

PUBLIC HEARING

before

SENATE RULES AND ORDER COMMITTEE

on

1976 SENATE RULES

Held:

February 4, 1976  
Senate Chamber  
State House  
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Stephen B. Wiley, Chairman  
Senator Matthew Feldman  
Senator Joseph P. Merlino  
Senator William Vincent Musto

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SENATOR STEPHEN B. WILEY (Chairman): This is a meeting of the Rules and Order Committee of the Senate, State of New Jersey. It is held pursuant to the public notice of the Committee for the purpose of hearing from anyone in the State of New Jersey who would like to tell us how we ought to change our rules. We have a quorum of the Committee, and I might add that we had a quorum of the Committee at ten o'clock. The only reason we have delayed is to give the witnesses an opportunity to assemble.

There has been distributed - and it is available for anyone who doesn't have it - an index compiled by Kathy Crotty entitled "Summary of Proposals to Senate Rules and Order Committee for Consideration in the Adoption of 1976 Rules." It is a three-page summary, and it is accompanied by all the papers that have been submitted to us by any party suggesting rule changes. The Index analyzes those changes by a chapter heading of the rules, so you can cross-reference it. If there is anyone present who would like a copy, please inform us and we will make that available to you.

We have scheduled a meeting of this Committee for next Tuesday. That meeting is to be held at 10 A. M., February 10, presumably in the Bid Room. It will be a public session, as all of our meetings are. And that is intended to be the meeting at which we will make our decision as a Committee on what changes we are going to recommend. We will then have those done up in a booklet fashion and submit it to the members of the Senate for their consideration on the 19th of February, when the Senate next meets after the 10th.

We look forward to hearing from you today. We would like to have all of your thoughts including such comments and reactions you are in a position to give us on the proposals that have already been made to us. You will recall that two years ago we had a public hearing - I guess it was the first of the Senate Rules Committee - and we had a larger turnout and many suggestions were made, and we made quite a number of changes. There has been some indication given to me that the smaller turnout today may be a reflection on the fact that there are not as many changes yet to be made as have been made. I hope that is the case, and not the fact that there is indifference. In any event, we are delighted with those who have taken time out of their schedules to appear, and we look forward to getting your advice.

Do any of the members of the Committee have any further comments before we turn the meeting over to the public? If not, we will hear from Lucy Mackenzie, League of Women Voters.

LUCY MACKENZIE: Thank you, Senator Wiley. I am Lucy Mackenzie, Legislative Reform Chairman of the League of Women Voters of New Jersey. Instead of reading my prepared statement, I will paraphrase my remarks in a general nature.

I think you are quite right, Senator Wiley, that the sparse attendance here is a tribute to the improvements that have been made in Senatorial and Assembly procedures over the last two years. The addition of the badly needed committee staff, the institution of the Hot Line, which gives the public legislative information, and above all, the institution of the policy of open committee meetings has somewhat diffused the reform movement, which I think should be a source of satisfaction to you.

I would like to address one problem this morning, which is not a reaction to the suggestions of this Committee - most of which I think are very good - but a subject which is seldom discussed but which I feel the League feels is probably the greatest deterrent to effective Committee action in the Senate and the Assembly - and I gave much the same testimony to the Assembly - and that is, the fact that there is not a sense of responsibility on the part of individual members of the Senate to attend committee

meetings consistently and promptly. It is normal for committee meetings to start an hour late, at least. It is unfortunately too often that committee meetings do not take place at all because a quorum cannot be found. Several days ago I attended Senator Garramone's organizational meeting of his committee. He was very enthusiastic. He had a lot of good ideas. Unfortunately there was only one other person there.

Yesterday I went to Senator Orechio's organizational committee meeting, and again there was only one person there in addition to him. But worst of all was the Labor Committee meeting yesterday, which, unfortunately was all too typical of what happens in both houses. Two members of the committee were there almost on time, and those were the only two members we saw. There were at least twenty or twenty-five people in that committee room who sat there for two hours waiting for that meeting to commence. Now, Senator Bedell, of course, could not be in Trenton yesterday - for reasons beyond his control - but the other two absent members were in the State House, to my understanding. They were present on the floor during the session. I think the very least that might have been done was for them to call and let people know that they were not going to come to the session, so they could have disbursed. Perhaps it is a paranoia on our parts, but sometimes I feel that members of the Senate feel, well, it is only a bunch of lobbyists and it doesn't really matter. That is what they are paid to do, and that's what they like to do, but believe me, sitting there for two hours waiting for something to happen is not a lot of fun. We are human too. We bleed and we get tired and we get angry and we get frustrated. I think it is an affront to the people of New Jersey for members of the Assembly and the Senate to treat them in that manner when it can easily be avoided.

I sometimes feel that attendance at committee meetings is very low on the list of priorities of Senators and Assemblymen and Assemblywomen. I don't really know what can be done about this, because, of course, we are talking about a state of mind; we are not talking about a rule. Senator Garramone seized upon this problem with great enthusiasm, and he had several suggestions. One was that a quorum consist of a majority of those who are present. Now, of course, this would take a change in rule which I think would be hard to effect. I would like to hear your thoughts on that. He also was not too adverse to having weighted voting on the part of the chairman, maybe two votes would be for the chairman, which I don't think would be too satisfactory.

Senator Garramone also was rather interested in the concept of having members brought in from the halls. Suppose you only had two people there and you had a lot of business you wanted to get done. To get a third you might go out and find a Senator who was not attending another meeting at that time. That has a lot of pitfalls to it. I don't think it could be effective. You could pack the committee. There is the argument also that the person brought in would not be familiar with the legislation that was under discussion. However, I don't think that is really a problem, because usually those who are there are not familiar with it either.

The only thing we can ask for is a sense of commitment on your part - which I know we already have - and on the part of the leadership to impress upon individual members that in order to make the committee system work all of the rules in the world are not going to do it if people do not feel a sense of commitment to be there and be there on time.

I would like to hear anything you have to say about how this could be affected.

SENATOR FELDMAN: Mr. Chairman, if I may. We met with committee chairmen, Majority Leader Senator Merlino and myself, and we spelled out the pitfalls that could happen and they were those that were enunciated very clearly by you. We want tighter

reins on committees. We want to know who is there and who is not there. I personally and Senator Merlino will call the members who have been absent. I will call committee chairmen to make sure that these committee meetings begin on time and try to, in our own way, convince Senators of the great responsibilities they have in getting there on time and not having the public just queue up out in the halls waiting for the arrival of an omnipotent committee member.

MS. MACKENZIE: Exactly.

SENATOR FELDMAN: You have made your point and it is something which has been gnawing away at me, not only because of what happened just yesterday, but because of something which has prevailed within the last three years, and it even prevailed when I was here in 1966 and 1967. You can rest assured that one thing we are striving for is to have a committee system that we can all be proud of. We have come a long way, as you have said, but attendance is important; punctuality is important, and we are going to work toward that end.

SENATOR WILEY: There might be one drawback if the chairman is permitted to go out into the hallway and like a sheriff bring in additional committee members, Senator Merlino would run the State House. He is always around the corridors.

SENATOR MERLINO: That might be a great advantage for the State.

MS. MACKENZIE: We will just have to take that risk, I guess.

SENATOR MUSTO: Steve, don't encourage him.

MS. MACKENZIE: I believe there is a rule, is there not, which allows removal of committee members who are negligent in their duties, or is that only in the Assembly?

SENATOR MERLINO: Lucy, that is a great rule, but I think there are an awful lot of legislators who would welcome the exercise of that rule, so they would be relieved of committee obligations.

MS. MACKENZIE: Well, that is rather sad, isn't it?

SENATOR MERLINO: It is, but we have to face it as it is. I know if we did that on the Appropriations Committee over the past two years, I would almost be a committee of one or two or three instead of ten.

MS. MACKENZIE: That committee has tremendous obligations.

SENATOR FELDMAN: If you will note the schedules, there are no conflicts. Because, if a Senator serves on two committees, one will be meeting in the morning, and the other will be meeting in the afternoon or on alternate days. But there is no conflict where we will have to shuttle from one meeting to another.

MS. MACKENZIE: That is crucial.

SENATOR MUSTO: I couldn't agree with you more, as you know. I think you have brought up a very, very important point. I don't think some legislators should be defended, but there are many that should be defended on this problem, because you have a part-time legislature. There is no question about that. And what we should continue to think about is a full-time legislature. It is a very difficult problem for a lot of these people. If you just take a week like this week, I will be down here in Trenton every day. So I am almost a full-time legislator and mayor. I know there are many people here in the legislature that just can't accept that responsibility and just can't put that much time in. I think with the complications in government you have today and the tremendous amount of new things being done, plus improving the old things, the legislator's duties have become greater.

You made some remarks before about Senator Garramone's committee. I think chairmen have to assume, under the present situation that we have, that we live under a greater responsibility, and I have suggested that the committee chairmen take charge,

so to speak. If they don't have enough members there to constitute a quorum, I think they ought to proceed anyway. I think there is a job to be done. When people come for a hearing, they shouldn't sit around for two hours.

I would say this to you, any committee I am chairman of, if the time for the hearing to start is ten o'clock, I go ahead alone. I just think you have to do that. I see no other way, under the system of government that we have at the present time. I know Senator Feldman is trying and other Presidents have tried before him in many ways to solve the very problem that you are talking about. I know the League of Women Voters has been very interested in that over the years, and rightfully so. But basically the big problem is that it has become a full-time job. There is a lot to do, and you just can't get 120 full-time legislators under full-time conditions.

MS. MACKENZIE: That is certainly true. I agree with you, Senator Musto. I think we do try to separate in our minds those who are doing things which must be done, but then there seems to be a large number of those who find other things to do rather than come to committee meetings. If there is anything else available, then they will do that, in preference to going to a committee meeting. Those are the ones I am talking about.

SENATOR WILEY: I think you are pointing out an important thing. When a committee member is not at the committee meeting, it isn't because they are having a cup of coffee or they are sleeping late. It is instead because they have several things to do, competing obligations in the State House. Because we essentially are a part-time legislature, they have to assign priorities among their duties in order to accomplish their most important objectives. They will respond if it is manifest to them that it is important enough to respond. If it is not quite as important as something else, that something else will take preference.

What is going to measure the importance of it is, one, leadership; that is, the leadership of the Senate and the leadership of the committee.

MS. MACKENZIE: Yes.

SENATOR WILEY: And, two, outside interest. And that brings me to you. If you promise not to say I said it, I think if you were to take a little interest in noting attendance or lack of attendance ---

MS. MACKENZIE: I have charts already made up, Senator.

SENATOR WILEY: Okay, you will find that people will pay a little bit of attention to that. When they began here in the State House to take attendance at committee meetings, it had a rather dramatic effect. And little steps like that, if you have the manpower or womanpower to monitor them, it would not hurt.

We are trying, and I think you can sense that from the President, the Majority Leader, and Senator Musto. There is a sense of commitment from them. With this idea, certainly the committee system should work. It should be the heart of the legislature, and it requires that attention be paid to such things as attendance. You will find that impetus coming from the leadership, and we would profit from a show of public interest in this same thing.

MS. MACKENZIE: Thank you, Senator. You have come so far. I hope that we can do a little more and make it work.

SENATOR WILEY: Thank you very much. We certainly appreciate you taking the time to testify here today.

Senator Ammond, I have your name on the list. Would you like to appear before your fellow Senators? We would appreciate having you. You can sit in the majority leader's seat.

A L E N E S. A M M O N D: Thank you very much. I am very pleased to be here. I think you pretty much know what I am going to say, so I am not going to speak too long. Senatorial courtesy has been a burning issue for, I guess, a number of years, and I think the time has now come to start reevaluating the use of senatorial courtesy and the method. Senatorial courtesy should not be used as a bargaining point for patronage from a particular senator.

When I was first elected to office I believed senatorial courtesy had a place. I thought it could be used as protection for the citizens in prohibiting people who might not serve well in a particular commissionership or gubernatorial appointment. As you know, in past history I was overridden in a vote. In that vote where I was overridden, the Commissioner is now listed as an unindicted co-conspirator in an alleged bribery case. In other case, a name was reported to the Judiciary Committee, and under our rules, I believe I am correct, when the name reports to Judiciary, it is supposed to have been cleared by the four-way check; is that correct?

SENATOR WILEY: On the executive side, yes.

SENATOR AMMOND: Right. And in this case it was the name of Judge Tusso. Information had come in that something was not quite right, and the name was withdrawn and a second State Police check was put on this individual. The individual withdrew his name on the second State Police check under the heat of pressure. Quite frankly, about a month ago the Attorney General told me that the name was reported to the Judiciary Committee before he even had a chance to see the four-way check. And he said that should not have happened. So there have to be some checks and balances. I think probably the best check and balance is a real public hearing - not upstairs in the Judiciary Committee room - down here, out in the open with each name, so that if there was any information, it would be more public and people could come and testify as they do in Washington. If there were T. V., there would be nothing done wrong.

I see nothing wrong with that. This method gives the public interest the best protection. I do feel the local Senator has a right to express his or her opinion to the Governor. I know the Governor has, on occasion, not even consulted the local Senator, and I think that is wrong. Nobody knows better your own picture in your own area - as far as local characters and personalities or the lack thereof -- I think our Governor has been remiss in that, and that is not right either. Advise and consent does not mean not speaking to the local Senator at all. Now, I gave up senatorial courtesy. The Governor has never consulted me on an appointment. If he wants to do that, that is fine. Because I voted no. I understand I broke protocol by voting no on a State Senator who was just made a commissioner on a board. I didn't realize that it was protocol to abstain. I really don't care. I think those old protocol rules should not stand anymore. They are silly and outmoded and ridiculous.

I really believe we can open our own caucuses without fear of interference from the public. I don't think that the public has to ask questions in the caucus. I think just observation by the press and the public would suffice.

I also think - and people at the local level have already told me this - in open school board caucus meetings and open council caucus meetings, that the public is getting a better appreciation of how difficult the problems are. The people can come in and watch you agonize over some of these problems. The public sees just the end result. Often they don't know how serious the problems are and how you have to work on them. It is not so easy to come to a solution because the problems are so difficult. I think we would be doing ourselves a service, because I think it would lower the level of frustration of the public, if they can see people are working to iron this out.

Besides when you have something closed, people suspect that something is happening that very often is not happening.

SENATOR WILEY: The question of the caucus, of course, as a party matter is something presumably governed by the party, rather than by the rules. There is nothing in the rules now about one party or the other. It is just the official functions of the Senate through their committees and the like that have any attention in the rules.

SENATOR AMMOND: Well, you know, I'm not so sure about that. I don't know who decides what is under the rules and what isn't, because it is essentially supposed to be party, but it really isn't party. It is not necessarily a party decision on a bill. The bills are discussed. We have all conceded that, which really makes it party legislative, and I think the rules should include what happens on both sides of the fence. I can't see leaving that out. I don't call that a strict party meeting. The democratic party was not unified on any particular issue this year, right?

SENATOR WILEY: All but one.

SENATOR AMMOND: Which is not a bad thing. This is sometimes a good thing. If there is conflict, that is healthy. Conflict is a healthy thing. It is good for the public to know we are not monolithic, and following the leader with blind faith. I can't see how you can exclude that from the rules, because the legislative matters are discussed very, very often. I don't know what the legal repercussions are and how you would include that, but I would include the caucuses in the rules.

Do you have any questions?

SENATOR WILEY: Are there any questions by any committee members? Apparently there are none. Thank you very much.

I would like to just let it be known that a paper was given to me yesterday, and it is entitled "Text of Joint Press Conference by Senators Wallwork and Ammond." This document has to do with the senatorial confirmation process. Senator Wallwork mentioned to me that he would recommend to this committee the rules changes he thought would be necessary along the lines of the proposed rules. He said they would be improved or edited before final presentation, but that we would have it this week.

SENATOR AMMOND: Yes. It is a joint statement. The Attorney General has informed me that if public hearings were held by the Judiciary Committee, he could be called to testify on the character of a nominee, which puts a very heavy responsibility on him. And I can assure you that if an attorney general were placed in that position, he would be most careful in selecting those he would back up.

SENATOR WILEY: Will you be submitting a future statement?

SENATOR AMMOND: I think that is a joint statement. That would suffice.

SENATOR WILEY: Thank you, Senator. We appreciate your comments. For the record, I also have a letter on behalf of Senator Garramone with regard to certain changes in the rules considered by the committee. The particular rules in question are Senate Rule 78 and Senate Rule 83E. Does the Senator know of our meeting on Tuesday? In his letter he mentions the two rules, but he doesn't suggest the changes.

MR. CARROLL: We would like to have an opportunity to expand on the desired change.

SENATOR WILEY: Can you get in touch with him?

MR. CARROLL: Yes, sir.

SENATOR WILEY: I think that is important. Would it be possible to get them today or tomorrow?

MR. CARROLL: Can I mail it to you?

SENATOR WILEY: You can mail it or call me. We are going to no doubt be trying to draft on Tuesday. I would expect to prepare the rules so they can be submitted at our next session.

MR. CARROLL: I will be in touch with the Senator.

SENATOR WILEY: I might mention that I have a letter from Senator Wallwork, Senator Ammond and Senator Bateman with regard to the ninety day rule on senatorial courtesy. That has been received subsequent to the compilation of papers that were distributed this morning.

SENATOR MERLINO: For the record, I am distributing now an amendment to Rule 149, which would in effect reinstitute the sixty day rule that was in effect for the 1966-67 Legislature. It is known as the Hughes Rule. One of the first orders of business of the 1968 Senate was to delete this rule.

There are also two other additions. The next is a proposed amendment to Rule 1236. First, exclude any bills or resolutions set forth on the consent calendar; and, secondly, by reducing the maximum number of considered bills from thirty to twenty-five.

Also, consideration may be given to deletion of the fifteen-vote rule requirement for reconsideration of a lost motion or bill, which is Rule 127, lines 9 and 12.

SENATOR WILEY: I would also like to include in the record the Index together with all the attachments to it. Are there any further comments by any other members of the Committee? If not, I will call Nancy Becker from New Jersey Common Cause.

N A N C Y B E C K E R: Thank you for the opportunity to testify before the Senate Rules Committee. Before I begin my formal testimony, I would like to, number one, echo what Lucy Mackenzie said about the committee system. We have seen great improvement in the last two years. I was particularly enthused to read a paper called "Committee Operating Procedures," which was presented to Assembly committee chairmen last week. I think it is a marvelous step in making legislative committees an integral and important part of the legislative process.

SENATOR WILEY: Do you want to expand on that?

MS. BECKER: I am going to deal with it in my testimony.

SENATOR MERLINO: We also have a copy of it, and we are laboring with it.

MS. BECKER: Good. I am Nancy Becker. I am Executive Director of New Jersey Common Cause, and I represent approximately 12,000 members who reside in New Jersey.

It is often difficult to prove that there is a positive correlation between legislative reform and legislative results. Open and accountable procedures do not always ensure the right decisions, but they do protect a democratic system of government which must be just as concerned with means as with ends.

The senate rules that were adopted two years ago began to open up committee procedures and increase deliberation on proposed legislation. However, standing committee operating procedures still have a great deal of room for improvement. The development of an effective standing committee system with adequate professional staff, and assigned responsibilities for executive branch oversights will enable the legislature to become a more independent and co-equal branch of government.

And in this committee operating procedures paper that I read, there were some very positive steps taken in this to give committee chairmen and committees the responsibility for overseeing the executive branch. I know that in one of the Agricultural Committee meetings last week, members of the Department of Environmental Protection were

called in to discuss their programs with the committee. I think this is a very positive step. In this respect, the Senate Education Committee, under the chairmanship of Senator Wiley has provided a very positive example of how a standing committee should operate.

Proposed new Rules 82 and 112 which relate to changes in committee operating procedures are appropriate measures for the Senate to adopt to strengthen the standing reference committees.

In addition, we would urge that all bills on a similar subject be ---

SENATOR WILEY: You are referring to the proposed changes in the material we handed out?

MS. BECKER: Yes; yes. That is what delayed me. I was trying to incorporate in my statement some reaction to that paper.

SENATOR WILEY: Fine. That will be very helpful.

MS. BECKER: In addition, we would urge that all bills on a similar subject be assigned to the same committee. During the last legislative session, bills on the same subject were often assigned to different committees. This led to unnecessary confusion within the standing committees.

Our major concern - as I'm sure most of you know - with regard to the senate rules is ensuring that legislative committees operate within the framework of the Open Meetings Law.

As far as I can determine, there is no notice provision for committee meetings in the current senate rules. In order to comply with the notice provision in the Open Meetings Law, at least forty-eight hours advance notice is required.

To further comply with the notice provision of the Open Meetings Law, a notice must be sent to two newspapers, posted in a public place, and filed with the Secretary of State. This notice must give the time, date, location, and agenda wherever possible.

Current Senate Rule 155 allows a senate committee chairman to determine whether a committee meeting is open or closed. Although it is stipulated that all votes must occur in public session, the meeting preceding or following a vote may occur in secret. In order to comply with the intent of the Open Meetings Law, all committee meetings must be open to the public at all times, except when the public body is discussing those matters outlined in Section 7B of the law.

Although the Open Meetings Law does not allow citizens to participate in the meetings of public bodies, under the 1975 Senate Rules many chairmen have encouraged and invited public participation during regular committee meetings. I hope you will encourage the continuation of this excellent practice. It has been a most effective means of soliciting a variety of opinions on a particular piece of legislation.

As far as New Jersey Common Cause is concerned, proposed new Rule 155 is in compliance with the spirit as well as the intent of New Jersey's Sunshine Law.

Finally, the Open Meetings Law mandates that any person may request copies of a meeting notice for a reasonable sum. I know that in practice many committee chairmen have made agendas available to the public during the past year. However, the law guarantees the public's right to obtain agendas, if they desire them. I hope you will embody this provision within the Senate Rules.

#### Senate Caucus System

Misuse of the Senate Caucus System has been one of the most serious encumbrances to the democratic goals of openness, responsiveness and accountability. The Caucus System is found desperately wanting in each of these three areas, and there can be no justification for permitting a purely partisan segment of a bi-partisan public body to decide in an undemocratic fashion which bills will be recommended for passage and which bills will be killed.

Although we do not propose complete elimination of party caucuses, we believe that the caucus must limit itself to purely partisan matters and should not be used as a method to screen legislation or to directly influence public policy.

The Commission to Study the Legislature (1971) recommended "... that most of the basic responsibility for the review of bills and their release to the floor be vested in the standing reference committees themselves..."(22). A strong and viable standing committee system is unlikely to develop so long as the majority party caucus goes unreformed.

If the Senate decides that the Caucus System must be maintained in its present form, the public has a right to expect open meetings (open to the public and the press), with recorded votes on all bills, resolutions, and/or amendments. The recorded votes must be filed with the Secretary of the Senate and must also be available to the public and the press. This matter is addressed in Exhibit III #12. of the memo listing items for consideration.

### Improve Senate Journal

In an effort to better inform and at the same time provide a more convenient and systematic procedure for disseminating information, we believe that the Senate Journal should be improved to include more specific and detailed information and that this improved Journal should be more readily available to the public.

We agree with the 1970 Eagleton Institute Study which suggested inclusion of the following:

#### A. Status

- All bills introduced that day with sponsors
- All bills ready for Second Reading
- All bills ready for Third Reading
- All bills awaiting the Governor's Action
- All veto override bills

#### B. Committees

- All meetings for the following week
- Attendance at each committee meeting since the last session
- Action taken on bills
- All recorded committee votes

#### C. Roll call votes (Bills, Resolutions, Motions and Amendments)

#### D. Attendance

We propose amending Rule 73 to read:

73 - ... "The Senate Journal shall be printed and made available to the public in a timely fashion."

### Transcript of Senate Proceedings

In an effort to further inform the public, and as an accurate record for the future, we feel that a transcript of the proceedings of the Senate should be maintained and made available to the public.

The Assembly enacted such a rule last year, but I was unable to find that rule in time for this hearing. I will again undertake to find it before you have completed your deliberations. We understand that the maintenance for such a transcript will incur added expense, but we believe the value of the information will outweigh the cost of its recording.

I believe what the Assembly adopted last year was that they would record debate of sessions and keep that recording filed at the State Library, so that if anyone wanted to hear it, they could go over to the Library and hear it. I believe there is a fiscal note on that also. But that is what I have to find for you.

### Roll Call Votes

We note that SR 88 provides for recorded votes on the final passage of all bills, concurrent resolutions, joint resolutions and floor amendments. We propose that this Rule be amended to include recorded votes for all motions to place a bill back on Second Reading for the purpose of amendment. Positions taken on this procedural move are often as important as the final vote on any piece of legislation.

### Lobbyist Reform

We request a change in Senate Rule #57 to specifically exclude lobbyists from the floor and rear of the Senate Chamber while consideration of legislation is taking place on the floor.

We feel that lobbyists have a proper function in our legislative process, but we believe that the lobbyist should seek to aid, inform and rationally persuade. Such service should come before and not during floor consideration of the bill, motion, resolution or amendment. If advance public notice is given on Senate calendaring, The lobbyist should have ample time to make his point.

Rule 57 should therefore be amended to include:

57. ... "No registered or non-registered legislative agent will be permitted on the floor of, or in any area within the immediate vicinity of the Senate chamber while the Senate is conducting official business."

### Senatorial Courtesy

Senatorial Courtesy, the practice of the New Jersey Senate which allows a State Senator to blackball the appointment of anyone from his or her district without any reason for the action, is an abuse of the advise and consent role of the Senate.

The practice serves special political ambitions instead of the public interest. And it invites string-pulling and behind-the-scenes manipulation.

In #2 of Exhibit III, the memorandum listing items for consideration on Rules and Order outlines a very practical approach to eliminating the practice of senatorial courtesy without depriving the Senate of its advise and consent function.

I also would like to note the attachment of a constitutional amendment co-sponsored by Senator Merlino, which would help to end this practice.

We urge you to adopt these proposals for the 1976 Senate Rules. Thank you.

SENATOR MERLINO: That was three years ago. I haven't changed my mind. You have heard my proposal.

MS. BECKER: Yes, I have. I am delighted.

SENATOR MERLINO: Wouldn't the lobbyist reform hinder your operation?

MS. BECKER: I don't sit on the floor during sessions.

SENATOR WILEY: I think we share a common cause with you on most of your points. We will be looking over the particulars to see where we can make some progress.

MS. BECKER: Thank you. On the lobbyist reform provisions, there is something that I have not put in my formal testimony, but it does concern me, and that is, during the session there often will be an overwhelming number of executive branch officials sitting on the floor of the Senate. And I wonder if you would give consideration to allowing certain executive branch officials here only by invitation. Very often people employed within various executive branches of government feel it is a right of theirs to sit on the floor, and I think this adds confusion to the Senate proceedings.

SENATOR WILEY: Don't you believe most of them are here by invitation?

MS. BECKER: I don't think that a lot of them are here by invitation.

SENATOR MERLINO: Anyone who sits by me is there by invitation, otherwise they would not be sitting there.

MS. BECKER: There are others I know who are not there by invitation and feel that during the sessions, because they are employed by the executive branch, they can come and sit in the back or by the windows.

SENATOR WILEY: Anywhere on this first floor you are objecting to?

MS. BECKER: No, just within the chamber during sessions.

SENATOR WILEY: Within the first floor of the chamber?

MS. BECKER: Yes.

SENATOR MERLINO: Did Common Cause participate in the deliberations of the committee for an effective legislation?

MS. BECKER: The Goheen group?

SENATOR MERLINO: Yes.

MS. BECKER: No, we have not.

SENATOR MERLINO: I would hope not, because I would like to think that Common Cause was more informed about the operation of the Legislature than that committee was.

MS. BECKER: I don't want to be put in the position of defending them, but I know they are a very, very new group, and we have been around now for three years.

SENATOR MERLINO: They use the prestigious name like Goheen, so it is the Goheen report, and it therefore adds an awful lot of weight to it, but they were so misinformed and misdirected it is pathetic. I am surprised he would allow his name to be put on such a thing.

MS. BECKER: I am very anxious to read what they have written. I have not seen anything yet. Thank you very much.

SENATOR WILEY: Hold it just a second. There is one thing -- it is one thing to write a rule down and it is another thing to observe it. We have a rule now,

as our Counsel Lanning points out, that the committees are supposed to have statements to give with the bills. Sometimes they do and sometimes they don't. More often they don't. We could write it twice and the same practice would prevail. Do you have any suggestions as to how we could improve our performance?

MS. BECKER: Well, again, to echo what Lucy said, I think that if leadership enforces their rules and if committee chairmen enforce their jurisdictions of the committee operating procedures and give a well-defined role to their staff members, perhaps this practice would improve.

As the League of Women Voters is doing, we will be continuing to monitor legislative committee meetings as we have done in the last two years. We hope to do a better job in the next two years. We think committee statements on legislation are extremely valuable.

SENATOR WILEY: I share that thought with you personally. I think that you would perform a public service, in my judgement, if you were to look at our aspirations as expressed in our rules and just keep a little record of how we are doing. Maybe we will find that something is impractical and we ought to abandon it, but at least it would be good to know to what degree we are performing. It would have a beneficial effect, you know, in pointing out to us what we can do to improve. Your observation and your attention is important, particularly today in suggesting changes, but also in a monitoring kind of role on behalf of the public where you are auditing our procedures a little.

MS. BECKER: Thank you.

SENATOR WILEY: Are there any further comments or questions by committee members? Does the length of the hearing today and the intensity of the testimony suggest that we are not going to have a close observation in the next couple of years?

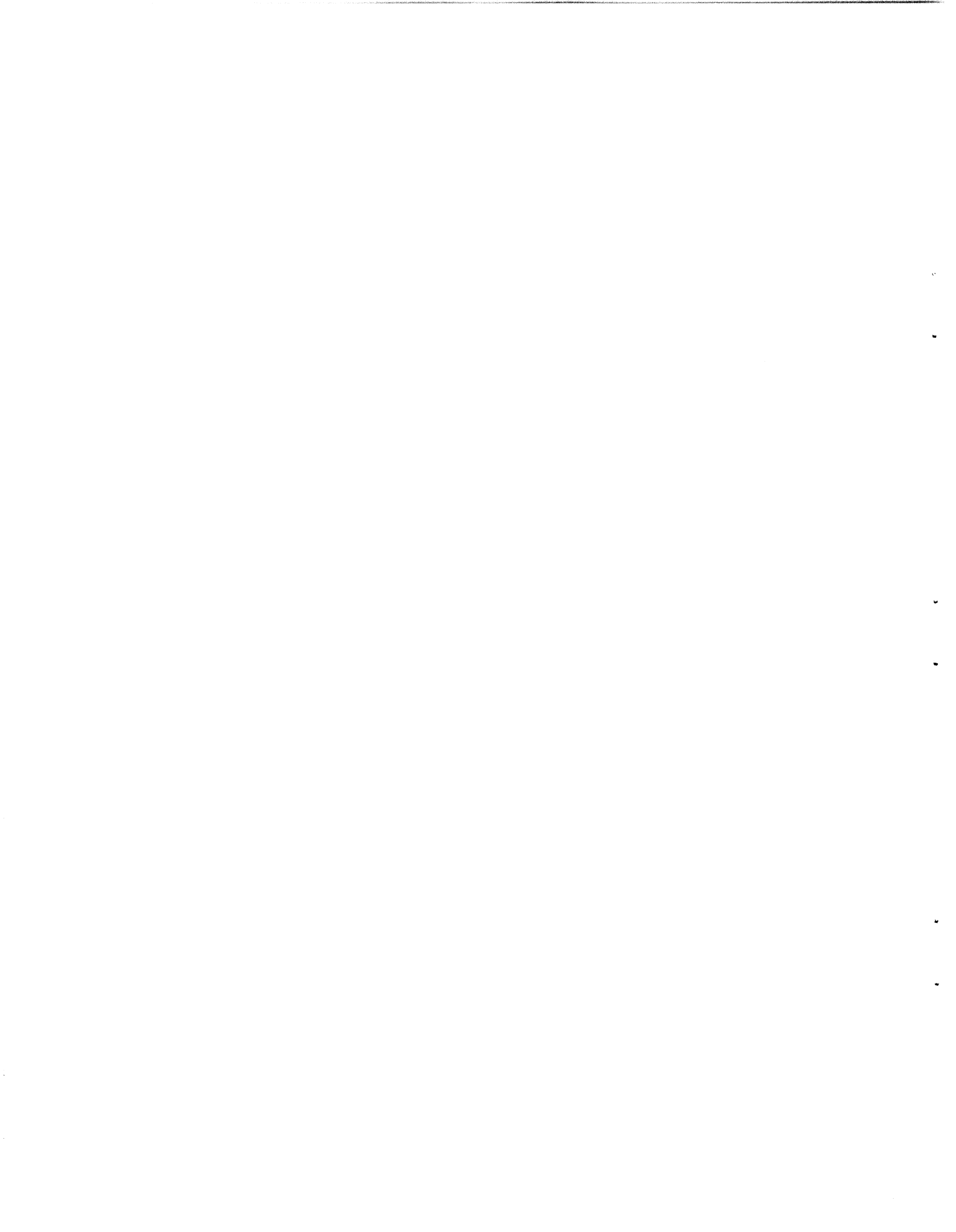
MS. MACKENZIE: I think it is admirable. But a very important part of our function is monitoring what goes on after the rules are made.

SENATOR WILEY: Well, let me repeat myself. We appreciate your coming, and we appreciate the attention you are giving to this process. It is an important process, and it is only through organizations such as yours that the people of New Jersey are adequately represented in matters of this kind. And it is a valuable service you perform.

I take it that there are no further witnesses who wish to testify; am I correct? If not, at 11:20 A. M. I will ask the other members of the committee if they would like to put anything further on the record. Thank you. We will conclude the public hearing at this point. Thank you everyone. The committee will meet again at ten o'clock on Tuesday of next week, presumably in the Bid Room, to formulate its proposal. Thank you.

\* \* \* \*

(Hearing Concluded)



SUMMARY OF PROPOSALS TO SENATE RULES AND  
ORDER COMMITTEE FOR CONSIDERATION IN THE  
ADOPTION OF 1976 RULES

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Note: Exhibit VII was added after the proposals were made.

1. Resolution to comply with the spirit of the Open Public Meetings Act.
2. Senatorial courtesy.

Consideration of various rule changes (Rules 148 and 152) to eliminate or evolve away from senatorial courtesy.

- (a) Requirement of open public hearings on the confirmation of nominations.
  - (b) Requirement that Judiciary Committee must report to the Senate within sixty days of receipt of the nomination with recommendations for, against or otherwise, together with the reasons for such recommendation, plus the vote of each Committee member.
  - (c) Requirement of a fourteen day waiting period between the Committee report and Senate action on each nomination, except for confirmation of the Secretary of State and Attorney General which is subject to other requirements under the New Jersey Constitution.
  - (d) In the event that the Judiciary Committee fails to report on any nomination within sixty days, and such nomination is not withdrawn by the Governor, any Senator may move the nomination before the full Senate, or, in the alternative, the Senate would automatically consider the nomination at its next meeting.
  - (e) Consideration of proposed constitutional amendment as set forth in Senate Concurrent Resolution No. 2040 introduced April 26, 1973, annexed hereto as Exhibit I.
3. Open Committee Meetings (Rule 155).

Consideration of setting criteria to establish the circumstances under which the Chairman may close Committee meetings to the public. Suggestions include:

- (a) Security of the State.
  - (b) Significant danger of injury to individual reputation (unless requested by the individual involved to have the meeting open).
  - (c) Other criteria.
4. Notice of Committee meetings and Agenda plus procedures with respect to deliberations and reporting on bills. Consideration of various proposals, some of which are set forth on Exhibit II annexed hereto.
  5. Release of bills from Committees (Rule 81).

Consideration of various proposals to facilitate release of bills detained in Committee including the following:

- (a) Vote of one-fifth of the Senate (minority rights).
- (b) Sponsors right to compel full Senate consideration of a bill after sixty days consideration or referral to Committee.

(d) Other proposals.

6. Requirement of sponsors intent to be appended to proposed bill. Consideration of amendment to Rule 102a requiring a statement of the principal sponsors intent of a proposed bill to be appended to the Bill. The rule is now permissive rather than mandatory.

7. Verbatim recording of Senate sessions.

Consideration of various proposals on this subject. See Exhibit-III annexed containing League of Women Voters' study of other State legislatures.

✓ 8. Extension of time interval between the second and third reading of Bills.

Consideration of proposed seven day interval between second and third reading of all bills other than emergencies, rather than one day interval as presently authorized, plus public notice of the intended third reading date.

9. Senate Journal (Rules 673 and 122).

Consideration of additional requirements of information to be included in the Senate Journal including the following:

✓ (a) Votes of each Senator on every reading of each bill, including the listing of Senators abstaining and Senators absent.

(b) Committee votes on each bill.

(c) Consideration of more timely publication of the Journal.

(d) Other proposed general changes in the Journal.

10. Mandatory Committee public hearing of all bond issue bills.

Consideration of such proposal as well as any other types of legislation which should involve a mandatory requirement for public hearings. Proposed requirement for a public Committee hearing on major legislation should be determined by the Senate on the first reading of the bill. See Rule 155 giving discretion to committees to hold public hearings with no mandatory requirement for the same. Also, consideration of setting more precise notice requirements of public hearings under Rule 155.

12. Political party caucus.

Consideration of the applicability of the requirements of the Open Public Meetings Law to the Senate caucus system. Consideration of Senate Rule amendments to:

(a) Limit function of the caucus.

(b) Require caucus votes to be reported publicly.

(c) Prohibition of caucus vote on whether a bill reported on by a Standing Reference Committee should be considered by the full Senate.

(d) Other.

# STATE OF NEW JERSEY

INTRODUCED APRIL 26, 1973

By Senators SCHLUTER, MERLINO, HOLLENBECK and  
PARKER

Referred to Committee on Judiciary

A CONCURRENT RESOLUTION proposing to amend Article IV, Section  
IV, of the Constitution of the State of New Jersey.

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

1 1. The following proposed amendment to the Constitution of the  
2 State of New Jersey is hereby agreed to:

#### PROPOSED AMENDMENT

3 Amend Article IV, Section IV, by adding a new paragraph as  
4 follows:

5 10. Whenever a nomination and appointment by the Governor  
6 shall require the advice and consent of the Senate, the Senate shall  
7 approve or disapprove such nomination and appointment in open  
8 session with a quorum of its members being present within 60 days  
9 after the nomination shall have been received by the Senate, pro-  
10 vided that in the event the Senate shall be in temporary adjourn-  
11 ment on the sixtieth day the Senate shall approve or disapprove  
12 said nomination and appointment on the day it shall next reconvene.  
13 All such nominations and appointments neither approved or dis-  
14 approved during an annual session of the Senate shall not be  
15 considered in a subsequent annual session without being again  
16 submitted to the Senate by the Governor.

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

3 form:

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

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

8 If you favor the proposition printed below make a cross (X),  
9 plus (+) or check (✓) in the square opposite the word "Yes."

10 If you are opposed thereto make a cross (X), plus (+) or check  
11 (✓) in the square opposite the word "No."

12 2. In every municipality the following question:

	Yes.	<b>TIME LIMITS ON SENATE CONFIRMATIONS</b> Shall the amendment of Article IV, Section IV, adding a new paragraph 10, agreed to by the Legislature and reading as follows be approved? "Whenever a nomination and appointment by the Governor shall require the advice and consent of the Senate, the Senate shall approve or disapprove such nomination and appointment in open session with a quorum of its members being present within 60 days after the nomination shall have been received by the Senate, provided that in the event the Senate shall be in temporary adjournment on the sixtieth day the Senate shall approve or disapprove said nomination and appointment on the day it shall next reconvene. All such nominations and appointments neither approved or disapproved during an annual session of the Senate shall not be considered in a subsequent annual session without being again submitted to the Senate by the Governor."
	No.	

#### STATEMENT

To insure the proper functioning of the Executive and Legislative Branches of State Government, it is essential that appropriate and equitable consideration be given to all nominees of the Governor requiring confirmation by the Senate.

1. The chairman shall schedule the time and place for all committee meetings, subject to the provisions of the rules, and shall calendar which items are to be considered by the committee at its meeting.

2. Bills shall be considered by a committee only after receipt of a request by the chairman from the prime sponsor thereof.

3. Public notice of all committee meetings shall be posted on the bulletin board in the State House corridor.

4. All bills and other measures when voted upon by the committee shall be considered in public session thereof. The chairman shall permit members of the public to be present at such times to the extent that space is available in the committee room.

5. Members of the public shall not have the right to participate in committee deliberations without the permission of the chairman. The chairman may require any individuals, groups or organizations interested in submitting material or otherwise appearing before the committee to submit such requests in writing and in advance of the time that the committee shall consider the matter in question.

All votes of the committee on bills and measures shall be recorded and shall indicate the position of each committee member present. If any committee member is absent for a vote, the members absent shall be noted. If the absence is caused by a conflicting schedule with other Senate business that fact shall also be noted.

6. The committee chairman shall endeavor to provide members of the committee and the general public of advance notice of all measures to be considered by the committee at any meeting. Unless the chairman shall otherwise direct, there shall not be less than 3 days notice before any bill is considered by the committee.

7. All bills released by the committee should be accompanied by the statement which shall include:

- (a) the vote of the members of the committee upon the bill;
- (b) all relevant fiscal information concerning the bill which is available to the committee at the time of the bill's release;
- (c) an indication as to which groups or organizations have favorably supported or opposed the bill;
- (d) a brief summary of the bill's provisions;
- (e) any additional statement of the committee's view on the bill which, in the committee's judgment, would assist the entire Senate in its consideration of the bill; and
- (f) the committee's recommendation upon the bill.

TO: Presidents (DPN pass to legislative Procedures Chairman)  
FROM: Mrs. Howard Levine, State Legislative Procedures Chairman.

## REPORT ON VERBATIM RECORDING OF PROCEEDINGS IN STATE LEGISLATURES

As part of a general consensus supporting improvements in New Jersey's legislative operations, the League of Women Voters of New Jersey recommended that the Legislature institute verbatim recording of debate, especially that occurring on final passage of bills. The main reasons for this recommendation were to provide a permanent record that could be easily checked on what legislators actually said about particular bills, more meaningful than an "aye" or "nay" vote, and to provide courts, should the occasion arise, with some better guide to legislative intent than a legislator's memory, or accounts in the press. The chief objection to such recording is, of course, the question of cost. The Division of Legislative Information and Research of the New Jersey Legislature has estimated that to provide complete printed, verbatim recording of all proceedings would cost in the neighborhood of \$500,000 per year.

The League's main concern is that some record be kept, and that it be available to the public. We had not contemplated printing the entire proceedings, but thought that at the very least tape recordings could be made and only transcribed when called for. To get some idea of the possibilities, we decided to make a survey of those states which did record debate in their legislative bodies, how they did it, and if possible, what it cost and to whom such records were distributed or made available.

Accordingly we wrote to our sister Leagues in those states which, according to the Council of State Government's publication American State Legislatures: Their Structures and Procedures, as revised in March, 1970, recorded proceedings verbatim. We received replies from all those states except Connecticut (which is listed as keeping a typescript only of its proceedings). Louisiana, though listed as maintaining verbatim records in part, follows the practice of New Jersey, in that its Journals record only official actions, such as reporting of bills from committee, passing motions and resolutions, making appointments, passing bills and recording the vote of each member, and does not include any of the discussion and debate on the floor accompanying such actions.

A summary of the replies we received follows. It can be seen that no two states follow the same procedures, and that cost data was not readily accessible to the Leagues, although many promised this data later.

### MAINE

Full debate is printed daily during the session on a large sheet of newsprint known familiarly as the "horseblanket." It is available for reference in the law library of the state house.

There is also a publication, Maine Legislator, published weekly, which carries roll call votes, committee reports and comments from the press.

Source - League of Women Voters of Maine

### NEBRASKA

Since 1961, the Nebraska Legislature has all floor debate recorded by machine. This is available to anyone upon request at 10¢ a mimeographed sheet.

There is also a Legislative Journal published daily during session which is free to those who request it.

Source - League of Women Voters of Nebraska

uses record all proceedings with mechanical recorders. However, the only verbatim maintained are those audio records on dictaphone belts. No printed verbatim record of proceedings is normally published. Belts are identified and retained in order, following a book, which is kept by the legislative employee charged with the use of the recording machine. Belts are available to the public with permission of the Director of Legislative Council Bureau, although they are deemed to be more internal legislative records than public records. The belts are used to clarify issues, votes, and other elements of the proceedings which might be called into question. Only one copy of the proceedings is kept, and that, usually, is not in any kind of circulation.

Records are made whenever the houses are in session and include all business in complete records. The only costs involved are the initial cost of the equipment, the cost of belts (minimal), and the expense of the logger or clerk operating the machine, along with a \$50 to \$100 annual upkeep fee.

Source - James T. Havel, Deputy Director of Research  
Nevada Legislative Counsel Bureau

NEW HAMPSHIRE  
Journal, one for the House and one for the Senate proceedings, is published for each day each chamber is in session. The Journal contains all floor action (votes), committee reports and roll-call votes. Verbatim debate is included only when requested by a member at the start of a debate. Members may request inserts. Two secretaries present at all sessions take the notes.

Figure on cost of production was available, but it is thought including complete floor action would triple the expense. The Legislative Services section suggested that to expand the Journal to that extent would also make it most difficult for the printer to have copies ready by the time they are needed.

Source - League of Women Voters of New Hampshire

NEW YORK  
Although it is true that two stenotypists do sit in the well of the Legislature and record everything that goes on, this information is not available for public inspection. It is understood that this material is transcribed and "kept somewhere."

Constitution of New York requires that a "Journal" of proceedings be kept and made available to the public. This is apparently interpreted to mean the record of votes on bills, etc. The verbatim procedures are not published and are not available.

Source - League of Women Voters of New York

PENNSYLVANIA  
Pennsylvania Legislature records their proceedings daily and verbatim by stenographers. Records are then printed as Legislative Journals, one Senate and one House. Any interested citizen of Pennsylvania can obtain a copy by request.

There is no separate breakdown of expenses for the Journals. The General Assembly has allocated to the Senate \$525,000 for printing and expenses; the House \$650,000. The Legislative Data Processing Center, "which expedites the collection, compilation and dissemination of information required in the exercise of the General Assembly, functions and some related services to other state agencies" has a budget of \$670,000.

Source - League of Women Voters of Pennsylvania

## TENNESSEE

The proceedings of the Tennessee House and Senate are recorded on discs. The mechanics of the system are quite simple: Two linked machines are used in both the House and Senate. When one record has been filled (30 minutes) an automatic switchover device turns off one machine and turns on the other simultaneously. These machines are plugged into the public address system. During the recording time, one person in each house (an employee of the Tennessee State Library and Archives) records the name of the speaker and the number of the bill being discussed minute by minute, on an index sheet which has 30 lines. The discs are then stored in an envelope on which the above information has been typed.

These machines are obsolete, but still work satisfactorily, according to those who operate them. The cost of recording an average legislative day (3 hours) is approximately \$20.

This recorded material is neither published nor duplicated, much less distributed. It sits in the Tennessee State Library and Archives. Apparently, in the early years of the legislative recording system's operation, the legislators were inhibited by their awareness of the recording process, and they were protective of the recordings. In fact, in order to gain access to a specific recorded debate, written permission had to be obtained from each legislator involved. Today, anyone may listen to the records, upon request, and take rough notes if he wishes. However, in order to take verbatim notes or to tape record from the discs, written permission must be obtained from the present speaker of the house in question. Permission has never been denied.

Lawyers use the transcripts most frequently, primarily seeking to prove the intent of specific legislation. Legislators listen to themselves and to debates from previous sessions, especially on pet legislation. Students, especially law students, listen in the process of doing research. Newspaper correspondents use the discs and one or two of the general public a month (this "probably because very few people know of it").

This system is also used to record any committee meetings held in the House or Senate chamber.

Journals of the House and Senate are published. They are prepared by the chief clerks of both houses and contain only the bare parliamentary facts (bills introduced, motions made, bills passed, record votes, etc.).

Source - League of Women Voters of Tennessee

## WASHINGTON

After checking and editing by the Secretary of the Senate and the Chief Clerk of the House the Journal Clerk copies into the Journal a transcript of the minutes of each day's session which are taken by the Minute Clerk. The original Journal is bound and delivered as soon as completed after the close of the session to the Secretary of State as the official record of the Legislature. A copy of the Journals of both the Senate and House goes to the state printer for typesetting so that printing may progress while the Legislature is still in session. Upon adjournment, other material such as indexes, rosters, special reports, veto messages, and summaries are compiled and included in order that the final printed edition of the official Journals will contain all practical information for a permanent record of proceedings.

In addition to, or as a backup to, the Journal, a tape recording is made. This is an unofficial procedure, but it would seem that the proceedings of both houses are taped verbatim. The secretary in the Senate says that the tape was stopped during debate, since the tape was only used as a backup or reference for the Journal, and once the information for the Journal was verified the tape was erased.

(over)

MINNESOTA - cont'd.

the other hand, the secretary in the House advised that the tapes were kept and could be provided the permission of all involved is obtained. In her opinion, the tapes were not to show legislative intent and in her memory only four or five such requests had been made since the taping began in 1967.

Most of the "lively" debate on the more controversial issues is televised.

Source - League of Women Voters of Washington

UTAH

The Utah State Legislature does record its session. However, the tapes are basically only available to the legislators. Other officials may ask to hear them. They are not available to the public.

Source - League of Women Voters of Utah

WEST VIRGINIA

In each house of the Legislature a court reporter records all proceedings and remarks verbatim into a tape recorder. No estimate of recording costs is available but after the initial expense of purchasing the machines, it would consist of the salary of a court reporter and the cost of approximately six long-play tapes for each house during a 60 day session.

The Journal of each house is printed daily and the contents taken from the tapes. Joint Journals of the Senate and the House of Delegates require that the Journals include all official transactions, etc. Individual houses may allow a member to explain his vote after results of the voting has been announced and permits the member's explanation to be printed in the Journal at his request. The inclusion of any other remarks in the Journal requires suspension of the Joint Rules. The suspension is usually only sought when a member is spoken on an issue of particular interest to his own constituents or when he is seeking to insert information which might establish constitutional grounds for future litigation on the bill in question. The daily Journals are widely distributed. They are available to the public at the Capitol during the legislative sessions and will be mailed to citizens regularly upon request at no expense to the receiver. After the end of the legislative session, the daily Journals of each house are compiled into a volume which serves as an appendix. A legislator may have any of his remarks printed in the appendix, with the consent of his House.

After the above uses are made of the tapes, the tapes are permanently filed. All of the tapes used since verbatim recording began in 1951 are on file. No total transcriptions are made of the tapes but a member of the Legislature may have a transcription of his own remarks on a specific day upon request even though the remarks were not printed. If a private citizen wishes to have a copy of the unprinted remarks of a legislator, he must secure the written permission of the legislator who made the remarks. The exchange of remarks during a debate requires the written permission of all parties to the debate. Otherwise the transcription will contain only the remarks of the consenting participants. No charge is made for these transcriptions.

Source - League of Women Voters of West Virginia



ROBERT E. GLADDEN

SECRETARY TO THE SENATE

STATE HOUSE

TRENTON, NEW JERSEY 08623

January 26, 1976

Honorable Stephen B. Wiley  
Chairman, Rules Committee  
230 Madison Avenue  
Morristown, New Jersey 07960

Dear Senator Wiley:

Senate President Feldman has reconstituted the committee on Senate Security and its members are:

Senator Joseph Maressa, Chairman  
Senator Carmen A. Orechio  
Senator Raymond Bateman  
Senator Anthony Imperiale  
Robert E. Gladden  
Art Applebaum

Enclosed is a copy of a proposed amendment to Rule 19 which our committee submitted to the Rules committee. Rule 19 deals with the duties of the President. As you can see these amendments deal with specific duties that the President can take to preserve order and decorum in the Senate chambers and other areas occupied by the Senate.

These amendments were adopted after our committee learned from State and local police that there is very little legal basis for which the President of the Senate or the Speaker of the House to order eviction of persons who become disorderly by a sergeant at arms or state capitol police assigned to the Legislature and perhaps less legal basis for ordering the arrest of such disorderly persons.

It might be of interest to your committee that the National Legislative Conference which is composed of legislative leaders and staff of all 50 States have had committees on security for several years now and it has been the unanimous recommendation that the Rules of each legislative house should be specific to the kind of action the President can take in the event of disorder of any kind.

If you need any additional information please do not hesitate to contact me.

Sincerely,

## IV - DUTIES OF THE PRESIDENT

19. He shall have a general direction of the Senate Chamber and the lobby, gallery, meeting rooms and offices thereof, together with such rooms and corridors and passages in the State House and elsewhere as may be assigned to the use of or otherwise be used by the Senate, its commissions, committees, officers, membership and employees for the conduct of official business.

The Senate President shall preserve order and decorum in the Senate chamber, lobbies, galleries and offices, and such other portions of the buildings within which such areas are located which provide access to such areas.

In furtherance of his duty to preserve order and decorum and in the absence of specific rules of the Senate thereon he shall have full authority to take all action necessary to provide for the orderly conduct of Senate affairs and to preserve and protect the health, safety and welfare of its members, officers and employees in the performance of their official duties, as well as that of the general public in connection therewith, and to preserve and protect property and records under the jurisdiction of the Legislature.

Such authority shall extend to the following matters, among others, without limitation by reason of such specification:

He shall prohibit any person from clapping, booing or making any vocal demonstration whatsoever or from exhibiting any sign, placard or banners during any Senate proceedings or committee meetings. He shall limit the number of visitors in the Senate gallery to the seating capacity thereof. He shall enforce all police and fire regulations. In the case of any disturbance or disorderly conduct in any area as set forth above he may cause

the same to be cleared and/or the offending persons to be removed and/or arrested. He shall cause to be adopted basic procedures for the handling of any emergencies.



LAW REVISION AND LEGISLATIVE SERVICES COMMISSION

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State of New Jersey

LEGISLATIVE SERVICES AGENCY  
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January 14, 1976

Honorable Stephen B. Wiley, Chairman  
Senate Rules and Order Committee  
250 Madison Avenue  
Morristown, New Jersey 07960

Dear Senator:

Herewith are suggestions for amendments to the Senate Rules. The amendments proposed to Rules 24 and 30 and the proposed new Rule 76A are designed to reflect the spirit of the Open Public Meetings Law. As you may be aware I wrote a letter opinion to then President Dodd that the Open Public Meetings Law does not apply to Standing Reference Committees since legislative committees were specifically amended out of the bill during its consideration.

If you desire the enclosed and any other suggestions you may have for Rule changes to be distributed to members of the Rules Committee, please advise.

It has been customary for the Chairman of the Rules Committee to announce in open session the time and place for a meeting of his Committee (usually 1 week later) to consider recommendations for permanent rules and to invite members to submit written proposals in advance of that meeting.

Sincerely,

LEGISLATIVE SERVICES AGENCY

William M. Lanning  
Chief Counsel

WML/H

encl.

Suggested Changes in 1974 Senate Rules  
for the  
1976 Senate

- 1) Amend Rule 24 by inserting a. before the present text and by adding the following paragraph b.:

24. a. . . . .

b. The President shall cause not less than 48 hours' notice of the bills and numbered resolutions calendared for a particular day to be given to the members and the news media and by posting on the legislative bulletin board, but this provision shall not restrict the President or the Senate from proceeding, in accordance with the Rules, to consider other items of business on a particular day.

Explanation: This would formalize by rule present practice.

- 2) Amend Rule 30 to read as follows:

30. [All of present language] Upon the completion of the annual organization of the Senate and periodically thereafter, the President shall cause notice to be given to the members, the news media and the public of the dates and times when the Senate is scheduled to meet during the succeeding two months. Changes in schedule shall likewise be noticed.

Explanation: The present language of Rule 30 is a duplicate of the content of Rule 7. The Open Public Meetings Law calls for noticing of regular meetings of public bodies.

- 3) Add a new Rule 76A as follows:

76A. The chairman of each of the standing reference, administrative, joint and special committees shall cause a notice and agenda for each regular meeting of his committee to be given to the members of the committee and the news media and by posting on the legislative bulletin board at least four days prior to the date of the meeting. Emergent meetings shall be noticed as soon as practicable.

Explanation: While legislative committee meetings are not bound by the Open Public Meetings Law, notices and agendas for meetings will aid in the effectiveness of the committee system.

4) Amend Rule 81 to read as follows:

81. Except as authorized by Rule 119 [Any] any motion or resolution which will result in relieving a reference committee of a bill referred to it shall be in writing and signed by not less than a majority of all the members of the Senate and shall not be entertained unless twenty-four hours' notice shall be given the Senate of the introduction of such motion or resolution. Such a motion or resolution shall not prevail unless it shall receive an affirmative vote of the majority of all the members of the Senate.

Explanation: Rule 119 relative to merger and substitution of identical Assembly bill can result in relieving a Senate committee of an Assembly bill, however, the identical Senate bill has presumably been subject to committee consideration. To require a motion to relieve a committee of an identical Assembly bill is contrary to the theory and intent of Rule 119. (A similar change is being suggested as to Assembly Rule 10:7).

5) Amend Rule 121 to read as follows:

121. Every bill and joint resolution, and every concurrent resolution proposing an amendment or amendments to the Constitution, shall be read three times in the Senate before final passage but no bill or joint resolution shall have a first and second reading on the same day without special order [concurring in by a majority of all the members of the Senate]. A concurrent resolution, other than one proposing an amendment or amendments to the Constitution, shall be before the Senate and may be acted upon at any time after its introduction, unless it shall have been referred to committee. Any concurrent resolution, other than one proposing an amendment or amendments to the Constitution, which has been referred to committee, shall be before the Senate and may be acted upon at any time after the same shall have been reported by a committee.

Explanation: The provision proposed for deletion from this Rule is ignored and violated repeatedly. Bills introduced or received from the Assembly are frequently held without reference and advanced to second reading during routine business when a majority of the members are not present. Strict application of the rule in its present form could delay release of the members of the Senate at the end of a session day and impede preparation of the calendar for the succeeding session day.

11/17/75

EXHIBIT VII

TEXT OF JOINT PRESS CONFERENCE BY SENATORS

JAMES H. WALLWORK (R 25th) and ALENE S. AMMOND (D. 6th)

State Senators James H. Wallwork (R. 25th) and Alene S. Ammond (D. 6th) today proposed a bi-partisan program to reform and modernize the Senatorial confirmation process.

In a joint statement, Senator Wallwork and Senator Ammond said,

"At present, Senators receive totally inadequate information about nominees for state positions. Biographies, if obtained at all, are sketchy and incomplete. Nominees are not required to submit a detailed statement on their goals, objectives, and the problems which they foresee in the positions for which they are being considered. No information is given to Senators as to whether the nominee has received and passed satisfactorily a 4-way State Police check."

The Wallwork-Ammond Senatorial scrutiny program would require a complete overhaul and updating of information submitted by the Governor to the Senate, of information submitted by the nominee to the Senate, and of Senate action on the proposed nomination.



The Wallwork-Ammond Senatorial scrutiny program would require:

1. In addition to the Judiciary Committee interview, each nominee be thoroughly interviewed by the Senate standing committee which would handle legislation concerning the position being considered.

2. Each nominee submit an information sheet with a complete biographical profile including education, business, professional, and governmental experience.

3. A statement of purpose by the nominee listing his or her objectives, goals, and the problems anticipated in the position.

4. Who recommended the person under consideration?

5. List all possible conflicts including stock holdings, past affiliations or client representation, family associations etc.

6. Was there a 4-way check made? Was the check satisfactory in all respects?

7. List all political contributions reportable in the last three years.

8. List all political affiliations and other organizations.

9. Health report including any medical treatment within the last five years.

10. Specific qualifications of the nominee for the job.

Senators Wallwork and Ammond said that "a notarized document should be submitted with each nominee profile swearing that the information submitted is accurate and truthful."

Senators Wallwork and Ammond said that they would press for rule changes when the Senate re-organizes in January to implement their bi-partisan program of Senatorial scrutiny.



# NEW JERSEY SENATE

TRENTON

## PROPOSED RULES CHANGES RELATING TO COMMITTEES

- 1) Rule 23: Amend Rule 23 to read as follows: "23. He shall appoint all committees, unless otherwise specifically directed by the Senate. The chairman, vice chairman and other members of each committee shall serve at his pleasure. He may, during the inability of a committee member to serve, appoint another member of the Senate to serve during such period."
- 2) Rule 74: Amend "Senate Standing Reference Committees" by deletion of "11. Conference and Coordinating Committee"  
Amend "Senate Standing Administrative Committees" by deletion of "2. Introduction of Bills Committee"; re-number item "3." as "2.", and "4" as "3."  
Amend "Senate Joint Committees" by deletion of lines 2-5; in line 6, delete "6." and insert "2."  
Amend succeeding paragraph as follows: line 4, delete "Rules"; delete lines 5-9 in their entirety; line 10, delete "minority leaders, all other"; line 12, "Ethical Standards Committee" and insert "Joint Committees"; line 13, after "members" insert "." and delete all that follows; delete lines 14-15.  
Add an additional paragraph as follows: "The President and the majority and minority leaders shall be ex-officio members, without vote, on all standing reference committees."

- 3) Rule 76: Amend Rule 76 as follows: line 4, delete "all" and insert "to review the functions, duties and operations of all agencies of the State and its political subdivisions. All"
- 4) Rule 78: Amend by adding a second paragraph: "They may report to the Senate that a bill or resolution has been lost in committee, if on a motion to report said bill or resolution a majority of the authorized membership of the committee voted in the negative. They may report to the Senate that a motion to table a bill or resolution was carried by a majority of committee members voting. In either case, the subject bill or resolution may be reconsidered by the committee at a later time."
- 5) Rule 80: Delete in its entirety.
- 6) Rule 81: Amend as follows: line 1, delete "81." and insert "80." line 2, delete "shall"; delete line 3 in its entirety; line 4, delete "all the members of the Senate and"
- 7) Rule 82: Delete in its entirety and insert: "81. Each committee may adopt rules for its own operation and the conduct of its business, including rules governing the operation and conduct of any subcommittee thereof, provided such rules are not inconsistent with these rules. The chairman of any committee may establish and appoint such subcommittees as he may desire and for such purposes as he may specify, to serve at his pleasure."

Add a new Rule 82. as follows:

"82. The chairman shall cause to be communicated to the Division of Legislative Information and Research such information as may be necessary for the Division to give five days' notice to the President, the majority and minority leaders and the general public the time, place and agenda for each committee meeting. No bill or resolution shall be reported from committee unless it was included on such an agenda with five days' public notice, except by special order of the President as provided hereinbelow.

No agenda shall include more than ten bills for committee consideration except by permission of the President. After notice of the agenda has been given, no bill or resolution may be added to it except by special order of the President. A majority of the members of the committee may direct that a given bill or resolution be included on the agenda for and considered at the next meeting of the committee, subject to the requisite timely notice."

8) Rule 83: Delete Rules 83F. and 83G. in their entirety.

9) Rule 83B. Amend as follows:

line 3, delete "in duplicate," insert "approved by the Committee"; line 6, after "filed" insert "in duplicate"

10) Rule 112: Amend as follows: line 10, after "resolution" insert ", together with copies of its committee statement if it has been reported by a reference committee,"; line 12,

by special order waive the requirement for the committee statement."

11) Rule 155: Amend to read as follows:

"155. [Unless otherwise determined by the Chairman of a Standing Reference Committee] Except as provided by Rule 151, members of the public shall be permitted to be present at meetings of [such a] any reference committee to the extent that space is available in the committee room. All bills, resolutions and other matters shall [in any event] be voted upon only at such a public session. Minutes shall be kept of every meeting and shall include the names of all persons who have spoken on a bill or resolution before the committee. Citizens present who wish to be heard on a matter under consideration by the committee shall be afforded an opportunity to speak, subject to reasonable limitations on time that may be set by the Chairman.

In addition, [with the concurrence] on his direction or by vote of a majority of the members of a Standing Reference Committee, the Chairman may schedule a public hearing in connection with any bill or resolution then pending before the Committee on such notice as may be determined by the Chairman, not less than five days, and at which all interested parties shall have an opportunity to be heard. All stenographically recorded public hearings shall be

Proposed Rules Changes Relating to Committees

Page 5

conducted in the State House, Trenton, unless the President shall approve another location.

[Except as hereinabove or elsewhere in these Rules otherwise provided, each Senate Committee may adopt rules for its own operation and the conduct of its business.]"



State of New Jersey

LEGISLATIVE SERVICES AGENCY  
DIVISION OF BILL DRAFTING AND LEGAL SERVICES

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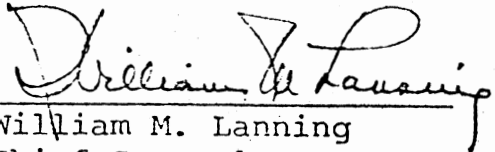
THOMAS H. KEAN  
JOSEPH A. LEFANTE

VINCENT O. PELLECCIA  
S. HOWARD WOODSON, JR.

January 6, 1975

Memo for the Chairmen of the Senate and Assembly Committees on Rules

At the time of permanent adoption of Rules for 1975 it is recommended that Joint Rule 8 be amended to delete the requirement of a certification by the Senate Secretary or Assembly Clerk as to the House of origin of the bill. The color of the jacket and bill number identify the House of origin and the certificate is unnecessary. We plan to omit the certificate from the new style jacket approved for use in 1975.

  
\_\_\_\_\_  
William M. Lanning  
Chief Counsel

WML/H

encl.

Amend Joint Rule 8 to read as follows:

8. If a bill shall have passed both Houses, it shall be delivered by the Secretary of the Senate or the Clerk of the General Assembly, as the bill may originate in one House or the other, to a Joint Committee on Passed Bills appointed as a standing committee for that purpose and it shall be presented by said committee to the Governor for his action [ , there first being endorsed on the jacket containing the bill a certificate, specifying the House in which the same originated, which certificate shall be signed by the Secretary or the Clerk, as the case may be, of the House in which the same originated]. Each such bill shall remain in the custody of the Secretary or Clerk, as the case may be, of the House in which the bill originated, acting for the Joint Committee on Passed Bills but no action shall be taken upon such a bill, by the Joint Committee on Passed Bills, other than to present it to the Governor, except by the order of both Houses.



State of New Jersey

JOHN J. HORN  
CHAIRMAN

ROBERT E. LITTELL  
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December 23, 1974

Honorable Frank J. Dodd  
President of the Senate

Honorable S. Howard Woodson, Jr.  
Speaker of the General Assembly

Dear Mr. President and Mr. Speaker:

Some time ago I prepared and submitted to our Commission and leadership staff samples of a proposed revised method of jacketing legislative bills. While everyone who has seen the samples from the Senate Secretary and Assembly Clerk to the Secretary of State's office likes the proposal the only question has been the practicality of putting it into effect at the beginning of the second annual session of a two-year Legislature in view of the carry over of first session bills.

I suggest the plan can be inaugurated even though a mix of jacket types would be in use for one year. Rather than rejacket all 1974 bills carried over I suggest rejacketing of only those 1974 bills that pass both Houses in 1975 and that the new type jackets be used for all 1975 bills.


The cost of the new type of jacket will remain about the same as the present style due to use of lighter paper stock.

The new plan can be effected administratively if approved by the current President and Speaker.

The enclosed memo outlines the features of the proposed jacket.

Sincerely,

LEGISLATIVE SERVICES AGENCY

  
William M. Lanning  
Chief Counsel

*Handwritten notes and stamps in the bottom right corner, including a circular stamp and some illegible text.*

Proposed Revised Bill Jacket

1. Eliminates the red tape.
2. Lends itself to bills of varying number of pages.
3. Lies flat.
4. Can be filed in standard legal file.
5. Eliminates duplicate jackets where opposite House amendments are involved.
6. Facilitates reading of title when temporary jacket is used.
7. Eliminates useless certificate as to House of origin.
8. Eliminates need for "stuffer".



NEW JERSEY SENATE  
TRENTON

110-6  
EXHIBIT IV

January 28, 1976

To: Senate Rules Committee  
Senator Stephen B. Wiley, Chairman

From: Senator Joseph P. Merlino

1. Delete the Conference and Coordinating Committee

Rule 74: Delete the 11th entry under "standing reference committees"; delete the five lines in the paragraph below defining its membership.

Rule 83E: Delete reference to Conference and Coordinating Committee.

Rule 83F: Delete in its entirety

Rule 83G: Delete in its entirety

2. Committees generally: Eliminate the committees on "Introduction of Bills", "Liaison", "Passed Bills", "Printing" and "State Audit". (Rule 74)
3. Rule 81: Delete the requirement that a motion to relieve a reference committee of a bill "shall be in writing and signed by not less than a majority of all members of the Senate and". Consideration should also be given to deleting the 24 hours' notice provision, which is likewise generally ignored, and perhaps replace it with one hour's notice (either to the Senate or to the majority and minority leaders).
4. The reference of money bills must be tightened up. The rules currently require a committee to give "at least one week's notice of ...intention to report" such a bill. That generates paperwork but no control. Subsection a of Rule 83E should be dropped. The remainder of the rule, which is useful, could be phrased thus:

"83E. When a standing reference committee shall report any bill which would appropriate State funds, or which would appear by its terms to require expenditure of State funds, in the amount of \$100,000 or more, the committee chairman will note that fact in his committee report. Such a bill, upon being reported, shall be referred to the Revenue, Finance and Appropriations Committee for further fiscal study, evaluation and report."



# NEW JERSEY SENATE

TRENTON

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5. All bills should be accompanied by a sponsor's statement. Rule 102a should be amended: (line 9) to delete "may" and insert "shall"; and at the paragraph's end to add "No bill shall be accepted for introduction to which the sponsor has not attached such a statement."

In addition, consideration should be given to eliminating the 300 word limit on sponsors' statements.

6. Rule 105f on the printing of bills should be supplemented by language to this effect:

"When a section is added to a bill by amendment, amending a section of existing law, the section shall be enclosed in asterisks but appear in roman type, except for material to be added to the subject section of existing law, which language shall be printed in italics as provided above."

7. The "order of the day" must never be invoked against the wishes of a bill's sponsor. This principle was narrowly upheld (21-18) in a test in July, 1974, on A 1875. Language should be inserted clarifying this ambiguity. In Rule 123a, line 2, after "may" insert "on motion or by consent of its sponsor".
8. Consideration should be given to recording votes on bills that are "laid over" for failure to obtain 21 votes (Rule 126).
9. No committee chairman should have any authority to close a committee meeting to the public. Rule 155 should be amended to delete the entire first clause ("Unless...Committee") and replace it with "Except as may be provided by Rule 151,". (Then "such a" in the third line would have to be replaced by "any standing reference committee".)

10. Rule 149 should be amended to read as follows: The report of the Judiciary Committee concerning any such nomination shall be in writing and shall show whether the same is reported with a recommendation for confirmation or rejection, or without any recommendation, and how each member signing the report voted upon the nomination. Such nomination, however, with or without a recommendation by the Judiciary Committee shall be deemed to be before the Senate for public action at the meeting of the Senate following the expiration of sixty days subsequent to the date of receipt of such nomination from the Governor. The President shall place such nomination before the whole Senate in public session at the meeting next following, and may call for the vote of the Senators with respect thereto in the order of his pleasure at that time; provided, however, that if the Senate does not meet within the 60 day period, then the President shall place such nomination before the whole Senate in public session at the third meeting following expiration of the 60 day period.
11. Rule 1236 should be amended, first (and more importantly) by deletion of ", excluding any bills or resolutions set forth on the consent calendar", and secondly by reducing the maximum number of considered bills from "30" to "25".
12. Consideration may be given to deletion of the 15-vote rule requirement for reconsideration of a lost motion or bill (Rule 127, lines 9-12).



State of New Jersey

EUGENE J. BEDELL  
CHAIRMAN

RAYMOND GARRAMONE  
VICE CHAIRMAN

WYNONA M. LIPMAN  
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FRANK DAVENPORT

SENATE STATE GOVERNMENT AND FEDERAL  
AND INTERSTATE RELATIONS COMMITTEE

ROOM 222  
STATE HOUSE, TRENTON, N. J. 08625  
TELEPHONE (609) 292-5526

February 4, 1976


Honorable Stephen B. Wiley, Chairman  
Senate Rules Committee  
State House  
Trenton, New Jersey 08625

Dear Senator Wiley:

I am writing on behalf of Senator Garramone, Chairman, Senate State Government and Federal and Interstate Relations Committee to express his regrets that he is unable to attend the public hearing held today by the Rules Committee. He has asked me to convey to you, as chairman of that committee, his desire to have certain changes in the rules considered by committee. The particular rules in question are Senate Rule 78 and Senate Rule 83E.

It is my understanding that there will be a meeting of the Senate Rules Committee subsequent to this hearing. If this is so, Senator Garramone would like advance notice in order to make a presentation of his position with respect to these rules. Thank you for your consideration.

Sincerely yours,

  
James A. Carroll  
Research Associate  
Aide to the Committee

JAC:mat



# LEAGUE OF WOMEN VOTERS OF NEW JERSEY

460 BLOOMFIELD AVENUE, MONTCLAIR, NEW JERSEY 07042 TELEPHONE 746-1465 AREA CODE 201

*Lucy Mackenzie*  
February 4, 1976

## TESTIMONY PRESENTED TO THE SENATE RULES COMMITTEE

### BY THE LEAGUE OF WOMEN VOTERS OF NEW JERSEY

I am Lucy Mackenzie, Legislative Reform Chairman of the League of Women Voters of New Jersey. As you know, the League has had a continuous and active concern with legislative reform for many years. We welcome this opportunity to give you our views.

Along with other League lobbyists, I attended last week's meeting of this committee. We are impressed with the obvious intention of all committee members to improve Senate procedures. The League feels that giant strides were taken during the 1974-5 session with the policy of open committee meetings, the much-needed addition of capable, committee staff members, and the institution of the toll-free legislative information phone service. These innovations have served the public well and have increased the stature of the New Jersey Legislature.

However, we have one particular concern about committee meetings which grows out of our observation of the system over the years. This is the matter of attendance, prompt attendance at committee meetings. All too often, if an observer arrives for a ten o'clock meeting he will find no one there except aides and lobbyists. As time goes on, individual committee members come in, look around, and then leave because no business is being conducted. A meeting which begins an hour late is usual, and then with a bare quorum in attendance. Many bills scheduled for discussion must then be omitted for lack of time. Most maddening of all is finding

that an entire meeting is cancelled because not enough members have appeared to make a quorum. These practices are an affront to citizens who care enough about their state government to come to Trenton. Many of them must take time off from their jobs, without pay.

A few days ago, I attended the organizational meeting of Senator Garramone's committee. The Senator's enthusiasm and zeal were inspiring. Unfortunately, only one other committee member was present to receive this transfusion of enthusiasm. Yesterday, I attended the organizational meeting of Senator Orechio's committee. Again, only one other committee member was present. Even more typical was yesterday's meeting of the Labor Committee. Two members appeared on time, but two hours later the twenty-plus people who had gathered for the meeting finally gave up hope of a quorum. Senator Bedell, of course, was unable to come to Trenton yesterday. But the two other absent committee members were here. Obviously, the committee meeting was not one of their priorities. Surely, at the very least an absent legislator should feel obliged to notify the committee aide that he will be absent.

As you know, the Labor Committee met briefly later in the day, but not at the time and place told to the public. In other words, the system fell apart. The good intentions of the leadership of both parties must be accompanied by a sense of responsibility on the part of individual members. We all know that the Legislature's most important work takes place in the committees. A two-hour meeting is barely adequate for consideration of an average agenda. Consistent, prompt attendance at committee meetings is a crucial element without which the system can never work well.

The Senate has two very difficult years ahead. We hope that the constructive suggestions and important decisions of the Rules Committee will result in

legislative accomplishments which the membership, the League of Women Voters and the citizens of New Jersey will be proud of.



