

## **REVISION OF TITLE 1 -- ACTS, LAWS AND STATUTES**

### **Introduction**

This draft contains only the most important proposed changes to Title 1. The first two sections contain clarifications to the provisions on preparation of laws after enactment. Current provisions are centered on printing of the annual volume of laws. While that publication remains important, the legislative public internet site has become equally important in publication of the law. Some revision is needed to reflect that change. Three other changes are reflected in the last three sections. One section deals with the authority to correct statutes. The section clarifies that, in accord with current practice, corrections can be made at any time. It also provides for a system to record correction. That provision is new.

The next section gives the Office of Legislative Services the authority to recompile statutes. The concept is new, although, there have been instances in the past when statutes were assigned new compilation numbers. The proposed section requires concurrence by the Attorney General (as in statutory corrections) and provides for a system of recording that a statute has been recompiled.

The last section provides for a simplified system for citing statutes. The current system requires three different forms of citation depending on when and in what form the statute was enacted. No policy considerations support the current system; its complications are merely a matter of history.

### **Preparation of laws.**

a. Every bill enacted into law during the an annual session of a Legislature shall be given a chapter number as a law of that legislative year in the form: L.(year of law), ch.(chapter number of law). Chapter numbers shall be assigned sequentially in order of the time the bill became law.

b. As soon as practicable after any law is enacted, the Office of Legislative Services shall prepare the law for printing and for inclusion the public internet site established pursuant to L.1995, c.319 (C. 52:11-78). The Office of Legislative Services shall:

(1) assign a compilation number to each section of a law that is part of the general and permanent law to govern its placement within the New Jersey Statutes;

(2) add a headnote descriptive of a section's contents, to the beginning of each section, if the section was not enacted with a headnote; and

(3) correct errors in the text of a law as provided by this chapter,

c. In preparing a law in the form for inclusion in the annual volume of laws and for compilation in the Laws of New Jersey, the Office of Legislative Services shall:

(1) omit from the text of a law all material that is enclosed in bold-faced brackets, together with the brackets and all related footnotes; and

(2) cause material appearing in the text as underlined or printed in italics to be printed in the same manner as other material is printed.

d. In preparing the annual appropriations act, the Office of Legislative Services shall include all summaries of appropriations that appear within the act and include a legend indicating that material included within the summaries is for the purpose of displaying summaries of the items of appropriations set forth elsewhere within that law and, while included within the text of the law, is not intended to be part of the law.

#### Source 1:3-1

#### Comment

This section contains the parts of 1:3-1 that are concerned with the processing of an enacted statute immediately after it becomes law. Other parts of 1:3-1 that directly relate to the annual printing of statutes enacted during the legislative year are in the next section. Subsection (a) is derived from parts of the first paragraph of 1:3-1 and from 1:3-3.1. Subsection (b) is also derived from the first paragraph of 1:3-1. Subsection (c) is derived from the same source. The distinction between the two subsections is that subsection (c) refers to preparation of the version of a statute that contains only the final version of a section and does not show the changes made during the legislative process, or in the case of an amendment to an existing section, the changes from prior law. Subsection (d) continues the special provisions on appropriation acts found in 1:3-1.

#### **Annual volume of laws**

a. The Legislative Services Commission, through the Office of Legislative Services, shall direct and superintend the printing an annual volume of laws containing:

(1) every law enacted during the annual session of a Legislature;

(2) every joint and concurrent resolution made during the annual session of a Legislature; and

(3) those proclamations of the Governor made during the previous year that are to be printed with the laws.

b. Every bill enacted into law during the an annual session of a Legislature shall be printed in numerical order by chapter number. Every joint and concurrent resolution shall be numbered the date it was approved and printed in numerical order.

c. The laws enacted at each session of the Legislature shall be printed in the style established by the Legislative Services Commission, through the Office of Legislative Services. Preceding the first chapter of the pamphlet laws, shall be the legislative list of members' names arranged by Senate and General Assembly districts. Following the last chapter of the pamphlet laws, shall be the joint resolutions of the Senate and General Assembly arranged in numerical order, and those proclamations of the Governor made during the previous year that are to be printed with the laws.

Source: 1:3-2; 1:3-3; 1:3-3.1; 1:3-4.

#### Comment

The introductory language in subsection (a) is substantially identical to section 1:3-3. The numbered paragraphs of that subsection that govern the contents of the annual volume of laws are derived from 1:3-4. The same material is duplicated in 1:3-2. Though simplified in form, subsection (b) is substantially identical to section 1:3-3.1. Subsection (c) is substantially identical to section 1:3-4. The

reference in the source section to printing “in the same general style as heretofore” has been deleted as unnecessary given the power of the Legislative Services Commission to modify the style.

### **Correction of statutes.**

a. The Office of Legislative Services, with the concurrence of the Attorney General, may correct errors in the text, but not the title, of a law which will not affect the substance of the law. Errors that may be corrected include:

- (1) errors in references to other laws,
- (2) errors in punctuation and spelling, and other obvious errors in form, and,
- (3) errors caused when two or more amendments to the same section of law inadvertently omit provisions of, and fail to refer to, one another.

b. If a correction is made before the annual volume of laws is printed that includes the law that was corrected, a note shall be appended to the law in the annual volume indicating the correction that was made. If correction was made at a later time, a note shall be made in the next annual volume of laws indicating the compilation number of the section corrected and the correction made.

Source: 1-3-1.

#### **Comment**

Subsection (a) is substantially identical to the parts of section 1:3-1 that provide for the correction of statutes. However, separating this material from the provision on preparation of statutes for printing makes it more clear that if an error is found after printing of the annual volume of laws, the error may be corrected. That is not a change in practice.

Subsection (b) is new. There is no current requirement that the substance of an error correction be published. Corrections are made internally within the Office of Legislative Services and parties known to be interested, such as law publishers, are notified. Most corrections are small and obvious in their cause and purpose. A few, however, may be puzzling to a person who compares the law as enacted to the law as compiled. Better practice would seem to provide a mechanism to record corrections and thereby obviate any possible problem. That is the purpose of subsection (b).

### **Change of compilation number assigned to statute**

a. When the Office of Legislative Services determines that a change in the compilation numbers assigned to a section or group of sections would serve the convenience of users of the statutes, the Office may change the compilation numbers with the concurrence of the Attorney General.

b. When the Office of Legislative Services changes the compilation numbers assigned to a section or group of sections, a note shall be made in the next annual volume of laws and on the public internet site established pursuant to L.1995, c.319 (C. 52:11-78) indicating the old and new compilation number of each section changed.

Source: new.

#### **Comment**

The authority to decide where to compile statutes is stated in 1:3-1 and is repeated in 52:11-61(g). The power to compile laws is stated in the context of the process that takes place immediately after enactment. As a result, the Office of Legislative Services has been hesitant to claim the power to change

the compilation number assigned to a statute at a later time. There has been a number of instances where the compilation numbers assigned to statutes have been changed. The most significant of these, where material was moved between titles of the statutes, occurred many years ago. But there have been some instances in the past few years where statutes have been renumbered, usually within the same chapter. While the Office of Legislative Services may now recognize a recompilation power, it has used it cautiously and in very limited cases.

Obviously, the power to recompile statutes would be useful. Not all decisions on compilation turn out to be right. Some may be errors, but others, while correct when made, become less good with the passage of time and more legislation on related subjects. Minor arrangement problems and problems of numeration could be solved. As a matter of caution, the proposed section requires the concurrence of the Attorney General for any recompilation. That requirement is taken for current statutory provisions on correction of errors.

However, recompilation of a statute years after it was enacted can cause problems. A person who follows an old citation and looks for the statute is apt to find a blank without explanation. Certainly, some form of paper trail needs to be provided to prevent confusion. For that reason, subsection (b) requires that a note be made in the next annual volume of laws and on the Legislature's public internet site whenever a statute is recompiled.

### **Citation of statutes.**

a. Every statute that has been assigned a compilation number and compiled within the New Jersey Statutes, whether the number was assigned as part of the Revised Statutes, or as part of a revision law, or by the Office of Legislative Services, may be cited for any purpose as N.J.S. followed by the compilation number. Any other statute may be cited by its year and chapter number.

b. The legislation contained within any title, subtitle, part, chapter, article, section or group of sections of the New Jersey Statutes may be cited by reference to the title, subtitle, part, chapter, article, section or group of sections. References to more than one title, subtitle, chapter, article, section or other division of Statutes in series, shall be taken to include both the first and last numbers referred to.

Source: 1:1-5.1; 1:1-7; 1:1-8.

#### **Comment**

Subsection (a) is derived from 1:1-5.1 but has been changed to allow citation to any compiled in the form N.J.S. \_\_\_\_\_. Now, statutes in the 1937 Revised Statutes are referred to as R.S. \_\_\_\_\_, certain statutes enacted as revision laws as N.J.S. \_\_\_\_\_, and other statutes as P.L. \_\_\_\_\_, c. \_\_\_\_\_. The complication of this system makes citation to statutes in legislation more difficult than it needs to be and obscure to the general public. Mistakes in citation have caused mistakes in listing the sections to be repealed. The complication of the system has caused the courts to ignore the official system and require citations to the New Jersey Statutes Annotated, a proprietary publication. The only reason for the current system is historical; its distinctions serve no substantive purpose.

Subsection (b) is an amalgam of 1:1-7 and 1:1-8. However, the changes in subsection (a) make this subsection far more important. Under the current system, if one cites N.J.S. 2C, Chapter 20, the citation would not be held to include such sections as 2C:20-1.1, -2.1, -3.1, -7.1, -11.1, and -23 through -37 which were enacted after the criminal code and technically are not to be cited in the form N.J.S. \_\_\_\_\_. As a result, caution is now necessary in using cumulative citations. With the abolition of the trifurcated system, the use of cumulative citations becomes simpler and safer.