

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

before

ASSEMBLY RULES AND ORDER COMMITTEE

on

CHANGES IN ASSEMBLY RULES

Held:
June 7, 1984
Room 348
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman D. Bennett Mazur, Chairman
Assemblyman William P. Schuber

ALSO PRESENT:

Steven B. Frakt, Senior Research Associate
Office of Legislative Services
Aide, Assembly Rules and Order Committee

* * * * *

TABLE OF CONTENTS

	<u>Page</u>
APPENDIX	
Statement submitted by Assemblyman William P. Schuber	1x

* * * * *

mjz: 1-2

ASSEMBLYMAN D. BENNETT MAZUR (Chairman): Good morning. This hearing will now come to order. There are some members of the Committee who were excused because it was felt that no vote would be taken at this particular hearing.

A notice was given to all the members of the Assembly that if they had any suggested changes, they should be submitted in writing. Also, a press release was put out inviting the public to attend, but no one is in attendance. As legally required, this hearing was also listed in the Legislative Calendar which is made available to the public and to the press. So, all of those preparatory steps were taken to create public notice and invite participation. (Assemblyman Mazur addresses persons in the audience.) To our two young interns, I hope you do not think everyone has lost interest in government.

ASSEMBLYMAN SCHUBER: They have.

ASSEMBLYMAN MAZUR: We have received some recommended rule changes in writing from the members of the Assembly. Before our next meeting, these rule changes, these recommendations, will be submitted to all of the members of the Committee. At our next meeting we will have some discussion and will take some action.

The purpose of this hearing is basically to take any public suggestions offered as to changes of the rules themselves. The rules are limited to the conduct of the State Assembly -- its procedural rules of operation and function. Assemblyman Schubert, would you like to add anything?

ASSEMBLYMAN SCHUBER: I would just add, Mr. Chairman, if I may, that I prepared a 30-page opening statement; however, due to the brevity of the hearing, I am going to just submit it for the record. (laughter)

I think the Rules Committee has a potentially important job to do here for the Legislature and for the people of New Jersey, that is, to take a look at some of our rules which have not been changed in a number of years, and to bring order to procedures which many times appear a bit chaotic on the floor. I have to commend you, Mr. Chairman, for the time you have given to this, and for your willingness to listen to all parties with regard to potential rule changes. As you

know, we will be proposing some; I know you have some too. I think the Committee is going to be a very good working Committee, and I look forward to a lot of progress over the next several months as we continue our deliberations. I think we are going to have to impose upon our leadership, on both sides, that they adhere to the work we are going to be producing here.

Again, I commend you for the time and effort that has been put into the Committee, and I look forward to a lot of progress.

ASSEMBLYMAN MAZUR: Thank you, Pat. I might add that the rules of the Legislature have not been changed since 1978. That has been six years. Some of the practices have changed; practices change with time, emergencies, and one thing or another. New ways are found to do things. Corners may be cut or new procedures introduced, and it is necessary to change the rules frequently to conform to practices, rather than changing practices to conform to rules. Therefore, the rules are always a little bit behind the practices and one has to bring them up to date.

I think that is generally true of almost everything in society as well. It is long overdue and we hope we can get some significant changes on the books when rewriting that document.

Do you want to add anything, Mr. Frakt?

MR. FRAKT: Only to say that we will keep the record open in case anyone wishes to submit any written material.

ASSEMBLYMAN MAZUR: Well, we can take more testimony, if we want it, at the next meeting. The next meeting of the Committee will be--

ASSEMBLYMAN SCHUBER: (interrupting) Next Thursday, I think, Bennett.

ASSEMBLYMAN MAZUR: Yes, next Thursday, June 14, Flag Day, at 9:30 a.m. Is that too early?

ASSEMBLYMAN SCHUBER: No, that's fine.

ASSEMBLYMAN MAZUR: I will now entertain a motion to adjourn.

ASSEMBLYMAN SCHUBER: So moved.

ASSEMBLYMAN MAZUR: I'll second it. All in favor? (a response of yea) I want to thank you, Assemblyman Schubert, for coming all the way down here. This hearing is adjourned.

(HEARING CONCLUDED)

APPENDIX

STATEMENT FOR PAT SCHUBER
PUBLIC HEARING ON ASSEMBLY RULES

I WOULD FIRST LIKE TO COMMEND THE RULES AND ORDER COMMITTEE CHAIRMEN, D. BENNETT MAZUR FOR CALLING THIS PUBLIC HEARING. ALTHOUGH THE ASSEMBLY RULES FOR THE MOST PART ARE STRUCTURED TO GOVERN THE INTERNAL WORKINGS OF THE LEGISLATURE, IT GOES WITHOUT SAYING THAT THE PROCEDURES WHICH GUIDE THE OPERATION OF THE LEGISLATURE HAVE IN MANY CASES MORE INFLUENCE ON WHAT BECOMES THE LAW AND POLICY OF THIS STATE THAN ANY OTHER FACTOR. OF COURSE, ANY REFORMS PROPOSED TO THESE RULES MUST RECOGNIZE THIS SIGNIFICANCE.

AN IMPORTANT REALITY OF THE LEGISLATIVE PROCESS MUST FIRST BE RECOGNIZED BEFORE I HIGHLIGHT POSSIBLE RULE CHANGES WHICH I WILL BE PROPOSING ON BEHALF OF THE MINORITY PARTY.

THE MAJORITY PARTY IN THE LEGISLATURE CONTROLS THE FLOW OF LEGISLATION AND SETS THE AGENDA FOR THE GENERAL ASSEMBLY. THE ADHERENCE OF THE PARTY IN POWER, THE PROCEDURE, AND THE FAIR TREATMENT OF THE RULES WILL DETERMINE WHETHER THE LEGISLATURE WILL OPERATE ORDERLY OR BE CHAOTIC.

ANY EFFORTS FOR TRUE REFORM MUST BE JUDGED AGAINST THESE REALITIES. RULES ARE MEANINGLESS IF THEY ARE NOT COMPLIED WITH EVERY TIME IN ~~AN~~ ^A EVEN-HANDED WAY.

IT IS IMPORTANT AT THIS POINT TO NOTE THAT ANY SUGGESTIONS WHICH I MAY MAKE OR THAT THE MINORITY PARTY MAY PROPOSE CONCERNING PROCEDURES WILL UNFORTUNATELY HAVE POLITICAL OVERTONES. YET, IT IS SURPRISING THAT

IF WE LOOK BEYOND THE CURRENT POLITICAL CIRCUMSTANCES OF THE DAY, SUCH AS WHICH PARTY IS IN POWER OR WHAT IS THE PARTY AFFILIATION OF THE GOVERNOR, OR WHAT ARE THE PARTICULAR STRENGTHS OR WEAKNESSES OF THE PRESIDING OFFICERS OF THE LEGISLATURE, MANY OF THE ISSUES WHICH SEEM HIGHLY PARTISAN REALLY ARE NOT. LET ME UNDERSCORE THAT IN ATTEMPTING TO MAKE MEANINGFUL REFORM TO LEGISLATIVE PROCEDURES, WE MUST AVOID THE TEMPTATION TO JUDGE THE ULTIMATE MERIT OF AN ISSUE ON THE BASIS OF PRESENT POLITICAL NUANCES.

SPECIFICALLY, I WILL BE PROPOSING ON BEHALF OF THE MINORITY NUMEROUS RULE CHANGES. THE THREAD THAT RUNS THROUGHOUT THESE PROPOSALS IS ORDER AND PREDICTABILITY. LET ME QUICKLY SUMMARIZE WHAT I WILL SUGGEST:

1. SCHEDULING THE FLOW OF LEGISLATION IS THE PREROGATIVE OF THE ASSEMBLY SPEAKER, WHO IS USUALLY A MEMBER OF THE MAJORITY PARTY, AND ANY REFORM OF THAT FLOW MUST RECOGNIZE THIS PRINCIPLE. HOWEVER, WE ARE OF ONLY A FEW STATES WHICH DOES NOT CALL BILLS IN SOME TYPE OF UNDERSTANDABLE ORDER. I WILL BE SUGGESTING CHANGES IN THIS INTERFERING WITH THE REASONABLE PREROGATIVES OF THE SPEAKER.
2. SESSION DAYS IN TRENTON ARE VERY HECTIC, WITH COMMITTEE MEETINGS IN THE MORNING, PARTY MEETINGS AROUND NOON, AND A SESSION THROUGHOUT THE AFTERNOON AND OFTEN INTO THE EVENING. THE FLOW OF THIS PROCESS SHOULD BE A SMOOTH ONE. IT OFTEN IS NOT. ALTHOUGH THERE ARE NO EASY SOLUTIONS TO THIS PROBLEM, ONE POSSIBLE ANSWER WOULD BE TO REORIENT COMMITTEE SCHEDULING AND TO STRICTLY ENFORCE THE LIMIT ON THE NUMBER OF BILLS

CONSIDERED BY COMMITTEES OR DURING EACH SESSION. A SIMILAR RULE PROMOTING LEGISLATIVE EFFICIENCY WILL BE TO LIMIT THE TIME PERIOD FOR VOTES OR ROLL CALLS TO 20 MINUTES.

3. ANOTHER AREA WHICH DESERVES CLOSE REVIEW IS THE PROPER USE OF SESSION DAY TIME FOR CEREMONIAL AND OTHER ROUTINE EVENTS. SUGGESTIONS HAVE BEEN MADE TO REORGANIZE MEETINGS TO ALLOW FOR SUCH EVENTS OUTSIDE THE SESSION SCHEDULE. I WILL LIKEWISE BE ENDORSING THIS CHANGE.
4. I WILL ALSO BE PROPOSING THAT ALL COMMITTEE MEETINGS AND ASSEMBLY SESSIONS BE SUBJECT TO THE OPEN PUBLIC MEETINGS ACT.
5. IN ADDITION, I THINK IT IS ESSENTIAL THAT THIS COMMITTEE AND THE OTHER STANDING ADMINISTRATIVE COMMITTEE, THE WAYS AND MEANS COMMITTEE MEET ON A REGULAR BASIS. THIS HAS NOT OCCURRED IN THE PAST FEW YEARS AND MUST BE CHANGED.
6. FINALLY, I WILL BE PROPOSING NUMEROUS CHANGES WHICH CLARIFY THE PROVISIONS OF OUR RULES AND THEREBY WILL LIMIT THE POSSIBILITY FOR VARYING INTERPRETATION AND ENHANCE THE FAIR OPERATION OF THE PROCESS.

I SHOULD ALSO NOTE THAT THIS COMMITTEE HAS ALREADY RECOMMENDED ADOPTION OF A RULE CHANGE REQUIRING ALL COMMITTEE AMENDMENTS TO BE IN WRITING BEFORE THEY CAN BE VOTED ON. THIS WILL GREATLY ASSIST IN ASSURING THE INTEGRITY OF THE LEGISLATIVE PROCESS.

AT THIS TIME, LET ME STOP AND GIVE THE INTERESTED PUBLIC AN OPPORTUNITY TO SPEAK.