

P U B L I C   H E A R I N G

before

Committee on State Government  
of the General Assembly

on

Assembly Bill No. 163 [increasing compensation  
of members of the Legislature provided a change  
to a Unicameral Legislature is effected.]

Held:  
June 25, 1969  
Assembly Chamber  
State House  
Trenton, New Jersey

Member of Committee present:

Assemblyman Walter L. Smith,  
Chairman

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ASSEMBLYMAN WALTER L. SMITH, JR. (Chairman): The public hearing on Assembly Bill 163 is now open.

The bill is entitled: "An Act fixing the annual compensation of members of the Legislature and providing for the payment of an additional allowance to the Speaker thereof, and repealing 'An Act fixing the annual compensation of members of the Senate and General Assembly and providing for the payment thereof and for the payment of an additional allowance to the President of the Senate and the Speaker of the General Assembly.'" The bill is sponsored by Assemblymen Wilentz, Fay, Moraites and Black.

Assemblyman Wilentz, do you want to give your statement now?

R O B E R T     N.     W I L E N T Z: First of all, Mr. Chairman, I want to personally thank you for your courtesy and kindness in holding this hearing. Most of us are realists about these matters and there seems to be a very strong feeling among those in public office that this kind of amendment doesn't have very much of a chance of passage at this point. I had better not prejudge it but this is the sentiment as I understand it. So, in view of that sentiment, I doubly appreciate your willingness to put this bill up for a public hearing.

The Bill which would provide a salary of \$20,000 a year for Legislators, 45 Legislators making up a unicameral legislature, is dependent, as you will note, upon the adoption of a constitutional amendment that would provide being unicameral.



I would like to make it clear that I had previously written to the Chairman indicating my belief that the \$20,000 figure was insufficient and requesting the Committee to amend it to \$30,000. I simply mention that to indicate what my present position is on the matter.

By way of procedure and just by way of advising the Chairman, I understand that Mr. Joel Jacobson will be here this afternoon, he hopes to arrive around 1 o'clock. There are two members of the League of Women Voters in the audience who wish to speak on the Bill and Mrs. Murray has asked if she might be put on this morning. I also understand that former Senator Parsekian will want to testify on this Bill.

The statement that I am about to give is concurred in, in substance but not in detail, by my colleague from Middlesex County Jack Fay, one of the sponsors of the Bill.

By and large New Jersey does not have a legislature. We do not have a deliberative law-making body that carefully designs policy. We do not have a deliberative law-making body that carefully reviews policy. What we do have is a hit and miss affair whose performance is predestined to be poor because of lack of time and lack of staff. What we have is a disjointed collection of individuals making up a body whose only coherence - whenever there is any - is derived from a leadership selected in approximately the same manner, and having about the same tenure, as that of local service organizations. We are dominated by the executive - regardless of party - whose knowledge, staff, and time spent on the job overwhelm us. Considering our pitiful



resources, and the resulting pitiful performance, thank God we are dominated. Our review of executive originated legislation is usually done best when we do least, thereby minimizing the damage inflicted on the original product, and when we venture into areas uncharted by the executive the results are usually bad. The best test of our performance over the years is the almost universal contempt in which we are held by the executive, the judiciary, and by ourselves;- I mean as an institution, not as men - as well as by all others who have observed us closely.

So that I will not be misunderstood, let me make it clear that my comments today have absolutely nothing to do with party. Nor are they intended as any reflection on the quality of the men now serving or who previously served in the legislature, which quality has by and large been very good. Their motives have been good, their courage has been about as much as one might expect from those who must stand for re-election and some have made a sincere attempt - especially the leadership - to formulate policy and to review executive proposals. Unquestionably at rare times we do perform well, and when the leadership is unusually good the occasions are not so rare. The point to which this bill is addressed is not the men, but the structure of the institution, and the conditions under which the men work.

The premise of this bill is that what we find in our legislature is institutionalized in competence, strengthened by tradition. If I am wrong about that, I would not advocate these changes. I have too much respect for fundamental



political institutions, and too little faith in my own, or anyone else's, ability to advocate radical changes in such institutions when they are performing well. If I believed that to be the case, I would be satisfied simply with much greater staff support and some reform of our procedures, both of which are needed in any event.

The premise of this bill is that we are performing very poorly. Other than reciting in detail the history of the Legislature over the past 50 years, it is not a simple premise to prove. Legislators rarely admit it publicly, but if you speak to intelligent and knowledgeable people who visit the Legislature, worse yet, deal with it, for the first time their reaction is most revealing. They are horrified, unanimously and without qualification. They cannot believe that the business of this great state is entrusted to this disorganized body whose members rarely know what they're doing and often don't know what they're voting on. Lobbyists and veteran legislators are not similarly upset, but not because they have any better understanding of the merits of the institution, but rather because they are used to it. They do not expect anything better and have forgotten how bad it is. Speak privately to relatively new Legislators. - almost to a man they condemn the institution. And if they had but one wish, it would be to have more time to devote to their job. Speak to the men in Law Revision and Legislative Research, speak to the Counsel, to past and present Governors, and to the Governors themselves, to all of the many capable groups who constantly deal with us about



legislation in which they are interested, speak to the Press. I would be surprised if their private views do not coincide with those expressed in this statement.

What about programs? Of the programs passed in the last ten years how many have come out of the Legislature? And of the programs proposed by the administration, how much change, how much improvement has been effected by the Legislature? What substantial changes - for the better - have we made in budgets that have been submitted to us over those years? What has been the Legislature's contribution to solution of the jetport problem, meadowlands, urban problems, tax reform; I suggest that what we have done in these areas is simply to respond to executive leadership, to executive initiative, and often later than we should have.

When we want information, where do we go? To the executive. Or to Law Revision and Legislative Services who often go to the Executive themselves. Where do we often go for legislation? To the Executive. Who explains bills before us? On both sides of the aisle? The Executive. At a time when federal programs and federal aid are critical, which Legislator, which Legislative Committee, has even a workable knowledge of the subject? None, absolutely none. We get it from the Executive. The information that we do not get from the Executive we often get from the lobbyists, for better or for worse. As a matter of fact, if there is any one aspect of a bill as to which we can claim some expertise, it is its political impact.

Our committee system is, by and large, a joke. At best it screens bills after a cursory discussion, and at worst it amounts to nothing. Our committee hearings are usually superficial. We pass a multitude of bad bills without consideration, and fail to consider many good ones. We adjourn with much business left undone and more botched up after usual--and perhaps unavoidable--last-minute rush.

This is my view of our performance. It is in no way intended as a criticism of our excellent legislative staff. That staff is pathetically small for the job given to it, and considering that limitation, it does a superb job.

If indeed the Legislature is so bad, why have we allowed it to go on this way so long? I think the answer is that we just don't believe in the Legislature anymore. It's lost its credibility as a meaningful participant in government, here and elsewhere, as a source of policy, as a formulator of coherent integrated programs, even as a meaningful <sup>re</sup>viewer of the executive. Having lost faith in the institution itself, we seem to see no reason to try to improve it. Some of the objections to a full-time legislature, I believe, are based on this lack of faith. Those who insist that it is desirable that we remain primarily citizens attached to our own affairs really mean that they think it more important that we be professionals in our private life even if that means we are amateurs in our public life. Those who fear that full-timers would begin to ask questions about administration really believe that no legislature could really improve the administrative pro-



cess. And those who say there isn't enough to do to warrant full-time service mean that they are satisfied with our present performance, which means that they have lost faith in the Legislature as an institution. The press is more charitable. They suggest only that we eliminate the last day of our session. And, in the opinion of one reporter at least, we serve the health, welfare, safety, and morals of the State best when we adjourn.

I believe in the Legislature, I believe it should have the capability of reviewing executive programs and budgets carefully and intelligently; I believe that except for a true emergency, no bill--none--should be voted on without careful committee consideration and after full hearings. I believe the Legislature should have the capacity for originating programs, for designing innovative approaches, and for formulating a coherent policy for the State. I believe the Legislature should be and can be an effective vehicle to interpret the needs of the people and, just as important, that individual legislators can interpret the needs of the State to the people. Today, we have none of this.

Radical legislative improvement now is of critical importance. We have lived so long with an ineffective legislature that we seem to think that there is no great risk in allowing it to remain so. But the rules of the game have changed. Ours is obviously an age of unprecedented crisis and change involving the potential disintegration of society. Government is expected to, and will, act to affect practically every condition of our life. Race relations, urban decay, the application of vastly increased federal aid,

rationalization of transportation, regional planning, revolutionary municipal reorganization, tax reform, we face all of these in spades in New Jersey and soon, instead of spending 1.3 billion per year, we will be spending two billion. It is essential that we do the job well and spend the money wisely. The quality of life in this State for many years to come may depend on how wisely our legislature acts over the next decade. And the survival of state and local government as something more than formal institutions or mere conduits is also at stake.

Obviously, this bill alone will not remedy our legislative deficiencies. Increased staff and improved procedures are essential. The more staff you have, however, the more time you need, and all the staff on earth will not inform a legislator who does not have time to master the general area of study, to say nothing of the staff report, who doesn't have time to attend the hearings arranged by the staff, and who hasn't mastered the subject matter sufficiently to ask the right questions.

The legislation before you is based on some very simple propositions. Our problems are becoming increasingly complex, and government at the state level is becoming increasingly involved in every one of those problems. It takes time to learn something about them, time to learn of the factual background, of the legal background, it takes time to study someone else's proposals and time to devise your own; and it takes time to learn what other states and <sup>the</sup> federal government have been doing in the area. It takes time to fully exchange views with other legislators and



with the people, and time to attend hearings and to sift out evidence. And it takes time to do all of this competently just for one subject matter, and to have passable knowledge in many others. Unless you spend this time--and unless a substantial number of your colleagues also do--you cannot deliberate rationally, you cannot pass on policy, design programs, or vote rationally. The brightest man is ineffective without the facts. At the heart of this proposal is the not too surprising proposition that the best legislature is that which is deliberative and rational. We can be neither on the time we spend now. We need full time.

The objections to a full-time legislature have one thing in common. The disadvantages are simply not weighed against the obvious advantages of full-time service. Admitting the lack of perfection, what conceivably better way is there to assure a competent legislature than to give us more time to do our job?

There are some who are concerned that we will have nothing to do when the Legislature is out of session. My response to them is that we have less to fear from full-time legislators who may not work when the Legislature is out of session than from part-timers who don't work when it is in session. More directly, however, I would answer that those who make that objection have settled for the limited legislative function that now obtains. Others fear that since the salary would be raised to \$20,000, or perhaps \$30,000, hacks might be unduly attracted to the job. That's possible, as it is now. I believe that the

increased salary would have its usual effect, namely, of attracting many more people to the position, including those many young people who would like to make public service their life's work, and perhaps including some executives who formerly would not have considered such a position. I believe our electorate is not about to elect hacks at any salary, those days are gone forever--I hope-- and certainly not if the salary is in the \$20,000 to \$30,000 year bracket. But I make no claim that this proposal will greatly improve the quality of the men who serve in the Legislature. I would be quite happy with the present quality, for I think allowing them to serve full time would result, in an of itself, in a vast improvement in legislative performance.

Some fear that full-timers will lose touch with the public, they'll become so professional. That won't last long, for they will shortly be voted out of office if they do. A full-time Legislature does not guarantee against the turnover of personnel. But our most distinguished public officials, United States Senators, and the President of the United States himself, in the past have long records of continuous public service and no one has suggested that this disqualifies them.

Perhaps the most pointed objection is that if you require full-time service, even at \$30,000 a year, a great many capable men who might be willing to serve now will not be willing to do so if it involves giving up their present employment. The uncertainties of the political future



are too great, or so it is said. There was, however, no difficulty in finding congressional candidates at that salary. I would imagine most of our present Legislators would be willing to serve. And so would many men who are now unwilling to. And if this becomes, as I believe it would under a full-time unicameral legislature, a position of status and importance, which it is not now, again the enormous talent of the young will be attracted to this Legislature. Furthermore, there are many men who are willing to change positions at the managerial level without any assurance of tenure. But it is a problem and the main answer to the objection is that the over-all effect of the proposition, despite this potential shortcoming, would be, in my opinion, a vast improvement over our present system. Certainly, substantial improvement in the pension plan for legislators would have to be instituted, and I mean the retirement plan. In the last analysis, if this Committee deems it an important objection, then eliminate the full-time requirement, provide a \$30,000 a year salary, and let the people decide whether or not their representative is giving sufficient time to the job.

Some believe that a full-time Legislature will have no effect for, in their opinion, the results of the legislative process are purely and simply politically determined. Certainly, political forces are important, but it has been my experience that just as important is the knowledge of the Legislator, and the combined knowledge of the body.

This measure will do what I think we all want to do, it will give competent people who want to devote full time to legislative duties the opportunity to do so. It will give New Jersey the opportunity to have them. And if you examine the list of legislators generally regarded as most effective and competent, the factor common to all is not intelligence, not background, not education, but time devoted to the job and, unfortunately I don't have this included in the statement, financial ability to devote the time to the job, independent of the salary that the State provides.

It is most difficult for me to understand why, when it comes to the business of passing laws, we are afraid of having men who know what they are doing. We want our lawyers to be full-time when we go to see a lawyer, we want our engineers to be full-timers, we don't go to part-time doctors. Even some of our dogcatchers work full time at that job. Why not our Legislators? What have we got to lose?

That's my prepared statement, Mr. Chairman. I have some things that I would like to introduce beyond that but you are the judge of time and schedule so I will abide by your wishes, of course.

ASSEMBLYMAN SMITH: You may have all the time you want, Assemblyman Wilentz.

The only thing I can say is that your experience is probably a little bit more disheartening than mine. The only consolation I get from your statement is that you probably have as many problems in the Democrat conference

as we have in the Republican conference.

ASSEMBLYMAN WILENTZ: I haven't been to your conference, Mr. Chairman, but, if that's true, I feel sorry for you.

ASSEMBLYMAN SMITH: You can feel sorry.

ASSEMBLYMAN WILENTZ: I want to make it clear that the idea of Legislators serving full time or at least getting a salary that enables them to serve nearly full time is very far from a revolutionary idea. An article in the Christian Science Monitor, which unfortunately I do not have the date of but I will be glad to make it available - referring to a recent amendment to the Constitution in California, not so recent, but as the writer states, "It turned the State Assembly and Senate into full-time bodies and made California Legislators among the highest paid of any in the Country, \$16,000 a year with liberal expenses and it augmented their power to stock legislative offices and committees with big sophisticated staffs."

"There is now apparently in California," and again I quote the writer, "the widely shared view that most of the policymaking, most of the innovating California government now comes not from the Governor but from the Legislature."

And as the Assembly Republican Minority Leader states: "At the present time most of the new concepts originate out of the Legislature rather than the Executive."

And I would ascribe some cause and effect to those



situations, the cause being the fact that they apparently allow their legislators to serve full time.

As to the number of people that will be attracted by the \$30,000 salary, my understanding is that as of 1967 3.1% of New Jersey household incomes were over \$25,000. So I assume there are very few men, considerably less than 3.1%, who earn that kind of money.

Giving some further indication, Mr. Chairman, of what the effect is of the fact that we are part-timers, I think that the number of public hearings that are held on bills are not indicative of the fact that the Legislature doesn't want to hold public hearings, nor indicative of the fact that there are so few bills that warrant public hearings, but simply indicative of the fact that people don't have the time to come to public hearings. And I simply point out what is obvious to all of us today, whatever the reasons may be, the other men on your Committee I assume for one reason or another can't be here.

In 1966, of 373 bills that passed both houses, 16 had public hearings, less than 5%. In 1967, of 357 bills that passed both houses, 12 had public hearings, less than 4%. In 1968, of 625 bills that passed both houses, 20 had public hearings, less than 4%. And this year, to date, we have passed 309 bills and 28 have had public hearings, a considerable increase, less than 9% however.

These are figures supplied to me, at my request, by Law Revision and Legislative Services. They are subject to certain qualifications due to difficulties in obtaining

the exact information but I would say this is substantially the information that is relevant here.

What kind of deliberation is that on the bills before us? And it's interesting to note that as far as attendance is concerned, well I won't say that today is typical, it isn't, but measuring, as well as I could, through someone who tried to help me dig out this information, over the past five years the attendance at Committee hearings, - let's assume the Committee hearing percentages are about the same as I indicated over the last four years, running between 4% and 5% or less than 9%, the attendance at those paulltry number of Committee hearings is less than 50%. And I don't think that figure surprises any Legislator who has attended public hearings.

ASSEMBLYMAN SMITH: We are contributing well to that figure today.

ASSEMBLYMAN WILENTZ: There is a contribution to that average.

ASSEMBLYMAN SMITH: How many of those bills were the result of these hundreds of study commissions that we put into being?

ASSEMBLYMAN WILENTZ: Are you referring to this year, Mr. Chairman? I don't have the information.

ASSEMBLYMAN SMITH: We have hundreds of study commissions.

ASSEMBLYMAN WILENTZ: I think that's a very proper observation on your point and I don't have that information built into these figures, but I really don't believe it

would effect it.

I would like to call the Chairman's attention to the fact Duane Lockhart who was a former Connecticut State Senator and now Professor of Politics at Princeton and Director of the Undergraduate Program at the Woodrow Wilson School, indicated in a paper delivered on behalf of Eagleton Institute, one of its competitors, I suppose, the conclusion in his opinion that to handle the scope of legislative duties adequately today is not a part-time but a full-time job.

I just don't want to be all alone in this, Mr. Chairman, and I don't think I am. A Special Commission on Legislative Compensation of the State of Michigan took a survey of the Michigan Legislators.- 96% of the Michigan Legislators answering the questionnaire said that they felt that the job of a State Legislator was a full-time job. And I don't think it's so much more complicated in Michigan than it is here. And the Commission's conclusion was "The position is a full-time responsibility. Few legislators can do justice both to their legislative responsibilities and to other jobs," then they recommended an increase in salary to \$15,000 and based it on that particular finding.

It's not the dollars that I'm interested in at this point so much as the conclusion as to the full-time nature of the position.

The notion that low pay will bring in the citizen-legislator that will give us a fine cross-section of



society in our legislative chambers is not concurred in by a study by the Citizens Conference on State Legislatures, entitled Compensation to Legislators in the Fifty States. Their conclusion is that, "Low pay does not bring into the Legislature representatives from a cross-section of society; in fact, low pay alienates many possible candidates for legislative office who cannot afford to lose the time from their active careers without adequate compensation."

And on page 17 of the same report, "Another explanation for the relationship between the aforementioned factors and legislative pay may be seen in the greater need for full-time well-qualified legislators in those states with large, highly complex and diversified industrial economy." And I would think that describes New Jersey fairly well.

This is a study of a group that makes it its business to study legislatures.

I would like to present or rather read into the record, Mr. Chairman, a letter which I received from Congressman Helstoski:

"Thank you for your letter of June 5. I support the concept for a full-time unicameral legislature . Unfortunately, time does not permit my setting forth testimony in support of this proposal. You probably can well realize the backlog of work that I have in my Congressional office due to my being back in the District this past month campaigning. I am on record, of course, as you know, in support of this proposal to which I testified during the recent Commission hearings. I

hope this will prove helpful to you."

A statement about the level of legislative compensation from the Council of State Governments in a booklet entitled "American State Legislatures in Mid-20th Century," the final report of the Committee on Legislative Processes and Procedures of the National Legislative Conference Concerning Compensation: "With respect to salaries of legislators and adequate compensation which permits them to devote as much time as is necessary to legislative duties both during and between sessions, as pointed out before these duties are not in mid-20th century such that they can be forgotten or ignored when the regular session adjourns sine die. The contribution of the individual legislator must be measured more and more by his thoughtful participation in interim study activities which are essential preliminaries to policy positions which the next session is going to consider in bill form. Relative to the same point, it is one of the justifiable boasts of American State Legislatures that the members are drawn from a great many walks of life. This is compatible both with the basic assumptions and aspirations of a democratic system and with the ever-increasing interests which are involved in problems coming before the Legislature for solution. The levels of legislative compensation, accordingly, should not be such as to preclude able people who lack private means from serving in the legislature because of financial sacrifice involved, or to force such people to find supplemental income from private interest

groups or individuals."

And on the issue of the full-time legislature, one last reference, - well, it's an obvious reference that low salaries undermine efforts to professionalize the legislature.

I think it's obvious that the conflicts of interest question is involved to some extent here, Mr. Chairman, obviously to the extent that if the salary that the State pays the legislators justifiably can command full-time service, it will be that much easier for the legislature to adopt a conflicts bill which is perhaps more meaningful than the one that we have adopted.

There has been indicated support for this concept of full-time legislators by the Speaker of the California Assembly, Mr. Jesse Unruh.

I have here a letter which I gather was sent to you by Mr. Hertzberg of Eagleton indicating opposition to unicameral but support, I believe, for the general proposition that there should be a dramatic and substantial raise in salary in order to encourage men to devote sufficient time. And there has been also some press support for the proposition of a full-time unicameral. I think the Asbury Park Press, the Newark Star Ledger, and the Trenton Times have taken a position in its favor.

If I might, Mr. Chairman, I have gone for a very long time, - I have things I want to say about the unicameral but I would prefer, if it suits your convenience, that you call other witnesses and if there is something that I would

like to say later about the unicameral, if you would permit me to, I would appreciate that.

ASSEMBLYMAN SMITH: Yes, Assemblyman Wilentz. Thank you very much.

The Chair has only one observation to make. You appear to be the antithesis of your averments. You were well prepared today, you appear to be well prepared when you speak for or against a bill on the floor and yet you are a very busy person. You are not an example of what you're averring.

ASSEMBLYMAN WILENTZ: I think I am a good example of it, Mr. Chairman, not that I think that it is really important whether I am or am not because the exceptions never prove the rule.

I am fortunate in that I was elected at a time when I was a member of a very large law firm. Now that law firm was willing to carry me, in effect, even though I devoted practically all of my time to legislative activities. So, in a sense, I think I prove the proposition. It was because of my luck, the luck of my own financial situation, that I was able to give it the time that I did. And there are many, many other legislators who could do a much, much better job than they do now if only the State would provide them with the means to give it the time instead of trusting to luck that someone is going to get elected who, by some coincidence, can give this job the time that it needs.

ASSEMBLYMAN SMITH: Well, the State benefits from



your law firm.

ASSEMBLYMAN WILENTZ: In that sense, you're absolutely correct.

ASSEMBLYMAN SMITH: Doesn't it benefit from other circumstances?

ASSEMBLYMAN WILENTZ: Some people have said that our law firm benefits from the State.

ASSEMBLYMAN SMITH: Okeh, thank you, Assemblyman. Senator Parsekian.

N E D J. P A R S E K I A N: Thank you very much for the courtesy of calling me at this time.

I received a letter from Mr. Wilentz on June 6th inviting me to testify at these hearings and I was very happy to accept as someone who has worked at the scene in Trenton for some years in the Executive Branch and in the Senate for one term, and I had the opportunity, Mr. Chairman, of seeing the legislative process at work from those two vantage points.

I came to testify in favor of the unicameral concept and with a smaller legislature than we have today.

I don't believe that the states have the same basic reason to adopt a bicameral as does the Federal system, after which it was patterned. Obviously, the Federal system was devised in order to balance the power of the states in one of the Houses with their two senators in equal voice at the national level and we don't have that problem here, so that that basic need is obviated. But there are several disadvantages to the system as it exists

and Mr. Wilentz was very astute in outlining them.

I must back up what he said about the need for more attention to work in the Legislature, in spite of the desire of those, my colleagues when I was there, who wanted very much to be aware of all of the intricacies of important legislation but they simply did not have neither the time to devote to the bills that was required of the bills nor the staff allotted to them by the State of New Jersey to properly analyze the material presented, and very often votes were cast by members of the Legislature who had not even had the opportunity to read, let alone study, the bills that they had to make a decision on and it was almost an intuitive reaction rather than a considered one which they themselves felt was unfair to the propositions presented.

There is a need today, of course, for more, not less, legislative initiative at a time when government is expanding in scope and with its intrusion on all sectors of our private lives, we would need more attention to the legislative duties to insure that the great number of important pieces of legislation that come through the body are properly considered.

Just driving down the shoreline here to the State House and I observed, this morning, the tremendous number of office buildings that have been built in the last ten years to service a growing government. Who is to properly evaluate what's being done in state government and what is the legislator's role in that operation? I

think the salaries paid and the time allotted for a study of legislative problems is vastly less than should be allotted.

I don't believe you can expect citizens to, for a token payment per year, devote the amount of time that ought to be devoted to the problems presented. It's unfair to them and unfair to the State.

If we want to spend that same amount of money as we spend today, it can be better spent on a smaller body and with one House and the money saved in salaries to many could be devoted to adequate salaries for a few with a research staff which is desperately needed.

Too often, I found as a Senator that the Legislative Branch was almost completely dependent on the Executive Branch for initiative and for analysis of measures that ought to have been analyzed or initiated by the Legislature itself. Perhaps they were fortunate in having that assistance, they needed it, but it destroys the concept of a balance of departments, one against the other, and a fresh vantage point from which to analyze bills.

At the hearings, as has been said by Mr. Wilentz earlier, there is usually poor attendance, not, I don't believe, because of a lack of concern, just a lack of opportunity on the part of the Legislators, individually, to devote additional days per week to the hearings. I can recall convening hearings on a bill on witness' immunity in 1967 and 1967 and no Assemblymen or Senators having an opportunity to come in and discuss what was a very important

measure to the State and in which they were interested. I don't think their lack of attendance was anything except the lack of opportunity for them, unfair to them not to have had that chance. They didn't have the chance to have a research staff study the measures and present them with the technical problems involved. The Legislature had to go to the Executive to get additional information or to answer questions which they had on that important measure and if it weren't forthcoming then the measure just waits to another year perhaps, which was the case then.

Then, too, the lack of continuity is a great disadvantage to those expected to properly legislate. The return, at best, every Monday and at times with gaps of several weeks, means that materials in which they were interested in studying in one session are forgotten upon their return and with little assistance from research staffs in between. The staff allotted happens to be an excellent one of devoted and hard-working individuals but they are woefully lacking in assistants and in technical library facilities that they ought to have.

I know that in the State of New York Senator Ed Spino has, for years, been attempting to build a greater initiative in his legislature and in legislatures throughout the country, recognizing, as he does, the fact that legislators depend upon the executive branch for their information and for their programs. But his concern is interesting in that New York has incomparably more



facilities for their legislators than we do in New Jersey. And when students of legislators and legislatures from other states view the scene here they are met with a surprise that New Jersey gives so little assistance to its legislators in staff, committee hearing rooms, technical libraries, and the many things they need to do their job properly. So that, on a comparative scale, we are far short of what is provided in any other industrial state in the nation.

So for these and many other reasons that have been presented and that will be presented, I would like, as a former Legislator and a former member of the Executive Department, to express my opinion that the unicameral legislature should be considered for adoption in New Jersey; that the salaries for legislators should be sharply increased; that the sessions should have continuity in time; that the Legislators should have the benefit of a greater number in staff and technical advice; that its library facilities on technical subjects should be increased, subjects that are of interest to today's New Jersey, such as planning and crime, and so on, the current issues. They don't have the opportunity of having that information. And I do think that it is unfair to the Legislators themselves and to the State, that it's a false economy to underpay public officials and to understaff facilities given to them.

Thank you very much for the opportunity to testify.

ASSEMBLYMAN SMITH: Thank you very much, Senator.

Mrs. Robert Murray.

MRS. R O B E R T B. M U R R A Y: Good morning, Mr. Chairman. I am Mrs. Robert Bentley Murray a director of the League of Women Voters of New Jersey, and with me is Mrs. Howard Lavine. The League has 92 local Leagues and just over 10,000 members in New Jersey.

We are most happy to be able to testify at this hearing concerned with efforts to improve the legislative process. We are aware, as we are sure you are, that state legislatures nationwide are attempting to become more effective organs of government. While the "one man - one vote" decision has affected the manner in which we select our lawmakers, internally, the legislatures remain basically unchanged. The mechanical inability of state legislatures to keep up with the rapidly increasing demands of the twentieth century, coupled with problems which are not only enormous but incredibly complex, dictates that swift measures be taken.

Prior to the 1966 Constitutional Convention, League members expressed a preference for a bicameral legislature. In the past two years we have been involved in an extensive study of New Jersey's legislative procedures and we feel strongly there are major improvements not requiring constitutional amendments, which could be instituted in the present system to enable the legislature to play a more vital role in the state government.

It is the opinion of the League that the Legislature is now inadequately staffed, equipped and housed and that it does not meet frequently enough during the legislative year to permit thorough consideration of bills, nor to engage in long-range program and policy planning. A part-time Legislature must have able assistance if it is to deal realistically and forcefully with the manifold problems of this urban state.

The League believes that the Legislature has an obligation to provide more information about its activities to the public. Other areas of major concern are ethical standards, the control of lobbying, and the improvement of the committee system.

It is obvious that on paper, New Jersey has an ideal committee system - the committees are few in number, they are the same in both houses, they are of manageable size, etc. However, it is apparent that the effectiveness of these committees has been curtailed by the decision making in the party caucus. A change which would allow passage of a bill to the floor by a significant representation, yet not necessarily a majority, of the legislators, would be a marked improvement, and certainly improve the flow of legislation.

Specifically, we recommend the committee system be strengthened by:

1. staffing the standing committees with professional research personnel
2. providing space, facilities and time for regular committee meetings
3. relying on the standing committees rather than the majority party caucus to make decisions on bringing bills out of committee

We recognize the efforts toward increased effectiveness being made by some of the committees, such as the Appropriations Committee, and the committee on Agriculture, Conservation, and Natural Resources, and we also heartily endorse the practice of joint committee studies which have been conducted during interl periods and hope these efforts will continue and increase.

To even the most casual, naive, observer of the Legislature, one obvious area for improvement is the urgent need for more space for legislators' offices, for committee rooms and for the Legislative Services Agency. The chaotic state of the chambers and halls of the State House make the passage of any legislation at all seem a victory over incredible odds. This victory, however, does have its price.

It manifests itself in legislation which has not been thoroughly researched, except, perhaps through the efforts of a lobbyist who may happen to be the only source of material available to an under-staffed legislator, and often at the time of vote, in the adoption of one form of legislation without consideration of others, etc. All this tends to weaken the legislative branch and leads to its domination by the executive branch. The Legislature has the means by which it can reinstate itself as a strong branch. It must simply gather the determination. The passage of the new building plans is an excellent beginning. Effort now must be made to gather momentum and prod its progress. It can not come too soon.

It is hoped that in conjunction with efforts to improve facilities efforts would be made to increase the meetings of the Legislature to permit thorough consideration of bills by committees and to allow time for floor debate. Pay for legislators should be increased to compensate for greater loss of time from their regular professions. Please note, the League supports increased salaries commensurate with increased time and effort on the job.

We have focused our attention on three areas in which we feel changes could increase the effectiveness of our Legislature; a strengthening of the committee system, an improvement of facilities, and an increase in salary commensurate with an increase in responsibility.

Members of the League of Women Voters of New Jersey believe that the New Jersey Legislature should be equipped, staffed and organized to enable it to conduct its business in an open, effective and efficient manner.

ASSEMBLYMAN SMITH: Thank you, Mrs. Murray.

Do you want to read a statement from Assemblyman Schluter into the record?

T H E R E S A G O E K E: Mr. Chairman, this is a prepared statement by Assemblyman William Schluter, District 6A, Mercer County.

We have before us a bill, A-163, which proposes several changes in the structure of the Assembly and the Senate. The net effect of these changes would be to establish a full-time legislature. It is this concept - that of full-time service - to which I will address my remarks, rather than to the intricate details of the changes proposed by the bill.

Is it of vital importance at this point in time to have a full-time Legislature? In my opinion, the answer is "yes". Two basic reasons lead to this conclusion: first, the Legislature is not the co-equal of the executive branch in our delicate balance of governmental power here in New Jersey. And second, legislators do not effectively perform their policy-making function if they are only superficially involved in the affairs of state government.



We are in a period of rapid change, with the state assuming many additional responsibilities. Certainly, the fact that New Jersey has always had part-time servants in the Legislature does not justify the continuance of this practice. In fact, New Jersey ranks near the top of all states in respect to various progressive reforms in the Legislative process.

But I believe that we can improve upon our present system. We have 7 million residents in our state. This figure represents considerable growth in recent years, whereas all of our sister states in the Northeast are increasing in population at a lesser rate. The scope of state expenditures is \$1.35 billion per year. Yet, when one considers that state laws regulate revenues at the municipal, school district, and county levels, we have a direct influence over more than \$3 billions in total spending.

My arguments in favor of full-time legislative service do not accept the notion that such a change will improve the caliber of our state representatives. Some of the more talented legislators who now serve on a part-time basis would probably decline to serve under the new system. On the other hand, we might expect that full-time positions with attractive salary considerations would attract an equal number of talented persons. So the net result would be the same. Where the state would benefit from full-time legislators is in the effort, seriousness, and time which these legislators would devote to their responsibilities.

What are some of the shortcomings of the present system?

-- The Legislature does not have the specialized expertise to contest or challenge the positions advanced by the Executive Division of

our state. Consequently, the Legislature does not fulfill its intended policy-making role in the balance of state governmental power.

-- Certain interests, including some lobbyists, take advantage of the present system to advance their causes. An example of this condition occurs in the hectic confusion of final, late-night sessions.

-- The committee system is not given adequate opportunity to function. It is necessary to have sufficient time for hearings and deliberations for our committees to properly discharge their duties. And this time is just not available with a part-time Legislature.

-- An increase in available space and the addition of staff will not correct the basic problem. We will still need more time and effort spent by our law-makers to utilize the space and to evaluate the findings of an enlarged staff.

-- The public-at-large is not getting a full and accurate picture of state problems -- more time for legislators to communicate with their constituents would improve this situation.

In short, we just do not have enough time to do all that has to be done. My calculations indicate that the Assembly will meet in session for only 24 days during 1969, hardly a strenuous schedule.

The advantages of full-time legislative service are being recognized by many leaders of government. The Honorable Jesse Unruh, minority leader and former speaker of the California Assembly, has this to say on the subject:

Many legislators have come to regard their lack of professionalism as a positive virtue. The concept of the part-time citizen-legislator is attractive to some practitioners of the art. It implies both an identification with the people and a selfless dedication to good government. But we ought to have the humility to see that the idea is also tinged with aristocratic arrogance. The machinery of modern government is too intricate to be run by dilettantes...

It is natural, then, that we begin to regard the legislature as a kind of exclusive club with unwritten rules and customs which all members respect,...The problem arises when this fraternal attitude becomes all-pervasive, and membership in the club becomes more important than membership in the legislature...

All of us committed to legislative reform start with a basic assumption. To meet today's problems, a legislature must have the tools to understand those problems, or at least have the same quality of implements which the other branches or levels of government which are charged with responsibility for settlements of those problems have available to them...

Closer to home, we have an editorial comment from the Trenton Sunday

Times Advertiser of June 22:

Why should the office of governor of a state command respect; the supreme court of a state command respect; but the legislature of a state be, too often, the butt of scornful jokes?

This is unfortunately the case in New Jersey. The New Jersey Legislature's low estate -- as third among "equals" -- is largely a product of its structure and operation.

It is made up of part-timers. They have inadequate staff help and few of them ever really master their job. There are too many of them and they are allocated between two houses, which interact on legislation in a way that is often times subtle and complex. As a result it is very hard for the public to ever have a clear mental picture of just "who" the Legislature is, or what it is doing...

On the other hand, full-time legislative service will bring many benefits to our state. Most important, the Legislature will be the co-equal of the executive branch, and will be able to exercise its true responsibility in the formulation of state policy.

Important state business which is conducted in the fall of the year will have legislative involvement under a full-time system. Examples of two areas where such a policy will help are in construction considerations and pre-budget review. As a member of the Appropriations Committee, I can visualize immediate benefits if the Legislature concerns itself directly with departmental budget hearings when much of the fiscal policy is

developed. Under present conditions, the Appropriations Committee has a very difficult time matching wits with the Bureau of the Budget experts who specialize in this field for the entire year.

As mentioned before, a stronger committee system would evolve from a full-time Legislature. Perhaps we could even expect more continuity in leadership positions and committee chairmanships. Under these conditions, legislators would develop expertise in specialized fields similar to the way it is done in the United States Congress.

It is obvious from my remarks that I support the specifics of Assembly Bill 163, as these specifics would implement a full-time Legislature. Increased salaries, fewer numbers of legislators, and unicameralism are all provisions worthy of consideration under this general proposition. Equally important, however, are the principles of individual member districts, four-year terms, and staggered elections where one-half of the Legislature is elected every second year.

In summary, I believe that the public expects a balanced government in New Jersey with the Legislature as a co-equal of the Executive and Judicial branches. The operation of our state is "big business" and demands that the policy-makers are on the job on a year-round basis.

ASSEMBLYMAN SMITH: Thank you very much.

MISS GOEKE: Thank you, Mr. Chairman.

ASSEMBLYMAN SMITH: Assemblyman Wilentz, I better say something in defense of the one-man practitioner. Since these Legislators are saying how little we work, I've been up here 3 or 4 days a week since January and it's just starting to taper off now; in fact, we're just getting time for some public hearings.

ASSEMBLYMAN SMITH: I will call Mr. Harold J. Ruvoldt, Jr.

H A R O L D J. R U V O L D T: I want to thank the Chairman for allowing me to come here today. At the outset I would like to say that I come primarily as an attorney who practices in the courts of this State and who has the more or less unfortunate task of dealing with some of the laws which the Legislature passes.

I would like to begin in a sense of history: In a letter to John Adams, dated February 28, 1796, Thomas Jefferson wrote "This I hope will be the age of experiments in government..." It is worth reflecting on the words of Jefferson, written some one hundred and seventy-three years ago, about the efforts of the Federal Constitutional Convention. His words should be an inspiration to us here today in the important task that we take up.

Let us fulfil Jefferson's hopes of an age of experiment in Government... Let us experiment.

At the present time the New Jersey Legislature meets for a total of thirty to forty sessions a year to take up the business of governing this State. The work involves some 2,000 bills. It is not difficult to imagine the limited attention that must be given each bill. If each legislative session consisted of 10 hours over the maximum of 40 sessions per year, if all of the time were devoted to actual debate, the average time allowed each bill would be 12 minutes. That is, of course, without allowing time for the noting of roll calls and other time-consuming procedures.



One such procedure is committee work, so necessary to effective government. Our Committee system is a most important function of the legislature. It affords interested parties an opportunity to air their views before members of the Legislature and it affords the legislature the assurance that those among their number most acquainted with the subject matter have had the opportunity to review the bill exhaustively. The committee system is to a great extent a shadow of what it should be in New Jersey. You know better than I how many of your brethren take an active part in making it work. The committee system serves as a means of bringing unknown facts and opinions to the attention of the Legislature as a whole so that the right judgments may be formed which will inure to the benefit of all of the people of this State. Hopefully you and I are now engaged in that right here and now.

If our legislature is to be an effective and deliberate body, if we are to escape from the need for delaying action on major programs due to lack of time, it can only be with an effective committee system which has sufficient time to knowingly and advisedly report to the Legislature.

The business personal property tax, the unincorporated business tax act, and the other bills passed as part of the so-called "replacement package" for Title 51, were all passed without debate, without argument, without public hearings. I personally will never forget the spectacle of public hearings being held on the repeal of part of that package when no hearings had been held at the time of its passage. These bills came directly from the Governor to the Legislature and were passed.

You speak of a unicameral legislature. If time is not to be afforded for debate and consideration, then you vest power in a Governor unchecked by legislative control. The unicameral-bicameral dichotomy are of import but there should be no doubt that regardless of which system we establish, let us devote the full energies of our legislators to solving the great problems of this State.

This country fought a bloody revolution to free itself from taxation without representation. Has this State now replaced it with legislation without consideration? The time has passed when we should consider a full-time legislature. The time has come to act, and that action must come in the context of 1969.

Gentlemen, the taxpayers of this State are up in arms. They are beginning to wonder just what you are doing with their money. How can you hope to answer them when major legislation, the merits of which I will not discuss at this time, is cast aside due to a lack of time, a need for more consideration and more time, when you their leaders spend part time in your task of legislating? How can you hope to answer them when packaged bills are passed without debate?

We all know that a growing society brings a multitude of problems, and the taxpayers of this State are entitled to a full-time attempt to solve those problems. Do not short-change them. Let us reflect for one moment: 2,000 bills, 2 days a week, 12 minutes per bill - all that to legislate the health, the education, the welfare of the people of this State in an age where their problems are monumental.

Perhaps in Jefferson's day a part-time legislature was sufficient but then urban aid and crime control bills were not of great import. Budgets and taxes were de minimus by comparison.

Like Jefferson noted, we too live in an age of experiment, an age of challenge. Let us progress in our experiment in government.

That concludes my prepared statement, Mr. Chairman, but I would like to add one comment: I do feel that it was very impressive this morning that the other speakers emphasized the importance and the progress that can be gained from a full-time legislature. I noted that very few of them - in fact most of them - refrained from discussing a unicameral legislature. I feel that the bill before the Committee is unfortunate because it is contingent upon the passage of unicameral legislation. I should hope that serious consideration be given by the Committee, as well as by Mr. Wilentz, the sponsor of the bill, to amending legislation which would enable even the present bi-cameral legislature to be a full-time proceeding.

I want to thank you for the opportunity of appearing.

ASSEMBLYMAN SMITH: Thank you, Mr. Ruvoldt.

I will call Mr. Jose A. Jiminez.

J O S E A. J I M I N E Z: Thank you, Mr. Chairman.

I am here to testify on behalf of the Guayanilla Social Civic Club, the Fatima Civic Club, and the Perth Amboy Council of Spanish Organizations. I would like to express a feeling toward the bill sponsored by Assemblyman Robert Wilentz.

It has become evident that the wishes and desires of the Spanish speaking citizens of our State have not been clearly expressed to our legislature and to our State Government. Lines of communication have not been established in many of our county districts. Our district representative

can no longer render the proper service to those that he represents under the present part-time form of legislation. However, I would be remiss if I neglected to say that there are many of you legislators who go out of your way and spend many hours late at night trying to help solve local problems. I personally have met with my leader on many occasions from night until morning. But how often can a part-time legislator continue to do that when he is only part-time.

We have passed the point of intimidation, but we also encountered a new factor that precludes us from soliciting the services of our legislators because of the fear of receiving a negative response. However, not because the want and desire of our legislators are not present. It is because other responsibilities afford them only a limited amount of time.

Our experience tells us that the problems encountered by minority groups, and I might say by the majority in our State, can no longer be resolved with part-time legislation. It is only by the passage of this bill before this assembly here today that we as a whole will be able to clearly express our wishes and desires to our legislature and our State government.

Sporadic attempts to perceive and understand the aspirations of one segment of the minority group - and I underline "Spanish speaking," - in our State have in the past and will presently prove unsatisfactory if the present form of the Legislature continues.

We believe that with full time legislators only then this Assembly can begin to cope with the problems and be able to

devote the time required in searching for possible solutions.

We, therefore, respectfully urge this Assembly to carefully consider this bill for a unicameral legislature, and future legislation aimed toward the solution of problems encountered by minority groups in our State.

ASSEMBLYMAN SMITH: Thank you, Mr. Jiminez.

Is Mr. Paul Fenton here yet? [No response]

Is there anyone else who has a statement for the record or would like to testify?

ASSEMBLYMAN WILENTZ: If you would like me to speak on the unicameral legislature at this point, I will do that now.

ASSEMBLYMAN SMITH: Excuse me, Mr. Wilentz. I would like to note for the record that we have a statement from Senator William V. Musto of Hudson County. It is a prepared statement and it will be made part of the record, as Senator Musto cannot be here. But his statement will be entered in the record. [See page 61]

Assemblyman Wilentz?

ASSEMBLYMAN WILENTZ: Perhaps one of the witnesses may not have heard that part of my testimony but I indicated that I would speak to the question of unicameralism but I thought it might be better to allow some of the other witnesses to go on since I had been on for so long and I didn't want to delay them.

I would like to make it perfectly clear immediately that I agreed with that witness, that to me it is much more

important to establish the principle of full-time service than it is to establish whether a unicameral or a bicameral is a better institution. I believe that a unicameral is better. I support a full-time unicameral but if had to choose between the two as to which would be more important to serve the State of New Jersey, I would say full-time service by the Legislature, whether it be unicameral or bicameral.

The reason I incorporated the unicameral condition in that bill is because that's what I want, that's what I think would be best for our State.

I want to acknowledge the preeminence of Senator Musto in this field. He has carried this fight by and large by himself. He was there long before anyone else started to talk about unicameralism even though obviously it has been the subject of discussion throughout the country for many, many years. As far as New Jersey is concerned, he is the one who has tried over many years to get us to see the light, at least as I see it.

As you know, Mr. Chairman, Nebraska is the only State that has a unicameral and I'm not going to make any long analysis about Nebraska because if there is anything that's slippery, it's comparing political institutions of different jurisdictions.

But at least to allay the fears of those who think that the roof will fall in if unicameralism is adopted, I want to read just two short paragraphs from the University of Florida Law Review which quotes an evaluation by not some



way-out organization but by the National Municipal League. This is a quote from the National Municipal League. The article is in 1964 and the quote is from the National Municipal League Report of 1963 after quite a few years of the Nebraska unicameral experience: "Most of the claimed virtues of unicameralism have been realized in the Nebraska experience during the past 25 years. Nebraska's single house with 43 members has permitted more easily the pinpointing of legislative responsibility than in some of the sprawling two-house legislatures. Fewer bills have been introduced and a higher percentage of them passed. The prestige of membership has risen and in the view of many observers the quality of candidates. On the other hand, in spite of the more extensive experience with the bicameral system, there are no data to support the claim that two houses result in better policies and more carefully written laws. There are no data to support the claim that the second house is a constructive check against hasty action."

Nebraska, of course, is not the only jurisdiction. Britain has in effect a unicameral system, although there's an obvious difference in that it's a parliamentary form of government. Most of the provinces of Canada have what amounts to a unicameral, although they too have the parliamentary form of government.

Every city government that I know of which has in effect a legislative body, and some of them passing on matters of enormous importance affecting millions of citizens, do not see it essential for good legislative work to have a bicameral system.

I think, to me, the best approach in discussing the question of unicameralism is to recognize immediately that every argument now advanced in favor of bicameralism, whether sound or not, is necessarily a rationalization. It's a rationalism after the fact, because what the arguments say is that we need to preserve bicameralism for good government when the fact is that bicameralism was never established for the purpose of giving good government. Bicameralism was established to balance interest; bicameralism was established by and large to balance the house which would directly represent the people against some other interest, be it the Lords, be it the royal interests, or be it the property owners. And that's the origin of bicameralism, and every argument to justify it today must be a rationalization attempting to find some other reason that had nothing to do with its initial establishment.

Obviously the background of this whole discussion is the one-man one-vote rule where there are now no separate interests represented by the Senate than by the Assembly. There is no significantly different constituency represented by the Senate that is not represented by the Assembly.

The advantages of unicameralism are in Senator Musto's statement just submitted and an enormous amount of literature points them out, as does other literature point out the claimed disadvantages. The visibility of legislators, thereby increasing the stature of legislators, thereby increasing the attractiveness of the position, thereby increasing the attention and conscientiousness that might characterize legislators in the future, the responsibility of the unicameral, the knowledge that when

you pass that law it's law, unless the Governor vetoes it. There is no other house to pass the buck to. And there is the public's ability to see the legislature. There are two sides to the visability coin - one is the visability that makes the legislator, I believe, perform better. The other side of the coin is that the public will know what's going on; the public will know when a hearing is going to be held; it will know where a bill is, and will know who did or didn't responsibly act concerning that bill.

The theories about the difference between unicameralism and bicameralism are interesting but it seems to me we have to focus our attention on what we know or what we think we know and see right here in New Jersey.

The main argument for the bicameral system is the checks within the legislative structure. I submit to you that while there are exceptions, by and large the Assembly does not act as a check on the Senate nor the Senate act as a check on the Assembly. Most of the bills that go through are the result, when both houses are controlled by the same party, of a leadership decision. There is no real check. There are exceptions to that. We have seen them this year. And sometimes when you see the exception, it is not too clear that the check is a good thing. It's not too clear that what we need in State government is more obstruction to the passage of legislation. It's not clear to me that the need isn't greater for more efficiency and less devices that will see to it that particular bills do not get passed. Some people are concerned about lobbyists' ability to be effective if they only have to

operate on one house. Well, that depends upon your assumption about what the lobbyist is about. He may be there to stop legislation, not just to get legislation passed. And I would assume he is more effective in stopping legislation if there is a bicameral.

Looking at New Jersey we have an awful lot of soft-shoe routine. We have had under both parties the business of passing the bill in one house and not passing it in the other, and the poor constituent wondering what's going to happen to his bill and being assured that the bill is going to become law, that everyone is fighting to get it passed when it's rather well known by those who know what's going on that the bicameral system is being used simply to appease a particular group in the most irresponsible way by passage of legislation in one house with knowledge that it's not going to pass in the other.

On the question of checks and balances, the Executive is a check on the legislature. We have a check in our system of government. I don't know why the legislature should be regarded as so irresponsible that it alone, of all our institutions of government, has to have its own built-in check.

It seems as if the argument that says for safety in government you have to have a bicameral, that the legislature has to be the two-headed monster, would be equally applicable to the Executive. Why don't we have two Governors? The Governor can make a mistake. Why don't we have two Supreme Courts?

SENATOR SMITH: Maybe that's not a bad idea.

ASSEMBLYMAN WILENTZ: Well some people think there ought to be none, Mr. Chairman.

Why don't we have three houses in the legislature? It just doesn't make sense, and it gives away the basic fact which I pointed out; it's all rationalization. It has nothing to do with why the bicameral was formed in the first place. And we recognize that in New Jersey.

The great improvements, the great changes in procedure in our legislature - of those, one that many people are most proud of, and I think in this legislature they are proud of it - and I agree with them - is the holding on many occasions of joint committee hearings, because they say, "My goodness, there is only going to be one committee hearing, if any," or if there are going to be two, the second one is going to be a waste of time. That's accepted - reflex action. That proposition is accepted. So we try to have joint committee hearings, because, so far as all of us are concerned, what do you need two hearings for? and what do you need two houses for? if the hearings mean anything.

One of the dangers of the bicameral is that these checks become terribly effective when one house is controlled by one party and the other house by the other party. That condition is not possible under a unicameral.

My belief is that we don't need 120 men to perform the legislative business of the State of New Jersey. I am not married to the figure of 45 that is in this bill. I recognize there are many legitimate arguments why the number should be larger. I can see where a high degree of specialization in

committee work might necessitate serving on fewer committees and, therefore, perhaps needing more men to staff those committees that you have. I think that's a valid point; at least I think it's a reasonable point. I still don't agree with it and I still think it ought to be 45. But I am not that convinced and I don't think that is that important until we make up our minds as to the direction we are going to take.

One of the very important things about the unicameral is a practical consideration. This legislature and past legislatures, Democrat and Republican, will not spend the money to take care of their needs. We wouldn't spent \$200,000 this year to increase staff, and I think that the same kind of bills were in when the Democrats were in control, and we wouldn't spend the kind of money to increase staff. We won't spend the kind of money needed when we have 120 men even though I think we should to give us the kind of salaries that will allow us to serve full time.

So there's a point about the unicameral that's very practical. I don't think we are going to get the staff that we need. I don't think we are going to get the salaries that we need until we cut down significantly on the size of the legislature. I think the easiest way to do that is through a unicameral.

I don't believe that this hearing today and this discussion is as theoretical as some might suppose, theoretical in the sense that there are so many who feel that we had our chance for a unicameral and we lost it. My understanding



is that the Supreme Court of New Jersey is going to hear further argument on the question of whether or not the New Jersey State Senate is properly apportioned, and I express no legal opinion because I have not fully reviewed the matter, but it's my belief that there is a very substantial possibility, and I think it goes way beyond that - probability - that the Senate will be held to be unconstitutionally apportioned.

It is my further understanding that that could lead to the possibility of a further convention or to some consideration of the entire structure of the legislature.

So I think it's most fortunate that you, Mr. Chairman, have been good enough to allow this hearing to be held, because I think it gives the public a chance to concentrate not just on an interesting subject but on something that we may be able to do something about very, very soon.

I would like to give you my quick picture of a full-time unicameral with staff. When it gets bills it would refer them to a committee that would work. The committee would have staff; the committee would study the bill; the staff would study the bill; it would submit reports to the committee. Based on those reports which the committee members would study, the committee would hold hearings at the time when the committee members were quite knowledgeable on the subject matter. People would testify and be questioned about the subject matter and the committee members by and large would attend. When the bill was reported out of committee the members of the unicameral would get a report, they would get a report that went in depth in analyzing the bill. They

would know what they are voting about. They would not have to be experts and, indeed, couldn't be experts. No one could be on all matters before the legislature. But they would have some basis in those areas where they are not experts for reaching their own judgment. Bills would be voted on in some kind of rational method, not 200 in one day even though there would undoubtedly be this last-minute rush that apparently exists in every form of a legislature. Members would have a chance to study; they would have a chance to pursue those things that interest them; they would have a chance to become expert in the field of their endeavor and when the public wanted to know what was going on in the legislature, they could come to the legislature and have a much better chance of finding out where a bill is, why it's not moving; who is holding it up and what its status is. And the legislature, besides reviewing the Executive's initiative and the Executive's proposals - and I don't think we are going to change that; I think the Executive initiative will continue - but the legislature would also propose, it would also formulate policy, and the kinds of talent in the legislature would have a chance to innovate and, as California's experience has shown, legislatures can come up with excellent programs and programs that the Executive might not want to come up with, because sometimes Executives are tied a little bit more to their administration than we might like. So there are many, many advantages if we only had the courage to take this step. The trouble with it is that the people just don't believe that we can improve the legislature.

They think there has been too much change already - reapportionment, one-man one-vote, and the idea of making the legislature in New Jersey an effective instrument of government just lacks credibility because of our prior performance. But I think we do have the chance, I hope we have it soon, and I hope we take it. Thank you.

ASSEMBLYMAN SMITH: Thank you, Assemblyman Wilentz.

Assemblyman, I have a few questions, not by way of argument or by way of rebuttal but sincere questions that bother me with your bill. Number 1, we both know that there are bad bills that pass one house and are picked up in the other house and particularly if the legislature is in the poor condition as you have painted it earlier. Wouldn't this be multiplying the error?

ASSEMBLYMAN WILENTZ: No, Mr. Chairman, not in my opinion, because the reason there are bad bills that pass one house and are picked up by the other - the thing that has to be examined first is why did those bad bills pass the first house? Obviously I am not going to sit here and say that I can demonstrate to you that under no circumstances do any bad bills pass a unicameral. But I would rather keep to the generality of our experience rather than the exception. I think the generality of our experience with our present system is not because it's bicameral necessarily - I think that's an aspect of it. But since we don't have the time to do our jobs, many bad bills can get past us, and there are also the kinds of bills that I mentioned before which I don't think any legislator would deny exist. They are those bills that pass the House with pretty competent knowledge that it is not

going to pass in the next House, and that's when the bicameral system is not only not helping legislation but it is being used irresponsibly. The real answer that I have to your question is that the real problem is that the reason the bill passed the house in the first place is because we are not full-timers, we don't spent the time, we don't study. Bad bills are always going to pass under a unicameral or bicameral. The question is the probability of their passage. I think the probability is much, much greater under our present system.

ASSEMBLYMAN SMITH: Well, would you say that a prerequisite to a unicameral legislature would be a mandatory full time?

ASSEMBLYMAN WILENTZ: No, just as it is not prerequisite to mandatory full time that we have ~~with a~~ unicameral that could work with a bicameral. It is also not prerequisite, assuming you want a unicameral, that the legislators be full time. There are two different kinds of concepts and, as I indicated in my prepared statement, if the people feel that mandating full time is impractical, I would be satisfied if the salary was high enough so that those who wanted to spend full time would be attracted to this kind of position and so that the public could make up its mind, when a man runs for office, whether or not they want some commitment from him as to the amount of time he is going to spend.

ASSEMBLYMAN SMITH: With respect to spending time on the job with a full-time legislature, we both know they are

political offices, elective offices, where the holders of those offices do not have enough to do. Now my observation is that they spend about 90 per cent of their time politicking and about 10 per cent of their time doing the job. Why wouldn't that apply to the legislature?

ASSEMBLYMAN WILENTZ: I think there's a distinct possibility that if the salaries are up sufficiently and it then made possible to spend full time, there are men who will not have something to do and will waste a great deal of their time. But as I indicated before, I am much less afraid of a legislature where some full-timers are not spending time on legislative matters when perhaps the legislature is not in session - I am much less afraid of that than I am afraid of what we have now with the part-timers; a substantial number of them, are not giving enough time when the legislature is in session. That's a much greater risk. I don't like to see money wasted either.

ASSEMBLYMAN SMITH: As it stands now, the person who comes up here and works and does his job and neglects his politics of necessity, if he were full time - and let's assume we have the same situation we have or a similar situation where you have certain people who work hard and certain people who don't work hard - the people who could spend their time politicking would become more entrenched and you would have a much more difficult time getting the men.

ASSEMBLYMAN WILENTZ: I disagree with that; there are certain aspects of it I disagree with. I disagree with your assumption of fact that where there is a choice today between

politics and performing the legislator's duty it is so clear that the legislator today sacrifices his political interest and attends to his duties. I think the legislature is in such poor repute and regarded so poorly and the position is consequently regarded not quite so seriously by some as it should be that there are many, many instances where the choice is made in favor of the political interest and the time spend on politics rather than the legislature. I think the reverse would be true under a full-time legislature. The public would expect you to attend to your legislative business. It would be terribly important politically to you, much more so than it is now, to let the public know that you are giving the job the kind of time that it deserves.

ASSEMBLYMAN SMITH: That was my next point. I agree that if the people paid enough attention this would work, but I don't share the same confidence. The people do not pay enough attention. We just had ten candidates for Governor, the first time I ever remember in the history of the State. I think that 20 or 25 per cent of the people came out to vote. If this were true, I think if the people were cognizant, if they watched it, your statement is correct, but it doesn't work that way.

ASSEMBLYMAN WILENTZ: There is no question that there is that kind of possibility, I think, of people not paying attention to State government - again I don't want to sound as if I have a one-track mind about this - but I do think it is

due to several factors besides whatever goes on in our educational system that doesn't teach people about State government. It is due to some other factors. The States in their actions have not been as important as many other things that the public reads in the press and, because of that and because of many other things, the functioning of the legislature hasn't been anything that has excited anyone until recently perhaps, and because of the fact that we are not to some extent professionals, because of the fact that we don't do the kind of job that I think we ought to do, because of the fact that we don't spend full time, the public's initial lack of interest is bolstered. I think you have a much better chance if you make it your business of letting the public know what's going on, but I also think that when they heard the salary was \$30,000 they would become interested at that point. There is no guarantee of that.

Incidentally there is one thing I wanted to mention. I don't know how significant it is, but I took a look at the 307 bills, or someone did for me, that passed both houses this year just to get some idea of the deliberation time the bicameral spends in sifting out these bad bills. Of course, that's no true measure because it doesn't take into consideration the bills that don't pass both houses. But of those that passed both houses, more than one-third of them have a delayed time between passage in one house and passage in the other - a delayed time for thought of 15 days or less.

I don't know how you evaluate that, Mr. Chairman. I guess I evaluate it from an assumption I made before I saw



the figures, the assumption being that really this check within the legislative system is not what it's cracked up to be. It's not really there in substance. It happens on occasion.

ASSEMBLYMAN SMITH: Well, I think you would have to differentiate between the major legislation and the junk legislation, because I think that most of your figures would be with junk legislation. We've spent days on urban aid and other things.

ASSEMBLYMAN WILENTZ: What a much better check it would be if everyone knew what was going to be law and what a much better check if the committee system really could function and the legislators could really study. That to me is a much better check on bad legislation.

ASSEMBLYMAN SMITH: well, thank you very much, Assemblyman. Is there anyone else who desires to testify?

Assemblyman Schulter, your statement has been read into the record. If you have anything else to add, you are welcome to testify.

ASSEMBLYMAN WILENTZ: I just want to remind you about Mr. Jacobson.

ASSEMBLYMAN SMITH: Does he have a prepared statement?

ASSEMBLYMAN WILENTZ: I have no idea. He indicated he would be here about one o'clock.

ASSEMBLYMAN SMITH: Let me put into the record that the hearing will adjourn and we will give Mr. Joel Jacobson the right to put any statement which he desires into the record.

Would that be satisfactory.

ASSEMBLYMAN WILENTZ: It is not up to me to say. I think he is probably on his way here. I know you have a long distance to go. If you want to argue this matter with me further at lunch.

[Discussion off the record]

ASSEMBLYMAN SMITH: We will adjourn until one o'clock and we will come back at one. If he is not here then, we'll just take his statement for the record.

[ R E C E S S ]

[After recess]

ASSEMBLYMAN SMITH: Ladies and gentlemen, we will reopen the public hearing on Assembly Bill No. 163, with Mr. Joel Jacobson.

J O E L J A C O B S O N: Assemblyman Smith, I want to extend to you my deep appreciation for the courtesy of your waiting for my testimony. I hope it will be worth your efforts.

ASSEMBLYMAN SMITH: We expect big things of you.

MR. JACOBSON: I must say that while I speak for the 50,000 members of the UAW in the State of New Jersey, the fact you have been so kind to me might lead one to believe that I have come to temper some of the criticism I have to offer. But I know you wouldn't expect me to do that.

ASSEMBLYMAN SMITH: I would be disappointed.

MR. JACOBSON: So while I do appreciate the courtesy very much, I will still say the same pointed things that I

had intended to say.

I appears to me that there are really three items on which you might expect me to express our opinion. The first is the question of whether a unicameral legislature should replace the present bicameral legislature; secondly, whether legislators should be elected to serve full time, and, thirdly, what their stipend should be if that were the case. I would like to address myself to each of these three items.

First I must say with all candor that there is no unanimity in our Union as to the question of whether a unicameral legislature is better than a bicameral. My personal preference is to have a unicameral legislature and again I say in all honesty there is no firm position and individuals of both liberal and conservative persuasion do disagree upon this one issue. I, therefore, draw no great political philosophical signifiante from the fact that one group or another may support one or the other of the two programs.

I do think that there have been some suggestions made for tampering with the status of State legislatures that do reflect that philosophy. Certainly Senator Dirkson's attempt to make one house of the Legislature on a basis other than population would be one with which we would violently disagree, and I think there is a philosophical difference there. I, however, do not necessarily draw the conclusion that there is the same distinction between a

unicameral and a bicameral legislature. To be very blunt about it, there are times when I would prefer a unicameral legislature, primarily when I think the program which we seek would be easier to pass that way. There are also times when we are trying to stop what we consider the regressive legislation that we are delighted that there are two houses. It gives us another crack at the ball to try to knock it out.

So I again emphasize that while I personally prefer a unicameral legislature, there is no hard and fast decision of the UAW.

The argument that two houses will check wildly-motivated legislation, however, I do not believe can be substantiated by the fact. Here I'm going to be critical. I have done an analysis of the record of the 1969 legislature in the State of New Jersey, a bicameral legislature, and it appears to me at a time when our cities are in great turmoil and our campuses are under seige, when the people of the State and the country are deeply affected and in a period of unrest because of some of these problems, the 1969 legislature has had the great opportunity to come forth with some programs to meet some of these needs. Instead we find that the legislature passed a bill to send the Chatham High School Band to Florida at the expenditure of \$5,000. They increased the expenses of the Racing Commissioners and have even been so kind as to increase their own salaries from \$7,500 to \$10,000.

It seems to me that the legislature, even a two-house legislature, has not demonstrated the great wisdom that we sometimes like to ascribe to the people who represent us.

I, therefore, must reach the conclusion that in a bicameral legislature we have seen what can charitably be called a triumph of mediocracy. I do not want to be personal and I specifically exempt the two members of the Legislature I see in front of me today. But the tenor of debate that I hear on the floor of this house sometimes makes me concern myself with the welfare of democracy and specifically what we teach our students in high school under the general subject of Civics. When an individual can stand on the floor of this Assembly in what I suppose he considers to be a serious attempt at debate and say that the Supreme Court is a bunch of idiots, I must reach the conclusion that not all the idiots are on the Supreme Court.

I would hope that a unicameral legislature would eliminate the mediocrities and attract people of the higher calibre who would have a desire to serve, not to extract, who use their position as a public trust in an attempt to meet the needs of the people, not to enhance their own economic opportunities.

Now the third point that I would like to talk about in the question of a full-time legislature. It appears to me that this is a wise and intelligent move and one that we heartily recommend. It also meets the requirement that I would hope would be the objective, that individuals who serve in the legislature are not there merely to grind their own personal axes, and that if we were to have a full-time legislature, it seems to me there would be attracted individuals who are dedicated, ladies and gentlemen of high integrity

because of the fact that the opportunities for what now are conflicts of interest would be diminished - I would hope eliminated, but I'll say diminished - and specifically it would be in my opinion more in keeping with the time of the characterization known as participatory democracy. There would be groups and elements not now physically represented in the State Legislature who could be.

I mention specifically for example workers in the State of New Jersey. Now it could be possible for an official of a Labor Union to run for public office and be elected and you have several sitting in the legislature. It appears to me almost impossible for an average man who works in a factory to be elected to the legislature. First, he couldn't get the time off to come down to attend the Monday sessions; secondly, he probably wouldn't have time to devote to the committee hearings such as you are conducting today. There is by nature and by virtue of his status a complete elimination of a vast majority of our citizens sitting in the legislature. If there were to be full-time legislators, gentlemen and ladies in this category would be free to run, they would not be excluded as they are, and it is my opinion that the mediocrity that sometimes pervades this chamber would be eliminated when people of that calibre of integrity and intelligence are elected.

I would mention specifically that there are other elements that are now excluded, mainly members of what we consider to be minority races or ethnic backgrounds and those who are labeled

by themselves and by us as "the poor."

A legislature in my opinion, consisting of full-time legislators, would be more responsive to the needs and problems that are relevant today and, therefore, I think would make a substantial contribution to the solution of some of these problems.

Now the last question as to what should the specific amount be. I spent a good deal of my life negotiating wages and I never assume a hard and fast rule. I am always open to further discussion. In order for a full-time legislator to be able to devote the time that we believe should be devoted to this important job, I would suggest that a salary somewhere in the neighborhood of \$25,000 or \$30,000 should be set.

One final point: If we can take public employees and make them work full time as elevator operators at City Hall, as towel attendants in municipal swimming pools, as grass cutters in county parks, and make them work full time, it appears to me that only the basic element of sound judgment would expect the people who sit and weigh the heavy problems before us and legislate solutions should be able to serve full time as well.

Thank you very much.

ASSEMBLYMAN SMITH: Thank you, Mr. Jacobson.

Is there anyone else who desires to testify? [No response].

The public hearing is closed.

\* \* \* \*



STATEMENT

by

William V. Musto (Senator, Hudson County)

(Submitted to the General Assembly Committee on State Government  
on Assembly Bill Number 163 of 1969.)

I would like, at the outset, to express my thanks to Assemblyman Walter Smith, Chairman, and the members of the General Assembly Committee on State Government, for permitting me to submit this statement on the occasion of the Committee's public hearing on Assembly Bill Number 163, an act providing for "entire-time" legislators who shall receive \$20,000.00 per year, and dependent upon the adoption of a Constitutional amendment proposing "a unicameral legislature composed of members elected from the Congressional districts, or from subdistricts of such Congressional districts."

For the last past 22 years I have been a member of the New Jersey legislature. I do not know exactly, and am not about to review, how many bills I have introduced, how many commissions and committees I have served on, how many speeches I have given during that period. But I do know that while many of these bills, many of these commissions, committees and speeches have dealt with specific issues and have been in response to particular problems, there is one issue and one problem which is as relevant today as it was on that second Tuesday in January 22 years ago. It is an issue which has remained relevant because it is fundamental; it has continued to be a subject of study and investigation because it concerns not what a government may do, but how it may do it; because it concerns the very nature of government itself, and the bases upon which that government is established. There may be many ways to resolve this fundamental issue—Assembly Bill Number 163 is one such way; I believe there are others—

but what makes me particularly proud of this legislature, and so pleased to submit this statement today, is that we finally seem to have recognized that however we decide the issue of unicameralism, and whatever provisions we make for organizing the legislature and compensating legislators, that issue and those provisions must be decided and made now. This we owe to the people of New Jersey. Our only choice is whether we are willing to give the citizens of this State the kind of government to which they are entitled, or whether we are stubbornly to resist change until change is demanded and forced upon us.

Assembly Bill Number 163 is, as I have noted, dependent upon the adoption of a Constitutional amendment proposing a unicameral legislature. We should be clear on this point\_\_\_\_\_ : the most basic, most fundamental, most important part of Assembly Bill Number 163 is its dependency on unicameralism. Questions concerning whether or not we compensate legislators at the rate of \$20,000.00 per year, and whether or not we require that "each member of the legislature shall devote his entire time to his legislative duties"\_\_\_\_\_(which proposals are contained in section 1 of Assembly Bill Number 163) are definitely of secondary significance\_\_\_\_\_and we may answer them in several ways subsequent to our answering that primary question\_\_\_\_\_: unicameralism now in New Jersey, Yes or No? I believe we must answer yes!

We have all heard (perhaps more often than we have wished to hear, although not often enough, apparently, to inspire our action) how the Federal and State Supreme Court rulings on reapportionment have precluded states from organizing bi-cameral legislative bodies on the federal model, with one house representing people and the other representing political jurisdictions. I will not retry those court cases here; nor will I consider the merits (or lack thereof) of those court decisions.

A unicameral legislature has more to recommend it than its simple structure and its subservience to Supreme Court decisions.

Perhaps most importantly, unicameralism concentrates legislative authority in a single body. It fixes responsibility and accountability in one body. It will effectively eliminate the all too common practice of one house "passing the buck" to the other. No longer will one house be able to pass an unwanted bill, knowing full well that the other house will "bury" it.

Legislative leadership, which is fragmented and poorly coordinated in most bicameral legislatures, will be stronger in a unicameral system. Poor communication, co-ordination, and co-operation between 2 houses, or between the leaders of 2 houses will no longer serve as a barrier to effective legislative action in New Jersey if unicameralism is adopted.

Unicameralism will simplify the legislative process, resulting in greater public scrutiny, understanding, appreciation and participation. The citizen of <sup>this</sup> State will identify himself with one set of legislators and with one legislative district, rather than with 2 sets of legislators and 2 legislative districts as at present. It will bring the legislator and his constituents closer together.

The unicameral legislature is not only simpler, but less costly. There will be one set of legislative committees, instead of 2. It will eliminate duplicate staff and duplicate hearings. Fewer bills should be introduced, with a subsequent saving in printing costs.

Finally, the concentration of legislative authority and responsibility in one house will strengthen the legislative branch of State government in relation to the executive and judicial branches. The 1947 Constitution significantly strengthened the office of the Governor, and it devised a judicial system that

is generally regarded as one of the finest in the nation. But the powers of the legislature were not increased in 1947, and today the legislative branch needs strengthening if it is to function as a truly "equal and co-ordinate branch." A change to unicameralism should, in short, help to rejuvenate the legislative process.

Having answered affirmatively that primary question explicitly posed by Assembly Bill Number 163, (namely: Unicameralism now in New Jersey, Yes or No?), it is only proper that some answers be given to the secondary questions concerning legislative compensation and the "entire time" provisions of that bill. As I have noted above, section 1 of Assembly Bill Number 163 provides that "each member of the legislature shall devote his entire time to his legislative duties." If this is intended to result in a New Jersey Legislature organized like the Federal Congress; if this means, in other words, that members of the New Jersey Legislature could continue to retain "outside" sources of income and practice professions while serving as legislators, then with one major condition, I might support Assembly Bill Number 163. That one major condition would be that the legislature immediately enact strong, workable, and fair "conflict-of-interests" legislation which would protect both individual legislators pursuing their legally sanctioned activities, and the people of New Jersey seeking the full and honest government to which they are entitled.

If, on the other hand, the "entire-time" provision of Assembly Bill Number 163 is intended to preclude the pursuit of any other "gainful occupation" by New Jersey Legislators, then I fear that the \$20,000.00 annual compensation proposed by Assembly

Bill Number 163 will prove inadequate and may very likely result in a situation where our legislature would consist of only 2 types of men—the first being men who could aspire to no more than \$20,000 in any private business or professional activity—the second being men who, by virtue of previously acquired wealth, could "afford" to limit their annual income to \$20,000. I submit that neither of these groups does now or could or should ever be the only source of legislators, because neither of these groups individually or collectively are themselves representative of the people of this State.

Because I have these serious doubts concerning the intended meaning of the "entire-time" provision of Assembly Bill Number 163, and because, even if these doubts were resolved there would still remain the need for the prompt enactment and rigorous enforcement of relevant conflicts-of-interest legislation, and because, even if this were accomplished, I am not convinced that \$20,000 is adequate legislative compensation, or that sufficient study has been given to what figure would be adequate—for all these reasons then I must withhold my "unqualified endorsement" of Assembly Bill Number 163. Once again, because it is important enough to require reiteration, I fully support and urge the immediate presentation to the people of a constitutional amendment proposing unicameralism in New Jersey. That Constitutional amendment is not only the basis of Assembly Bill Number 163, it is the prerequisite to its implementation. My doubts and questions on Assembly Bill Number 163 concern its details—. I believe the questions can be answered and the doubts resolved to the satisfaction of all. I have no doubts and no questions on the

necessity a constitutional amendment proposing unicameralism which must precede Assembly Bill Number 163.

I might add, parenthetically, that although the "fiscal data" submitted in lieu of a "Statement" to Assembly Bill Number 163 notes that the bill "is a Companion Bill to Assembly Concurrent Resolution Number 10," which proposes a 45 member unicameral legislature, Assembly Bill Number 163 itself merely calls (in section 3) for "an amendment...proposing that...the legislative power shall be vested in a unicameral Legislature composed of members elected from the Congressional districts, or from subdistricts of such Congressional districts...." Assembly Concurrent Resolution Number 10, is, to be sure, such "an amendment"\_\_\_\_\_it is not necessarily the amendment that should be offered. My own Senate Concurrent Resolution Number 4 proposes a unicameral Legislature composed of 75 members elected from Congressional districts, and would, in my estimation, provide a government more capable of reflecting the diversity of interests in New Jersey than the small 45 member Legislature proposed by Assembly Concurrent Resolution Number 10. In other words, just as there are different viewpoints concerning legislative compensation in a unicameral Legislature, so are there different viewpoints concerning the composition of that unicameral Legislature. The vital point, however, is the concept of unicameralism itself. The fact that Assembly Bill Number 163 calls for "an amendment" is proof that its sponsor recognizes the several alternatives, and I commend him both for his objectivity and, most importantly, for his recognition that some amendment must be adopted if the major moves proposed by Assembly Bill Number 163 in the interest of a more relevant, responsive and responsible legislative organization are ever to be made.

Submitted by Donald G. Herzberg, Executive Director

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WOOD LAWN, NEILSON CAMPUS  
NEW BRUNSWICK, NEW JERSEY 08901

June 20, 1969

Assemblyman Walter L. Smith  
Chairman, Assembly Committee on State Government  
State Capitol  
Trenton, New Jersey

Dear Assemblyman Smith:

Assemblyman Robert Wilentz has asked me to comment on his bill to raise salaries of legislators to \$30,000. Implicit with that raise, I understand, is a Constitutional Amendment to ask the people of New Jersey to create a Unicameral Legislature.

Let me say at the outset that, based upon my experience with the problems of state legislatures across the country, I am unequivocally for a dramatic and substantial raise in the salary of state legislators everywhere. This, along with more staff and space are urgent priorities everywhere.

On the other hand, I would be opposed to the creation in New Jersey of a unicameral legislative system. Since a unicameral legislature is not the point at issue in Assemblyman Wilentz's immediate proposal, I prefer to reserve my comments on that subject until a more appropriate time.

Instead, I should like to address my remarks to support a substantial pay increase for state legislators.

I must say, however, that I am in favor of making our legislature in New Jersey greatly more visible to the citizens of New Jersey. This may mean smaller numbers in each House of the Legislature. The evidence over the nation would seem to support the idea that the larger the number of constituents represented by a member, the greater the visibility.

I also feel strongly that it is essential as the problems of state government increase in complexity and we place greater and greater burdens

Assemblyman Walter L. Smith  
June 20, 1969  
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on our legislative members that it is important that we recompense our legislators appropriately. I, frankly, know of no business organizations that demand so much from their respective Boards of Directors and pay so little in exchange for time.

In the foreseeable future, it is crystal clear that, if our present constitutional system is going to survive, that increasing and crushing demands are going to be imposed on our state legislators. New Jersey has been fortunate over the recent years with a high quality legislature. It is unfair to them as it is also to the recruitment of new legislators in the coming years to assume that they can assume the burdens of the new federalism which will require almost full time attention without a major step forward in the compensation of members of the legislature.

A legislative pay increase that is more symbolic than substantial, a gesture more than a genuine effort to face up to the conditions of a modern society will not do the job. What is required is the courage to accept the fact that the time of a legislator is valuable and the demands upon him are high. It is false economy not to recognize that compensation must be adequate to the demands imposed.

Sincerely,

  
Donald G. Herzberg  
Executive Director

DHG:ko  
cc: Robert Wilentz





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