

ASSEMBLY, No. 1962

STATE OF NEW JERSEY

INTRODUCED MAY 6, 1996

By Assemblyman COLLINS

1 AN ACT requiring Legislative Counsel to advise the first prime
2 sponsor of a legislative bill, joint resolution or concurrent
3 resolution of legal defects therein in certain instances and amending
4 P.L.1979, c.8

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

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

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

12 a. To provide general standards for the office to draft, aid in
13 drafting and redrafting bills, resolutions and amendments thereof, and
14 reviewing the same when drafted elsewhere, proposed for introduction
15 in the Legislature and other legislative documents for and upon the
16 request of any legislative commission or of any member, committee or
17 joint committee of the Legislature;

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

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

28 d. To receive drafts of legislative bills with suggestions and
29 recommendations from the New Jersey Law Revision Commission for
30 the improvement and modification of the general and permanent
31 statute law of the State, and to examine and edit those bills in the same
32 manner as it would other bills under this section;

33 e. To furnish to the presiding officer of each House of the
34 Legislature or to the committees, joint committees and members of the

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

Matter underlined thus is new matter.

1 Legislature, legal assistance, information and advice when and in
2 relation to such matters as the commission shall from time to time
3 determine, relating to

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

6 (2) Questions of parliamentary law and legislative procedure;

7 f. Upon the written request of either or both Houses of the
8 Legislature, the presiding officer of either House, the majority or
9 minority leader of either House, a legislative committee or
10 commission, to furnish formal written opinions on legal matters;

11 g. On behalf of the commission to assign appropriate compilation
12 numbers to newly-enacted laws, edit an annual cumulative table of
13 contents to the laws, and initiate administrative corrections in the text
14 of the laws as authorized and directed by R.S.1:3-1 and R.S.1:3-2;

15 h. To provide the first prime sponsor of a legislative bill, joint
16 resolution or concurrent resolution, or amendment thereto, as well as
17 the first prime sponsor of an identical legislative bill, joint resolution
18 or concurrent resolution, or amendment thereto, at the same time as
19 provided to the requester of a written opinion under this section, with
20 advice of any legal defects, constitutional, procedural or otherwise, of
21 which the Legislative Counsel is aware, notwithstanding the provisions
22 of section 17 of this act (C.52:11-70); and

23 i. To perform such other duties and responsibilities as shall be
24 directed by the commission or provided by law or House rule.

25 (cf: P.L.1985, c.498, s.11)

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27 2. This act shall take effect immediately.

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STATEMENT

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32 This bill requires Legislative Counsel to advise first prime sponsors
33 of any legal defects in their legislative bills, joint resolutions or
34 concurrent resolutions, or amendments thereto, when Legislative
35 Counsel becomes aware of the legal defects as a result of a
36 confidential request under this section for a written opinion.
37 Currently, if Legislative Counsel becomes aware of legal defects in
38 legislative bills, joint resolutions or concurrent resolutions, or
39 amendments thereto, as a result of a confidential request for a written
40 opinion, Legislative Counsel considers the resulting knowledge of
41 these legal defects to also be confidential pursuant to P.L.1979, c.8,
42 s.17 (C.52:11-70). The bill provides that this change in practice would
43 take effect immediately.

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3 Requires notice to first prime sponsor of legal defects in legislation in
4 certain instances.