

P U B L I C H E A R I N G

before

ASSEMBLY STATE GOVERNMENT, CIVIL SERVICE,
ELECTIONS, PENSIONS, AND VETERANS' AFFAIRS COMMITTEE

on

ASSEMBLY CONCURRENT RESOLUTION, No. 51

(Proposes an amendment to the Constitution to revise
the provisions on the Governor's veto)

Held:
June 14, 1982
Room 420
State House Annex
Trenton, New Jersey

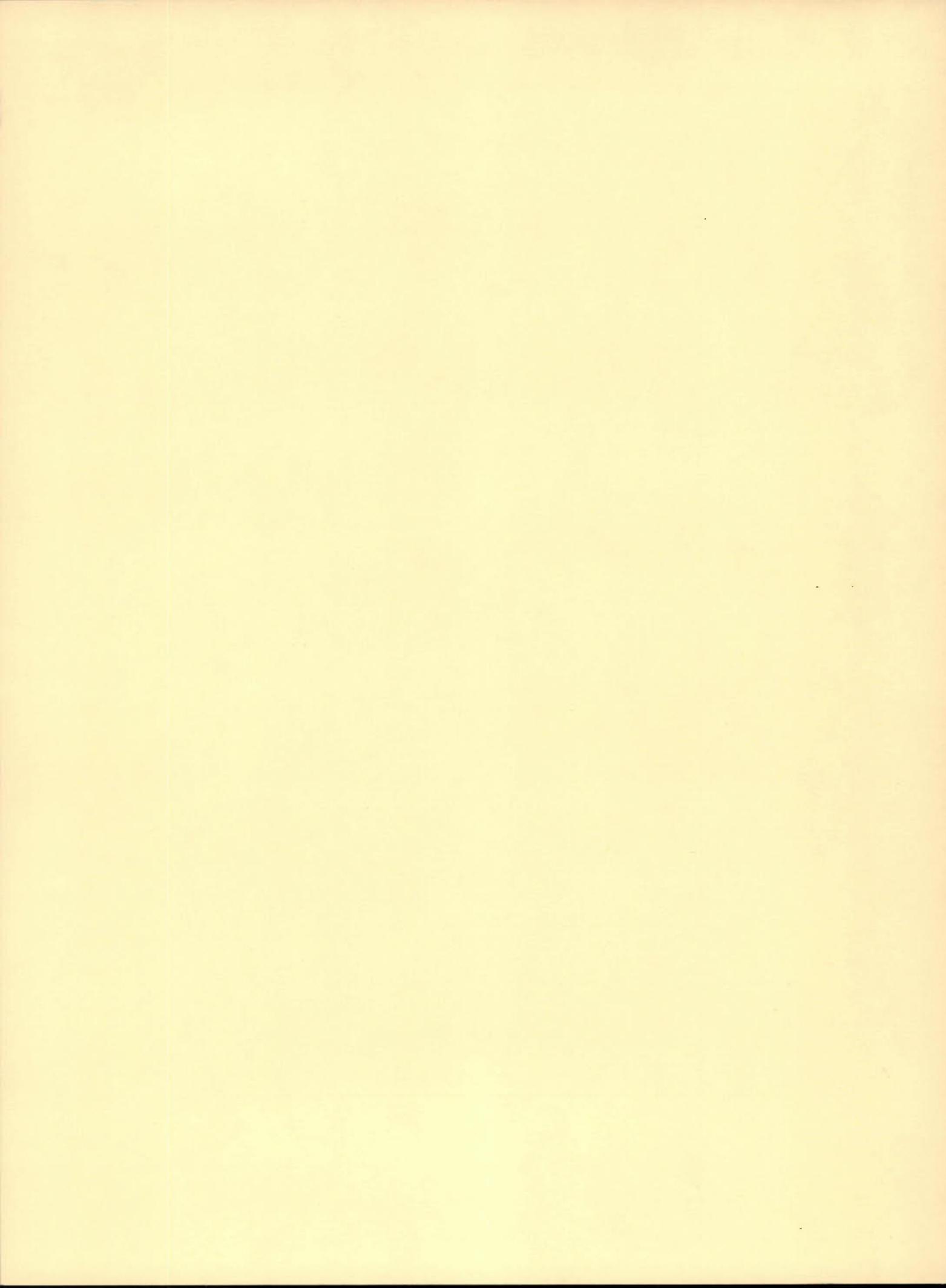
MEMBERS OF COMMITTEE PRESENT:

Assemblywoman Barbara F. Kalik (Chairwoman)
Assemblyman James Zangari
Assemblyman Richard A. Zimmer

ALSO:

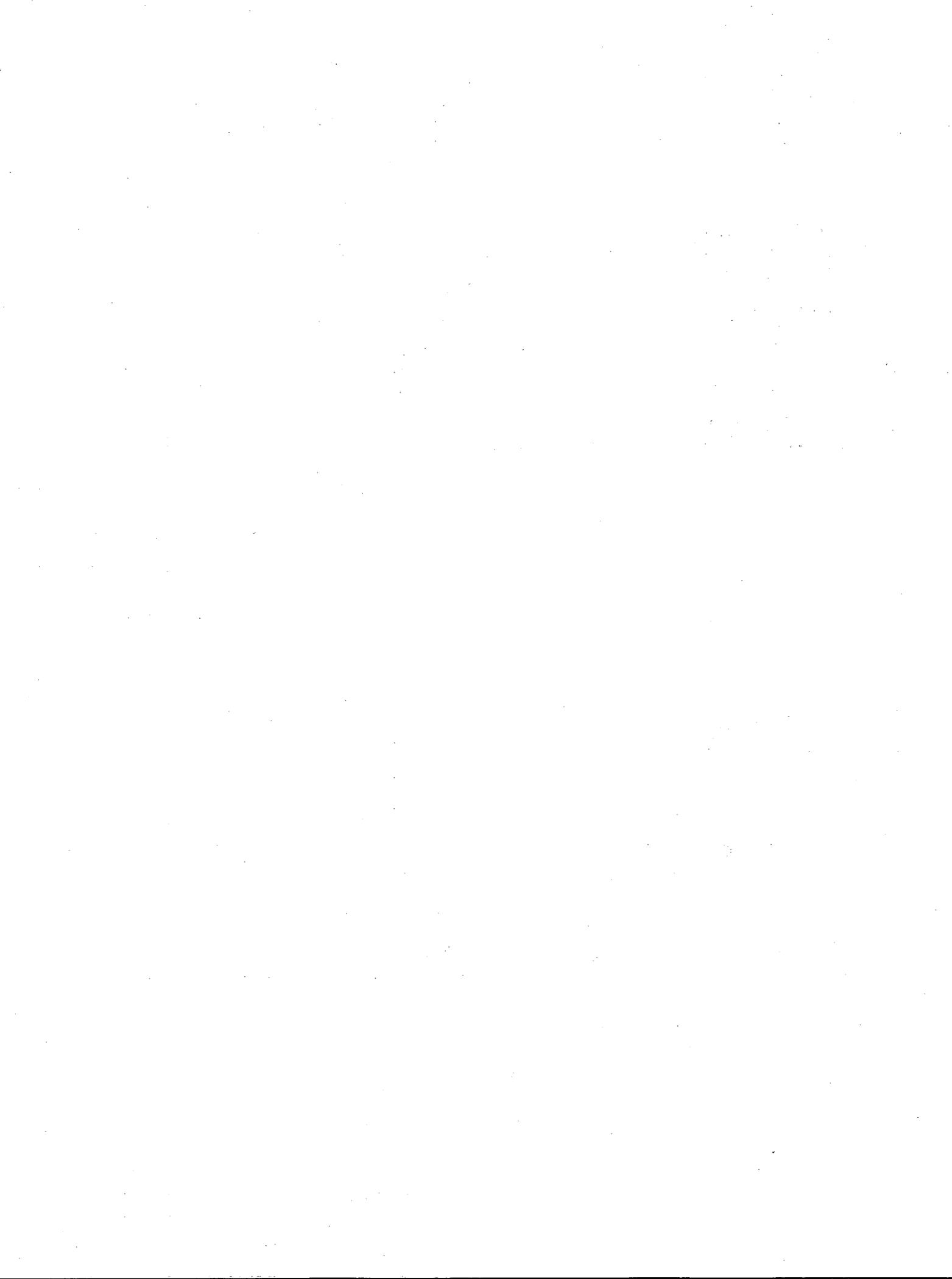
Donald G. Margeson, Research Associate
Office of Legislative Services
Aide, Assembly State Government, Civil Service,
Elections, Pensions, and Veterans' Affairs Committee

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[OFFICIAL COPY REPRINT]
ASSEMBLY CONCURRENT RESOLUTION No. 51

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 1, 1982

By Assemblymen HERMAN, PANKOK, Assemblywoman COSTA and
Assemblyman DEVERIN

Referred to Committee on State Government, Civil Service,
Elections, Pensions and Veterans Affairs

A CONCURRENT RESOLUTION proposing to amend Article V, Section I,
paragraph 14, of the Constitution.

1 BE IT RESOLVED *by the General Assembly of the State of New*
2 *Jersey (the Senate concurring):*

1 1. The following proposed amendment to the Constitution is
2 agreed to:

PROPOSED AMENDMENT

3 Amend Article V, Section I, paragraph 14 to read as follows:

4 14. (a) When a bill has finally passed both houses, the house in
5 which final action was taken to complete its passage shall cause it
6 to be presented to the Governor before the close of the calendar
7 day next following the date of the session at which such final action
8 was taken.

9 (b) A passed bill presented to the Governor shall become law:

10 (1) if the Governor approves and signs it within the period
11 allowed for his consideration; or,

12 (2) if the Governor does not return it to the house of
13 origin, with a statement of his objections, before the expira-
14 tion of the period allowed for his consideration; or,

15 (3) if, upon reconsideration of a bill objected to by the
16 Governor, two-thirds of all the members of each house agree
17 to pass the bill.

18 (c) The period allowed for the Governor's consideration of a
19 passed bill shall be from the date of presentation until noon of the

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

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendments adopted May 17, 1982.

20 forty-fifth day next following or, if the house of origin be in
21 temporary adjournment on that day, the first day subsequent upon
22 which the house reconvenes; except that:

23 (1) if on the said forty-fifth day the Legislature is in
24 adjournment sine die, any bill then pending the Governor's
25 approval shall be returned, if he objects to it, at a special
26 session held pursuant to subparagraph (d) of this paragraph;

27 (2) any bill passed between the forty-fifth day and the
28 tenth day preceding the expiration of the second legislative
29 year shall be returned by the Governor, if he objects to it,
30 not later than noon of the day next preceding the expiration
31 of the second legislative year;

32 (3) any bill passed within 10 days preceding the expira-
33 tion of the second legislative year shall become law only if
34 the Governor signs it prior to *noon of the seventh day follow-*
35 *ing* such expiration, or the Governor returns it to the House
36 of origin, with a statement of his objections, and two-thirds
37 of all members of each House agree to pass the bill prior to
38 such expiration.

39 (d) For the purpose of permitting the return of bills pursuant
40 to this paragraph, a special session of the Legislature shall con-
41 vene, without petition or call, for the sole purpose of acting upon
42 bills returned by the Governor, on the forty-fifth day next follow-
43 ing adjournment sine die of the regular session; or, if the second
44 legislative year of a 2-year Legislature will expire before said
45 forty-fifth day, then the day next preceding the expiration of the
46 legislative year.

47 (e) Upon receiving from the Governor a bill returned by him
48 with his objections, the house in which it originated shall enter the
49 objections at large in its journal **or minutes** and proceed to re-
50 consider it. If, upon reconsideration, on or after the third day
51 following its return, or the first day of a special session convened
52 for the sole purpose of acting on such bills, two-thirds of all the
53 members of the house of origin agree to pass the bill, it shall be
54 sent, together with the objections of the Governor, to the other
55 house; and if, upon reconsideration, it is approved by two-thirds
56 of all the members of the house, it shall become a law. In all such
57 cases the votes of each house shall be determined by yeas and nays,
58 and the names of the persons voting for and against the bill shall
59 be entered on the **[journals of the respective houses]* *journal*
59A *or minutes of each house**.

60 (f) The Governor, in returning with his objections a bill for
61 reconsideration at any general or special session of the Legislature,

62 may recommend that an amendment or amendments specified by
 63 him be made in the bill, and in such case the Legislature may amend
 64 and re-enact the bill. If a bill be so amended and re-enacted, it
 65 shall be presented again to the Governor, but shall become a law
 66 only if he shall sign it within 10 days after presentation***];** and
 67 no**]*** *, *except that any bill amended and reenacted within 10 days*
 68 *preceding the expiration of the second legislative year shall be-*
 69 *come law only if the Governor signs it prior to noon of the seventh*
 70 *day following such expiration. No** bill shall be returned by the
 71 Governor a second time. **No bill need be read three times and no*
 72 *emergency resolution need be adopted for the reenactment of any*
 73 *bill at a special session of the Legislature.**

1 2. When this proposed amendment to the Constitution is finally
 2 agreed to, pursuant to Article IX, paragraph 1 of the Constitution,
 3 it shall be submitted to the people at the next general election
 4 occurring more than 3 months after such final agreement and shall
 5 be published at least once in at least one newspaper of each county
 6 designated by the President of the Senate and the Speaker of the
 7 General Assembly and the Secretary of State, not less than 3
 8 months prior to said general election.

1 3. This proposed amendment to the Constitution shall be sub-
 2 mitted to the people at said election in the following manner and
 3 form:

4 There shall be printed on each official ballot to be used at such
 5 general election, the following:

6 a. In every municipality in which voting machines are not used,
 7 a legend which shall immediately precede the question, as follows:

8 If you favor the proposition printed below make a cross (X),
 9 plus (+) or check (✓) in the square opposite the word "Yes." If
 10 you are opposed thereto make a cross (X), plus (+) or check (✓)
 11 in the square opposite the word "No."

12 b. In every municipality, the following question:

	<p>Yes.</p>	<p style="text-align: center;">CONSTITUTIONAL AMENDMENT: REVISION OF PROVISIONS ON GOVERNOR'S VETO</p> <p>Shall the amendment to Article V, Section I, paragraph 14, of the Constitution, agreed to by the Legislature, and extending by 7 days the time that the Governor has to sign any bill passed by the Legislature within 10 days preceding the expiration of the second legislative year be approved?</p>
	<p>No.</p>	<p style="text-align: center;">INTERPRETIVE STATEMENT</p> <p>Under the recent constitutional amendment, the Governor must sign any bill passed by the Legislature within 10 days of the close of the 2 year legislative session before that session *[expires]* *ends*. This <i>*amendment would permit the Governor an additional 7 days following the end of the legislative term to consider these bills. The current* limitation does not allow the Governor reasonable time in which to consider bills passed within 10 days of the end of the session. *Consequently, this amendment would permit the Governor until noon of the seventh day following the expiration of the legislative session to sign these bills into law.*</i></p>

ASSEMBLYWOMAN BARBARA F. KALIK (Chairwoman): I would like to call the meeting to order, please. Please take a roll call.

MR. MARGESON: Mr. Bocchini. (no response) Mr. Zangari.

ASSEMBLYMAN ZANGARI: Present.

MR. MARGESON: Mr. Franks. (no response) Mr. Zimmer.

ASSEMBLYMAN ZIMMER: Here.

MR. MARGESON: Chairwoman Kalik.

ASSEMBLYWOMAN KALIK: Here.

The Concurrent Resolution that talks about the amendment is very short. I am going to ask Don to read the proposed amendment, and I will hear any comments that the staff would like to make about it. There was a change made. Is it the one we have in front of us?

MR. MARGESON: Yes. This is the OCR, which includes the Committee's amendments.

The key feature of the amendment is to add, on Page 2, Section 14c, Paragraph 3, that any bill passed within 10 days preceding the expiration of the second legislative year shall become law only if the Governor signs it prior to noon of the 7th day following such expiration. The language "noon of the 7th day following" was added in the original ACR so as to extend the Governor's time period for approving legislation passed in the last 10 days of the legislative session.

The Committee amended it in various ways, largely technical. I will read the Committee's statement: This proposed Constitutional Amendment would alter the newly-adopted Constitutional requirement that for a bill, passed within 10 days preceding the end of a legislation term, to become law, the Governor must sign it prior to the expiration of that term. Under ACR, Number 51, the Governor would have an additional 7 days to sign such a bill into law. The sponsor's statement indicates that there has been a problem with the existing Constitutional provision in that the current limitation does not allow the Governor reasonable time in which to consider bills passed at the end of a legislative session.

Concerning the Committee Amendments: The Committee adopted the amendments, one, to correct references; two, to provide for application of the 7-day deadline extension to bills which, following conditional veto by the Governor, are amended and reinacted within 10 days of the expiration of the second legislative year; three, to suspend, in the case of legislative reconsideration of bills conditionally vetoed, the provision for three readings of the bill or adoption of emergency resolution; and finally, to alter the text of the interpretive statement to clarify it.

ASSEMBLYWOMAN KALIK: Thank you, Don. It is my understanding that there is no Senate version of this. This is the only version that has passed both Houses, am I correct?

MR. MARGESON: No. It has passed in the General Assembly. I am sorry. Excuse me. It has passed the Committee, following the public hearing. Under the Constitution, it is now on second reading; it is eligible for consideration by the General Assembly.

ASSEMBLYWOMAN KALIK: Then it goes to the Senate and, in the same process, they have to pass it out of Committee, have a public hearing, and then it goes through?

MR. MARGESON: They have to pass it out of Committee. I do not believe they are constitutionally required, or required under the joint rules, to have a public hearing.

ASSEMBLYWOMAN KALIK: Before I ask for public comment, I would like to make a comment of my own by saying that we did encounter a great deal of trouble at the end of the last legislative session, where we were very busy passing all of these marvelous bills. Of course, the Governor, in the seven days left to him, just didn't have time to read them, much less take any action on them. So, he had no choice but to veto all of them, with the result that we now have to do some of that work over again. That is costly to the State. I happen to think this is a good amendment. With that, I will ask for any public comment.

CYNTHIA WALKER: Good morning. My name is Cynthia Walker. I am the Assistant Director of New Jersey Common Cause. Thank you for the opportunity to comment on ACR-51.

As you may know, Common Cause worked hard to get the amendment passed last November. The amendment virtually eliminated gubernatorial courtesy in the State of New Jersey. One of the reasons we supported this amendment was because of the shocking number of bills that were being pocket vetoed by the Governor at the end of the legislative session.

In January of this year, the Legislature passed 227 bills in the last ten days of the session. Of those 227 bills, 119 were passed on January 11, the day before the session ended. This meant that the Governor had to consider all of those bills before noon on January 12th. Ninety-one of those bills were pocket vetoed. The Governor and his staff complained that the pocket vetoes were necessary because they did not have enough time to analyze and consider so many bills in such a short period of time.

ACR-51 will give the Governor and his staff seven extra days to consider bills passed by the Legislature in the second year of the legislative session. Based on the events of last January, Common Cause feels that this extra time is necessary. The goal of the amendment passed last November was not to force the Governor to pocket veto bills at the end of the session, but to ensure that the bills receive gubernatorial consideration, more so than in the past. ACR-51 will give the Governor the time needed to consider legislation.

New Jersey Common Cause urges this Committee to act promptly on ACR-51 so that this needed amendment can appear on the ballot this November. Thank you.

ASSEMBLYWOMAN KALIK: Thank you. Are there any questions of the Committee members? (no response) Is there anyone else who would like to be heard?

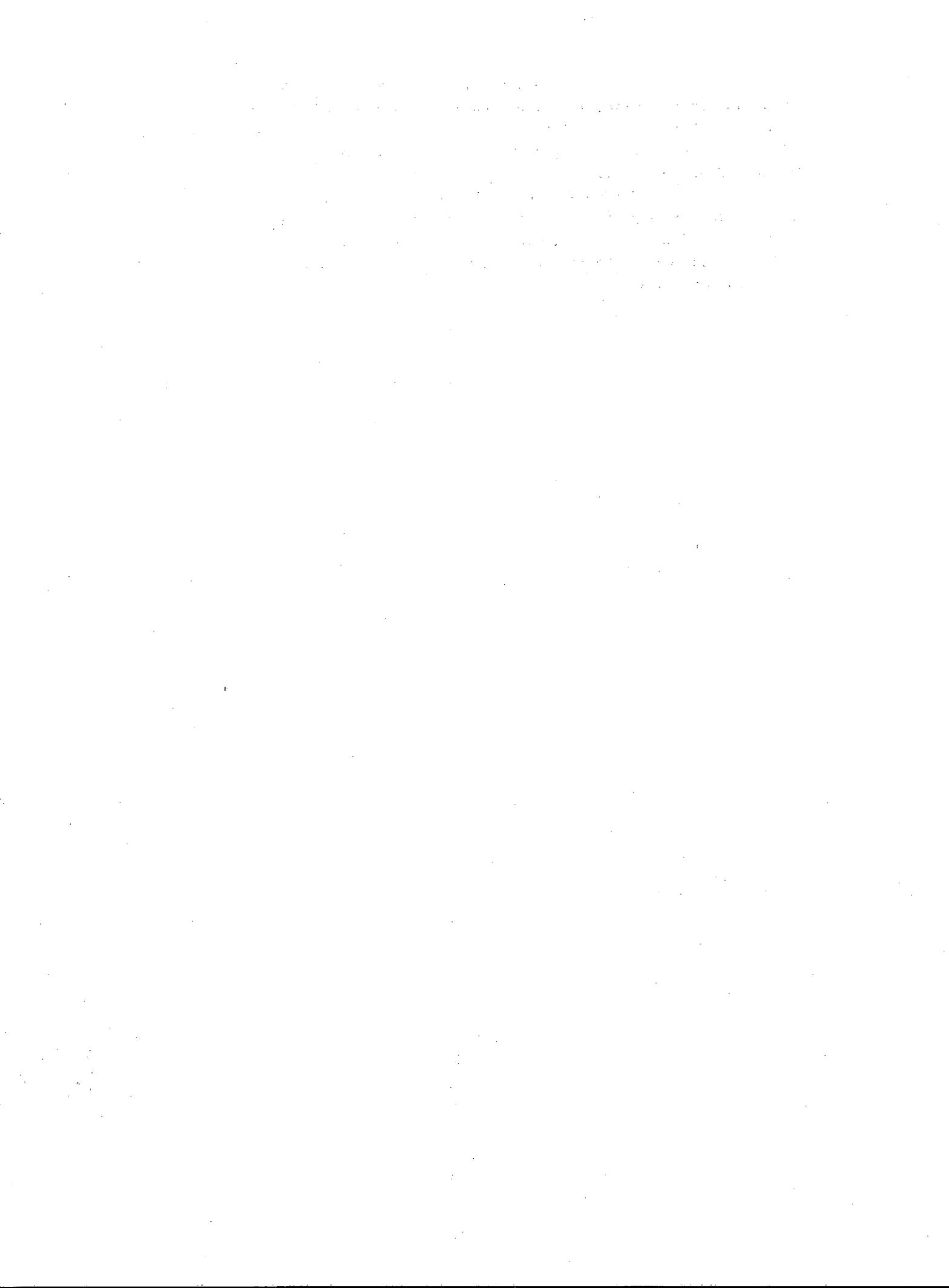
CAROL KURTZ: Good morning. I am Carol Kurtz, State Director of Government for the League of Women Voters of New Jersey.

Prior to 1981, the League of Women Voters of New Jersey supported the Constitutional Amendment entitled, "Revision of Provisions on Governor's Veto", which set a specific time frame for presentation of passed bills to the Governor for his consideration. This constitutional amendment is now law. However, the provision which states that bills passed by the Legislature within the last 10 days of the two-year session must be signed by the Governor by noon of the last day, has proved to be unworkable. At the end of the legislative session, the Legislature passed 227 bills in the 10-day period before the end of the session. The Governor himself commented on the unreasonableness of being able to analyze and digest that quantity of bills in the time period provided.

ACR-51 would provide relief to the Governor and his staff by permitting them additional time at the end of the legislative session to sign these bills into law. The League of Women Voters of New Jersey supports ACR-51 as a more efficient and workable solution to deal with bills passed in the last ten-day period of the legislative session. Thank you.

ASSEMBLYWOMAN KALIK: Thank you very much. Are there any questions? (No response) Is there anyone who wishes to speak on the resolution, ACR-51? (No response) Is there any more public comment? Are there any comments from the Committee? (No response) With that, I will close this public hearing. Thank you very much.

(Hearing Concluded)





OFFICE OF THE
MAYOR

John K. Rafferty, MAYOR

2090 GREENWOOD AVENUE, CN00150, HAMILTON, NEW JERSEY 08650 Phone 609/890-3502

June 11, 1982

The Honorable Barbara F. Kalik
Chairman, Assembly State Government,
Civil Service, Elections, Pensions and
Veterans' Affairs Committee
CN-042
State House
Trenton, New Jersey 08625

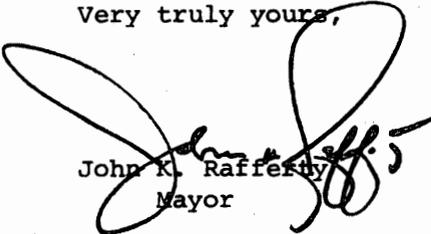
Dear Assemblywoman Kalik:

Thank you for inviting me to testify before your committee on the public financing of gubernatorial campaigns law. Unfortunately, a long-standing commitment on my calendar prevents me from accepting your invitation.

Early this year, in a letter to New Jersey Common Cause, I addressed myself to reforming the current law. I am enclosing a copy of the letter and you may feel free to circulate it among your fellow committee members. My comments in the letter are admittedly superficial; my basic intention was to express my support of the public financing concept and indicate that some revisions were necessary not only to improve the law, but also make it less vulnerable to attack from its opponents. My sentiments have not changed.

I wish your committee the best of luck in its endeavors and offer my services if I can help in any way.

Very truly yours,


John K. Rafferty
Mayor

JKR:jj

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OFFICE OF THE
MAYOR

John K. Raftery, MAYOR

2000 GREENWOOD AVENUE, CN00150, HAMILTON, NEW JERSEY 08650 Phone 609/890-3502

January 4, 1982

Ms. Joanne Oser
New Jersey Common Cause
28 West State Street
Trenton, New Jersey 08608

Dear Ms. Oser:

I read with great interest David Wald's column in the December 20th Sunday Star-Ledger reporting on Common Cause's sponsorship of a forum on the campaign financing law. As a participant in the 1981 Republican gubernatorial primary, I have had first-hand experience with the current law and deemed it appropriate to offer you my thoughts on public financing with the hope that they will assist you in your laudable efforts to study the current system.

Let me state from the outset that I support the concept of public financing of the gubernatorial primary and general elections. Furthermore, I believe that the law which governed the 1981 contests is basically a sound one. There is, however, little doubt in my mind that the law will have to be changed. It is my belief that the prevailing political climate will necessitate some changes. There are also flaws in the law that should be corrected.

Supporters of public financing face two crucial challenges. First, it is essential that we debunk the myth that public financing caused the large field of gubernatorial aspirants. Second, we must fashion a set of reforms that will attract bipartisan support without also castrating the basic components of the current law. I believe both challenges can be met if we are aggressive in presenting our point of view and flexible when trying to tailor a new law.

I will not dwell upon the need to counter the argument that public financing created the large field of primary candidates. I would be less than truthful if I said that the law did not influence my decision to run. But the fact remains that the availability of public financing was only one of many other factors which affected the number of candidates, not the least of which being the absence of an incumbent and the creation of the "open" primary. It is probably advisable, however, that the debunking of the myth be done by more objective supporters of public financing than those of us who benefitted by the law.

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It is obvious to me that continuation of public financing of the primaries will be accomplished only if some of the objections to the law are addressed. Given the realities of current economic conditions, it is probably true that the present formula is too generous. The two-for-one match will have to be reduced. I am also open to the suggestion that the qualifying threshold be increased, although I am skeptical that this move would significantly reduce the number of eventual qualifiers. But it is also necessary to increase the present \$800 per contributor limitation. The limitation could be increased to \$1,500 without tainting the political process or reintroducing some of the seemier aspects of the old financing system. I would urge that a mechanism be placed in the law that would automatically on a periodic basis increase the limitation so it reflects changes in the inflation rate, etc.

Although it was not a problem in the 1981 elections because there was no incumbent, I think it is advisable to examine the necessity of the spending cap. It is common knowledge today that victorious challengers are usually those who are able to outspend their incumbent opponents. Incumbency carries with it many advantages and challengers must spend more than incumbents in order to "equalize" the race. The spending ceiling is simply unfair to challengers. The state could continue to impose a limit on the total amount of private fund-raising it will match, but it should not restrict a candidate from raising and spending more than that amount. Fundraising is, after all, an indication of how much support a candidate is garnering and with the limitation on individual contributions, I can see no justification for spending ceilings in either the primary or general elections.

I have also heard some complaints about the restrictions placed on party organization spending vis-à-vis the gubernatorial campaign. Of course, this problem is most acute in the general election. I am terribly concerned about the clear trend to drive a wedge between candidate organizations and party organizations. It is unhealthy for the political process. The party organization must not be treated as the step-child of the candidate organizations. The party should be permitted to spend its funds without the expenditures always being included in the reports of the gubernatorial candidate. A little more flexibility is probably needed. It has been suggested by some advocates of public financing that the public funds be given directly to the party organizations. For those concerned about the decline of the parties, it is an attractive proposal, although I am not sure I would support such a change.

I congratulate Common Cause for taking on the task of reviewing the public financing law. I believe the "experiment" proved to be successful and hope that revisions can be proposed that will not only attract the necessary legislative support to guarantee the continuation of public financing in New Jersey, but also improve the law itself. I offer my assistance as you attempt to achieve these goals.

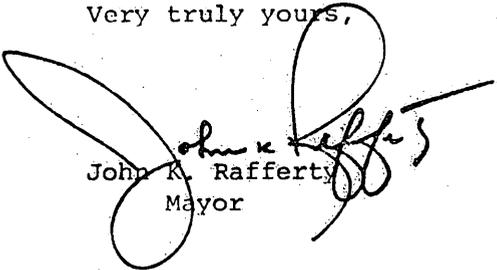
Ms. Joanne Oser
New Jersey Common Cause

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January 4, 1981

If you consider it appropriate, please feel free to distribute the enclosed copies of this letter to the members of your January 6 panel and those concerned with the public financing law.

Very truly yours,



John K. Rafferty
Mayor

