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PUBLIC HEARING

before

ASSEMBLY GOVERNMENTAL EFFICIENCY AND OVERSIGHT COMMITTEE

ASSEMBLY BILL 56

(Establishes certain limits on the introduction of
bills and resolutions)

and

ASSEMBLY BILL 114

(Places certain limits and establishes certain standards
for the introduction and printing of bills)

February 29, 1988
Room 341
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Arthur R. Albohn, Chairman
Assemblyman Harold L. Colburn, Vice Chairman
Assemblyman Walter M.D. Kern, Jr.
Assemblyman Thomas P. Foy
Assemblyman Louis J. Gill

ALSO PRESENT:

Darby Cannon, III
Office of Legislative Services
Aide, Assembly Governmental Efficiency
and Oversight Committee

* * * * *

Hearing Recorded and Transcribed by
Office of Legislative Services
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Hearing Unit
State House Annex
CN 068
Trenton, New Jersey 08625



NEW JERSEY STATE LEGISLATURE
ASSEMBLY GOVERNMENTAL EFFICIENCY AND OVERSIGHT COMMITTEE
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February 18, 1988

NOTICE OF PUBLIC HEARING

"Limiting Bill Introductions"

The Assembly Governmental Efficiency and Oversight Committee will hold a public hearing on "Limiting Bill Introductions" on Monday, February 29, 1988, at 9:30 A.M. in Room 341 of the State House Annex, Trenton, N.J. and will consider the following bills:

A-56 Albohn	Establishes certain limits on the introduction of bills and resolutions.
A-114 Villane/ Palaia	Places certain limits and establishes certain standards for the introduction and printing of bills.

Anyone wishing to testify should contact Darby Cannon, III, Aide to the Committee, at 609-292-9106.

New Jersey State Library

ASSEMBLY, No. 56
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblyman ALBOHN

1 **AN ACT** concerning the introduction of legislative proposals and
supplementing Subtitle 2 of Title 52 of the Revised Statutes.

3

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

7 1. No member or member-elect of the Senate or General
Assembly shall pre-file for introduction as the prime sponsor
more than a combined total of 10 bills and resolutions. The
9 term "pre-file" means the process of request and preparation
for introduction of bills and resolutions by members and
11 members-elect of the Legislature prior to the commencement
of a two-year Legislature as provided in the Joint Rules of the
13 Senate and General Assembly.

15 2. No member shall introduce as the prime sponsor more than
a combined total of 10 bills and resolutions during a two-year
Legislature, exclusive of any pre-filed bills or resolutions,
17 except that:

19 a. A member may introduce as the prime sponsor not more
than a combined total of 10 additional bills and resolutions if
each additional bill or resolution is cosponsored by at least five
21 members of the House; and

23 b. A member may introduce as the prime sponsor not more
than a combined total of five additional bills and resolutions if
each additional bill or resolution is cosponsored by a number of
25 members of either political party equal to the lesser of either a
majority of members of the prime sponsor's political party in
27 the House or one-fifth of the total membership of the House.

29 3. A member may introduce as the prime sponsor any number
of bills and resolutions in addition to the number otherwise
permitted by this act if each additional bill or resolution is
31 cosponsored by not less than one-third of the members of the
House, or cosponsored by the presiding officer, the

1 majority leader and the minority leader, each of whom must be
the member officially designated to the respective position and
3 not a member serving temporarily in an acting capacity.

4. An accounting of the prime and any cosponsors of a bill or
5 resolution for the purposes of this act shall be made by each
House at the time of introduction, and no addition or withdrawal
7 of a prime or cosponsor after the introduction shall affect the
initial accounting.

9 5. This act shall take effect immediately and shall apply to
the two-year Legislature next following enactment and to each
11 Legislature thereafter.

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STATEMENT

17 This bill establishes limits on the number of bills and
resolutions that a member of the Legislature may introduce as
the prime sponsor. Each member is subject to an overall limit
19 of 35 bills and resolutions. Of these, 10 may be pre-filed, 10
may be introduced during the two-year session, 10 more may be
21 introduced with at least five cosponsors, and 5 more may be
introduced with cosponsorship from the lesser of either at least
23 1/5 of the members of the House or a number equal to a
majority of the member's political party in the House.

25 To cover emergency situations, the bill also provides that a
bill may be introduced in addition to these limits if it is
27 cosponsored by at least 1/3 of the members of the House or by
the presiding officer, the majority leader and the minority
29 leader.

31
STATE GOVERNMENT

33 Legislature

35 Establishes certain limits on the introduction of bills and
resolutions.

ASSEMBLY, No. 114
STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel
PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Assemblymen VILLANE and PALAIA

1 AN ACT concerning the introduction and printing of legislative
2 proposals, amending R.S. 1:4-6, and supplementing Subtitle 2
3 of Title 52 of the Revised Statutes.

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

7 1. (New section) As used in this act:

8 "Pre-file" or "pre-filing" means the process of request and
9 preparation for introduction of bills and resolutions by members
10 or members-elect of the Legislature prior to the
11 commencement of a two-year Legislature as provided in the
12 Joint Rules of the Senate and General Assembly;

13 "Short form" means an abbreviated version of a bill or
14 resolution, consisting of the title, the name of the prime
15 sponsor, and the sponsor's statement of the intent or purpose of
16 the bill or resolution as they appear in the full text of the bill or
17 resolution stored in the electronic word processing system used
18 by the Office of Legislative Services. Wherever in any law,
19 rule, or regulation reference is made to a bill or resolution, that
20 term shall include a short form bill or resolution.

21 2. (New section) No member or member-elect of the Senate
22 or General Assembly may pre-file for introduction as prime
23 sponsor more than 15 bills or resolutions. No bill or resolution
24 shall be pre-filed which shall not have been introduced in the
25 two-year Legislature immediately preceding the Legislature in
26 which it is to be pre-filed.

27 3. (New section) Pre-filed bills and resolutions shall, unless
28 otherwise directed by the prime sponsor, be printed at length in
29 the same form as most recently printed, so as to indicate any
30 amendments thereto, and without further correction by the
31 Legislative Counsel as may be permitted by the rules of either
32 house.

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

Matter underlined thus is new matter.

1 4. (New section) Except as otherwise provided in section 3 of
3 this act with respect to pre-filed bills and resolutions, all bills
5 and resolutions introduced in the Legislature shall be introduced
7 in short form. The full text of any bill or resolution introduced
9 or proposed for introduction in short form shall be stored in the
11 electronic word processing system used by the Office of
13 Legislative Services at the time of proposal for introduction or
15 introduction, as the case may be. Changes in the full text of
any bill or resolution introduced in short form, other than
technical corrections by the Legislative Counsel authorized by
the Rules of the Senate or General Assembly, shall be made only
upon the direction of the President or the Secretary of the
Senate, or the Speaker or the Clerk of the General Assembly,
after appropriate action taken by the Senate or General
Assembly, as the case may be.

5. (New section) All bills and resolutions shall be printed by
the Office of Legislative Services, using laser printers or such
other printing devices as authorized from time to time by the
Legislative Services Commission in a form and style as
determined by the commission in accordance with the
capabilities of the authorized printing method.

The Office of Legislative Services shall cause to be printed,
upon introduction, 100 copies of all pre-filed bills and
resolutions and 100 copies of the short form of all other bills and
resolutions for use by the members of the Legislature and the
public. Copies printed in excess of that amount shall be printed
only on demand and at such fee to the requester as shall be
established by the Legislative Services Commission from time to
time. The full text of bills or resolutions introduced in short
form shall be printed at length only upon the request of the
committee to which the bill has been referred or of the
Presiding Officer of either House. Upon such request, no more
than 100 copies shall be printed for use by the members of the
Legislature and the public and any copies in excess of that
amount shall be printed only on demand and at such fee to the
requester as shall be established by the Legislative Services
Commission from time to time.

1 6. R.S. 1:4-6 is amended to read as follows:

2 1:4-6. a. Any person desiring [a complete set of the] bills and
3 resolutions introduced in any year in the Legislature, [together
4 with the usual index slips, daily memoranda,] advance parts of
5 the Journal of the Senate and Minutes of the Assembly and
6 advance copies of laws, may file an application therefor with
7 the Office of Legislative Services, accompanying the application
8 with payment of any annual subscription fee in an amount to be
9 fixed from time to time by the Legislative Services
10 Commission. Upon receipt of the application and fee, the
11 Office of Legislative Services shall cause the name and address
12 of the applicant to be added to the [printer's] mailing list [of
13 members of the Legislature,] and thereafter during the year
14 [such] bills and resolutions, [slips, daily memoranda,] advance
15 parts of the Journal and Minutes and advance copies of laws
16 shall be mailed [by the printer] to such applicant [as and when
17 the same are mailed to members of the Legislature].

18 b. Any person desiring an advance copy of each law, to be
19 published and distributed prior to the printing of the annual
20 edition of the laws as provided in R.S. 1:3-1, may file an
21 application therefor with the Office of Legislative Services
22 accompanying the application with payment of an annual
23 subscription fee to be fixed by the Legislative Services
24 Commission in the manner provided in subsection a. of this
25 section.

26 7. (New section) No bill or resolution shall be introduced in
27 either House of the Legislature which is the same or
28 substantially similar to a bill or resolution which is pending in
29 that House. No bill or resolution shall be introduced in either
30 House of the Legislature which is the same or substantially
31 similar to a bill or resolution which is pending in the opposite
32 House without the permission of the prime sponsor of the bill or
33 resolution in the House in which it was first introduced. All
34 matters with respect to the introduction of the same or
35 substantially the same bills or resolutions shall be determined by
36 the Legislative Services Commission or a subcommittee thereof
37 established for the express purpose of resolving such matters.

1 8. (New section) To the extent not inconsistent with the
3 provisions of this act, the Rules of the Senate and the Rules of
5 the General Assembly, and the Joint Rules of the Senate and
 General Assembly, shall continue to apply to the prefiling,
 introduction and printing of bills and resolutions.

7 9. (New section) This act shall take effect immediately and
 shall apply to bills and resolutions pre-filed or introduced in the
 even numbered year next following enactment and thereafter.

9

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STATEMENT

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 This bill would place certain limits and establish certain
 standards for the introduction and printing of bills and
15 resolutions by the Legislature, thereby reducing the costs
 attendant to bill printing and processing.

17

 The bill limits to 15 the number of bills and resolutions a
 legislator may pre-file at the beginning of any two-year
19 Legislature. Bills and resolutions introduced after pre-filing
 would be introduced and printed in the "short form," consisting
21 of the title of the bill, the prime sponsor, and a statement of the
 proposal's purpose or intent. The bill also places restrictions on
23 the introduction of similar or identical bills.

25

 The bill further requires the Office of Legislative Services to
 print the bills and resolutions on demand after an initial printing
 of 100 and to charge requesters a fee established by the
27 Legislative Services Commission for copies one the initial supply
 of 100 is depleted.

29

31

LEGISLATURE

Public Notice, Meetings, Participation

33

 Places certain limits and establishes certain standards for the
35 introduction and printing of bills.

TABLE OF CONTENTS

	<u>Page</u>
Assemblyman Walter M.D. Kern, Jr. District 40	2
Pat J. Westhoff Budget Analyst Public Affairs Research Institute	7
James C. Morford Vice President of Government Relations New Jersey State Chamber of Commerce	14
Albert Porroni Executive Director Office of Legislative Services	18
Linda Furlong Permit Coordination Officer Office of Business Advocacy Division of Economic Development New Jersey Department of Commerce and Economic Development	23
Vince Zarate The Newark Star-Ledger	32
 APPENDIX:	
Chart submitted by Assemblyman Walter M.D. Kern, Jr. District 40	lx

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ASSEMBLYMAN ARTHUR R. ALBOHN (Chairman): Let's call the meeting to order. Would you please call the roll, Mr. Cannon?

MR. CANNON (Committee Aide): Assemblyman Gill?

ASSEMBLYMAN GILL: Here.

MR. CANNON: Assemblyman Foy is not here. Assemblyman Kern, Assemblyman Colburn.

ASSEMBLYMAN KERN: Here.

ASSEMBLYMAN COLBURN: Here.

MR. CANNON: Assemblyman Albohn?

ASSEMBLYMAN ALBOHN: Thank you. The purpose of this meeting today is to discuss two aspects of controlling the introduction and the format of bills: A-56 by Assemblyman Albohn, and A-114 by Assemblymen Villane and Palaia. The two are overlapping to some degree because A-56 establishes a series of grades in which bills are categorized as to how many bills in each category can be introduced, and A-114 uses one of those categories in that it limits the number of bills that might be pre-filed. However it goes on then to discuss a new procedure of format with regard to short forms of bills versus the detailed forms of bills, and the manner in which short forms and the full forms would be handled.

I think we can separate the two, almost by bill number, because the numerical limitations of A-114 are in A-56 also, and I think might better be handled in A-56 -- or its near equivalent -- and A-114 used to handle the standards for the introduction and printing of bills rather than any limitations on them. However, anyone who wants to testify today would be welcome to testify on both aspects, although I think that they should perhaps direct their remarks, or express themselves as directing their remarks to either A-56 or A-114, as the case might be.

As the sponsor of A-56, I had noted some prior objections to it in that some people felt that this would automatically limit productivity of the legislator who consistently introduced good legislation. I'm suggesting that if we consider the bill at all, that we consider amending it so that if a sponsor's bills are passed and signed into law that automatically opens that number of slots for him to introduce new legislation. By the same token, if he finds that his bills were inappropriate and decides to withdraw them, any withdrawal would automatically allow him a new slot to introduce a new bill also. I think in this fashion there would not be any handicap on anyone, and there would be some degree of pressure to introduce significant legislation and forget about the insignificant legislation that sometimes we're forced into introducing by constituent pressure.

With that I would like to open the meeting to the public. We have four people thus far requesting to speak. Assemblyman Kern, would you rather be first or last or in between?

ASSEMBLYMAN KERN: I don't care.

ASSEMBLYMAN ALBOHN: Okay. Well you're first on the list here. Suppose we allow you to make your remarks first.

ASSEMBLYMAN KERN: With respect to A-56: A-56 I think fails to take into account the system by which the New Jersey State Legislature operates, in that we are classified as a full-time Legislature. By that I mean we meet year-around. There are many states that have legislatures that are seasonal in nature and they only meet for six weeks at a time, and those are the states where very often you have bill limitations with respect to the number of bills a member of the Legislature can introduce. And they also have similar qualifications such as, as mentioned, with the additional numbers that are permitted by virtue of co-sponsorship, majority leader, minority leader, etc., that are put in the bill. Colorado is a typical example

of that sort of thing, where you have a limited number of bills that you're allowed to initially introduce, and that can be expanded with certain consents of other people within the leadership hierarchy of the Legislature.

This bill made me do some recollection as to what my career has consisted of over the ten years that I've been in the Legislature. And I started to reflect to see exactly what I had introduced in the way of number of bills during the different terms, and what had been the success of those introductions. I note for instance that -- we did a compilation per term -- for instance in the 1982-'83 term the number of pre-files was 15. The total number of bills was 140. I was able to get 31 out of committee in the Assembly, 25 passed the Assembly, 19 were released from Senate Committees, 16 passed the Senate, and 16 bills were signed into law. Now that was a Legislature that was controlled by the opposition party to the one that I happen to belong to, but I note that that particular record would be barred by that particular proposal. I would not be able to introduce that number of bills, and right down the line all the numbers exceed what is permitted under the legislation proposed. So I think that that year I would have been out of business.

With respect to the 1984-'85 term, I pre-filed 14, a total number of 119 bills. I got 23 out of Assembly committees, 14 passed the Assembly, six passed the Senate committees, and I had four signed into law. Once again I would have had more bills pass the Assembly practically than what I would be permitted under this bill. That was also a term that was controlled by the opposition party, and I was just a minority member.

In 1986-'87 I pre-filed 23 bills. I introduced 145. I guess because control changed I got more optimistic and energetic. I had 63 bills released from Assembly committees, 32 passed the Assembly. I had 18 bills released from Senate

committees, and I had 14 pass the Senate, and I had 13 signed into law, and one pocket veto.

So based on those particular numbers I don't think that this particular proposal is appropriate for a change in our modus operandi in the New Jersey Legislature. I think the proposal ignores quality and fixates on quantity.

I know that years ago we had a member -- and I'm not going to name him -- who used to introduce 500 bills per annum, and they were bills of minuscule importance, such as to make the motor vehicle code apply to shopping carts in supermarkets, to allow for individual no parking signs in front of various parcels of property, and those were just some of the more monumental bills that that particular individual introduced. Of the numbers that he did introduce I don't think he ever got one through this particular house of the 500.

I don't think that we should bar any individual from introducing legislation. I think that there may be some serious constitutional challenges to this type of proposal. I don't think that we can limit the right of a legislator to sponsor bills.

I think the proliferation of bills that we have seen in the last two years is a direct result of the bifurcation of control within the Legislature, in that you have one party controlling the Assembly and the other party controlling the Senate, and there has been a rush to get credit for various proposals in different areas. One-upmanship has been played, and one of the ways that has been done is by the introduction of the same thing in the opposing house. That's something that we might look at. We might not be able to get anywhere with it, but I think that's an area that we ought to address if we want to limit bills.

There probably is some realistic limits that we can put on pre-filing because of the horror that it poses for Legislative Services at the beginning of the year. I know that

that volume and that workload that is put on that staff results in mistakes that normally wouldn't occur but for the number of bills that everybody wants to get in on a pre-file. We used to have a limitation on the number of bills that could be pre-filed. I think it was something like 20 at one point in time in one term. That type of thing is more realistic so far as a legislative proposal goes. What will happen when we do that though, the others will follow in and be reintroduced during the course of the term starting with the next regular session day. So all we'll be doing I think is delaying the introduction of those bills.

I think a lot of legislators put bills in for different reasons. They put them in to assuage constituents. They put them in to fulfill commitments that they've made during an election campaign. They put bills in because they are in sympathy with various special interests that need representation in the process. I think Assemblyman Foy brought up a very good point in the colloquy prior to the meeting. And that is, if you limit the number of bills, legislators that are close to various interest groups will become more tied to those interest groups because they will have to allot a certain number of their limitation to those groups; because they feel if they don't, those groups will either shut them out or they will get flack from them because, "You haven't served our particular interest, or represented our particular point of view in the Legislature." It will pose problems for those legislators that very often are the voice of different particular interests, which I think is a valid part of the process.

I think that what we can probably do, as the Villane/Palaia bill suggests, put some procedures on introduction and filing of bills, which I think might be all to the good, and benefit the system and the public. But I think just to react to big articles in newspapers that say, "Six

thousand bills have been introduced and pre-filed, and 12,000 by the end of the term," I think ignores content over quality. Thank you.

ASSEMBLYMAN ALBOHN: Thank you, Mr. Kern. Does anyone have any questions for Mr. Kern? (no response) Just a couple of quick comments. I had requested a constitutional evaluation of A-56, and while I don't have the opinion in my hands yet, I've been advised that the opinion is that it would be constitutional; and particularly so since A-56 doesn't provide an absolute limit. It is an open ended kind of limit. It's just an increasingly restrictive bill.

I very much agree with you on the bifurcation problem. Just what we can do with that I don't know. I have not addressed myself to it. If the members of the Committee feel that we should address that particular problem I think it would be well worthwhile.

As to the pre-file limit, I'm not sure that that just postpones the inevitable. I think I'd be interested in hearing from OLS as to whether they prefer to have a letter requesting that the following bills be pre-filed, or have them filed in bales at the first session of the Legislature which would accomplish nothing either.

So with regard to numbers, Mr. Kern, I'm beginning to wonder whether you're part of the problem or part of the solution. (laughter) On the other hand I note that the number of bills that passed were all in cases less than the number of bills that would be permitted under A-56 -- that would be easily permitted under A-56, at least -- and maybe the others are just repeats that you keep introducing year after year and--

ASSEMBLYMAN KERN: Well, we haven't fully done that, but I can show you that there's a consistent progress on reintroductions -- that things that were never moved before suddenly get moved the next term. We haven't finished that analysis yet.

ASSEMBLYMAN ALBOHN: I have to admit that A-56 was the first very bill I introduced in my very first term of the Assembly, and I've introduced it ever since. And of course it has never seen the light of day until it was assigned to this Committee, of which I happen to be Chairman--

ASSEMBLYMAN KERN: Mere coincidence.

ASSEMBLYMAN ALBOHN: It's pure coincidence of course that it floated to the top at this time. The next speaker, Pat Westhoff of Public Affairs Research Institute, would like to say a few words. Thank you Pat.

P A T J. W E S T H O F F: Mr. Chairman, members of the Committee, my name is Pat Westhoff. I'm the Budget Analyst for the Public Affairs Research Institute. Our organization is a nonprofit, nonpartisan research organization. We were formally called the New Jersey Taxpayers Association.

I wish to thank you for the opportunity and the invitation to testify before you this morning. I also want to commend and applaud the authors for what I perceive to be desperately needed legislation in New Jersey. Perhaps I'm listening to a different legislative drummer here. I thought this room would be packed.

ASSEMBLYMAN ALBOHN: We did too. (laughter)

MS. WESTHOFF: I'm a little bit taken aback, and perhaps it's because I am coming from a different perspective. This is the first time I have followed legislation in New Jersey. This is my first session, but I'm not new to the legislative process. I followed tax legislation in Minnesota for 11 years prior to coming here. With that experience I did anticipate that there would be a substantial number of bills coming down the first couple of days of the session, either pre-files or stockpiled. But my definition of substantial and the 4582 bills and resolutions that came down, were far far apart.

Part of my responsibilities with the Research Institute is to analyze each and every tax bill that comes through. Initially I thought this would be a pretty easy project. Currently, I'm still waylaid with the pre-files. I have gone through two-and-a-half feet of bills. At present, I've got about a foot to go. So, I can see the end in sight but it's going to take me awhile to catch up. The point is, my time is being spent on a paper chase. It's not being spent analyzing bills. It's not being spent tracking legislation.

Additionally, I'm not quite sure what it is that I'm actually analyzing. I'm extremely troubled by the provision on each of the bills that says, "Subject to technical review." Tax bills are inherently technical, and I'm extremely uncomfortable with analyzing bills that are not introduction ready.

Under the circumstances, I think that staff, legislative staff, legislative counsel, the staff in the Bill Room, are doing an excellent job, and I see the problem -- the beast if you will -- is the sheer volume of the pre-files. I don't feel it's fair to legislators, to staff, to lobbyists, to research persons like myself, to the media, or the public.

During the past week I checked with a number of states, and I also checked with staff at NCSL to see how other states handle pre-files. And I concluded that there is absolutely nothing wrong with pre-files. In fact, about 45 states out of the 50 have some sort of system whereby they allow them. In fact, in Florida, all bills must be pre-filed before the session begins. But the big difference between New Jersey and other states with pre-files is that in other states there is an interim. In Florida there is about seven months where they can pre-file bills. Those bills are sent out to the public. They're systematically released, and everyone has a handle on them before the session starts. There is a system similar to that in Minnesota also.

The latest information from NCSL as far as bill introductions are concerned on a state by state basis, is that for the 1983, '84, and '85 sessions, New Jersey is the sixth highest in bill introductions per legislator. New York is highest with 282. Hawaii and Massachusetts come next. They each have over a hundred bills introduced per legislator, that's for the three year period of time. New Jersey is 89, with California and Illinois just slightly higher than that. By the way of information, New Hampshire comes in the lowest. Legislators only introduced five bills each over a three year period of time.

I think New Jersey's rank will probably increase. It will probably surpass California and Illinois anyway. I think this is due to the recent increase in the number of bills that have been pre-filed, and overall introduced. Last biennium there were 3400 pre-files, and in total there were 8500 introductions. And I concur with figures that have been stated here before. If that relationship holds, then we will be looking at 11,500 bills by the end of next year.

I have some specific comments on A-56 and A-114. In my conversations with staff at NCSL and in other states, they are interested in what is happening in New Jersey as far as where this legislation is going to fall. No one could come up with one other state where there's statutory limitations, and in most states this kind of language has been challenged. Also, in each of these states with limitations, there's an exception for technical bills. In fact, in most states they refer to bill limitations as general, only for general bills, and there's an exemption for technical bills. It's usually up to the reviser or legislative leadership, the Rules Committee, to make the determination of which bills are technical and which are not.

Also under both bills, the limitations on the number of bills introduced will certainly decrease. And I think you

should also know that the length of the bills of course will increase. I think this is appropriate, and I think what will happen is that the subject matter will be consolidated. I think that's fine. But as a word of warning, I think there should be strict internal enforcement of the constitutional provision requiring that all bills address one subject, expressed in the title. It's been my experience that the longer the bill, the weaker the linchpin between subject matter.

In Minnesota what happened is that there were many garbage bills and so-called, "Christmas Tree" bills that came down, because this linchpin was so loose. Also in Minnesota, we had the same constitutional provision on subject matter, but what happened is that in these Christmas Tree bills, we would have a title, all right, that addressed every subject in the bill, but the title would be about ten pages long. That was challenged in the Supreme Court in Minnesota, and what they did was slap the hands of the legislators and say, "The next bill that comes through with a ten page title we will rule unconstitutional." So at this point it has come under control.

Finally, with reference to A-114, I have a concern which I hope you will consider, and this is with basic concept of short form and with the limited assessability to the legal long form language. I simply cannot analyze a tax bill based on a summary or a statement of intent. With technical tax language, the words "may" or "shall" are imperative. Reference to the code, the specific effective dates, of even the punctuation, can change the interpretation of a bill. I would hope that you would reconsider this concept, especially as it pertains to assessability for the public.

With that, Mr. Chairman, that ends my comments. I'd be happy to answer any questions you may have.

ASSEMBLYMAN ALBOHN: Thank you very much. Very very interesting.

ASSEMBLYMAN KERN: Florida is not a full-time legislature, is it?

MS. WESTHOFF: No.

ASSEMBLYMAN KERN: They meet for a set number of weeks per annum.

MS. WESTHOFF: Right, and they have about eight or nine months where bills can be pre-filed and heard by committee. They're not acted upon, but they're heard.

ASSEMBLYMAN ALBOHN: I was interested also in your comment on New Hampshire at five bills per legislator, but don't they have 450 legislators or something like that? (laughter)

MS. WESTHOFF: Right, they do. But five still struck me as awfully low for a three year period of time.

ASSEMBLYMAN ALBOHN: It's true, I guess--

ASSEMBLYMAN KERN: Five times 500, is that what it would be then?

ASSEMBLYMAN ALBOHN: Yeah.

MS. WESTHOFF: Unless they're all omnibus bills or something. I don't know.

ASSEMBLYMAN ALBOHN: Anyone else would care to comment?

ASSEMBLYMAN FOY: Well, I kind of hear two messages from what you're saying. One is, there's an issue of the volume of bills introduced and the quality of the bills. I mean, how do you separate out what is quality as opposed to what is kind of pelf or what have you. Secondly, in terms of the issue, one portion of it is really processing management of bills, and that's the whole pre-filing thing. Just in thinking about the management of those things-- If we limit the number of bills that are pre-filed and then change our structure somewhat to say that on any given legislative day, first that bills can only be introduced on a legislative session day -- which is the practice we follow now -- and secondly, you'd be limited to the number you could introduce on that day. We then would be able to have kind of a control over the number of bills that are going to be going to Legislative Services at any

one time. If we theoretically limited the number of pre-filed bills to 10, it would be 10 bills times 120 legislators that would be pre-filed in advance of the new session, or 1200 bills. That seems to be a more manageable number than the 4000 that we end up getting in the beginning.

In the beginning I was skeptical about the idea of limiting on session days the number of bills a committee could consider. But I kind of like the idea now -- as I've seen it in practice -- of saying you only consider seven bills in committee unless there's some sort of emergency or waiver, because you're better able to manage the consideration of those bills.

If we did the same thing -- and I don't know what the number would be -- for the introduction of bills on a legislative day, at the outside, Legislative Services would know on any given Monday or Thursday, if the number were five, that they'd only have to consider a maximum of five times 120 is 600 -- is that right? -- 600 bills on a given day. And in the beginning session where we're most prolific, they would know that if there were going to be ten session from January to March, 600 was the number each day, that their outside exposure is 6000 by March 17; as opposed to not really knowing what it could be, in a sense.

So maybe we need to consider a case management approach in a sense to the introduction of bills in which, on some of the materials that Darby provided, there were time limitations, there was a structuring of the way that bills are introduced, as opposed to what we see now in terms of pre-filing where every constituent who has had a bill that didn't pass in the last session, is on you immediately to pre-file it, so that they can get working on getting their bill moved through as quickly as possibly; so you'll have 35 pre-files, or what have you. I think case management is a significant aspect of what you brought up.

I don't know how we'll get over the dilemma of what's a quality bill and what's not? I mean, we can all look at them and say, "Yeah, the bill to deal with the shopping carts isn't quality," but to somebody whose bag is shopping carts, that's everything. We still need to do some more work as far as coming to grips with that problem.

ASSEMBLYMAN KERN: What is a legislator going to do if he has a limitation, and he has a whole bunch of school kids that want the brook trout to be the State fish, and he's got a bill that deals with labor arbitration, and he's got a problem with his limitation.

ASSEMBLYMAN ALBOHN: You tell him what I told the kids that want the brook trout--

ASSEMBLYMAN KERN: Well that's what I would do too.

ASSEMBLYMAN ALBOHN: --that we have a lot of important things to do, that the brook trout as the State fish is among the least important.

ASSEMBLYMAN KERN: I know.

ASSEMBLYMAN ALBOHN: They get very unhappy and write you nasty letters back, but by the same token it's a fact of life.

ASSEMBLYMAN FOY: I had an even better answer. I said, "It's a wonderful bill, but I believe that these bills should originate with the legislators in the district in which you live--"

ASSEMBLYMAN KERN: That's what I did.

ASSEMBLYMAN FOY: "--so as soon as they introduce the bill I'll be happy to go on as a co-sponsor." (laughter)

ASSEMBLYMAN ALBOHN: Shall we provide a rule for that too, so that we're just buck passing around? I think, unless there are any further question of Ms. Westhoff, I'd like to thank her very much for her very interesting testimony.

ASSEMBLYMAN FOY: Yes, thank you.

MS. WESTHOFF: Okay, thank you.

ASSEMBLYMAN ALBOHN: And we'll look forward to seeing you and hearing from you again as we proceed on this adventure.

MS. WESTHOFF: Thank you, Mr. Chairman.

ASSEMBLYMAN ALBOHN: Thank you. Next on the list is Mr. Jim Morford of the New Jersey State Chamber of Commerce. At the moment I guess the score is one and one. (laughter)

J A M E S C. M O R F O R D: Good morning, Mr. Chairman, members of the Committee. I'm Jim Morford, Vice President of Government Relations for the New Jersey State Chamber of Commerce. I want to thank you for the opportunity to appear before you this morning to discuss A-56 and A-114.

The sheer volume of legislation introduced is overwhelming. It must be to legislators; it certainly is to the concerned public. From our point of view, virtually every bill introduced represents yet another idea to control, restrict, or limit, the lives of all or some segment of our population. And while we would not want to suggest, again, that there are ever introduced bills that are less than meaningful or lack sincerity of purpose, we are concerned that the volume is a very definite problem.

While not offering a legal opinion, we are concerned that limits on the introduction of ideas in this democratic forum might be counter to the spirit, if not the letter of our constitution. There are some who believe that some of the bills have been around since the age of the dinosaurs, and they keep getting pre-filed for introduction. Perhaps -- and this is the one modest recommendation that we could make with respect to the approach taken, Mr. Chairman, in your bill A-56 -- perhaps by legislation or by rules, bills that have not been acted upon by at least one house in the previous two sessions -- and that we think is building quite a bit of leeway, four years -- bills that have not been acted upon by at least one house in the previous two sessions, could not be pre-filed for introduction without special order of the Speaker or the

President, with perhaps a role to be played by the minority leaders to assure fairness and balance.

Someone has suggested -- and I think you've heard that -- that maybe we should establish that for every bill that is enacted into law, another present law be sunsetted and maybe maintain some balance there. Maybe we're getting too much law.

But we are concerned that your bill, Mr. Chairman, which presents a tremendous attempt at trying to encourage your colleagues at least to be more cognizant of the number of bills that are introduced-- We would only raise that particular concern, if it's constitutional, fine. I recognize the concern that Assemblyman Foy and Assemblyman Kern raised with respect to the pressures that are upon legislators, the members of the Legislature, to introduce bills for varying constituencies. Those kinds of limits may be helpful, although they also may be a problem for a number of legislators.

So we only offer the modest suggestion with respect to pre-files, that may not slow down the flood of legislation.

We are disappointed with the new printing system. We think that it has been at least a disappointment. We're not yet convinced that the Legislature and the public has gained by the Legislature's taking a step away from privatization. Maybe in time that will work out, but I think we've seen more bills moving this year without benefit of having the printed copies. That's very frustrating, and I think should cause concern in the public.

Let me turn for a moment to Dr. Villane's bill, because there may be a role for a short form as the general public's desire to know information about legislation. But the short form of legislation raises some very very significant concerns with those who are actively involved in analyzing, tracking, and indeed lobbying legislation, in the day-to-day processes of the Legislature. The proposal suggests that Legislative Services print 100 copies of all pre-filed bills

and resolutions, and 100 copies of the short form -- not even a basic number printed of the full form.

There are 120 members of the Legislature. There are a number of employees in the various administrative agencies of government, the various departments that are affected and would have to promulgate the legislation as proposed. And those employees have to analyze and run through quite a series within their own bureaucracy of the legislation, to analyze it and determine the impact and the ability of the agency to carry out the legislation -- with the possible exception of DEP, which just accepts its responsibilities anyway and doesn't try to limit that weight -- plus the affected public; the affected public who has to live with and comply with whatever the law is that's passed.

I don't think 100 copies is anywhere near enough to cover that, and that's only for the pre-files. If you note that only 100 copies of the short form are all that get printed, and then by special order the full length of bills may be printed, but that even only 100 copies. It just isn't enough. I know that it is not the intent of this Legislature -- I'm sure it would not be -- to limit the public access to the process and to the issues under discussion within the process.

As I said, there may be some merit to the short form for the general interest of the public, but it should never be used to replace access to full copies of bills available to registered legislative agents, to government employees, to administrative agencies, to members of the Legislature and their staffs, and to any others who are interested.

I'm concerned that the statement that is provided for in Dr. Villane's bill, the statement of intent and the summaries: We know that these are often written as political or promotional pieces, and may not truly and accurately reflect the content of the bill and in some cases even the intent of

the sponsor. When you have an opportunity to analyze legislation clause by clause, you find things that were put in by whatever the drafting agency -- inside or outside of government -- that holds maybe some unintended consequences, not even related to the proposed legislation. I recognize that the subscription service offers a provision which is similar to what we have now.

Perhaps, with respect to the problem that the Doctor tries to address with bills introduced in both houses, that if that is a problem in the Legislature-- We recognize that's a recent phenomenon. It used to be a law of lobbyists, "Don't introduce the bill in the Assembly and the Senate, because if they pass they will wind up in limbo, neither house taking up the other's." That has changed, and the merging of bills has caused the-- Frankly, a lobbyist would look to have bills of major importance introduced in both houses, and try to get them moved and into some parallel mechanism so they can speed up the process. That becomes especially important at the end of a legislative session when time is so much of the essence. I don't know, perhaps a consideration of a conference committee approach -- as they do in the United States Congress -- on bills that have passed both houses. I don't know that we need to get that complex, because fortunately our constitution does limit bills to one subject, and we don't have these omnibus bills that require a great deal of reconciliation.

Just one final comment. I would hope that before the Committee takes any conclusive action with respect to releasing or disposing of these bills by tabling them, that the Committee might want to seek an opportunity to sit down with Alan Rosenthal. Alan is Director of Eagleton Institute, is a very distinguished scholar of state legislatures. I would be anxious to hear his insights on this topic also. Thank you very much for your consideration.

ASSEMBLYMAN ALBOHN: Thank you very much, Jim. Anyone have any questions for Mr. Morford?

ASSEMBLYMAN FOY: I just put forth the modest proposal, I'll take it in the same context I took Jonathan Swift's modest proposal. Perhaps that's what we should do. We should eat these bills, like he would propose---(inaudible among laughter)

MR. MORFORD: Thank you.

ASSEMBLYMAN ALBOHN: Thank you very much, Jim. Our next witness will be, or was supposed to be, someone from New Jersey Business and Industry Association. Is anyone here representing them? (no response)

If not, I see Mr. Porroni out there, and I don't think he's sitting here just out of interest, but would like to have a few words with us also. Would you like to give us the benefit of your advice, Al?

A L B E R T P O R R O N I: Thank you, Mr. Chairman, and members. I bow to the 18th century scholarship of Assemblyman Foy and Mr. Swift. And indeed we are Lilliputians in this land of gargantuan amounts of bills.

Mr. Chairman, the Office of Legislative Services would take no position on either of these measures. However, at your direction this morning we do have some people here who would give this Committee whatever information and fiscal or legal advice it might need. To that end, I would open up any questions that the Committee might have of us.

ASSEMBLYMAN ALBOHN: I understood that you did not want to take a position, and I can understand in your position you should not take a position, I guess. But by the same token, some of the things that we've had commented upon here, certainly bear upon the functioning of your department. And to take perhaps one of the simpler situations, do you have any particular preference for receiving hundreds of bills for pre-filing -- or notification of pre-filing for hundreds of bills -- or receiving them in bales of bills on the first and second and third session of the Assembly? Does it make any difference to you?

MR. PORRONI: There is no question that the pre-filing period, as has been provided over a number of years by legislative rule, has done a tremendous service to those of us who have to process these bills by giving us the opportunity of having a period of time prior to a session -- and which hopefully might be a period of time where the Legislature would be slightly less active, shall we say -- to process the number of bills that the Legislature requires to have on the first session that it meets. I believe having the Legislature postpone its committee activity during the first couple of months of the new session, is not exactly the best idea. It seems that the number of bills problem will be directing the Legislature, rather than the other way around.

However, I do go back to the comment that Mr. Kern made, which is exactly true. It often matters little what you do in the pre-filing period. There will be a phenomenon which is the reintroduction of bills, which, after all, is what pre-filing is. That is, that if you do pre-file a certain number of bills, or even impose a limitation in the pre-filing period, there is nothing at the present time under our system to prevent the reintroduction of bills. So that the 4000 pre-files, while certainly foreboding, will probably become something more like 5000 or 6000 bills that have been reintroduced from the prior session. So this period of reintroduction, if for example, you would impose a pre-filing limit of 20 on each member during the period from November to January, members would then submit rather extensive lists of reintroduced bills that they would like reintroduced after that time, thereby just postponing the burden of preparation of those bills.

ASSEMBLYMAN ALBOHN: Offhand I'd be inclined to say that getting the pre-filing lists would enable you to organize your work a little bit better and get it started better. And if the end result is going to be the same I see no reason

offhand to really limit pre-filing if the number of bills is going to be as great either way.

With reference to A-56, where I have suggested a limit of 10 on pre-filing, that may have been-- You know, a lot of those were sort of gratuitous suggestions in A-56, and a formula developed over a period of several years. But I would certainly be willing to reconcile myself to the fact -- if the Committee should choose, by some strange quirk of fate, to release this bill -- to change that pre-file to the total number of permitted bills, because presumably they have already gone through the legislative process the preceding year, and there would be no need to go out and seek that same kind of approval the second time.

ASSEMBLYMAN FOY: Let me ask a question, if I might?

ASSEMBLYMAN ALBOHN: Go ahead.

ASSEMBLYMAN FOY: Al, isn't the issue really the timing or the time needed for processing the volume of bills? Don't we really need to attenuate the flow of bills into the system? And whether it's pre-filing, or whether it's introduction of bills previously introduced, when they all come in the large cluster, that's what poses the problem from a mechanical standpoint in terms of processing. So what about the concept that I raised before about attempting to regulate the flow of the introduction of bills over time? Let me give you a couple of examples.

One, we could have a pre-filing period, but then have a period in which the Legislature did not meet and consider the bills in order to give you time to process the pre-filing. Let's say that you were allowed to pre-file in November and December preceding the start of a new session, that in January we only had ceremonial sessions -- a swearing in, and perhaps one or two other sessions for the budget and the State of the State message. So that in January you would know there would be no active sessions in which you would be obliged to have had

processed legislation, but then in February the committee process would commence and you'd need to have a certain number of bills available and processed for use in the Committees, so that we can begin developing our legislative agenda. February and March would be the actual time in which we hold committee meetings and process, then the budget break. During the budget break have a second wave of pre-filings, in a sense, or something like that. So that we would regulate the flow of the bills into the system, almost have a funnel effect, a winnowing of legislation.

What about that as a potential solution to the problem of having this overwhelming number of bills in the beginning of the session -- which lobbyists can't get copies of, constituents call up and get mad because they don't understand why you don't have 6000 copies of the bills in your office for their use and activity? Do you have any thoughts on that? Has your staff given any thought as to how they would like to proceed with eliminating that problem, or at least reducing it?

MR. PORRONI: I think that certainly works, and can work. However, there are a couple of things that make New Jersey's situation a lot worse than the other states. I should say that most other states that are fairly active have a couple of thousand bills. Very few states -- I think New Jersey is one of five that exceeds, let's say, 5000. Not quite as bad as New York shall we say, but certainly we're in the top five. So that the number, the actual number of bills, makes a great deal of difference even in the procedure that you would outline.

Preparing this session, 4000 bills, has been quite a task. And I don't think we could have done that had we not improved the way we prepared them for printing, or had the benefit of some rules which would address the method by which you pre-file a bill, and what you must do to a pre-filed bill before it gets introduced.

Assemblyman, about 15 years ago, when I started into this process and was given the unhappy assignment of doing some of these pre-filings, our standard was that you would examine a bill with great care. That is, that you would make sure that the bill, if it amended the law, was current, that you would examine it not only as to form but as to substance. If you were to do this on the many thousands of bills that are now proposed for introduction in the new session, you would absolutely never get it done, notwithstanding the increases in staff to do that. What we have done in the past couple of years was to suggest that if it had been reintroduced in the last session, we would put some kind of a code or a banner on it that would say that this is in fact a reintroduction of a bill, and when and if a committee would consider that bill, we would undertake such a thorough review. So that helps in a way.

The difficulty with all of this is, again, who directs this procedure? Should we change our rules and way of doing business simply because we have recognized that we have a rather substantial number of bills that must be introduced in a new session?

And the other comment that I have is that pre-files consist not only of reintroduced bills, but also of bills that are thought anew. So that the freshman member coming into this Legislature really doesn't have a store of bills that he can call on right away that are good ideas. He's developing a legislative agenda, and he would ask our staff not to simply prepare a bill for reintroduction as a pre-file, but to draft a bill, which requires substantially more work than a reintroduction. So there is that to consider as well in this finite period of time before the new session starts.

And we have found classically that, with respect to pre-filing, while a few members do get their requests in on November 15, that most members because they've just stood for election, have a lot of other things to worry about and pretty

much don't get to pay attention to what their agenda is until perhaps December. Those are practical considerations.

ASSEMBLYMAN ALBOHN: Unfortunately, I have known of instances where people have pre-filed bills that the previous year they withdrew before the end of the term. Now, you wonder whether this is just because they told their secretary to pre-file all my bills, or whether they were consciously attempting to reactivate legislation that they had not that many months ago decided wasn't worth its salt.

MR. PORRONI: Again, those issues require intensive review by someone, whether it's the legislator himself, his own staff, of the Office of Legislative Services, as to what is the viability of this piece of legislation; not from a political or policy standpoint, but have we outstripped it by enactment of another law? Is it still an issue? Those things require a tremendous amount of time.

ASSEMBLYMAN ALBOHN: Well this is where I think some kind of a limitation would be useful, because it would force people to go through their proposed pre-files or anything else and decide, "Oh gee whiz, I just can't take this whole list that's in the 'Legislative Index' and pre-file them, because I withdrew five of them and five of them passed, five of them are passe. Therefore I really ought to take a look at these things." I think if we can accomplish that much we would be accomplishing something, because certainly it's a waste of effort for you to go through bills that only a few months previously have been withdrawn.

Before I try to bring this discussion to a head, is there anyone else in the audience who wishes to testify on either of these bills? I know we have a lot of guests here today. We welcome you. We hope you find this rather obscure subject interesting. Yes?

L I N D A F U R L O N G: (from audience) Mr. Chairman, thank you. I'm Linda Furlong with the Department of Commerce.

I don't want to make a comment at this time, but I do have a question if I could, of Mr. Porroni. One that our office has been considering is the constitutionality of limiting the number of bills that are introduced. I think there may be a question with the U.S. Constitution, if not the New Jersey Constitution. I just wanted to ask Al to-- (inaudible)

MR. PORRONI: That was the subject of a request for a legal opinion from our office by the Chairman. I cannot divulge that, of course, without his direction.

ASSEMBLYMAN ALBOHN: By all means, do so.

ASSEMBLYMAN FOY: He did it already.

ASSEMBLYMAN ALBOHN: I did already, I guess before you came. (laughter) I don't know about the U.S. Constitution, but I don't--

MR. PORRONI: Divulged the request, not the substance of it. That's what worries me. If I'm free--

ASSEMBLYMAN ALBOHN: Please do.

MR. PORRONI: First of all let me say that it is not an issue that, as we can find it, has been litigated anywhere in the United States. However, as the National Conference of State Legislatures has published a rather extensive piece on this in the past year or two -- and the National Conference having much greater resources than we do to figure out what the other states have done in this area-- It reflects that there are many other states that have bill limitation rules of one sort or another -- usually by house rule incidentally, and not by state statute. However, the issue as to whether provisions in a state constitution which gives the houses of the legislature the right to determine rules of its own proceedings would be a legal issue as to doing it by state statute, we conclude that it is not; that state statutes in fact only supplement that which may be done or are committed to a legislature to do by rule.

The other issue as to whether this would be a disenfranchisement of a legislator or his constituency by a limitation, it is our opinion that a court would not so find. There are some cases -- which I will not delineate -- in New Jersey, which deal with that very issue, many of them in the Federal courts. There is one pending in New Jersey now, which I will reserve comment on as well. However, it is our conclusion that a court would find a limitation rule, certainly if reasonable and providing for the ability to legislate in emergency situations, would be constitutional.

ASSEMBLYMAN ALBOHN: I might point out in that regard that the bill that I have proposed is not an absolute limit, that there's not a cutoff at some number. It simply provides a restriction through making succeeding groups of bills more difficult to introduce, and requiring more extensive or more authoritative co-sponsorship. So that if you introduce some ridiculous bill, you're free to do it on your own, but no one else may be willing to co-sponsor it, and that limits you from progressing through the various groups, as to getting co-sponsorship is concerned.

You had another question did you, Linda?

MS. FURLONG: (from audience) No. I just wanted to say that I think that you're heading in the right direction. I think the fundamental question is addressing the serious problems that result with the regulatory process -- as you well know, Mr. Chairman -- from the proliferation of legislation. And to try to address the front end reforms that might be effectuated to reduce some of the problems within the regulatory process. I think that's certainly an appropriate direction to be following.

ASSEMBLYMAN ALBOHN: Thank you. If there's nothing further, than I would appreciate it if you would stand by in case there are some other questions from the Committee.

MR. PORRONI: Thank you, Mr. Chairman.

ASSEMBLYMAN ALBOHN: At the moment, I'd like to ask the Committee to consider the problem and decide what we might do.

One comment I would make with regard to Mr. Foy's position that this would limit your ability to service a particular constituency: To me that's good, because I think we should be legislators for the State and not legislators for a particular constituency, or even legislators for our own district. In some respects that comes about because if you do something or attempt to pass some legislative act specifically for your district, it usually comes under rather jaundiced scrutiny of the legislators. And really we should not be that provincial in our lawmaking that we do things specially for areas that aren't effective statewide.

I worry about legislators being the representatives of a particular constituency that does not necessarily represent their district from which they're elected. I don't mean to cast any aspersions on anyone in that regard, but it seems to me that each of us are supposed to be men for all seasons, I guess, and to represent all constituencies to whatever degree our own philosophy will permit us to do so. That's the reason we're elected, and that's how we're elected, on the basis of that philosophy to a large degree. So I don't know that a limitation on bills that would cause you to limit your services to a particular specialized constituency is bad.

Secondly of course, it would not provide that much of a restriction because for the most part it would simply require an ordering of priorities amongst those people and others in a legislator's district as to which were the most significant. And if they were sufficiently significant, the provisions in the bill are such that you can always get co-sponsorship of the Speaker and one or more of the majority leaders, so that there would be no absolute limit, whatever. It might require a little more persuasiveness on your part.

By the same token, it does little good to introduce a bill that the Speaker, or a majority or a minority leader, doesn't want to see on the floor, because as you know they have substantial influence in keeping those bills from ever reaching the floor anyway. So it would seem to me that by getting clearance from one or more of those people, you are almost assuring the possibility of some kind of floor action. And if you don't get it, you're unlikely to get floor action, so why bother introducing the bill?

I would be interested in seeing -- without committing anyone -- how many of the Committee would be at all interested in massaging this bill into shape, and how many are unalterably opposed to the concept itself and just couldn't support any kind of a bill limitation. And if that group should prevail, why, I think we would table the bill and forget about it. But if there's any possibility of doing anything with it, I would like to continue our efforts and see what we can accomplish. So those who are unalterably opposed to any kind of a limitation, or a restriction, or control, or whatever, would you announce yourselves?

ASSEMBLYMAN KERN: I think I'm of that opinion.

ASSEMBLYMAN ALBOHN: I suspect that you might be. (laughter) I didn't know how much support you might have, but if the rest of the members feel that we might possibly do something-- It seems to me something the public, and the agencies, and ourselves, would find desirable. Of course we each feel that there should be no limit on our bills, but on everyone else's. But I think looking at--

ASSEMBLYMAN FOY: Let me just say that I'm not so sure that absolute bill limitation is really an idea that I could ever be comfortable with. But I am comfortable with the regulation of the introduction of bills and the control of the flow.

For example, I like your idea about having successive tiers in a sense of the introduction of bills. As long as there is no ultimate cap in a sense. So that the last batch of bills may be almost impossible to get, since we can make it restrictive to the point of really making it tough to have a bill in after you've had an ample number to potentially go in. I think combining that approach with some sort of regulation of the flow, either by rule or by making it part of the legislation, is something that I would be encouraged to support.

I just still have a deep down unease, from a legal standpoint -- not withstanding the learned opinion rendered by counsel -- about placing a limitation on what we can do as legislators. I mean, I sometimes think that maybe we should adopt an HMO approach to legislation, in which we should be paid to stay home; and that as long as the subject is healthy we get paid, and when we have to come to Trenton and do something then we should have money deducted from our salary. I sometimes get that frustrated. But assuming that we can't get legislative preventive medicine as a norm, I think something like this is necessary, but in fairly broad parameters. I don't want to make it so narrow as to create a whole other set of problems that I'm fearful of down the line. So that's a definite maybe.

ASSEMBLYMAN ALBOHN: Okay.

ASSEMBLYMAN COLBURN: Mr. Chairman?

ASSEMBLYMAN ALBOHN: Yes, Mr. Colburn?

ASSEMBLYMAN COLBURN: I'd like to see some greater discrimination on the part of legislators as to what is introduced. It seems that some people are prodigious producers of bills. Last year, during the last session, I measured in my spare time -- during some of Mr. Aduato's remarks (laughter) -- I measured by inch the bills that were introduced by certain people. At one point, now Senator Paterniti, was ahead; and then you caught up with him. I was all set to criticize you

too when Maureen Ogden beat both of you. That took away some of my argument. But really there ought to be some restraint in this thing.

One thing, when we talked about pre-files, it occurred to me-- I think one of mine that I meant to withdraw, got pre-filed this year. So there's a slip by somebody who thought he was conscientious and only has about an inch and a quarter of bills this year so far. But I thought maybe pre-files ought to be described as to their old number, with a statement as to what the bill is supposed to have done last time, and then we ought to sign each one that we request. So if we pre-file 100, we've got to sign 100 times and have a statement for each one.

Another thing I wondered was-- I guess in the operation of our offices we don't have a budget for introducing bills, do we? Like in our own legislative offices we have stamps, we have typewriters, we have this, we have that. And I didn't know if there's any way we could develop a budget for bills, and beyond a certain number of bills we would have some deducted, and then it would be announced in the newspaper that we went on a bill junket-- (inaudible because of laughter) I didn't know if we could develop a bill budget.

And then, I know in the case of duplication, OLS has told me that if I ask them to write a bill and somebody -- I don't know who it was -- came down and said to me, "Well so and so is introducing the bill." So I said, "Well forget it. Don't bother to write that one." And you do. Don't you tell us when someone has beaten us to it? Then if we decide we want to put it in, we can still do it, but at least we know it's the same as somebody else's bill.

Now let's see. There's something else. I thought maybe after a certain threshold number -- 35, 40, or 50, whatever -- that we should be required to have more co-sponsors in order to have that bill introduced. So I think that idea is a good one. But I think we really ought to do something. It

kind of gets ridiculous after awhile, and apparently we've reached that point already. End of speech.

ASSEMBLYMAN ALBOHN: End of speech?

ASSEMBLYMAN GILL: I myself would like to see these hearings continue, because I think the more we talk about it the more we can refine what we really want to get done. And being there is no absolute limitation -- as you pointed out before, Mr. Chairman -- I think everyone has an opportunity to file all the bills he wants, as long as he goes through the procedures after he reaches a certain threshold or plateau. But I think it is important that we do continue these discussions, and I think your ideas are good on this. I support the concept.

ASSEMBLYMAN ALBOHN: Thank you very much. I would like a suggestion. The bill, while it's the same concept that as I indicated I had introduced in 1980, has been changed extensively over the years as I've had input from people and objections to it, and this is the latest version. And even here, in discussing it today with members of the staff before, I think there are a few words here and there that might be changed. And even the numbers, I just arbitrarily chose 10 for pre-filing, 10 for group two, 10 for group three, and five for group four I guess, and then the fifth group would be unlimited in number. But perhaps what I'd like to ask you to do is consider between now and the next meeting those numbers and those grades or gradations of authority, or signing on, or approval, that might be required; and if you would let me know what they are, if you have any thoughts on the subject, I'd be delighted to try to compromise them and include them in another draft of the bill.

As you may already know, I have invited every legislator to co-sponsor this bill, because I like to think of it as being an overall legislative effort rather than that of any one individual.

So, if you have any thoughts on the subject, and particularly with the last grouping where I have nervousness about it myself, because after you've filled all your other quotas, the ultimate quota is to get the co-sponsorship of the presiding officer, the majority leader, and the minority leader. That might be awfully hard to do in an intensely political atmosphere, with an intensely political bill. So we might want to consider just the approval-- On the other hand, if you make it just the majority leader or just the minority leader, that's no control at all because they will automatically approve anything that a member of their party proposes. It almost requires a two party control, and the purpose there was not to leave a loophole that anyone could get bills through, but to make sure that the business of the State did not come to a halt.

For example, the budget bill is one of the last that is introduced -- or among the latter ones to be introduced -- well it might be good if the budget could not be introduced, but it might also be very very difficult for this State. I would think whoever introduces the budget bill were to have no difficulty getting the approval of those two persons; at least I would hope they would not. Maybe there's some way of providing for an override on bills of the nature of a State emergency, which not having a budget would be.

But if you would let me have your thoughts sometime between now and the next meeting -- which is I think almost a month away, isn't it?

ASSEMBLYMAN COLBURN: I don't believe there's an announced date.

ASSEMBLYMAN ALBOHN: All right, so we have several weeks at the very least then. I would very much appreciate oral, or preferably written communication so we can pass it around among our staff members and have them give it consideration also.

The same thing goes for people in the audience here. If you have specific comments, or want to make suggestions, if you would address them to Mr. Cannon, he will see to it that all the rest of us get copies. As a matter of fact, the press is here too. If you want to make any suggestions, comments on the subject should be transmitted to the Committee. Why, we would be pleased to have public input on it as well.

V I N C E Z A R A T E: (from audience) Mr. Chairman, I have one request related to this. If the OLS counsel has given you a legal opinion on whether or not this is constitutional, whether anybody is disenfranchised, I would like a copy of that. And I just want to get on the record my protest at your existing law and the OLS, that they can't talk to the press about anything they do unless they get permission from the Chairman or the particular sponsor. Just a matter of record. I keep protesting-- (inaudible) I consider it muzzling of the press.

ASSEMBLYMAN ALBOHN: Well, I understand your position on that--

MR. ZARATE: Okay.

ASSEMBLYMAN ALBOHN: --but I also understand the sponsor's position who might not want to be embarrassed by something that he later on had second thoughts about. By the same token, I would ask Mr. Porroni when he releases that opinion-- I have no desire to keep it private. I think the more publicity it gets the better, and if you want to send a copy to Mr. Zarate, I'd be delighted to have you do so.

MR. ZARATE: I would like it today.

ASSEMBLYMAN ALBOHN: He'd like it within the next 15 minutes. (laughter)

ASSEMBLYMAN FOY: I think in fairness, if Mr. Zarate wants to speak to people at OLS or on the partisan staffs about work in process that they're doing for us, without our permission, we should be permitted to speak to all of the

reporters and the editors about stories they're writing that are in the process, before you write them. (laughter)

MR. ZARATE: Well you always have-- (inaudible)

ASSEMBLYMAN ALBOHN: They might not pay attention to you, but by the same token--

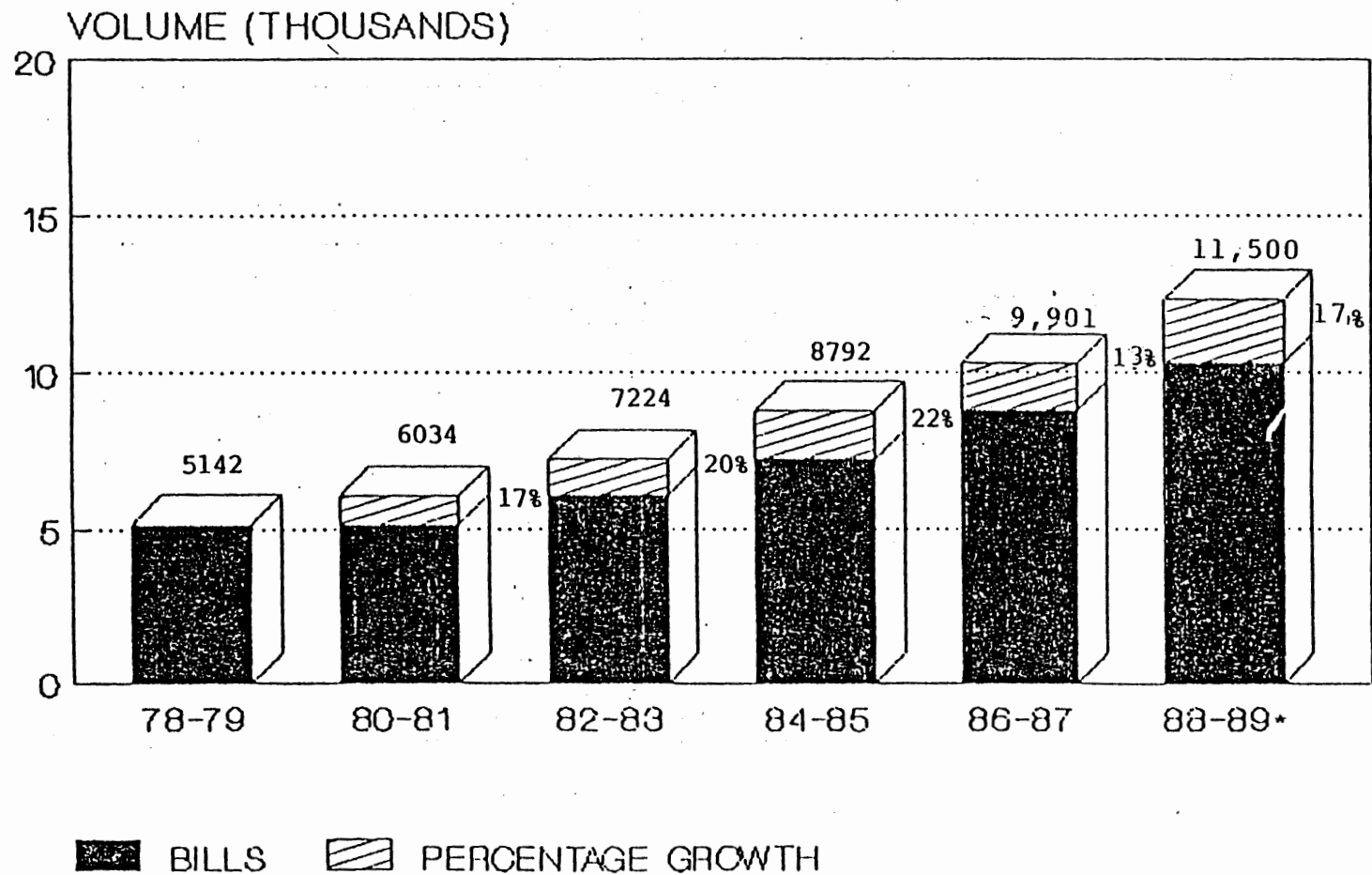
(Assemblyman Albohn confers with Committee Aide)
Fine. I'm advised by our staff chief that we should announce that the hearing record will be held open until Monday, March 7, for submission of written statements, and any who supply those written statements will find them in the written record along with the transcript of this meeting itself.

Thank you very much everyone for your attendance and participation. The meeting is adjourned.

(HEARING CONCLUDED)

APPENDIX

NEW JERSEY LEGISLATURE BILL & RESOLUTION INTRODUCTIONS



*PROJECTED

