) Vacancies shall be filled for the unexpired terms
2 in the same manner as the original appointments were made.

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 printed in italics *thus* is new matter.

1 5. (New section) Members of the commission shall not receive any
2 compensation, but they shall be reimbursed for expenses incurred in
3 the performance of their duties.

1 6. (New section) The commission shall elect one member thereof
2 as chairman, who shall serve for a term of two years.

1 7. (New section) The commission may appoint employees and
2 consultants as may, in its judgment, be necessary, prescribe their
3 qualifications and duties, and fix their compensation within the
4 availability of amounts appropriated for that purpose.

1 8. (New section) The commission shall promote and encourage
2 the clarification and simplification of the law of New Jersey and its
3 better adaptation to present social needs, secure the better administra-
4 tion of justice and carry on scholarly legal research and work. It
5 shall further be the duty of the commission to:

6 a. Conduct a continuous examination of the general and perma-
7 nent statutory law of this State and the judicial decisions constru-
8 ing it for the purpose of discovering defects and anachronisms
9 therein, and to prepare and submit to the Legislature, from time to
10 time, legislative bills designed to

11 (1) Redemy the defects,

12 (2) Reconcile conflicting provisions found in the law, and

13 (3) Clarify confusing and excise redundant provisions found in
14 the law;

15 b. Carry on a continuous revision of the general and permanent
16 statute law of the State, in a manner so as to maintain the general
17 and permanent statute law in revised, consolidated and simplified
18 form under the general plan and classification of the Revised
19 Statutes and the New Jersey Statutes;

20 c. Receive and consider suggestions and recommendations from
21 the American Law Institute, the National Conference of Commis-
22 sioners on Uniform State Laws, and other learned bodies and from
23 judges, public officials, bar associations, members of the bar and
24 from the public generally, for the improvement and modification of
25 the general and permanent statutory law of the State, and to bring
26 the law of this State, civil and criminal, and the administration
27 thereof, into harmony with modern conceptions and conditions; and

28 d. Act in cooperation with the Legislative Counsel in the Office
29 of Legislative Services, to effect improvements and modifications
30 in the general and permanent statutory law pursuant to its duties
31 set forth in this section, and submit to the Legislative Counsel and
32 the Division for their examination such drafts of legislative bills
33 as the commission shall deem necessary to effectuate the purposes
34 of this section.

1 9. (New section) The commission shall report annually to the
2 Legislature on or before February first in each year.

1 10. (New section) The first members to be appointed to the com-
2 mission shall be appointed within 60 days after the enactment of
3 this act.

1 11. Section 8 of P. L. 1979, c. 8 (C. 52:11-61) is amended to read
2 as follows:

3 8. It shall be the duty of the Legislative Counsel:

4 a. To provide general standards for the office to draft, aid in
5 drafting and redrafting bills, resolutions and amendments thereof,
6 and reviewing the same when drafted elsewhere, proposed for in-
7 troduction in the Legislature and other legislative documents for
8 and upon the request of any legislative commission or of any
9 member, committee or joint committee of the Legislature;

10 b. To provide general standards for the office to examine and
11 edit legislative bills, proposed for introduction or introduced from
12 time to time in the Senate and General Assembly so as to assure,
13 whenever possible, their compliance with the form and general
14 classification of the Revised Statutes, when so requested or directed
15 by the Legislature or any committee thereof;

16 c. To furnish assistance and information to the Legislature or
17 any member or committee thereof or to the departments, officers,
18 institutions and agencies of the State and to the public in legal
19 matters concerning the statutes, when so requested;

20 [d. To conduct a continuous examination of the general and per-
21 manent statutory law of this State and the judicial decisions con-
22 struing the same, for the purpose of discovering defects in the law,
23 and to prepare and submit to the commission, from time to time,
24 legislative bills designed to

25 (1) Remedy such defects,

26 (2) Reconcile conflicting and overlapping provisions found in
27 the law,

28 (3) Clarify confusing and excise redundant expressions there-
29 from, and

30 (4) Carry on continuous revision of the general and permanent
31 statute law of the State, in such manner as to maintain the general
32 and permanent statute law of the State in revised, consolidated and
33 simplified form under the general plan and classification of the
34 Revised Statutes and the New Jersey Statutes;]

35 [e.] d. To receive [and consider] *drafts of legislative bills with*
36 suggestions and recommendations from the [American Law In-
37 stitute, the National Conference of Commissioners on Uniform
38 State Laws, and other learned bodies and from judges, public
39 officials, bar associations and members of the bar and from the

40 public generally, for the improvements and modification of the
 41 general and permanent statute law of the State, and to bring the
 42 law of this State, civil and criminal, and the administration thereof,
 43 into harmony with modern conceptions and conditions, and to
 44 submit the same to the commission, with recommendations for such
 45 action thereon as the commission may determine to take. **¶** *New*
 46 *Jersey Law Revision Commission for the improvement and modifi-*
 47 *cation of the general and permanent statute law of the State, and*
 48 *to examine and edit those bills in the same manner as it would other*
 49 *bills under this section;*

50 **¶** **e.** To furnish to the presiding officer of each House of the
 51 Legislature or to the committees, joint committees and members of
 52 the Legislature, legal assistance, information and advice when and
 53 in relation to such matters as the commission shall from time to
 54 time determine, relating to

55 (1) The subject matter and legal effect of the statutes and of
 56 proposals made for statutory enactment, and

57 (2) Questions of parliamentary law and legislative proce-
 58 dure **¶**;

59 **¶** **f.** Upon the written request of either or both Houses of the
 60 Legislature, the presiding officer of either House, the majority or
 61 minority leader of either House, a legislative committee or com-
 62 mission, to furnish formal written opinions on legal matters **¶**;

63 **¶** **g.** On behalf of the commission to assign appropriate com-
 64 pilation numbers to newly-enacted laws, edit an annual cumulative
 65 table of contents to the laws, and initiate administrative corrections
 66 in the text of the laws as authorized and directed by R. S. 1:3-1
 67 and R. S. 1:3-2 **¶**;

68 **¶** **h.** To perform such other duties and responsibilities as shall
 69 be directed by the commission or provided by law or House rule.

1 12. This act shall take effect immediately.

STATEMENT

This bill creates the New Jersey Law Revision Commission. Law revision projects have been under the auspices of the Legislative Services Commission through its Office of Legislative Services. These projects were initiated on an as-needed basis, but were not the result of a continuous review of the statutory law of this State. Additionally, the law of this State has not undergone a general revision and consolidation since 1937, almost 50 years ago.

It is proposed that a commission consisting of those members of the legal community who are responsible for and users of the State's statutory law would oversee such a general revision and provide a continuous review of the statutes.

S3438 (1985)

S-1764, sponsored by Senator John Russo, D-Ocean, which places the Police Training Commission within the Department of Law and Public Safety, includes special investigators in county prosecutors' offices within the training provisions, and adds the President of the County Prosecutors' Association and the President of the Sheriffs' Association of New Jersey to the Commission membership.

S-2519, sponsored by Senator Frank Graves, D-Passaic, to enable a processor of goods to assert a lien over goods in his possession on the basis of prior indebtedness or of credit issued to the owner of the goods.

S-2907, sponsored by Senator Edward O'Connor, D-Hudson, to establish the Vietnam Veterans' Memorial Committee of 14 members to select a design and a site for a memorial in honor of Vietnam veterans.

S-3150, sponsored by Senator John Russo, D-Ocean, to require that any out of state veterinarian to be eligible for licensing in New Jersey under a reciprocity agreement to have practiced clinical veterinary medicine for three consecutive years prior to application for the license.

S-3330, sponsored by Senator Wynona Lipman, D-Essex, to extend to January 1, 1988, the authority of the City of Newark to impose a payroll and parking tax and for Jersey City to impose a parking tax.

S-3424, sponsored by Senator Paul Contillo, D-Bergen, to appropriate \$15,000 to the Department of Environmental Protection to reimburse the Borough of Maywood for expenses incurred in employing an environmental health physicist to aid in resolving a thorium contamination problem.

S-3438, sponsored by Senator Carmen Orechio, D-Essex, to transfer certain responsibilities from the legislative counsel in the Office of Legislative Services to the New Jersey Law Revision Commission.