

**LEGISLATION AND LAW REVISION COMMISSIONS: ONE
OPTION FOR THE MANAGEMENT AND MAINTENANCE OF
EVER-INCREASING BODIES OF STATUTORY LAW**

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“By attempting the impossible, one can attain the highest level of the possible.”
- August Strindberg, Swedish playwright, novelist, and painter

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I. LEGISLATION

Every state in the United States has a legislature. Every state legislature performs the same function—at least at a basic level. Every state has legislators who introduce bills, some of which become law.

Although the basic purpose of our nation's state legislatures is the same, there is considerable variation in the structure and the operation of legislatures from one state to another. Despite these variations, each state has an ever-increasing body of statutory law. Although the states' collections of statutes are not accumulating at the same rate, they are accumulating. As a result, each state has developed an approach to the management and maintenance of its statutes.

The pages that follow provide a comparison of the legislative processes in each state. The review includes: session length, bills introduced and enacted; number of legislators; legislative time commitment; and legislator compensation.

In order to address the ever-growing volume of statutory law, some states have chosen to create law revision commissions. Other states, by necessity or by design, have chosen to implement alternative procedures to address their expanding bodies of law.

New Jersey is currently one of nine states with a law revision commission. This article highlights the work of the New Jersey Law Revision Commission ("NJLRC"). As the first law revision commission in the United States, the NJLRC serves as an example of the manner in which law revision commissions can evolve to meet the modern challenges faced by the legislative bodies they serve. Guided by its statutory mandate, akin to the law revision commissions in other states and similar international bodies, its role is to "promote and encourage the clarification and simplification of the law of New Jersey and its better adaptation to social needs, secure the better administration of justice and carry on scholarly legal research and work."¹

II. LEGISLATIVE PROCESSES IN THE STATES

The structure and operation of each state legislature varies from one to another. An overview of the state legislatures, their sessions, session length, time commitment, compensation, and bills introduced and enacted in a single year will help distinguish them.

¹ N.J. STAT. ANN. § 1:12A-8 (2017).

A. Annual vs. Biennial Sessions

The majority of state legislatures now meet annually.² Throughout the early 1960s, the legislatures of most states met biennially.³ The legislatures of Montana, Nevada, North Dakota, and Texas continue to meet biennially, every other year, in odd-numbered calendar years.⁴ By the mid-1970s, however, 41 of the states' legislatures were meeting annually. A number of those states used a "flexible session" format wherein the total number of days of session time was split between two years.⁵

Over the years, concerns about legislative effectiveness and costs engendered debates about the benefits of annual or biennial sessions. Political scientists and authors of *The American Legislative Process: Congress and the States*, William J. Keefe and Morris S. Ogul, identified some of the arguments used by proponents of both types of sessions.⁶

Arguments in favor of annual sessions include: modern legislatures are confronted with complex and continuing problems that cannot be adequately addressed every other year; annual meetings serve as a continuous check on the power of the executive branch; legislative oversight of the administration is easier with annual sessions; annual sessions allow a rapid response to federal laws requiring state participation; and a legislature cannot operate efficiently or effectively in "fits and starts."⁷

The arguments in favor of a biennial legislative session include: biennial sessions limit "precipitate and unseemly legislative action"; annual meetings of the legislature contribute to legislative harassment of the administration; the interval between sessions can be used by legislators to adequately study proposed legislation; legislators have more time to interact with their constituents, "mend political fences," and

² *About Us*, NAT'L CONF. OF STATE LEGIS., <http://www.ncsl.org/aboutus.aspx> (last visited Mar. 25, 2017). The National Conference of State Legislatures ("NCSL"), a bipartisan organization that has, since 1975, provided "comprehensive, unbiased research" to both legislators and staff nationwide, compiled detailed information regarding the operation of the state legislatures in the United States and much of the information on the next few pages has been drawn from its collection.

³ *Id.*

⁴ *Annual Versus Biennial Legislative Sessions*, NAT'L CONF. OF STATE LEGIS., <http://www.ncsl.org/research/about-state-legislatures/annual-versus-biennial-legislative-sessions.aspx> (last visited May 16, 2017) [hereinafter "*Annual Versus Biennial Legislative Sessions*"].

⁵ *Id.*

⁶ *Annual Versus Biennial Legislative Sessions*, *supra* note 4; *see generally* WILLIAM J. KEEFE & MORRIS S. OGUL, *THE AMERICAN LEGISLATIVE PROCESS: CONGRESS AND THE STATES* (10th Ed. 2010).

⁷ *See generally* KEEFE & OGUL, *supra* note 6.

campaign for re-election; and that annual sessions lead to unnecessarily increased legislative costs.⁸

B. Session Length

Although annual meetings now seem to be standard practice, the length of a legislative session is not universal.⁹ Generally, legislatures, even those meeting biennially, begin their sessions in January or February and conclude them by June.¹⁰ Beyond that, there is considerable variation in legislative session lengths.

Currently, eight states—Illinois, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin—meet throughout the year.¹¹ By contrast, the session lengths for legislatures that do not meet throughout the year vary from just over one month for Virginia, to nearly nine months in California.¹² Virginia's legislative session spans two calendar months, beginning in January and ending in February.¹³

Of the states whose sessions span three calendar months, Arkansas, Georgia, Kentucky, New Mexico, South Dakota, Utah, and Wyoming begin their sessions in January and end in March.¹⁴ West Virginia begins its session in February and ends in April.¹⁵ Florida and Louisiana, outliers since they do not begin their sessions in either January or February, also have sessions spanning three calendar months. Florida begins its legislative session in March and ends in May, and Louisiana starts its session in April and ends in June.¹⁶

States with sessions spanning four calendar months include: Alaska, Arizona, Idaho, Indiana, Iowa, Maryland, Mississippi, Montana, North Dakota, Tennessee, and Washington, all of which begin in January and end in April.¹⁷ Alabama and Oklahoma are in this group as well since they start their sessions in February and end in May.¹⁸

⁸ See generally KEEFE & OGUL, *supra* note 6.

⁹ The information regarding the length of the legislative sessions contained in this article is taken from data for 2017 and, although similar to prior years, may vary slightly.

¹⁰ *2017 State Legislative Session Calendar*, NAT'L CONF. OF STATE LEGIS. (Mar. 28, 2017), <http://www.ncsl.org/research/about-state-legislatures/2017-state-legislative-session-calendar.aspx> [hereinafter "*2017 State Legislative Session Calendar*"].

¹¹ *2017 State Legislative Session Calendar*, *supra* note 10.

¹² *2017 State Legislative Session Calendar*, *supra* note 10.

¹³ *2017 State Legislative Session Calendar*, *supra* note 10.

¹⁴ *2017 State Legislative Session Calendar*, *supra* note 10.

¹⁵ *2017 State Legislative Session Calendar*, *supra* note 10.

¹⁶ *2017 State Legislative Session Calendar*, *supra* note 10.

¹⁷ *2017 State Legislative Session Calendar*, *supra* note 10.

¹⁸ *2017 State Legislative Session Calendar*, *supra* note 10.

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Colorado, Hawaii, Kansas, Minnesota, Missouri, Nebraska, South Carolina, Texas, and Vermont all have sessions that span five calendar months, beginning in January and ending in May.¹⁹

States with sessions spanning six calendar months include: Connecticut, Delaware, Maine, Nevada, and Rhode Island, all of which start in January and end in June.²⁰ Oregon's session spans six calendar months as well, beginning in February and ending in July.²¹ New Hampshire and North Carolina have sessions that span seven calendar months. Both begin in January and end in July.²² California, with the longest session length of the states that do not meet throughout the year, spans nine calendar months since it starts its session in January and ends in September.²³

C. Full-Time, Part-Time or "Hybrid" State Legislatures

Studies of state legislatures have analyzed the work of the legislators in the various states in order to determine whether they should be characterized as a full-time legislator, a part-time legislator, or something in between ("hybrid" legislators). Legislative session length is not deemed to be dispositive for this purpose. In an effort to categorize legislative designations, the National Conference of State Legislatures ("NCSL") has analyzed the legislative duties required of each state legislator and compared them to the traditional definition of full-time employment.²⁴ The NCSL divided the states into five categories, starting with "Green" ("full-time, well-paid, large staff"), "Grey" ("hybrid"), and "Gold" ("part-time, low pay, small staff"), and then adding the intermediate categories of "Green-lite" and "Gold-lite" to further

¹⁹ 2017 *State Legislative Session Calendar*, *supra* note 10.

²⁰ 2017 *State Legislative Session Calendar*, *supra* note 10.

²¹ 2017 *State Legislative Session Calendar*, *supra* note 10.

²² 2017 *State Legislative Session Calendar*, *supra* note 10.

²³ 2017 *State Legislative Session Calendar*, *supra* note 10.

²⁴ *Full- and Part-time Legislatures*, NAT'L CONF. OF STATE LEGIS., <http://www.ncsl.org/research/about-state-legislatures/full-and-part-time-legislatures.aspx> (last visited Mar. 25, 2017) [hereinafter "*Full-and Part-Time Legislatures*"]. Additionally, Governing, an entity that is "dedicated to covering the politics, policies and programs essential" to state and local leaders, characterizes legislators as full-time, part-time, or "hybrid" based on the legislative workload, and whether or not it is the norm for legislators to continue to engage in outside work while performing the work of the legislature. *Governing Data: Full-time, Hybrid, Part-time Legislatures*, GOVERNING: THE STATES AND LOCALITIES, <http://www.governing.com/gov-data/politics/Full-Time-Hybrid-Part-TimeLegislatures.html>. Governing notes that the "structure of the legislatures reflects historic values about how the respective states are best governed." *Governing Data: Full-time, Hybrid, Part-time Legislatures*, GOVERNING: THE STATES AND LOCALITIES, <http://www.governing.com/gov-data/politics/Full-Time-Hybrid-Part-Time-Legislatures.html>.

distinguish among the states.²⁵

“Green” legislatures are described as those that “require the most time of legislators, usually eighty percent or more of a full-time job,” “have large staffs,” and are generally “paid enough to make a living without requiring outside income.”²⁶ The estimated annual compensation for legislators in these states, including salary, *per diem*, and uncovered expense payments, is approximately \$81,000.²⁷ Many of the states with the largest populations have legislatures fall into this category.²⁸ California, New York, and Pennsylvania are characterized as “Green” states.²⁹ The NCSL classified Alaska, Florida, Illinois, Massachusetts, Michigan, Ohio, and Wisconsin as “Green-lite” states, the intermediary between “Green” and “Grey” on the spectrum.³⁰

The NCSL defines “Grey” legislatures as those in which legislators “say that they spend more than two-thirds of a full-time job being legislators” but whose income from legislative work is “usually not enough to allow them to make a living without having other sources of income.”³¹ The estimated annual compensation for legislators in these states, including salary, *per diem*, and uncovered expense payments, is approximately \$43,000.³² States described as being “in the middle of the population range” tend to have “Grey” legislatures.³³ Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Hawaii, Indiana, Iowa, Kentucky, Louisiana, Maryland, Minnesota, Missouri, Nebraska, New Jersey, North Carolina, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Virginia, and Washington are said to have “Grey” legislatures.

The NCSL gives legislatures the “Gold” designation when their “lawmakers spend the equivalent of half of a full-time job doing legislative work” and the “compensation they receive is quite low,” requiring them to “have other sources of income in order to make a living.”³⁴ The estimated annual compensation for legislators in these states, including salary, *per diem*, and uncovered expense payments, is approximately \$19,000.³⁵ The legislatures in “Gold” states “are often called traditional or citizen legislatures and they are most often found in

²⁵ *Full-and Part-Time Legislatures, supra* note 24.

²⁶ *Full-and Part-Time Legislatures, supra* note 24.

²⁷ *Full-and Part-Time Legislatures, supra* note 24.

²⁸ *Full-and Part-Time Legislatures, supra* note 24.

²⁹ *Full-and Part-Time Legislatures, supra* note 24.

³⁰ *Full-and Part-Time Legislatures, supra* note 24.

³¹ *Full-and Part-Time Legislatures, supra* note 24.

³² *Full-and Part-Time Legislatures, supra* note 24.

³³ *Full-and Part-Time Legislatures, supra* note 24.

³⁴ *Full-and Part-Time Legislatures, supra* note 24.

³⁵ *Full-and Part-Time Legislatures, supra* note 24.

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the smallest population, more rural states.”³⁶ Montana, New Hampshire, North Dakota, South Dakota, Utah, and Wyoming are described as “Gold” states.³⁷ The NCSL characterizes the remaining states, Georgia, Idaho, Kansas, Maine, Mississippi, Nevada, New Mexico, Rhode Island, Vermont, and West Virginia are characterized as states with “Gold-Lite” legislatures, placing them somewhere between “Grey” and “Gold” on the spectrum.³⁸

D. Number of Legislators

In addition to the differences in the length of the legislative sessions and the time required of legislators, states also vary widely in their number of legislators. The variation in the number of legislators does not seem to correspond to the length of the legislative sessions, or to the amount of time required to serve as a legislator in the various states.

Nebraska is this country’s only unicameral legislature. It also has the fewest number of legislators, forty-nine.³⁹ By contrast, New Hampshire has the most legislators, with 424.⁴⁰ The next largest legislature is Pennsylvania, with 253 legislators.⁴¹ Seven states have between fifty-one and one hundred legislators.⁴² Twenty-four states, including New Jersey with 120, have between 101 and 150 legislators.⁴³ Thirteen states have between 151 and 200 legislators.⁴⁴ The three remaining states have between 201 and 250 legislators.⁴⁵

³⁶ *Full-and Part-Time Legislatures*, *supra* note 24.

³⁷ *Full-and Part-Time Legislatures*, *supra* note 24.

³⁸ *Full-and Part-Time Legislatures*, *supra* note 24.

³⁹ *Number of Legislators and Length of Terms in Years*, NAT’L CONF. OF STATE LEGIS., <http://www.ncsl.org/research/about-state-legislatures/number-of-legislators-and-length-of-terms.aspx> [hereinafter “*Number of Legislators*”].

⁴⁰ *Number of Legislators*, *supra* note 39.

⁴¹ *Number of Legislators*, *supra* note 39.

⁴² These states include: Alaska (60), Arizona (90), Delaware (62), Hawaii (76), Nevada (63), Oregon (90), and Wyoming (90). *See Number of Legislators*, *supra* note 39.

⁴³ These states include: Alabama (140), Arkansas (135), California (100), Colorado (120), Idaho (105), Indiana (150), Iowa (150), Kentucky (138), Louisiana (144), Michigan (148), Montana (150), New Jersey (120), New Mexico (112), North Dakota (141), Ohio (132), Oklahoma (149), Rhode Island (113), South Dakota (105), Tennessee (132), Utah (104), Virginia (140), Washington (147), West Virginia (134), and Wisconsin (132). *See Number of Legislators*, *supra* note 39.

⁴⁴ Connecticut (187), Florida (160), Illinois (177), Kansas (165), Maine (186), Maryland (188), Massachusetts (200), Mississippi (174), Missouri (197), North Carolina (170), South Carolina (170), Texas (181), and Vermont (180). *See Number of Legislators*, *supra* note 39.

⁴⁵ These states include: Georgia (236), Minnesota (201), and New York (213). *See Number of Legislators*, *supra* note 39.

E. Number of Bills Introduced

A final point of comparison between the legislatures is the number of bills introduced by the various legislatures.⁴⁶

According to Bill Track 50, of the eight states with legislatures that meet throughout the year, by June of 2015: New York introduced 14,281 bills and passed 31; New Jersey introduced 7,424 bills and passed 196; Illinois introduced 6,375 bills and passed 509; Massachusetts introduced 5,230 bills and passed 39; Pennsylvania introduced 2,082 and passed 10; Michigan introduced 1179 bills and passed 117; Wisconsin introduced 470 bills and passed 55; and Ohio introduced 454 bills and passed 13.⁴⁷ At the time this data was collected, all of these legislatures were still in session, and it is to be expected that additional actions were taken before the end of the year.

In 2015, Bill Track 50 noted Virginia, the state with the shortest legislative session, introduced 2,023 bills and passed 789.⁴⁸ Other states with legislative sessions lasting three calendar months had the following numbers as of June of 2015: Arkansas introduced 2,080 bills and passed 1,303; Florida introduced 1,815 bills and passed 332; New Mexico introduced 1,635 bills and passed 332; West Virginia introduced 1,608 bills and passed 275; Louisiana introduced 1,132 bills and passed 482; Georgia introduced 955 bills and passed 301; Kentucky introduced 757 bills and passed 117; Utah introduced 756 bills and passed 477; South Dakota introduced 494 bills and passed 265; and Wyoming introduced 392 bills and passed 197.⁴⁹ That same year, California, the state with the longest legislative session lasting less than a full year, introduced 2,373 bills by June and passed 29 by that time (although its session continued into September).⁵⁰ Despite their differences, virtually every state legislature recognizes the necessity of maintaining and managing their body of statutory law. The manner in which they achieve this goal is as unique as the bodies that produce these laws.

⁴⁶ In the interest of using single-source data accessible to the public generally, the information collected by LegiNation's Bill Track 50 in June of 2015 is used for purposes of this discussion. This is done despite the limitation on the data imposed by its collection in June of 2015, when a number of legislatures were still in session. Data from 2015 is used, rather than data from 2016, since all of the states' legislatures were in session during that year, and since 2017 data were not available at the time this article was drafted. The information included here is a "view from 30,000 feet" tool to compare, at a glance, the work of the legislatures of the states at a single identifiable point in time.

⁴⁷ *Comparing States by Counting Bills*, BILL TRACK 50 (June 20, 2015), <http://www.billtrack50.com/blog/eye-candy/comparing-states-by-counting-bills-2015-update/> [hereinafter "*Comparing States by Counting Bills*"].

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

III. LAW REVISION COMMISSIONS

A. *Periodic Calls for Law Revision Commissions*

Law revision is not new, either in concept or in practice. Throughout history the need to monitor, maintain, and update statutory law has not gone unnoticed by the legislature, the judiciary, or the public. There are practical realities associated with ever-increasing bodies of statutory law. These include the need for the law to remain current, consistent, and internally coherent. Such concerns have, over a period of roughly 150 years, occasionally resulted in calls for a body independent of, or “in but not of,” the legislative branch.

Calls for a law revision commission have been initiated by a concern about the magnitude and the multitude of statutes. For example, an October 1871 article in the *British Solicitors' Journal & Reporter* suggested the “improvement of the machinery by which our statute law is ‘turned out’ is a subject demanding very grave and able consideration. It is manifest that bills dealing with complicated phases of the law, or which undergo much alteration in their passage through the Legislature, need some revision by skilled brains.”⁵¹ The author of that 1871 article suggested that it might not “be easy to devise a remedy which shall secure this object without trenching on the freedom of Parliamentary legislation.”⁵² The author noted, however, that:

[w]e have before us the proposal of the Statute Law Revision Commission . . . for a trained staff to be employed in revising and reporting on measures ready to pass their third reading . . . It is true that great progress has been made with the expurgation of the existing statute law; but if we add every year a volume of enactments, some of which prove doubtful or unintelligible, and some have to be amended because they positively prove to enact all sorts of things which were never intended, we are only taking away difficulties from one end and building new ones at the other.⁵³

The May 1872 edition of the *British Solicitors' Journal & Reporter* contains a review of the third volume of the *Revised Edition of the Statutes*, which was “issued under the auspices of the Statute Law Revision Commission.”⁵⁴ The reviewer described it as “cheering to find this excellent work going forward so steadily and well, though other much talked of legal reforms are yet at a stand-still.”⁵⁵ The reviewer explained that “by the end of 1871 the first volume of the actual revised

⁵¹ 15 SOLIC. J. & REP. 877, 878 (1870-1871).

⁵² *Id.*

⁵³ *Id.*

⁵⁴ 16 SOLIC. J. & REP. 529, 534 (1871-1872).

⁵⁵ *Id.*

Statutes themselves was in the hands of the public, comprising all the legislation remaining in force out of all that had been enacted from 1235 to 1685.”⁵⁶ The second volume contained the period from 1685-1770, and the third volume carried “the work down to the commencement of the present century.”⁵⁷

Not all calls for law revision commissions resulted from concerns about the body of statutes in isolation. The New York Law Revision Commission, the oldest law revision commission in continuous operation in the United States⁵⁸ was formed to address statutory issues resulting from the interplay with developing case law.

In an article in the Harvard Law Review in 1921, Benjamin J. Cardozo, then a Judge of the New York Court of Appeals, decried that the “courts and legislature work in separation and aloofness. The penalty is paid both in the wasted effort of production and in the lowered quality of the product.”⁵⁹ Judge Cardozo called for the creation of a “ministry of justice” that would be charged with the responsibility for “gathering recommendations together” and “reporting where change is needed.”⁶⁰ Judge Cardozo further notes:

Reforms that now get themselves made by chance or after long and vexatious agitation, will have the assurance of considerate and speedy hearing. Scattered and uncoordinated forces will have a rallying point and focus. System and method will be substituted for favor and caprice. Doubtless, there will be need to guard against the twin dangers of overzealousness on the one hand and of inertia on the other of the attempt to do too much and of the willingness to do too little. In the end, of course, the recommendations of the ministry will be recommendations and nothing more. The public will be informed of them. The bar and others interested will debate them. The legislature may reject them. But at least the lines of communication will be open. The

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ In the early 1970s, the Honorable John MacDonald, the first Executive Secretary and Director of Research of the New York Law Revision Commission, testified that Cardozo’s article provided the impetus to create that organization: “It was in response to this plea for the creation of a ministry of justice that the Law Revision Commission was created in New York in 1934 as a permanent body vested with the responsibility of examining the laws of the State, both statutory and decisional, with a view to their revision in the light of modern conditions.” See *Law Revision Commission for the District of Columbia: Hearing on H.R. 7412 and H.R. 7658 Before the Subcomm. on the Judiciary of the H. Comm. on the District of Columbia*, 93d Cong., 1st Sess. 21, (1973). The information in this footnote was excerpted from an April 10, 2014, Memorandum prepared by Frank N. Ricigliani for the New Jersey Law Revision Commission regarding the Origin of Law Revision Commissions and the N.J. Enabling Statute’s Language. See also, *New York State Law Revision Commission*, <https://lawrevision.state.ny.us/> (last visited May 1, 2017).

⁵⁹ Benjamin N. Cardozo, *A Ministry of Justice*, 35 HARV. L. REV. 113, 113 (1921).

⁶⁰ *Id.* at 125.

long silence will be broken. The spaces between the planets will at last be bridged.⁶¹

Judge Cardozo's "ministry of justice" seems to represent a different sort of law revision commission than had been previously in existence. Instead of a focus on the collection and arrangement of the statutes, or on the interaction of the statutes with each other, Judge Cardozo contemplated an ongoing interaction between the statutes and the common law.

Some twenty-five years after Judge Cardozo's writing on this subject, Ben W. Heineman explained that he did not advocate a specific change in the substance of the law, nor point to any "particular deficiencies;" rather, he recognized "private law reform, although arousing no unified public enthusiasm, is of primary importance to the entire community and cannot be long neglected without serious detriment to the public interest."⁶² Heineman went on to say that the aim of private law reform "must be the creation of a condition of affairs in which . . . honest dealings between man and man is increasingly assured and loss or injury are compensated upon rational principles that commend themselves to the common sense of well-informed men and women in the light of present day conditions."⁶³ He went on to observe, "once new conditions render the existing law inadequate to meet the needs of justice, the inadequacy can be and should be promptly corrected."⁶⁴ After considering the option of an interim, or special, commission, to address the issues that were of concern to him, Heineman suggested, "for comparable results, the cost of special commissions is substantially higher and the professional quality of the product substantially lower than would be that of a Law Revision Commission."⁶⁵

Law Revision in the State of Washington: The Present Picture and a Proposal, a 1952 article written by Harry M. Cross, suggested that "much of the need for law revision lies in areas beyond the scope of organized special interest groups," which, to Cross, meant that "some agency should have the specific task of effectuating a program for improvement and revision of the law of the state."⁶⁶ He suggested that the essential

⁶¹ *Id.*

⁶² See Ben W. Heineman, *A Law Revision Commission for Illinois*, 42 ILL. L. REV. 697 (1948).

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.* at 705-06. Heineman noted the successes that had been achieved by Great Britain, New Zealand, and New York with their law revision commissions, and that New Jersey, North Carolina and Louisiana had – at the time – been less successful but that "their efforts have furnished valuable lessons. *Id.* at 708-11.

⁶⁶ Harry M. Cross, *Law Revision in the State of Washington: The Present Picture and a Proposal*, 27 WASH. L. REV. 193, 198 (1952).

attributes of such an organization were that it be non-partisan, that it “not reflect or represent primarily the views of any single economic group,” that it have the facilities for extensive research, and that it have available “the services of specialists in the various areas of the law.”⁶⁷

In 1965, Roger Traynor, in his article titled *Unguarded Affairs of the Semikempt Mistress*, noted it was for “no more sinister reason than lethargy that we have failed in large measure to correlate the natural resources of legislators who have an ear to the ground for the preemption of new fields and of scholars who have an eye on their long-range development.”⁶⁸ Traynor suggested that the “natural agency for such communication is a law revision commission,” and a state that “muddles along without one needlessly muddles along on donkey-power when horsepower is readily available.”⁶⁹

In *A Survey of the District of Columbia Law Revision Commission*, Catherine T. Clarke said, in 1985, that one of the “valued results” of the activities of the Commission “is that the communication lines are opened between the legislature, members of the judiciary, and the District of Columbia community.”⁷⁰

Moreover, “[m]any recent calls for improvement in institutional structures affecting legislative-judicial relations have their genesis in Judge Cardozo’s proposal in 1921 to create a ‘Ministry of Justice’ to mediate between the two branches of government.”⁷¹ Some seventy years after Judge Cardozo wrote on this subject, Shirley S. Abrahamson and Robert L. Hughes observed, that “[i]ncreasingly, calls are heard for better understanding between judges and legislatures . . . to improve the quality of statutes for the public good.”⁷² Law revision commissions can bridge such a gap and facilitate a dialogue between the legislature and the judiciary.

In recognition of the creation of the Oregon Law Commission, Dominick Vetri, wrote an article entitled *Communicating Between Planets: Law Reform for the Twenty-First Century*. Vetri noted the true value of a law revision commission “lies in helping the legislature appreciate the need for certain changes in the law, to keep legislators more thoroughly informed throughout the legislative process, and to

⁶⁷ *Id.*

⁶⁸ Roger J. Traynor, *Unguarded Affairs of the Semikempt Mistress*, 113 U. PA. L. REV. 485, 495 (1965).

⁶⁹ *Id.*

⁷⁰ Catherine T. Clarke, *A Survey of the District of Columbia Law Revision Commission*, 34 CATH. U. L. REV. 1326, 1326 (1984-1985).

⁷¹ *Id.*

⁷² Shirley S. Abrahamson & Robert L. Hughes, *Shall We Dance – Steps for Legislators and Judges in Statutory Interpretation*, 75 Minn. L. Rev. 1045, 1045-48 (1991).

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assist legislators in understanding the implications of legislative decisions on the work of the courts.”⁷³

Vetri said “legislatures increasingly are concerned with what might be described as matters of public law” including issues relating to “revenue and taxation, public schools, crime, welfare, health care for the indigent, environmental issues, economic development, and governmental programs.”⁷⁴ This leaves “virtually no time for the legislature to be concerned with private law” described as “person-to-person law” including areas such as “property, contracts, and torts.”⁷⁵ He added, “even if such questions are brought to the attention of the legislature, these issues require careful legal research and examination of the experiences of other states and other countries.”⁷⁶ Vetri also suggested that the law commission would make a “major contribution” when “statutory interpretation problems develop.”⁷⁷

Historically, then, there have been periodic calls for law revision commissions. Some states, heeding those calls, created commissions. Not all did so. A number of states that have had a law revision commission at some point do not all still have them today. Almost every state, though, with the apparent exception of Oklahoma, has some entity within the state that is charged with the responsibility of revising or reforming the statutes of the state.⁷⁸ The operation of these entities varies by state, as does their function. Some of the entities are responsible largely for the structural organization and management of the statutes, while others play a role in modifying the substance of the statutes.

Just as the operation of the legislatures vary from state to state, so too do the statute or code revision entities found throughout the country. Each are assigned varied responsibilities by the statutes that created them. While occasionally similar, these entities are not uniform.

The names of these bodies, which to some extent reflect their functions, include: Bill Drafting and Code Revision (Maryland); Bureau of Legislative Research (Arkansas); Code Commission, Code Commissioner(s), or Code Revision Commission (Georgia, Idaho, Montana, South Carolina, South Dakota); Committee on Legislative Research (Missouri); Compilation Commission (New Mexico); Division

⁷³ Dominick Vetri, *Communicating between Planets: Law Reform for the Twenty-First Century*, 34 WILLIAMETTE L. REV. 169, 177 (1998).

⁷⁴ *Id.* at 179.

⁷⁵ *Id.*

⁷⁶ *Id.* at 180.

⁷⁷ *Id.* at 189.

⁷⁸ *Statute/Code Revision Organization*, NAT’L CONF. OF STATE LEGIS. (Dec. 2012), <http://www.ncsl.org/legislators-staff/legislative-staff/research-editorial-legal-and-committee-staff/statute-code-revision-organization.aspx>.

of Legal and Research Services or Division of Legislative Services (Alaska, Virginia); Division of Legislative Drafting & Codification or Legal Services Division (North Carolina, Wyoming); Division of Statutory Revision (Florida); Joint Legislative Committee on Compilation, Revision and Publication of Legislation (Mississippi); Law Institute (Alabama, West Virginia); Legislative Council (Arizona, Texas, Vermont); Legislative Legal Services or Legislative Services Agency (Colorado, Iowa); Legislative Reference Bureau or Legislative Counsel Bureau (Hawaii, Illinois, Nevada, Pennsylvania, Wisconsin); Legislative Research Commission or Legislative Service Commission (Kentucky, Ohio); Office of Code Revision (Indiana); Office of Legislative Services or Office of Legal Services or Office of Legislative Research & General Counsel (New Hampshire, New Jersey, Tennessee, Utah); Revisor of Statutes (Kansas, Maine, Minnesota, Nebraska); or Supervisor of Statute Revision (New York).⁷⁹

In addition to a statute or code revision entity that is a part of the state legislature, a limited number of states also, or alternatively, have a law revision commission designed to act to some degree independently of the state legislature, calling upon the revising entities to work with the legislatures in those various states, as other code reform or revising entities do.

There are currently nine state law revision commissions in the United States. Not all of the commissions are staffed, not all operate in the same way, and not all of their budgets are the same. One thing that all law revision commissions seem to have in common is their reports and recommendations are not self-executing. Instead, legislative action is required before any recommendation has legal force or effect.

Presently, the states with law revision commissions are: California, Connecticut, Louisiana, Michigan, New Jersey, New York, Oregon, Rhode Island, and Washington.

B. New Jersey's Law Revision Commission

New Jersey has a tradition of law revision.⁸⁰ Between 1717 and 1896 various personnel were given the task of revising and recompiling New Jersey's statutes and receiving the official title of Revisor of Statutes.⁸¹

⁷⁹ *Id.*; see also *West Virginia Law Institute*, W. VA UNIV., <http://www.law.wvu.edu/west-virginia-law-institute> (last visited May 16, 2017).

⁸⁰ N.J. LAW REVISION COMM'N ANN. REP. (2016), at 22, <http://lawrev.state.nj.us/ar/NJLRC%20-%20Annual%20Report%202016.pdf> (last visited Mar. 25, 2017) [hereinafter "*Annual Report 2016*"].

⁸¹ See generally COMPILED STATUTES OF N.J. VOL. 1 (Soney & Sage, 1911).

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The first law revision commission in the United States was established in New Jersey in 1925, and it produced the Revised Statutes of 1937.⁸² Since the Legislature intended that the work of revision and codification continue after the enactment of the Revised Statutes, the Law Revision Commission continued to operate until 1939.⁸³ After that time, the functions of the Commission were transferred to several successor agencies.⁸⁴ These include the Advisory Commission on Revision of Statutes, the Legislative Commission on Statute Revision, and then the Office of Legislative Services (“OLS”). Law revision conducted under the auspices of the Legislative Services Commission through OLS was done on an as-needed basis; there was no mechanism for a continuous review.⁸⁵

By 1985, there had been no general revision and consolidation of New Jersey’s statutes since 1937.⁸⁶ The Legislature enacted 1:12A-1 *et seq.*, effective January 21, 1986, to transfer the functions of statutory revision to a newly created New Jersey Law Revision Commission (“NJLRC” or “Commission”) in order to provide for a “continuous review of the statutory law of the State.”⁸⁷ The “Introductory Statement” to the legislation creating the Commission explained it was “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.”⁸⁸

The Commission began work in 1987 and, since that time, has filed 156 reports with the Legislature and one with the New Jersey Supreme Court.⁸⁹ Sixty-seven of the filed reports were enacted into law as forty-nine separate bills, and the Report filed with the Supreme Court resulted in a change to the New Jersey Rules of Court.⁹⁰

The NJLRC’s statutory mandate is to “promote and encourage the clarification and simplification of the law of New Jersey and its better adaptation to social needs, secure the better administration of justice and

⁸² *Id.*; see also, *Process and Projects*, NEW JERSEY LAW REVISION COMM’N, <http://www.lawrev.state.nj.us/NJLRC%20News/NJLRC%20Process%20and%20Projects%20021813.pdf> (last visited Mar. 25, 2017) [hereinafter “*Process and Projects*”].

⁸³ *Process and Projects*, *supra* note 82.

⁸⁴ *Process and Projects*, *supra* note 82.

⁸⁵ N.J. STAT. ANN. § 1:12A-1 (2017).

⁸⁶ N.J. STAT. ANN. § 1:12A-1 (2017).

⁸⁷ N.J. STAT. ANN. § 1:12A-1 (2017).

⁸⁸ N.J. STAT. ANN. § 1:12A-1 (2017).

⁸⁹ *Annual Report 2016*, *supra* note 80.

⁹⁰ *Annual Report 2016*, *supra* note 80.

carry on scholarly legal research and work.”⁹¹ It is the duty of the Commission to “[c]onduct a continuous examination of the general and permanent statutory law of this State and the judicial decisions construing it, for the purpose of discovering defects and anachronisms therein.”⁹² The Commission is also called upon to “prepare and submit to the Legislature, from time to time, legislative bills” designed to remedy the defects, reconcile the conflicting provisions found in the law, clarify confusing provisions, and excise redundancies.⁹³ In addition, the Commission is directed to maintain the statutes in a revised, consolidated, and simplified form.⁹⁴

In compliance with its statutory obligations, the Commission considers recommendations from the American Law Institute, the Uniform Law Commission (formerly the National Conference of Commissioners on Uniform State Laws), and “other learned bodies, and from judges, public officials, bar associations, members of the bar and from the public generally.”⁹⁵

To carry out its work, the NJLRC consists of nine commissioners including the Chair of the Senate Judiciary Committee, the Chair of the Assembly Judiciary Committee, designees of the Deans of New Jersey’s three law school campuses, and four attorneys admitted to practice in New Jersey (two appointed by the President of the Senate – no more than one of whom shall be of the same political party, and two appointed by the Speaker of the General Assembly – no more than one of whom shall be of the same political party).⁹⁶ The members of the Commission serve without compensation and have historically declined to be reimbursed for the expenses that they incur in the performance of their duties, although the statute permits such reimbursement.⁹⁷

In addition to its commissioners who meet once a month (except in August) at public meetings to consider the work of the Commission, the current staff of the Commission is a mix of full-time and part-time employees.⁹⁸ Currently, it includes a full-time Executive Director, one full-time Counsel, two part-time Counsel, and a part-time Executive Assistant.⁹⁹ The Staff of the Commission works year-round to support

⁹¹ N.J. STAT. ANN. § 1:12A-8 (2017).

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ N.J. STAT. ANN. § 1:12A-2 (2017).

⁹⁷ N.J. STAT. ANN. § 1:12A-5 (2017).

⁹⁸ *Annual Report 2016*, *supra* note 80, at 47-51.

⁹⁹ *Annual Report 2016*, *supra* note 80, at 47-51.

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the work of the Commission and the Legislature.

As a result of outreach efforts intended to increase the interaction between the Commission and the State's law schools, students from Rutgers School of Law, Seton Hall University School of Law, and the New Jersey Institute of Technology (specifically, its Law, Technology and Culture program), as well as other schools both inside and outside the State, have the opportunity to participate in the Commission's work.¹⁰⁰ They do so as paid legislative law clerks, credit-earning externs, interns, and for pro bono credit.

Commission Staff members also participate in bar association meetings, panel discussions, publish articles focusing on the work of the Commission, and present information about the Commission to community groups and in continuing legal education seminars. This is done to increase awareness of the Commission's work among members of the public and of the State Bar Association so that those audiences know of their opportunity to add their voices to the discussion of the important issues under consideration by the Commission each year.

Presently, as throughout its history, the NJLRC serves the citizens of New Jersey and all branches of the State government by identifying areas of New Jersey law that can be improved by amending New Jersey's statutes.¹⁰¹ The independence of the Commission reflects the wisdom of the Legislature in creating an entity that focuses exclusively on the goals of improving New Jersey's laws and identifying new ways to adapt the law to better meet the changing needs of New Jersey's citizens.¹⁰²

In recent years, the Commission's projects have resulted from a number of sources. One such source is the work of the Uniform Law Commission. The judiciary is another source of potential projects for the Commission. In a court opinion, the judiciary may, for example, point out an ambiguity or otherwise problematic language in a statute or suggest that the Legislature revisit a particular issue. The Commission may also receive recommendations from commissioners, Staff, and members of the public.¹⁰³

Once a project begins, the Commission examines New Jersey law and practice, and, when appropriate, the laws of other jurisdictions.¹⁰⁴ Throughout the drafting process, the Commission seeks input from individuals and organizations familiar with the practical operation of the

¹⁰⁰ *Annual Report 2016, supra* note 80, at 7.

¹⁰¹ *Annual Report 2016, supra* note 80, at 7.

¹⁰² *Annual Report 2016, supra* note 80, at 7.

¹⁰³ *Process and Projects, supra* note 82, at 24.

¹⁰⁴ *Annual Report 2016, supra* note 80, at 7.

law and the impact of the existing statutes.¹⁰⁵ When the preliminary research and drafting is finished, the Commission issues a Tentative Report that it makes available to the public for formal comments.¹⁰⁶ The Commission reviews all comments received and incorporates them into the Tentative Report as appropriate.¹⁰⁷ The meetings of the Commission are open to the public and the Commission actively solicits public comment on its projects, which are widely distributed to interested persons and groups.¹⁰⁸

The goal of the NJLRC is to prepare proposals for revision that include consensus drafting whenever possible and clearly identify any areas in which consensus could not be achieved.¹⁰⁹ This provides the Legislature with a record of the outstanding issues and identifies policy choices that may warrant consideration during the legislative process.¹¹⁰ NJLRC Staff members include comments in all reports identifying the recommendations made by commenters during the process and the reasons underlying the drafting choices made by the Commission.¹¹¹

When a revision is completed, a Final Report is prepared and submitted to the New Jersey Legislature for consideration by its members.¹¹² At that time, Commission Staff work to identify a legislator with a particular interest in the subject matter of the Report or contact the Chairperson of the legislative committee to which any bill resulting from the Report would likely be directed.¹¹³ The Commission's reports are distributed to a number of legislative recipients in an effort to keep the legislature informed about the work of the Commission.¹¹⁴ Legislative recipients include the Chairs of the legislative committees in both houses, the Office of Legislative Services, and the Legislature's four Partisan Staff Offices.¹¹⁵

The work of the NJLRC varies, and its reports address both civil and criminal matters.¹¹⁶ In addition to the broad range of the subject matter of the NJLRC's reports in any given year, the projects on which the

¹⁰⁵ *Annual Report 2016, supra* note 80, at 7.

¹⁰⁶ *Annual Report 2016, supra* note 80, at 7.

¹⁰⁷ *Annual Report 2016, supra* note 80, at 7.

¹⁰⁸ *Annual Report 2016, supra* note 80, at 9-13, 22.

¹⁰⁹ *Annual Report 2016, supra* note 80, at 7.

¹¹⁰ *Annual Report 2016, supra* note 80, at 7.

¹¹¹ *Annual Report 2016, supra* note 80, at 7.

¹¹² *Annual Report 2016, supra* note 80, at 7.

¹¹³ *Annual Report 2016, supra* note 80, at 7-9.

¹¹⁴ *Process and Projects, supra* note 82.

¹¹⁵ *Process and Projects, supra* note 82, at 17.

¹¹⁶ *Process and Projects, supra* note 82, at 55.

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Commission works vary in size.¹¹⁷ Projects range from those recommending a change to a single subsection of a statute, to the recommendation of new statutory language that might be included in one or several sections of the statute, to the revision of an entire title, to revisions impacting multiple titles of the existing statutes.¹¹⁸

When considering statutory drafting, a single subsection of a statute can have a significant impact. So can a single word. Consider if that single word is “and,” “or,” “but,” or “not.” The Commission Report pertaining to Powers of Commissioner is an example of a report that addresses a very limited issue.¹¹⁹ In this case, the issue is one presented by the existing statute pertaining to hotels and multiple dwellings.¹²⁰ As the Report explains, the Department of Community Affairs brought to the Staff’s attention the fact that subsection d. of N.J.S.A. Section 55:13A-6 includes an error in the penalty amount assessed. A review of the section’s legislative history indicates the current amount was never intended and is most likely a typographical error.¹²¹ As a result of that error, the statute currently provides for a penalty of \$100,000 for each instance in which a person “does not comply with the subpoena issued by the commissioner.”¹²² In fact, the penalty should be \$100.¹²³

The Commission’s Final Report concerning Title 2C – Sexual Offenses is another example of a Report that is limited in its scope. It recommends changes to only two sections of the statute: 2C:14-2 (Sexual Assault) and 2C:14-3 (Criminal Sexual Contact).¹²⁴ The proposed revisions resulted from several prominent court opinions that interpreted these statutory provisions as well as a determination by the Commission that it could be useful to align the statutory language with these guiding interpretations.¹²⁵ The Report explains:

Revisions to N.J.S. § 2C:14-2 are recommended to reflect the concept of force as established by State in Interest of M.T.S. and State v. Triestman. Additionally, this Report suggests

¹¹⁷ *Process and Projects*, *supra* note 82, at 25.

¹¹⁸ *Process and Projects*, *supra* note 82, at 25.

¹¹⁹ N.J. LAW REVISION COMM’N, FINAL REPORT AND RECOMMENDATION RELATING TO POWERS OF COMMISSIONER, at 2 (July 6, 2010), <http://lawrev.state.nj.us/powers%20of%20commissioner/powers%20of%20commissionerFR070610-061913.pdf> (last visited Mar. 25, 2017).

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ N.J. LAW REVISION COMM’N, FINAL REPORT RELATING TO TITLE 2C – SEXUAL OFFENSES, at 14-17 (Dec. 8, 2014), [http://www.lawrev.state.nj.us/sexual%20offenses/2C Sexual%20OffensesFR120114.pdf](http://www.lawrev.state.nj.us/sexual%20offenses/2C%20Sexual%20OffensesFR120114.pdf).

¹²⁵ *Id.* at 2.

revisions based upon the Court's decision in *State v. Olivio*, relating to sexual offenses against those with intellectual and developmental disabilities in light of courts' application as well as modern sensibilities. Further, clarification of N.J.S. § 2C:14-2 subsection a.(3) based upon the Court's decision in *State v. Rangel*, interpreting the object of an aggravating crime is suggested. Finally, the Revised Tentative Report contemplates a revision based upon the Court's decision in *State v. Drury*, in which the Court determined that carjacking is not a predicate aggravating offense.¹²⁶

An example of a somewhat more expansive project is found in the Commission's Final Report pertaining to Judgments and Enforcement.¹²⁷

As that Report explains:

[The] Commission's review of statutes concerning judgments continues an effort begun in 1989 to revise Title 2A provisions concerning the courts and the administration of civil justice. Many of the current 32 sections are outdated, unclear, and superseded in practice. Moreover, even taken together the statutes and rules do not reflect the totality of current practice. The Commission proposal replaces those with provisions reflecting current practice.¹²⁸

Another project of relatively modest size is the Commission's work concerning the protection of genetic information in the employment context, which began with a review of the work of the Uniform Law Commission in this area.¹²⁹ The Report explains:

Advancements in science and technology have made it possible to learn information from the DNA molecule about an individual's probable medical future. Moreover, "[o]ne challenge emphasized by the scientists involved in decoding the human genome is the potential misuse of genetic information, which the new technologies will make available . . . In the employment context, the potential use of genetic information to make hiring, firing, and other personnel decisions raises the most concern."

In July 2010, the Uniform Law Commission ("ULC") approved and recommended for enactment in all the States the Uniform Protection of Genetic Information in Employment Act ("UPGIEA"). As an alternative to adopting UPGIEA in its entirety, the Commission recommends incorporating into New Jersey's Genetic Privacy Act ("GPA") those provisions of UPGIEA not yet addressed in

¹²⁶ *Id.*

¹²⁷ N.J. LAW REVISION COMM'N, FINAL REPORT RELATING TO JUDGMENTS AND ENFORCEMENT (Nov. 10, 2014), <http://lawrev.state.nj.us/landlordtenant/landlordtenantFR021012.pdf>.

¹²⁸ *Id.* at 2.

¹²⁹ N.J. LAW REVISION COMM'N, FINAL REPORT RELATING TO UNIFORM PROTECTION OF GENETIC INFORMATION IN EMPLOYMENT ACT (July 16, 2015), <http://www.lawrev.state.nj.us/upgiea/upgieaFR071615.pdf>.

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New Jersey law.¹³⁰

The Final Report pertaining to Landlord and Tenant Law is an example of a more extensive Report. As explained in that Report: [the] compilation of these statutes, some of which date back to the 18th century, has not evolved in a coherent manner. Landlord-tenant law is scattered over many titles of the statutes. Most of this law is in titles 2A and 46, but even there, the provisions are in multiple, non-sequential chapters. In many instances, different aspects of the same topic are discussed in more than one statutory provision in different chapters or different titles. Many provisions no longer have meaning in modern practice and some have not been amended to keep pace with relevant court pronouncements.¹³¹

The Report recommends an updating and consolidation of the relevant statutory provisions.¹³²

In addition, the Commission sometimes works on projects covering a number of titles within the statutes, involving statutes with different subject matters. The Final Report relating to Pejorative Terms Regarding Persons with Physical or Sensory Disabilities is one example of such a Report.¹³³ Recognizing the words that appear in statutes both reflect perceptions and shape them, the Report “seeks to eliminate from the New Jersey statutes demeaning, disparaging, and archaic terminology used when referring to persons with a physical or sensory disability.”¹³⁴ More than 180 pages long, the Report contains recommendations pertaining to more than twenty-five different titles.¹³⁵

The duration of a project varies depending on its scope. Depending upon the nature and complexity of a project, and the extent of the public comment received, a project may be in progress for a number of months or a number of years.

After completion, the Commission’s reports may be the subject of bills during the same legislative session as that in which the reports are released, or they may introduced in subsequent sessions or not at all. Reports of the Commission which have been enacted since it began work in 1987 are:

¹³⁰ *Id.* at 2.

¹³¹ N.J. LAW REVISION COMM’N, FINAL REPORT AND RECOMMENDATION RELATING TO LANDLORD AND TENANT LAW, at 2 (Feb. 10, 2012), <http://lawrev.state.nj.us/landlordtenant/landlordtenantFR021012.pdf>.

¹³² *Id.*

¹³³ N.J. LAW REVISION COMM’N, FINAL REPORT RELATING TO PEJORATIVE TERMS REGARDING PERSONS WITH PHYSICAL OR SENSORY DISABILITIES, at 2 (Nov. 27, 2013), <http://lawrev.state.nj.us/pejorterm/pertermphysFR122313.pdf>.

¹³⁴ *Id.*

¹³⁵ *See generally id.*

- (New Jersey) Adult Guardianship and Protective Proceedings Jurisdiction Act (L. 2012, c.36)
- Anatomical Gift Act (L.2001, c.87)
- Cemeteries (L.2003, c.261)
- (Uniform) Child Custody Jurisdiction and Enforcement Act (L.2004, c.147)
- Civil Penalty Enforcement Act (L.1999, c.274)
- Construction Lien Law (L.2010, c.119)
- Court Names (L.1991, c.119)
- Court Organization (L.1991, c.119)
- Criminal Law, Titles 2A and 24 (L.1999, c.90)
- (New Jersey) Declaration of Death Act (L.2013, c.185)
- (Uniform) Electronic Transactions Act (L.2001, c.116)
- Evidence (L.1999, c.319)
- (New Jersey) Family Collaborative Law Act (L.2014, c.69)
- (Uniform) Foreign-Money Claims Act (L.1993, c.317)
- General Repealer (Anachronistic Statutes) (L.2014, c.69)
- (Uniform) Interstate Depositions and Discovery Act (R. 4:11-4 and R. 4:11-5)*
- (Uniform) Interstate Family Support Act (L.2016, c.1)
- Intestate Succession (L.2001, c.109)
- Juries (L.1995, c.44)
- (Revised Uniform) Limited Liability Company Act (L. 2012, c.50)
- Lost or Abandoned Property (L.1999, c.331)
- Married Women's Property (L.2011, c.115)
- Material Witness (L.1994, c.126)
- (Uniform) Mediation Act (L.2004, c.157)
- Municipal Courts (L.1993, c.293)
- Parentage Act (L.1991, c.22)
- Pejorative Terms (L.2013, c.103)
- Probate Code (L.2001, c.109)
- (Uniform) Prudent Management of Institutional Funds Act (L.2009, c.64)
- Recordation of Title Documents (L.1991, c.308)
- Recording of Mortgages (L.2015, c.225)
- Repealers (L.1991, c.59, 93, 121, 148)
- Replevin (L.1995, c.263)
- School Background Checks (L.2007, c.82)
- Service of Process (L.1999, c.319)
- Statute of Frauds (L.1995, c.36)
- Surrogates (L.1999, c.70)
- Tax Court (L.1993, c.403)
- Title 45 – Professions (L.1999, c.403)
- Title Recordation (L.2011, c.217)
- (New Jersey) Trade Secrets Act (L. 2011, c.161)
- (New Jersey Uniform) Trust Code (L.2015, c.276)
- Uniform Commercial Code – Article 1 – General Provisions (L.2013, c.65)
- Uniform Commercial Code – Article 2A – Leases (L.1994, c.114)
- Uniform Commercial Code – Article 3 – Negotiable Instruments (L.1995, c.28)
- Uniform Commercial Code – Article 4 – Bank Deposits (L.1995, c.28)

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- Uniform Commercial Code – Article 4A – Funds Transfers (L.2013, c.65)
- Uniform Commercial Code – Article 4A – Funds Transfers (L.1994, c.114)
- Uniform Commercial Code – Article 5 – Letters of Credit (L.1997, c.114)
- Uniform Commercial Code – Article 7 – Documents of Title (L.2013, c.65)
- Uniform Commercial Code – Article 8 – Investment Securities (L.1997, c.252)
- Uniform Commercial Code – Article 9 – Secured Transactions (L.2013, c.65)
- Uniform Commercial Code – Article 9 – Secured Transactions (L.2001, c.117)¹³⁶

**Not enacted but resulted in a change to the Court Rules.*

In addition to the reports that have been enacted by the Legislature, and the modification to the Court Rules, the work of the Commission has been referenced in twenty-six New Jersey cases and mentioned in more than fifty journal articles and other scholarly reference materials.¹³⁷

In 2016, the Commission released final reports in the areas of Bulk Sales Tax Notification, Motorcycle License Plate Display, Sales and Use Tax Exemption, Special Needs Trusts, Uniform Act on Prevention of and Remedies for Human Trafficking, Uniform Common Interest Ownership Act, Uniform Electronic Legal Material Act, and the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.¹³⁸

Projects in the Tentative Report stage in 2016 included Clarification of Tenure Issues, Collateral Consequences of Criminal Convictions, Expungement, and New Jersey’s Franchise Practices Act.¹³⁹

Ongoing projects that had not yet reached the Tentative Report stage in 2016, included those in the areas of Affidavit of Merit, Aggravated Sexual Assault, Ante-mortem Probate, Consumer Fraud Act, Driving While Intoxicated, Filial Responsibility Statutes, Hand-held Devices, Managerial Executives, Mandatory Sentencing, Nonprofit Organizations, Obstructing Highways and Other Public Passages, Prerequisites for Recording, Property Liability Insurance Guaranty Association Act (“PLIGAA”), Property Tax, Public Health and Safety, Sidewalk Tort Liability, Spill Compensation and Control Act, Unclaimed Real Property, Uniform Act on Prevention of and Remedies for Human Trafficking, Uniform Asset-Preservation Orders Act, Uniform Common Interest

¹³⁶ *Annual Report 2016, supra* note 80, at 15-18.

¹³⁷ *Annual Report 2016, supra* note 80, at 18-20.

¹³⁸ *Annual Report 2016, supra* note 80, at 24-28.

¹³⁹ *Annual Report 2016, supra* note 80, at 30-32.

Ownership Act – Management and Elections, and the Uniform Probate Code.¹⁴⁰

Subject areas the Commission preliminarily considered in 2016 but declined to pursue included the Anti-Eviction Act - Removal of Residential Tenants, *I.E. Test, LLC. v. Carroll* (regarding New Jersey’s Limited Liability Company Act), New Jersey’s Open Public Records Act, and the Retired Police Officer Right to Carry.¹⁴¹

The Commission, as it carries out its statutory mandate, works cooperatively with the New Jersey Office of Legislative Services (“OLS”). The OLS “is an agency of the Legislature established by law to provide professional, nonpartisan staff support services to the Legislature and its officers, members, committees and commissions.”¹⁴²

The OLS is a much larger entity, with a broader mission and set of responsibilities. In addition, there are fundamental differences in the way the NJLRC and the OLS engage in their processes of research and statutory drafting.¹⁴³ As a result, the work of the Commission is complimentary to, and not in competition with, the work of the OLS.

While the NJLRC may initiate a project in response to a request from a number of different sources, the OLS engages in legislative research and drafting “upon the initiative of a legislator or committee.”¹⁴⁴ Unlike the pressure faced by those drafting for the OLS as a result of the time-sensitive nature of legislative requests for bills, the turn-around time for the work of the Commission, as noted above, varies by project.¹⁴⁵ Another practical difference in the operation of the two entities is the requirement imposed on the OLS for confidentiality. The OLS is required, by statute, to regard requests for assistance by legislators or others as confidential, and no information may be given to any person other than the person who made the initial request (unless the requestor consents or the subject matter is made public). The Commission, on the other hand, seeks public comment on its projects as soon as work is authorized and sometimes earlier if public comment will be of help to Staff in preparing to present the project to the Commission.¹⁴⁶

¹⁴⁰ *Annual Report 2016, supra* note 80, at 34-42.

¹⁴¹ *Annual Report 2016, supra* note 80, at 44-45.

¹⁴² *Office of Legislative Services: An Overview*, N.J. LEGIS., <http://www.njleg.state.nj.us/legislativepub/oview.asp> (last visited May 5, 2015).

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*; *See also* N.J. STAT ANN. § 52:11-70 (LexisNexis 2017).

C. Law Revision Commissions in Other States

In addition to New Jersey's Commission, eight other states have law revision commissions. Some of these commissions are more active than others.

The California Law Revision Commission is an independent state agency established in 1953 to "assist the Legislature and Governor by examining California law and recommending needed reforms."¹⁴⁷ The Commission consists of six staff members (four attorneys and two administrative staff) divided between two offices, and seven Commissioners plus a Senator, an Assembly member, and Legislative Counsel. The commission meets six times per year.¹⁴⁸

The Connecticut Law Revision Commission "assists the Judiciary Committee and other legislative and executive bodies on specific revision proposals and solicits the expertise of numerous state legal authorities in arriving at its consensus on recommendations."¹⁴⁹ The Commission consists of two senators, four representatives, one judge, one law school professor, and seven attorneys and is supported by the staff of the Legislative Commissioners' Office.¹⁵⁰

The Louisiana State Law Institute was "chartered, created and organized as an official law revision commission, law reform agency and legal research agency of the State of Louisiana, by Act 166 of the Legislature of 1938 (Chapter 4 of Title 24 of the Louisiana Revised Statutes of 1950)."¹⁵¹ The Louisiana State Law Institute explains:

The governing authority of the Institute is vested in a Council consisting of ex-officio and elected members representative of the executive branch of the government, the legislature, the judiciary and the law-teaching and practicing professions. In addition, the By-Laws extend the privileges of membership on the Council to a limited number of other persons. Finally, there is a general membership of over 400.¹⁵²

Established in 1965, The Michigan Law Revision Commission's mission was to "examine the common law and statutes of the state and current judicial decisions for the purpose of discovering defects and

¹⁴⁷ *Information*, CAL. LAW REVISION COMM'N, <http://www.clrc.ca.gov/> (last visited Mar. 25, 2017).

¹⁴⁸ *Personnel of the Law Revision Commission*, CAL. LAW REVISION COMM'N, http://clrc.ca.gov/Menu5_about/personnel.html (last visited Mar. 25, 2017).

¹⁴⁹ *Connecticut Law Revision Commission*, CONN. GEN. ASSEMBLY, <https://www.cga.ct.gov/lrc/> (last visited Mar. 25, 2017).

¹⁵⁰ *Id.*

¹⁵¹ *Foreward*, LA. STATE LAW INST. (Dec. 15, 1997), <http://www.lslri.org/foreword> (last visited May 5, 2017).

¹⁵² *Id.*

anachronisms in the law and recommending needed reforms.”¹⁵³ The Commission consists of two members of the Senate, two members of the House of Representatives, the Director of the Legislative Service Bureau or his designee, and four members appointed by the Legislative Council.¹⁵⁴

The New York State Law Revision Commission was established in 1934 and is the “oldest continuous agency in the common-law world devoted to law reform through legislation.”¹⁵⁵ The Commission examines “the common law and statutes of the State and current judicial decisions for the purpose of discovering defects and anachronisms in the law and recommending needed reforms.”¹⁵⁶ It also receives proposed changes from learned bodies and members of the public, and recommends “such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of this state, civil and criminal, into harmony with modern conditions.”¹⁵⁷ The Commission consists of the chairpersons of the Committees on the Judiciary and Codes of the Senate and Assembly and five members appointed by the Governor.¹⁵⁸

The Oregon Law Commission “was created in 1997 by the Legislative Assembly to conduct a continuous program of law reform. There are many methods for reforming Oregon laws, including simplifying, modernizing, and consolidating statutory provisions. In addition, the Commission proposes new substantive and procedural provisions to improve and fill gaps in Oregon law.”¹⁵⁹ Associated with the Willamette University College of Law, the Commission is comprised of fifteen commissioners and more than 200 volunteers in the Commission’s Work Groups.¹⁶⁰

The Law Revision Office of the State of Rhode Island “is responsible for editing and modernizing Rhode Island’s laws. The director is authorized to rearrange, rephrase, and consolidate these laws so that obsolete enactments are eliminated and imperfections cured.”¹⁶¹

¹⁵³ *Michigan Law Revision Commission*, MICH. LEGIS. COUNCIL, <http://council.legislature.mi.gov/CouncilAdministrator/MLRC> (last visited May 5, 2017).

¹⁵⁴ *Id.*

¹⁵⁵ *About the Commission*, N.Y. STATE LAW REVISION COMM’N, <https://lawrevision.state.ny.us/> (last visited May 5, 2017).

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ *Oregon Law Commission*, WILLAMETTE U. COLL. OF LAW, <http://willamette.edu/law/centers/olc/> (last visited May 5, 2017).

¹⁶⁰ *Id.*

¹⁶¹ *Law Revision Office*, STATE OF R.I. GEN. ASSEMB., <http://www.rilin.state.ri.us/Pages>

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The Washington State Law Revision Commission was created in 1992 to:

- (1) Provide facilities and procedures to undertake the scholarly investigation of the law; (2) recommend to the legislature elimination of antiquated and inequitable rules of law and removal of other defects or anachronisms in the law; and (3) encourage the clarification and simplification of the law in Washington and to promote its better adaptation to modern conditions.¹⁶²

The Washington State Law Revision Commission has thirteen members and holds regular meetings four times each year.¹⁶³

D. Law Revision Commissions Internationally

Law reform and law revision are not limited to those entities found within the United States. The following pages contain, in alphabetical order simply for ease of review, a listing of some of the readily identifiable international law revision or reform entities. This is not intended to be an exhaustive list, but rather an indication of the geographic and temporal scope of the history of commissions outside of the United States. Over the past fifty years other countries have created entities designed to review, redraft or amend their laws.¹⁶⁴

The Alberta Law Reform Institute was established in 1967 as an independent agency “dedicated to maintaining, modernizing and monitoring the law of Alberta.”¹⁶⁵ The Association of Law Reform Agencies for Eastern and Southern Africa (“ALRAESA”) was established in 2000 to exchange and share ideas on best practices in law reform, the development of law in accordance with the principles of human rights, good governance and rule of law; and to collectively contribute to the attainment of the objectives of member agencies.¹⁶⁶ ALRAESA includes law revision commissions from Kenya, Malawi, Lesotho, Mauritius, Rwanda, South Africa, Swaziland, Tanzania, Uganda, Zambia, and Zimbabwe.¹⁶⁷ The Australian Law Reform Commission was established in 1996, and it is a federal agency that

/LawRevision.aspx (last visited May 5, 2017).

¹⁶² *Washington State Law Revision Commission*, WASH. STATE LEGIS., <http://apps.leg.wa.gov/wac/default.aspx?cite=306-01&full=true> (last visited May 5, 2017).

¹⁶³ *Id.*

¹⁶⁴ The entities listed below were created over a period of more than fifty years, with the oldest of the following commissions being the Law Reform Commission of India, which began work in 1955, and the newest, the South Australian Law Reform Institute, which began work in 2010.

¹⁶⁵ ALTA. LAW REFORM INST., <https://www.alri.ualberta.ca/> (last visited May 5, 2017).

¹⁶⁶ *Background*, THE ASS’N OF LAW REFORM AGENCIES FOR EASTERN AND SOUTHERN AFR. (ALRAESA), <http://www.justice.gov.za/alraesa/#bg/> (last visited May 5, 2017).

¹⁶⁷ *Id.*

conducts inquiries into areas of law at the request of the Attorney General of Australia.¹⁶⁸

Bahamas Law Reform and Revision Commission is responsible for the reform and revision of the laws of the Commonwealth of the Bahamas.¹⁶⁹ The British Columbia Law Institute was established in 1997 (effectively a successor to the British Columbia Law Reform Commission). The purpose of the Institute is to (1) promote the clarity and simplicity of the law and its adaptation to modern social needs; (2) promote improvement of the administration of justice and respect for the rule of law; and (3) promote and carry out scholarly legal research.¹⁷⁰

The Cayman Islands Law Reform Commission undertakes reviews of legislation, seeking to modernize or update the laws of the Cayman Islands, as well as the government's regulations and policies.¹⁷¹ The Commonwealth Association of Law Reform Agencies ("CALRA") was established in 2003.¹⁷² It is not a commission but is, instead, an organization designed to encourage international cooperation in law reform.¹⁷³ According to CALRA, approximately two billion people live in the Commonwealth, in more than fifty nations, and there are more than sixty law reform commissions and other permanent law reform agencies across the Commonwealth and beyond.¹⁷⁴

The Fiji Law Reform Commission was established in 1979 and is responsible for the review and examination of Fiji's laws for the purpose of their reform and development.¹⁷⁵ The Jersey (Channel Islands) Law Commission was established in 1996 and acts as an independent body to "carry out research and consultations to eliminate anomalies, recommend repeal of obsolete and unnecessary enactments, reduce the number of separate enactments, simplify and modernize the law of Jersey."¹⁷⁶ The Kenya Law Reform Commission was established in 1982 to "keep under

¹⁶⁸ *Australian Law Review Commission*, AUSTL. GOV., <http://www.alrc.gov.au/> (last visited May 5, 2017).

¹⁶⁹ *The Government*, BAH. LAW REVISION COMM'N, <https://www.bahamas.gov.bs/wps/portal/public/> (last visited May 5, 2017).

¹⁷⁰ *Welcome to BCLI*, B.C. LAW INSTITUTE, <http://www.bcli.org/> (last visited May 5, 2017).

¹⁷¹ CAYMAN IS. LAW REFORM COMM'N, <http://www.lawreformcommission.gov.ky/> (last visited May 5, 2017).

¹⁷² CALRAS, THE COMMONWEALTH ASSOC. OF LAW REFORM AGENCIES, <http://www.calras.org/> (last visited May 5, 2017).

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ THE FIJI LAW REFORM COMM'N, <http://www.lawreform.gov.fj/> (last visited March 25, 2017).

¹⁷⁶ *What We Do*, THE JERSEY LAW COMM'N, <https://jerseylawcommission.org> (last visited May 5, 2017).

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review all the law of Kenya to ensure its systematic development and reform, including in particular: the integration, unification and codification of the law; the elimination of anomalies; the repeal of obsolete and unnecessary enactments; and generally its simplification and modernization.”¹⁷⁷

The Law Commission of England and Wales was established in 1965 to “make the law fair, modern, simple, and as cost-effective as possible.”¹⁷⁸ The Law Commission of Nova Scotia was established in 1991 as an independent advisor to the Government that makes recommendations for law reform.¹⁷⁹ The Law Commission of Ontario was established in 2007 to take a multidisciplinary approach to law reform in order to “make the legal system more relevant and accessible,” “to simplify or clarify law,” “to stimulate debate about law, and to promote scholarly research.”¹⁸⁰ The Law Commission of Sri Lanka was established in 1969 to consider proposals, engage in examination of the law, repeal obsolete law, and revise and simplify current law.¹⁸¹

The Law Reform Commission of Hong Kong was established in 1980 to consider projects regarding law reform that are referred by the Secretary of Justice, who receives recommendations from members of the commission, the legal profession, or public at large.¹⁸² The Law Reform Commission of India was established in 1955 and acts to review and repeal obsolete laws, examine laws relating to law and poverty, and review the legal administrative system.¹⁸³ The Law Reform Commission of Tanzania (“LRCT”) was established in 1981 to engage in legal review, legal awareness, and legal education.¹⁸⁴ It is authorized to engage in its own studies, propose new laws, and recommend new statutory institutions.¹⁸⁵ The Law Reform Commission of Western Australia was established in 1972 to keep the law “up-to-date and relevant with society”

¹⁷⁷ KENYA LAW REFORM COMM’N, <http://www.klrc.go.ke/> (last visited May 5, 2017).

¹⁷⁸ *Welcome, Law Commission*, THE LAW COMM’N OF ENG. & WALES, <http://www.lawcom.gov.uk/> (last visited May 5, 2017).

¹⁷⁹ *What is the Law Revision Commission of Nova Scotia?*, LAW REVIEW COMM’N OF N.S., http://www.lawreform.ns.ca/what_is_the_law_reform_commission.htm (last visited May 5, 2017).

¹⁸⁰ LAW COMM’N OF ONT. <http://www.lco-cdo.org/> (last visited May 5, 2017).

¹⁸¹ LAW COMM’N OF SRI LANKA, <http://lawcom.gov.lk/web/> (last visited May 5, 2017).

¹⁸² *Welcome*, LAW REFORM COMM’N OF H.K., <http://www.hkreform.gov.hk/> (last visited May 5, 2017).

¹⁸³ *Early Beginnings*, LAW REFORM COMM’N OF INDIA, <http://www.lawcommissionofindia.nic.in/main.htm#a1> (last visited May 5, 2017).

¹⁸⁴ *History of LRCT*, LAW REFORM COMM’N OF TANZAN. <http://www.lrct.go.tz/history/> (last visited May 5, 2017).

¹⁸⁵ *Id.*

by reforming areas of law that are referred to them by the Attorney General, the general public, or in which Commission members choose to work.¹⁸⁶

The Manitoba Law Reform Commission was established in 1970 to engage in research and consultation from recommendations made by the public in order to improve and modernize the law.¹⁸⁷ The New South Wales Law Reform Commission was established in 1967 as an independent body responsible for preparing reports that analyze the law and providing recommendations to the government for reform.¹⁸⁸

The Northern Ireland Law Commission was established in 2002 to provide the Department of Justice with recommendations on law reform that will contribute to a legal system that is “just, accessible, effective, and modern.”¹⁸⁹ The Northern Territory Law Reform Committee was established in 1998 to advise the Attorney General on the reform of law in the Northern Territory.¹⁹⁰ The Queensland Law Reform Commission was established in 1968 as an independent body to make recommendations on areas of law in need of reform and to submit reports to the Attorney General.¹⁹¹

The Samoa Law Reform Commission was established in 2008 to research and analyze areas of law referred to it by the Prime Minister, the Cabinet, or the Attorney General and to report their recommendations for reform.¹⁹² The Scottish Law Commission was established in 1965 to make independent recommendations to Government to simplify, modernize, and improve Scots law.¹⁹³ The South African Law Reform Commission was established in 1973 to engage in research with reference to all branches of the law of the Republic in order to make

¹⁸⁶ *About the Commission*, LAW REFORM COMM’N OF W. AUSTRALIA, http://www.lrc.justice.wa.gov.au/a/about_usdefault.aspx (last visited May 5, 2017).

¹⁸⁷ *Welcome*, MANITOBA LAW REFORM COMM’N, <http://www.manitobalawreform.ca/> (last visited May 5, 2017).

¹⁸⁸ *About Us*, NEW SOUTH WALES LAW REFORM COMM’N, http://www.lawreform.justice.lawlink.nsw.gov.au/Pages/lrc/lrc_aboutus/lrc_aboutus.aspx (last visited May 5, 2017).

¹⁸⁹ *About Us*, N. IR. LAW COMM’N, <http://www.nilawcommission.gov.uk/about-us/index.htm> (last visited May 5, 2017) (“The Northern Ireland Law Commission is currently non-operational.”).

¹⁹⁰ *NT Law Reform Committee*, NORTHERN TERRITORY LAW REFORM COMM., <https://justice.nt.gov.au/attorney-general-and-justice/law/nt-law-reform-committee/> (last visited May 5, 2017).

¹⁹¹ *Home*, QUEENSLAND LAW REFORM COMM’N, <http://www qlrc.qld.gov.au/> (last visited May 5, 2017).

¹⁹² *SAMOA LAW REFORM COMM’N*, <http://www.samoalawreform.gov.ws/> (last visited March 25, 2017).

¹⁹³ *Welcome to the Scottish Law Commission*, SCOTTISH LAW COMM’N, <https://www.scotlawcom.gov.uk/> (last visited May 5, 2017).

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recommendations for the development, improvement, modernization, or reform of the law.¹⁹⁴ The South Australian Law Reform Institute was established in 2010 to conduct reviews and research in response to proposals from the Attorney General, with a view to the modernization of law; elimination of defects; consolidation; the repeal of obsolete or unnecessary laws; and achieving uniformity between laws of other states and those of the Commonwealth.¹⁹⁵

The Tasmania Law Reform Institute was established in 2001 to review laws with the following goals: modernization; elimination of defects; simplification; consolidation; repeal of obsolete or unnecessary laws; and achieving uniformity between laws of other states and the Commonwealth.¹⁹⁶ The Uganda Law Reform Commission was established in 1995 to study and keep under review the acts and other laws of Uganda with a view to making recommendations for their systematic improvement, development, modernization, and reform.¹⁹⁷ The Victorian Law Reform Commission was established in 2000 to develop, review, and recommend reform of Victoria's state laws in consultation with the community.¹⁹⁸

IV. CONCLUSION

Over a period of more than a hundred years, states and countries around the world have incorporated law revision commissions into their legislative structure in an effort to accomplish a number of worthy goals. Analogous to the legislative process and its many variations, the results of the implementing these law revision commissions and their work have not been uniform—either between states or within a single state over time. Experience demonstrates that the role of commissions is limited—by design, by time, by budgetary considerations, by a myriad other factors.

The history of the commissions, however, and the intermittent but continued calls for the type of work for which commissions are well-suited, suggests that they continue to merit consideration. Certainly the

¹⁹⁴ *Objects, Constitution and Functioning*, S. AFR. LAW REFORM COMM'N, <http://www.justice.gov.za/salrc/objects.htm> (last visited May 5, 2017).

¹⁹⁵ *South Australian Law Reform Institute*, U. OF ADELAIDE, <http://www.law.adelaide.edu.au/reform/> (last visited May 5, 2017).

¹⁹⁶ *Tasmania Law Reform Institute*, U. OF TASMANIA, <http://www.utas.edu.au/law-reform/> (last visited May 5, 2017).

¹⁹⁷ *Welcome to the Uganda Law Reform Commission*, UGANDA LAW REFORM COMM'N, <http://www.ulrc.go.ug/content/welcome-uganda-law-reform-commission> (last visited May 5, 2017).

¹⁹⁸ *Welcome to the Victorian Law Reform Commission*, VICTORIAN LAW REFORM COMM'N, <http://www.lawreform.vic.gov.au/> (last visited May 5, 2017).

role they can play in the shared goal of managing and maintaining burgeoning bodies of statutory law into the future remains as important now as ever.