

52:11-56 et al

2/9/86

LEGISLATIVE HISTORY CHECKLIST

NJSA: 52:11-56 et al (Office of Legislative Services--reorganization)

LAWS OF: 1985 CHAPTER: 162

BILL NO: S2594

Sponsor(s): Orechio

Date Introduced: January 8, 1985

Committee: Assembly: -----

Senate: -----

Amended during passage: No

Date of Passage: Assembly: January 24, 1985

Senate: January 24, 1985

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Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly No

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Sponsors' statement:

This bill provides for the reorganization of the nonpartisan office of Legislative Services in the Legislative Branch of the State Government.

Plan, mentioned in section 17 of act, not public information as of 5-25-85. Formal report due subsequently.

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SENATE, No. 2594

STATE OF NEW JERSEY

INTRODUCED JANUARY 8, 1985

By Senator ORECHIO

(Without Reference)

AN ACT concerning the Office of Legislative Services in the Legislative Branch of the State Government and revising parts of the statutory law.

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

1 1. Section 3 of P. L. 1979, c. 8 (C. 52:11-56) is amended to read
2 as follows:

3 3. Organization and meetings of the commission. a. The com-
4 mission shall meet for the purpose of organization in the month
5 of January of each even numbered year and shall elect a chairman
6 and vice- chairman from among its members who shall hold office
7 for the duration of that two-year Legislature and after the expira-
8 tion of the second legislative year until their successors shall be
9 elected and qualify. The members of the commission shall receive
10 no compensation for their services but shall be reimbursement for
11 expenses incurred in the performance of their duties.

12 b. Nine members of the commission shall constitute a quorum and
13 no matter requiring action by the full commission shall be taken
14 except by the affirmative vote of not less than nine members. The
15 commission may create from among its membership and prescribe
16 the jurisdiction of an executive committee and such other standing
17 and special committees, which shall be composed of members
18 equally divided between the two Houses and the two major political
19 parties, and delegate to such committees, its chairman and vice
20 chairman **[,]** and executive director **[and division directors]** speci-
21 fied authority to act for the commission.

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.

22 c. In addition to its organization meetings, the commission shall
23 meet at least once in each calendar quarter and at other times at
24 the call of its chairman. Upon the written request of at least nine
25 members the secretary shall notice a special meeting of the com-
26 mission.

1 2. Section 4 of P. L. 1979, c. 8 (C. 52:11-57) is amended to read
2 as follows:

3 4. Duties of the commission. a. It is the duty and responsibility
4 of the commission:

5 (1) To carry on the work of continuous revision of the general
6 and permanent statute law of the State, by causing to be conducted
7 a continuous examination thereof and of the judicial decisions
8 construing the same, and by causing to be prepared and to be
9 submitted to the Legislature for its action thereon from time to
10 time legislative bills designed to revise such portions of the general
11 and permanent statute law as in the judgment of the commission
12 may be necessary to remedy defects therein, to accomplish improve-
13 ment thereof and to maintain the same in revised, consolidated
14 and simplified form under the general plan and classification of the
15 Revised Statutes;

16 (2) To provide accurate budgetary, fiscal and program perfor-
17 mance, evaluation and analysis, legal assistance, information and
18 advice and inforatory and research service to the standing
19 reference, joint and special legislative committees and commissions
20 and to the officers and members of the Legislature;

21 (3) To study the methods, practices and procedures employed
22 by the Legislature and from time to time make such recommenda-
23 tions for their improvement and modernization as the commission
24 shall deem resirable[.];

25 (4) *Through the Office of Legislative Services to plan, provide*
26 *for and coordinate administrative, housekeeping and other general*
27 *services on behalf of the Legislature in the areas of purchasing,*
28 *data processing, facilities, public educational programs and legis-*
29 *lative district offices in accordance with the joint rules governing*
30 *the operation of the district offices.*

31 b. The commission is hereby designated as the permanent law
32 revision agency of the State and all proposed revision laws and
33 proposals of like character which are developed as a result of any
34 legislative commission or committee shall be submitted to the com-
35 mission for examination and study and report, including its recom-
36 mendations, to the Legislature, before being introduced in the
37 Legislature.

38 c. The officers and employees of the Office of Legislative Services

39 shall, except as otherwise fixed by law, receive such compensation
 40 as shall from time to time be fixed by the commission in accordance
 41 with a compensation plan to be established by it and as shall be
 42 within the limits of available appropriations therefor.

1 3. Section 5 of P. L. 1979, c. 8 (C. 52:11-58) is amended to read
 2 as follows:

3 5. *a.* Organization of the Office of Legislative Services. The Office
 4 of Legislative Services [to] shall be governed by the commission
 5 and shall consist of [an Executive Director, a Division of State
 6 Auditing of which the State Auditor shall be the director, a Divi-
 7 sion of Legal Services of which a Legislative Counsel shall be the
 8 director, a Division of Budget and Program Review of which a
 9 Legislative Budget Officer shall be the director, a Division of Leg-
 10 islative Information and Research of which a Research Director
 11 shall be the director, an administrative unit to serve the several
 12 divisions, and] *such subordinate units as the commission shall*
 13 *direct and such officers, employees and consultants as may, from*
 14 *time to time within the availability of funds, be appointed or*
 15 *employed by direction of the commission.*

16 *b. In addition to the duties imposed upon the Executive Director,*
 17 *the Legislative Counsel, the Legislative Budget and Finance Officer,*
 18 *the State Auditor and the Director of Public Information by law,*
 19 *it shall be the duty of the Office of Legislative Services to:*

20 (1) *provide, upon request, legal, fiscal, research, information and*
 21 *administrative services and assistance for the Legislature, its*
 22 *officers, committees, commissions, members and staff.*

23 (2) *assist in the preparation or review of drafts of bills, resolu-*
 24 *tions and amendments thereof proposed for introduction in the*
 25 *Legislature or other legislative documents for and upon the request*
 26 *of any member, committee, commission or staff of the Legislature.*

27 (3) *provide nonpartisan staff for the standing reference com-*
 28 *mittees and other committees and commissions of the Legislature,*
 29 *except those which by law, rule or resolution of either House or*
 30 *direction of the Legislative Services Commission are independent*
 31 *of the office.*

32 (4) *collect, prepare and disseminate to the Legislature, its offi-*
 33 *cers, committees, commissions, members and staff, such informa-*
 34 *tion, reports, publications and documents as shall be of concern or*
 35 *interest to or have an impact upon the Legislature or the legislative*
 36 *process.*

37 (5) *provide such other services as the commission may direct.*

1 4. Section 6 of P. L. 1979, c. 8 (C. 52:11-59) is amended to read
 2 as follows:

3 6. Executive Director. The commission shall appoint an Execu-
 4 tive Director to serve as the secretary of the commission and as the
 5 chief executive officer of the commission and the Office of Legisla-
 6 tive Services who shall be qualified by training and experience in
 7 legislative and governmental processes. He shall serve at the
 8 pleasure of the commission and shall devote his entire time to the
 9 duties of his office. He shall organize *the office with such subordi-*
 10 *nate units as shall be necessary for the duties and responsibilities*
 11 *of the office and* [direct an administrative unit to serve the several
 12 divisions of the office, including but not limited to, the areas of
 13 personnel, budget, purchasing, printing, property, space, facilities
 14 and accounting services. The Executive Director] shall be respon-
 15 sible for the [coordination and] general supervision *and direction*
 16 of the work of the [several divisions of the] office. Subject to
 17 commission approval the Executive Director [may transfer per-
 18 sonnel from one division to another, or may] *shall employ pro-*
 19 *fessional and clerical personnel, including associate and assistant*
 20 *counsels, revisers of statutes, auditors, and research and fiscal*
 21 *analysts, and shall provide for the assignment of personnel* [from
 22 one division to another] to aid in the performance of any project
 23 or responsibility of [a particular division of] the office. The
 24 Executive Director shall be the appointing authority and request
 25 officer for the office. *The Executive Director shall inform the com-*
 26 *mission of the need for or usefulness of advisory panels to assist*
 27 *the commission and the office in its duties and to cooperate with all*
 28 *advisory panels appointed under the provisions of this act.*

1 5. Section 7 of P. L. 1979, c. 8 (C. 52:11-60) is amended to
 2 read as follows:

3 7. Legislative Counsel. The commission shall appoint a Legis-
 4 lative Counsel who shall be an attorney-at-law of New Jersey
 5 experienced in [the work of] *legislative law*, drafting legislation,
 6 revision of statutes and parliamentary law and procedure. *He shall*
 7 *be the chief legal officer of the Legislature and counsel to the com-*
 8 *mission and Office of Legislative Services.* He shall serve at the
 9 pleasure of the commission and *under the supervision and direction*
 10 *of the Executive Director* shall devote his entire time to the duties
 11 of his office. [He shall be the Director of the Division of Legal
 12 Services. He shall organize the division with such bureaus and
 13 subordinate units and employ such associate and assistant counsel
 14 and assistants to counsel, a revisor of statutes, assistant revisors
 15 and such other employees as the commission shall deem necessary
 16 and required for the work of the division.] Wherever in any other
 17 law a duty is imposed upon or reference is made to, the Chief

18 Counsel of the Law Revision and Legislative Services Commission,
 19 such duty is transferred to and shall be exercised by, and reference
 20 thereto shall be to, the Legislative Counsel in the Office of Legis-
 21 lative Services.

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

3 8. **Division of Legal Services.** It shall be the duty of the
 4 Legislative Counsel **and the Division of Legal Services**:

5 a. To *provide general standards for the office to draft, aid in*
 6 *drafting and redrafting bills, resolutions and amendments thereof,*
 7 *and reviewing the same when drafted* **in other divisions or** *else-*
 8 *where, proposed for introduction in the Legislature and other leg-*
 9 *islative documents for and upon the request of any legislative*
 10 *commission or of any member, committee or joint committee of*
 11 *the Legislature;*

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

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

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

27 (1) Remedy such defects,

28 (2) Reconcile conflicting and overlapping provisions found in
 29 the law,

30 (3) Clarify confusing and excise redundant expressions there-
 31 from, and

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

37 e. To receive and consider suggestions and recommendations
 38 from the American Law Institute, the National Conference of Com-
 39 missioners on Uniform State Laws, and other learned bodies and

40 from judges, public officials, bar associations and members of the
 41 bar and from the public generally, for the improvements and modifi-
 42 cation of the general and permanent statute law of the State, and to
 43 bring the law of this State, civil and criminal, and the administra-
 44 tion thereof, into harmony with modern conceptions and conditions,
 45 and to submit the same to the commission, with **[its]** recommenda-
 46 tions for such action thereon as the commission may determine to
 46A take.

47 **[f.]** To inform the commission of the need for or usefulness of
 48 advisory panels to assist the commission and the division in its
 49 duties and to cooperate with all advisory panels appointed under
 50 the provisions of this act.]

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

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

58 (2) Questions of parliamentary law and legislative procedure.

59 **[h.] g.** 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 **[i.] h.** 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 *i. To perform such other duties and responsibilities as shall be*
 69 *directed by the commission or provided by law or House rule.*

1 7. Section 9 of P. L. 1979, c. 8 (C. 52:11-62) is amended to
 2 read as follows:

3 9. State Auditor. The **[Office]** *office* of the State Auditor, as
 4 created by the Constitution, is assigned to the Office of Legislative
 5 Services **[and the State Auditor is designated the Director of the**
 6 **Division of State Auditing.]** The State Auditor shall continue to
 7 be appointed, subject to the statutory qualifications prescribed by
 8 R. S. 52:24-2, and shall hold office and perform his constitutional
 9 duties, as heretofore. The State Auditor, **[as Director of the Di-**
 10 **vision of State Auditing,]** in addition to his constitutional duties,
 11 shall organize the **[division]** *office of the State Auditor* with such
 12 **[bureaus and]** subordinate units as required and shall be responsi-

13 ble for administering and directing the further statutory duties
 14 imposed by this act subject to the policy direction and control of
 15 the Legislative Services Commission *and the supervision and di-*
 16 *rection of the Executive Director.*

1 8. Section 10 of P. L. 1979, c. 8 (C. 52:11-63) is amended to read
 2 as follows:

3 10. **【Division of State Auditing.】** In addition to the duties
 4 imposed upon the State Auditor by the Constitution and R. S.
 5 52:24-4 the State Auditor **【and the Division of State Auditing】**,
 6 when requested or directed by the Legislature or the Legislative
 7 Services Commission, shall make, or cause to be made by contract
 8 with independent firms or consultants, studies and reports with
 9 respect to the economy, internal management control, and com-
 10 pliance with laws and regulations of the operation of State or
 11 State-supported agencies and shall perform such other duties and
 12 functions as the commission shall, from time to time, direct or
 13 assign **【to the division】**.

14 Audit reports shall provide full disclosure of the results of
 15 financial operations, adequate financial information needed in the
 16 management of State operations and effective control over income,
 17 expenditures, funds, property and other assets and whether the
 18 financial transactions have been consummated in accordance with
 19 laws, regulations or other legal requirements, and adequate in-
 20 ternal financial control over operations is exercised.

1 9. Section 12 of P. L. 1979, c. 8 (C. 52:11-65) is amended to read
 2 as follows:

3 12. **【Research Director.】** The commission shall appoint a **【Re-**
 4 **search】** Director of *Public Information* who shall by training and
 5 experience be well versed in **【political science, methods or re-**
 6 **search】** *public information services* and legislative and govern-
 7 mental processes. He shall serve at the pleasure of the commission
 8 *and under the supervision and direction of the Executive Director*
 9 and shall devote his entire time to the duties of his office. **【He shall**
 10 **be the Director of the Division of Information and Research.】** He
 11 shall organize the **【division】** *legislative public information services*
 12 with **【such bureaus and】** subordinate units **【and appoint an Assis-**
 13 **tant Director, supervisors, research associates and assistants and**
 14 **other employees】** necessary for the work of **【the division】** *his*
 15 *office.*

16 The **【Research Director】** *director* shall be responsible for pro-
 17 viding nonpartisan **【informatory】** *information* and **【research**
 18 **staff】** *information services* to the officers and members of the
 19 Legislature and to all standing reference, joint and special com-

20 mittees and commissions of the Legislature, except as otherwise
 21 provided by this act or by determination of the commission or the
 22 Legislature.

1 10. Section 13 of P. L. 1979, c. 8 (C. 52:11-66) is amended to read
 2 as follows:

3 13. **【Division of Legislative Information and Research.】** It shall
 4 be the duty of the **【Research】** Director **【and the Division of**
 5 **Legislative Information and Research】** of *Public Information* to:

6 **【a. Provide nonpartisan staff for the standing reference com-**
 7 **mittees of the two Houses of the Legislature, other than such**
 8 **committees which may be, by law, rule or resolution of either**
 9 **House, or direction of the commission, staffed independently or by**
 10 **other divisions of the Office of Legislative Services.**

11 **b. Provide nonpartisan staff for other legislative committees and**
 12 **commissions as requested by the Legislature and directed by the**
 13 **commission.】**

14 **【c.】 a. Provide, as requested, information 【and research ser-**
 15 **vices】 and other related services 【and to prepare drafts of bills**
 16 **and resolutions】 for the Legislature, its officers, committees, com-**
 17 **missions and individual members.**

18 **【d. Provide, as requested by the Legislature or directed by the**
 19 **commission, assistance to the Legislature, its officers, committees**
 20 **and commissions in the performance of their legislative oversight**
 21 **functions.】**

22 **【e.】 b. Operate a nonpartisan public information service on**
 23 **legislative affairs and a Bill Room for use by the Legislature, its**
 24 **staffs, other State and public offices and, when practicable, for the**
 25 **general public.**

26 **【f. Collect and disseminate to the Legislature, its officers,**
 27 **committees, commissions and individual members information**
 28 **concerning federal laws and regulations and pending federal legis-**
 29 **lation and regulations which may have an impact on or of interest**
 30 **to the Legislature.】**

31 **【g.】 c. Provide, when requested by the Legislature and directed**
 32 **by the commission, for the scheduling, recording and transcription**
 33 **of the proceedings of legislative committee and commission meet-**
 34 **ings and hearings.**

35 *d. Provide for the maintenance of a library and library services*
 36 *with special emphasis on legislative reference materials for the*
 37 *use of the Legislature and its staff.*

38 *e. Plan, develop and coordinate programs regarding the inter-*
 39 *action of the Legislature with the public, including public com-*
 40 *munication, orientation and tours and educational programs.*

41 *f. Provide general standards for the Office of Legislative Services*
 42 *in providing information to the public.*

43 *g. Maintain a public commercial subscription service for bills,*
 44 *laws and other information.*

45 *h. Provide such other services as the commission or executive*
 46 *director may direct or as shall be provided by law or House rule.*

1 11. Section 14 of P. L. 1979, c. 8 (C. 52:11-67) is amended to
 2 read as follows:

3 14. Legislative Budget *and Finance* Officer. The commission shall
 4 appoint a Legislative Budget *and Finance* Officer who by training
 5 and experience shall be well versed in the fields of budget prepa-
 6 ration and analysis, revenue projection, appropriation require-
 7 ments, program analysis~~[,]~~ and fiscal management and control.
 8 The Legislative Budget *and Finance* Officer shall be the ~~Director~~
 9 of the Division of Budget and Program Review and ~~chief fiscal~~
 10 *officer of the Legislature and the commission. He shall serve at*
 11 *the pleasure of the commission, shall devote his entire time to the*
 12 *duties of his office and shall be under the supervision and direction*
 13 *of the Executive Director. [He shall organize the division with*
 14 *such bureaus and subordinate units and appoint such professional*
 15 *and other employees as the commission shall deem necessary and*
 16 *required for the work of the division.] Whenever in any other law*
 17 *reference is made to, the Legislative Budget and Finance Director*
 18 ~~[or]~~, the Executive Director of the Office of Fiscal Affairs *or*
 19 *the Legislative Budget Officer, such reference thereto shall be to,*
 20 *the Legislative Budget and Finance Officer in the Office of Legis-*
 21 *lative Services.*

1 12. Section 15 of P. L. 1979, c. 8 (C. 52:11-68) is amended to read
 2 as follows:

3 15. ~~Division of Budget and Program Review.]~~ It shall be the
 4 duty of the ~~Division of Budget and Program Review] Legislative~~
 5 *Budget and Finance Officer to:*

6 *a. At the request of the Legislature or any member thereof,*
 7 ~~Collect] collect~~ and assemble factual information relating to the
 8 fiscal affairs of the State ~~for the use of the Joint Appropriations~~
 9 Committee of the Legislature in formulating its annual proposals
 10 as to the amounts to be appropriated for the support of the State
 11 Government and for other purposes; examine all requests for
 12 appropriations made by the divisions and other subdivisions of the
 13 principal departments in the Executive Branch of the State Gov-
 14 ernment, to the heads of such department and by the department
 15 heads, to the Director of the Division of Budget and Accounting
 16 and attend such hearings, held thereon, as it may be necessary

17 for the Legislative Budget Officer or his staff to attend to obtain
18 complete information as to the subject matter thereof];

19 b. *At the request of the Legislature or any member thereof,*
20 **[Examine] examine [other]** requests for appropriations and re-
21 ceive and investigate the truth, fairness and correctness of all
22 claims against the State for payment of which appropriations are
23 to be requested;

24 c. Report to the Legislature through the Joint Appropriations
25 Committee, or in such other manner as shall be directed by the
26 Legislature, upon the foregoing and as to any other matter which
27 may be of assistance to said committee or the Legislature in form-
28 ing an independent judgment in the determination of any fiscal
29 matters before it and attend upon the Joint Appropriations Com-
30 mittee during its sittings and hearings and perform such services
31 for it as it shall direct;

32 d. Provide the Legislature with expenditure information and,
33 *upon request,* performance analysis of programs and transactions.

1 13. R. S. 52:24-3. is amended to read as follows:

2 52:24-3. **[State Auditor Director of Division of State Auditing;**
3 **assistants and employees.]** The State Auditor shall be **[the Di-**
4 **rector of the Division of State Auditing]** in the Office of Legislative
5 Services and subject to the approval, or as authorized by the
6 Legislative Services Commission and with the approval of the
7 Executive Director of the Office of Legislative Services as to the
8 existence of the positions and availability of funds therefor, shall
9 appoint such necessary professional and other employees as shall
10 be required to administer and perform the constitutional and stat-
11 utory duties of his office.

1 14. (New section) Except as otherwise provided in this amenda-
2 tory and supplementary act, for the purposes of the reorganization
3 of the Office of Legislative Services, all powers and duties imposed
4 upon any division of the Office of Legislative Services by any other
5 law or in any rule of either House of the Legislature shall be ex-
6 ercised by such unit of the Office of Legislative Services as shall
7 be determined by the Executive Director and all other references
8 to any division of the Office of Legislative Services shall mean and
9 refer to the Office of Legislative Services.

1 15. (New section) All officers and employees of the Office of
2 Legislative Services on the effective date of this amendatory and
3 supplementary act shall be assigned or reassigned to positions
4 therein for the purposes of effecting the reorganization of the
5 office without diminuation in compensation or seniority rights or
6 impairment of tenure, civil service or retirement system rights.

1 16. (New section) All rules, regulations and operating procedures
2 of any division of the Office of Legislative Services on the effective
3 date of this amendatory and supplementary act are continued in
4 effect until amended or repealed pursuant to this act.

1 17. This act shall take effect immediately and shall be imple-
2 mented in a plan proposed by the executive director and approved
3 by the Legislative Services Commission.

STATEMENT

This bill provides for the reorganization of the nonpartisan
Office of Legislative Services in the Legislative Branch of the
State Government.
