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PUBLIC HEARING

before

SENATE STATE GOVERNMENT, FEDERAL AND INTERSTATE
RELATIONS AND VETERANS' AFFAIRS COMMITTEE

SENATE CONCURRENT RESOLUTION NO. 109

(Amends the Constitution to terminate the second annual regular session of the Legislature on the second Monday in July in order to provide an interim study period)

September 29, 1988
Room 410
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Wynona M. Lipman, Chairperson
Senator Gerald R. Stockman, Vice Chairman
Senator Catherine A. Costa
Senator Gerald Cardinale

ALSO PRESENT:

Joseph P. Capalbo
Office of Legislative Services
Aide, Senate State Government, Federal
and Interstate Relations and Veterans'
Affairs Committee

* * * * *

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

New Jersey State Library

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New Jersey State Legislature

**SENATE STATE GOVERNMENT, FEDERAL
AND INTERSTATE RELATIONS AND
VETERANS' AFFAIRS COMMITTEE**

STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
(609) 292-9106

WYNONA M. LIPMAN
CHAIRMAN
GERALD R. STOCKMAN
VICE-CHAIRMAN
CATHERINE A. COSTA
GERALD CARDINALE
C. WILLIAM HAINES

M E M O R A N D U M

September 23, 1988

TO: MEMBERS OF THE SENATE STATE GOVERNMENT COMMITTEE

FROM: SENATOR WYNONA M. LIPMAN, CHAIRMAN

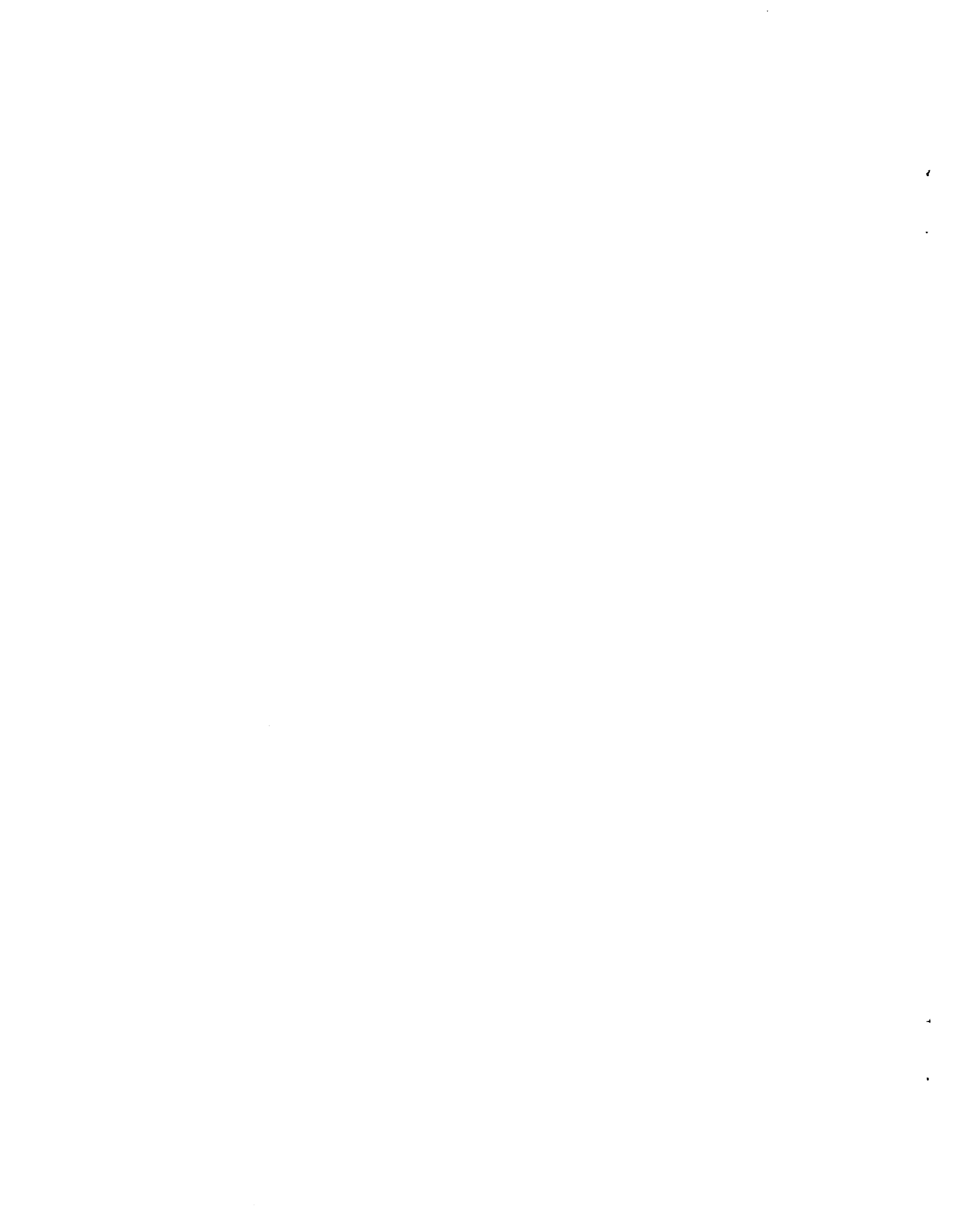
SUBJECT: PUBLIC HEARING NOTICE and
SUPPLEMENTAL AGENDA
COMMITTEE MEETING - Thursday, September 29, 1988

(Address comments to Joseph P. Capalbo, Committee Aide (609) 292-9106)

The Senate State Government Committee will hold a public hearing on SCR-109 on Thursday, September 29, 1988 at 2:00 p.m. in Room 410 of the State House Annex. SCR-109, introduced by Senator Russo, amends the Constitution to terminate the second annual regular session of the Legislature on the second Monday in July in order to provide an interim study period.

Senator Lipman has removed S-2271 from the committee agenda for September 29, 1988 and has added the following bills:

- | | | |
|------------------|---|--|
| S-1026
Lipman | - | Appropriates \$87,500 in FY 1988 for an Arts Council grant to the Cathedral Symphony Orchestra. |
| S-2567
Russo | | Appropriation of \$3,101,000 in federal funds for construction projects at the Vineland Memorial Home. |



[FIRST REPRINT]
SENATE CONCURRENT RESOLUTION No. 109

STATE OF NEW JERSEY

INTRODUCED APRIL 25, 1988

By Senators RUSSO, CONTILLO, VAN WAGNER,
WEISS and LYNCH

1 A *CONCURRENT RESOLUTION* proposing to amend Article IV,
Section I, paragraphs 3 and 4 and Article V, Section I,
3 paragraph 12 of the Constitution of the State of New Jersey.

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

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

9

PROPOSED AMENDMENT

11

a. Amend Article IV, Section I, paragraph 3 to read as follows:

13

3. Each Legislature shall be a continuous body constituted for
a term of 2 years beginning at noon on the second Tuesday in
15 January in each even numbered year, at which time the Senate
and General Assembly shall meet and organize separately and the
17 first annual session of the Legislature shall commence. Said first
annual regular session shall terminate at noon on the second
19 Tuesday in January next following, at which time the second
annual regular session shall commence and it shall terminate by
21 adjournment sine die at noon on the second [Tuesday] Monday in
[January] July then next following but either regular session may
23 be sooner terminated by adjournment sine die. All business
before either House or any of the committees thereof at the end
25 of the first annual regular session may be resumed in the second
annual regular session, but all business shall expire upon the
27 adjournment sine die of the second annual regular session. The
legislative year shall commence at noon on the second Tuesday in
29 January of each year.

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
Senate SSG committee amendments adopted June 30, 1988.

1 Upon the adjournment sine die of the second annual regular
2 session, the President of the Senate, the Speaker of the General
3 Assembly and the officers and employees of the two Houses shall
4 continue to administer their functions and responsibilities during
5 the interim period until the commencement of the next
6 Legislature. ¹Committees, commissions or other bodies of the
7 Legislature established by law may conduct business during the
8 interim period in the manner provided by law.¹ Before the sine
9 die adjournment each House may appoint interim committees to
10 conduct studies and issue reports limited to the subjects
11 designated by the House. The Senate may appoint an interim
12 committee to assist it in the exercise of its power to advise and
13 consent to nominations. ¹[Committees, commissions or other
14 bodies of the Legislature established by law may conduct business
15 during the interim period in the manner provided by law.]¹

(cf: Article IV, Section I, paragraph 3; amended 1968.)

17 b. Amend Article IV, Section I, paragraph 4 to read as follows:

18 4. Special sessions of the Legislature shall be called by the
19 [Governor] President of the Senate and the Speaker of the
20 General Assembly upon petition of a majority of all the members
21 of each house, and may be called by proclamation of the
22 Governor whenever [in his opinion] the public interest shall
23 require. The President of the Senate may convene the Senate
24 alone to advise and consent to the nomination of any officer as
25 may be required by this Constitution or law. Business conducted
26 or actions aken during a special session shall be limited to
27 subjects designated in the petition or in the proclamation, and no
28 business or action regarding any other subject shall be valid. The
29 Legislature, or either House thereof, may appoint any committee
30 to aid or assist it in performing its functions at the special
31 session.

(cf: Article IV, Section I, paragraph 4)

33 c. Amend Article V, Section I, paragraph 12 to read as follows:

34 12. The Governor shall communicate to the Legislature, by
35 message at the opening of each regular session and at such other
36 times as he may deem necessary, the condition of the State, and
37 shall in like manner recommend such measures as he may deem

1 desirable. He may, by proclamation designating the subjects,
2 convene the Legislature, or the Senate alone, whenever [in his
3 opinion] the public interest shall require. He shall be the
4 Commander-in-Chief of all the military and naval forces of the
5 State. He shall grant commissions to all officers elected or
6 appointed pursuant to this Constitution. He shall nominate and
7 appoint, with the advice and consent of the Senate, all officers
8 for whose election or appointment provision is not otherwise
9 made by this Constitution or by law.

(cf: Article V, Section I, paragraph 12)

11 2. When this proposed amendment to the Constitution is finally
12 agreed to, pursuant to Article IX, paragraph 1 of the
13 Constitution, it shall be submitted to the people at the next
14 general election occurring more than three months after the final
15 agreement and shall be published at least once in at least one
16 newspaper of each county designated by the President of the
17 Senate and the Speaker of the General Assembly and the
18 Secretary of State, not less than three months prior to the
19 general election.

20 3. This proposed amendment to the Constitution shall be
21 submitted to the people at the general election in the following
22 manner and form:

23 There shall be printed on each official ballot to be used at the
24 general election, the following:

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

27 If you favor the proposition printed below make a cross (x), plus
28 (+) or check (✓) in the square opposite the word "Yes." If you are
29 opposed thereto make a cross (x), plus (+) or check (✓) in the
30 square opposite the word "No."

31 b. In every municipality the following question:

<p>1</p> <p>3</p> <p>5</p> <p>7</p> <p>9</p> <p>11</p> <p>13</p> <p>15</p> <p>17</p>	<p>YES.</p>	<p>CONSTITUTIONAL AMENDMENT RELATING TO THE MEETING OF THE LEGISLATURE</p> <p>Shall the amendment to Article IV, Section I, paragraphs 3 and 4 and Article V, Section I, paragraph 12 of the Constitution, agreed to by the Legislature, providing that the second annual regular session of the Legislature shall terminate on the second Monday in July and that special sessions of the Legislature shall be limited to the subjects designated in the petition of the members to the President of the Senate and Speaker of the General Assembly or in the proclamation of the Governor, be adopted?</p>
<p>19</p> <p>21</p> <p>23</p> <p>25</p> <p>27</p> <p>29</p>	<p>NO.</p>	<p>INTERPRETIVE STATEMENT</p> <p>This constitutional amendment provides that the second annual regular session of the Legislature shall terminate on the second Monday in July and that any special session of the Legislature shall be limited to the subject matter specified in the petition or proclamation calling for the special session.</p>

SCHEDULE

This constitutional amendment shall, if approved, be applicable to the legislative sessions commencing on or after the second Tuesday in January, 1990.

STATEMENT

The purpose of this constitutional amendment is to provide the Legislature with a distinct period of time between legislative sessions to be devoted exclusively to the in-depth study of major issues of concern. This period is referred to as an "interim" in the many States which follow this practice. During the interim, regular legislative business such as the introduction and consideration of legislation is terminated, and special interim committees are appointed to study issues and

1 prepare reports and recommendations for consideration at the
next regular session of the Legislature.

3 This amendment specifically provides that the second annual
regular session of the Legislature would terminate on the
5 second Monday in July, and that all business before the
Legislature would automatically terminate. Each House would
7 prior to adjournment have the option to establish interim
committees to undertake studies during the ensuing six-months
9 until the commencement of the new Legislature in the
following January. Routine administrative matters and other
11 continuing responsibilities of the two houses would continue to
be carried out during the interim under the direction of the
13 President and the Speaker. Similarly, any legislative
commissions or committees established by law would also
15 continue in operation.

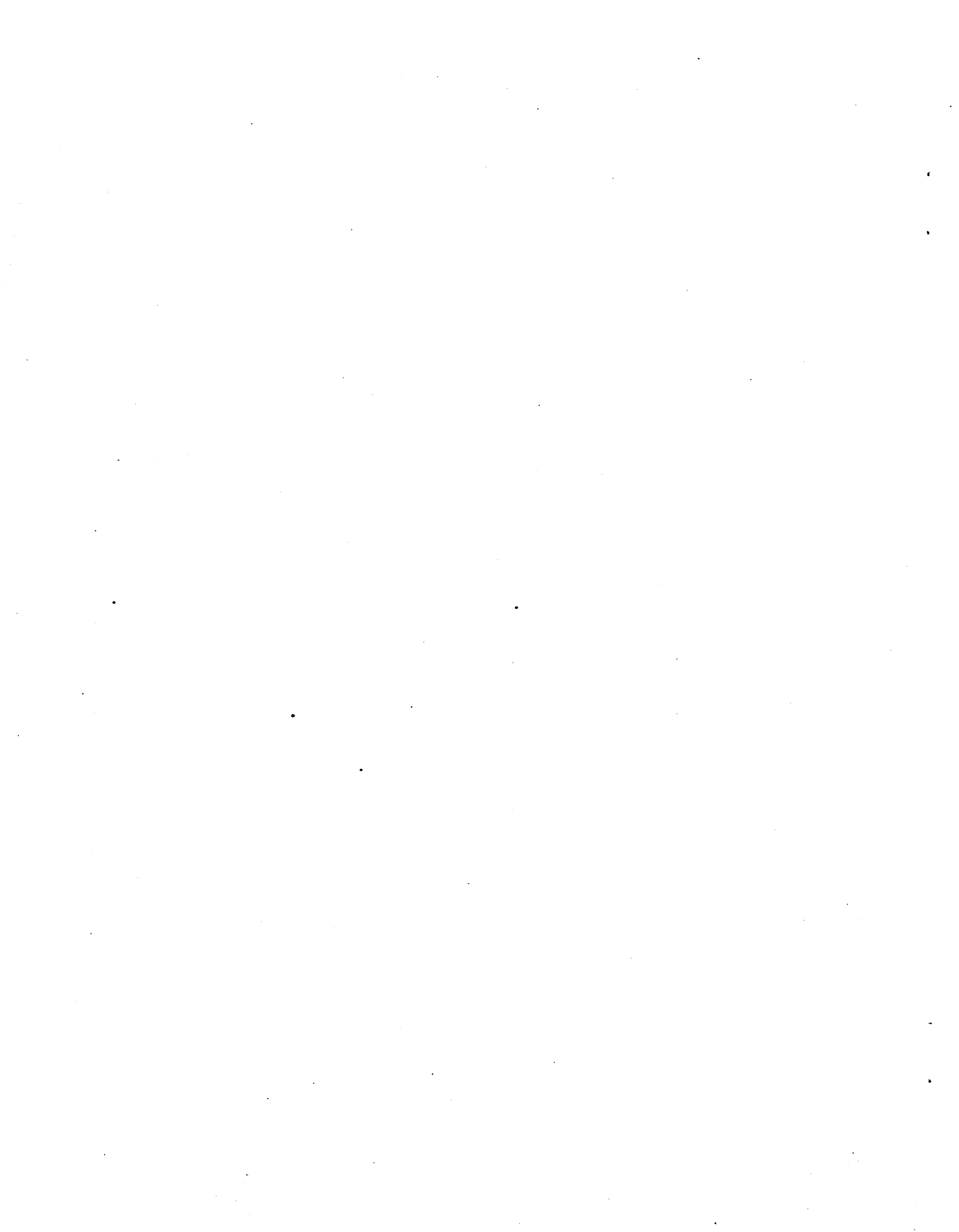
The application of this amendment in conjunction with
17 existing provisions of the Constitution concerning the
Governor's veto powers (Article V, Section I, paragraph 14(d))
19 would also require the Legislature to convene in special session
in late August to receive bills returned by the Governor with
21 objections.

This proposed amendment also clarifies that a special session
23 convened either by petition of the members of the Legislature
or by proclamation of the Governor could only consider
25 subjects specified in the petition or proclamation.

27

LEGISLATURE
29 State Government

31 Amends Constitution to terminate second annual regular
session of Legislature on second Monday in July in order to
33 provide for interim study period.



SENATE STATE GOVERNMENT, FEDERAL AND
INTERSTATE RELATIONS AND
VETERANS' AFFAIRS COMMITTEE

STATEMENT TO

SENATE CONCURRENT RESOLUTION No. 109

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JUNE 30, 1988

The Senate State Government, Federal and Interstate Relations and Veterans' Affairs Committee reports favorably and with committee amendments Senate Concurrent Resolution, No. 109.

This concurrent resolution proposes to amend the Constitution to provide that the second annual regular session of the Legislature shall terminate by adjournment sine die at noon on the second Monday in July, and that all business before the Legislature shall expire.

The President of the Senate, the Speaker of the General Assembly, and the officers and employees of the two Houses would continue to administer their functions and responsibilities during the interim period until the commencement of the next Legislature. Committees, commissions or other legislative bodies established by law may conduct business during the interim period in the manner provided by law. Prior to adjournment, each House may appoint interim committees to conduct studies and issue reports limited to subjects designated by the House. The Senate may appoint an interim committee to assist it in the exercise of its power to advise and consent to nominations.

This proposed amendment to the Constitution also provides that a special session of the Legislature may be convened either by the President of the Senate and the Speaker of the General Assembly upon the petition of a majority of the members of each House or by proclamation of the Governor. The President of the Senate may also convene the Senate alone to advise and consent to the nomination of any officer as may be required by the Constitution or by law. Business conducted or actions taken during a special session shall be limited to subjects designated in the petition or the proclamation. The Legislature, or either House thereof, may appoint any committee to aid or assist it in performing its functions at the special session.

The application of this constitutional amendment in conjunction with existing provisions of the Constitution concerning the Governor's veto powers (Article V, Section I, paragraph 14(d)) would require the Legislature to convene in special session in late August to receive bills returned by the Governor with objections.

The purpose of this constitutional amendment is to provide the Legislature with a distinct period of time between legislative sessions for the in-depth study of issues of major concern.

This constitutional amendment, if approved, shall be applicable to the legislative sessions commencing on or after the second Tuesday in January, 1990.

COMMITTEE AMENDMENTS

The committee amended the concurrent resolution to rearrange the placement of a sentence to provide for greater clarity.

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* * * * *

mjz: 1-5

SENATOR WYNONA M. LIPMAN (Chairperson): This is sort of a necessary public hearing we're having. We have already considered the bill. It is a concurrent resolution by the Senate President, which proposes to amend the Constitution to provide that the second annual regular session of the Legislature shall terminate by adjournment at noon on the second Monday in July, and that all business before the Legislature shall expire.

I don't think Senator Russo is available for a statement on his bill, so, Linda, would you please oblige?

L I N D A K A S S E K E R T: Senator, I am submitting, as part of the testimony to be included in the public record of this hearing, the memorandums and the information that Senator Russo provided us when he came before the Committee earlier to discuss this bill. So that will be included as part of the public record.

SENATOR LIPMAN: All right. We discussed, at the time we considered the bill, that several other states have come to the conclusion that the legislature must end a little early, rather than have one of those rush sessions in December and early January. So that is what this short public hearing is about, just to put it on record with the other documents, that we did have a public hearing. All right? (no response)

Does anyone else want to comment -- any other Senator? Senator Cardinale?

SENATOR CARDINALE: Well, Madam Chairman, I have said in the past that I think this measure, while the overall idea of making adjustments in the legislative schedule to address the problem of length of sessions is a good idea, and I support that idea, I think it is backwards to do it in this fashion, because the greatest public scrutiny of a legislator's record occurs shortly before the election. Therefore, we should do all of our voting, if we are attempting to be a democratic form of government-- We should do all of our voting shortly before

the election, and not stop all voting six months before the election.

So, if we are going to do shortening, I think we should have the committee sessions at the beginning of our legislative operations, and then have our voting toward the end of them, if we are going to segregate these, and I think it is a very good idea to segregate them. As a matter of fact, the more we have thought about it since the last meeting, the more I have come to the conclusion that it would be a good idea to have a block of time reserved for committee sessions. We could have thoughtful committee sessions if we were not alternating between voting sessions and committee sessions. And then, at some point, we would have all of the issues done in committee. They would all be before us. There would be a whole legislative agenda, and we could then, in a thoughtful process, make our commentaries and cast our votes. Then our constituents, shortly before the election, could be looking at what we were doing, and they could judge us in terms of their vote on what we have, in fact, done.

This bill seems to reverse that process. What it says is, all of the voting will be done where the public is paying the least degree of attention to our votes. I think the effect of that would be increasing the influence of lobbyists, and other special interests, on the actual legislative process, instead of diminishing their activities then, - and also diminishing the effectiveness of the public in terms of-- Not to be repetitive, but obviously if the public interest goes down, then the interest of the special interests and the lobbyists will go up, because they are always here. They're always here. They don't care when the election is coming. They are here all the time, regardless.

I wonder if anyone has spoken to Senator Russo -- I know he has staff representation -- with respect to whether or not he has thought about this and has perhaps the idea now that

he might want to reverse this process, because I know he is interested in making sure that there is as much public participation as possible. I don't think he would want to inadvertently decrease public participation. I am sure he wants to increase it and make things run in a more orderly fashion.

So, I would not understand why he would be resistant to reversing the process. It occurs to me that someone may have asked him.

SENATOR LIPMAN: Senator Stockman?

SENATOR STOCKMAN: No, thank you.

SENATOR LIPMAN: Senator Costa?

SENATOR COSTA: Madam Chairman, this vote has already been taken, has it not?

SENATOR LIPMAN: Yes, the bill has been--

SENATOR COSTA: So the only part is the public hearing?

SENATOR LIPMAN: Yes.

SENATOR CARDINALE: Well, it's public comment. Theoretically, the bill can change. I mean, there is no point to having public comment, if the public comment doesn't make any difference.

SENATOR COSTA: I certainly respect your opinion, Senator Cardinale. I personally feel that having -- and this is not speaking on the bill; it is speaking on your comments-- Are you suggesting having all committee meetings in one year, and then the votes in the second year?

SENATOR CARDINALE: I believe what Senator Russo actually accomplishes is a six-month shortening of the voting portion. And then says, that six months can be used for committee meetings. The six months immediately preceding the election -- more or less six months -- would be used for committee meetings that would be the basis of the work in the ensuing legislative session, which would then also be another year and a half. So, he's sort of segmenting it a little differently.

My proposal would be that you have, in the first six months of the legislative session, committee meetings only. All of the votes on all of the work-- Actually, I guess I'm saying, you know, except for some housekeeping matters, maybe even a year and a half, where you would have all of your committee meetings, and then in the last six months, all of the votes, and then the time from the election on, no votes be taken any longer, so that we get rid of the lame duck session. I believe that is what we discussed in more detail at our last meeting.

SENATOR COSTA: But usually we don't meet in the summer. The July/August period is usually not one of meetings, unless they are for an emergency purpose. I think this bill calls for emergency meetings, should there be any.

SENATOR CARDINALE: Yes, it does.

SENATOR COSTA: So if you're saying up until-- From that period really is shorter than that then -- what you're saying, Senator Cardinale. It would be from after November, or just prior to November, like September and October?

SENATOR CARDINALE: There is no reason why we couldn't be having voting sessions close before the election, if that is all we are doing. I think when we think about it, it would seem like we're, you know, doing a great deal -- jamming a great deal in, but I think most of what we do is relatively routine, maybe the 10 or 12 things that happen in the course of the year that the public would have an intense interest in -- automobile insurance, or things like that. So, while it would seem that we are cramming a great deal in -- reading what you are saying, what your objection might be -- I still think that is not unrealistic, if all of the preliminary work has been done before that.

I think the chief good in Senator Russo's proposal is elimination of the lame duck session; elimination of voting after we are going out of office, some of us because we have

not run for reelection. Therefore, there is no accountability available. If someone is not going to run again, either because they have been defeated, or whatever, or they are not going to be in office, that is when things that are publicly unpopular can pass. That is when things get done that many of us would be afraid to mention to our constituents. I mean, I don't want to go into digging up dead bodies, but that is where those things occur. I mean, legislative salary increases, for instance. If we are going to increase salaries, I think we should do that; I believe we should do that. If we are going to increase taxes, I believe we should do that shortly before the election, so that people know what we have done, and can judge us accordingly. We make our arguments.

SENATOR LIPMAN: I just want to remind the Committee that there were two other suggestions made at the time we heard the bill. One was Senator Haines' suggestion for a two-year budget, instead of an annual budget. And the other one was to end the legislative session in September, which would give the budget decisions ample time for correction, if there needed to be corrections at the time. I made that suggestion.

Senator Stockman has no comment, so-- Are you going to comment?

SENATOR STOCKMAN: No, no comment.

SENATOR LIPMAN: Oh, all right. Unless there is someone from the public who wants to make a comment on this bill, I think we have come now to the end of the public hearing on Senate Concurrent Resolution No. 109.

(HEARING CONCLUDED)

APPENDIX

NEW JERSEY SENATE



JOHN F. RUSSO

PRESIDENT

NEW JERSEY STATE SENATE

10TH LEGISLATIVE DISTRICT

917 NORTH MAIN STREET


TOMS RIVER, NEW JERSEY 08753

201-240-2200

STATE HOUSE
TRENTON, NEW JERSEY 08625
609-292-5388

MEMORANDUM

TO: Senator Wynona Lipman, Chairman
Members, State Government Committee

FROM: John F. Russo 
Senate President

DATE: June 26, 1988

RE: Constitutional Amendment on Session Limitation

At an earlier meeting of this Committee, you received testimony on my proposed constitutional amendment to impose a limit on the length of the legislative session. The purpose of this memo is to respond to the issues discussed at the earlier meeting.

Prior to my introduction of this resolution, I provided the members of the Senate with an outline of the benefits that I believe would result from a limitation on the length of the session. Additional copies of that memo were provided to you at the last Committee meeting and are available today.

For the record, I will briefly restate the benefits of this proposed change. Generally, the advantages of the proposal are:

(1) It will improve the efficiency of legislators and the legislative process because it will lead to better management of the legislative calendar and clearer priority setting;

(2) It will provide for better management of legislative resources and facilities without the need for continued increases in either through improved planning, and by concentrating both on consolidated oversight functions and allowing more time for legislators and district staff to respond to constituent concerns;

(3) It will permit stronger and more consistent oversight of the executive branch through the establishment of interim committees;

(4) It will enhance public confidence in the Legislature by insulating legislative policy from electioneering and eliminating the lame duck session.

Since 1974, when I was first elected to the Senate the New Jersey Legislature, like most throughout the country, has changed significantly: we opened the process to public scrutiny, we developed a strong committee system, we started a district office program, we have a larger and more capable staff, we have better legislative facilities, and most recently, we created a legislative information system.

In the last two sessions of the Legislature, we have imposed a discipline which limits the number of bills on committee agendas and on board lists, we have allowed for emergencies only on annual budget bills, and have thereby kept the Senate to shorter and more productive sessions.

In every case, these changes which in hindsight don't seem at all dramatic, were met with trepidation and resistance. According to accounts of your earlier meeting, former Senator Bateman related a similar reaction when structural changes in the Legislature were proposed in the late 1960's.

In retrospect, these changes have permitted the Legislature to be both responsible and responsive in dealing with the increasingly complex issues that it has faced during the last fifteen years. The fact that the Legislature has vastly improved over the last two decades should not lead us to now ignore the deficiencies that remain. The Legislature is a dynamic, political and personal institution; it will never be perfect. However, opportunities remain for self-improvement.

We have all contributed to its improvement over the past few years through our mutual consent to strictly abide by our rules and procedures. This proposed change is merely a continuation of our progress. It seeks to address two of the Legislature's biggest shortcomings: a lack of long term planning and priority setting, and strong oversight of the executive branch.

I would now like to respond to the substantive concerns raised at the earlier meeting.

First, it was suggested that this resolution might be amended to provide for a two year budget. I agree that the adoption of a two year budget cycle would provide certain efficiencies. I believe, however, that our inability to accurately forecast revenues over that time period would make a two year budget cycle impractical. Consider, for example, our experience during FY 88 and FY 89.

In FY 88, the difference in revenues between February when the Governor presented his budget, and June 30 when he signed it was an increase of \$133 million. Between, June, 1987 and February 1988, revenues increased by an additional \$256 million. With the FY 89 budget that was approved on Monday, the difference in revenue between February and June was a decrease of \$113 million.

I am concerned that the imprecision of revenue forecasting may create a higher level of fiscal uncertainty than currently exists. In addition, I believe that most states with a two year budget cycle also have a constitutionally structured committee of legislators that make interim adjustments in spending. I think that the creation of such a committee would, in itself, be controversial.

Second, there was a general concern that this change would weaken the Legislature; quite the opposite is true. Our current, seemingly unending, session fosters inertia in establishing legislative priorities; in contrast, a shortened session will force the Legislature to set the legislative agenda.

Additionally, the opportunity which this system would provide for strong consistent oversight by both houses would strengthen, not weaken, the Legislature vis a vis the executive branch. The Legislature's experience with legislative oversight, when undertaken, have been successful. This Committee's oversight of the implementation of the Civil Service Reform Act is an example. The Senate Oversight Committee's work on the WIC and PEOSHA programs last session are further examples. However, our efforts in this area when compared to our responsibility are inadequate because, as you are well aware, it requires a thorough, consistent and sometimes tedious effort.

A further concern expressed by the Committee was that this change would strengthen the prerogatives of the presiding officers. In fact, this change is neutral with respect to the powers of the presiding officer. It specifically states, in fact, that the interim committees, as with the standing reference committees, will be established by the two houses. This resolution provides a second opportunity, over and above the organization of standing reference committees, for all members to participate in the appointment of legislative committees.

Finally, it was suggested that this change is unnecessary because the current system permits the Senate and Assembly to convene and adjourn at will. That is, of course, technically true. But the fact is that if we all had the discipline to adopt such a schedule, we would not need the other rules that impose limitations on the committee agendas and calendar. These are devices that force us to set priorities. The session limitation would have exactly the same impact.

For the limited opportunities we would lose as a legislature to meet, we would gain far more time to attend to oversight functions in Trenton and constituent concerns at home. I commend this proposal to you for all of the long term benefits it will provide, not only to the quality of lawmaking in our State, but most especially to the new quality of public service it will undoubtedly promote.

NEW JERSEY SENATE



JOHN F. RUSSO

PRESIDENT

NEW JERSEY STATE SENATE

10TH LEGISLATIVE DISTRICT

917 NORTH MAIN STREET

TOMS RIVER, NEW JERSEY 08753

201-240-2200

STATE HOUSE

TRENTON, NEW JERSEY 08625

609-292-5388

MEMORANDUM

TO: Members of the Senate

FROM: John F. Russo *JFR*
Senate President

DATE: April 11, 1988

RE: Proposed Constitutional Amendment/Limitation
on Legislative Session

On April 18, I will introduce a concurrent resolution which proposes a constitutional limitation on the length of the legislative session. I would like to explain the proposal and seek your support for its adoption.

Specifically, the resolution proposes to amend the Constitution to provide that the two-year session end on the second Monday of July of the second year of the session rather than on the second Tuesday in January following the legislative election.

The amendment would prescribe the circumstances in which the legislative leaders and/or the Governor could call a special session of the Legislature following the sine die adjournment. The resolution would limit the special session to specific subjects. Finally, the proposed amendment would authorize the appointment by the houses of interim committees.

The provisions of the current Constitution which provide for legislative action on gubernatorial vetos following the adjournment of the Legislature is continued.

Currently, thirty-two states have a constitutional limitation on session length; another six states have statutory limitations. Only twelve states, most of which have full-time legislatures, have no limitation.

5X

I believe that the advantages of such a limitation are as follows:

- (1) A shorter session would lead to the adoption of real deadlines for the completion of different aspects of legislative business, such as, bill introductions, committee review and floor action. The rules could provide for safety valves to handle special or emergency situations. Over time, such a system would lead to better priority setting and possibly fewer bill introductions.
- (2) A realistic session length would impose a burden on both legislative leaders and the executive branch for better management of their legislative priorities.
- (3) Termination of the session in July preceding the legislative election would insulate the process from the intense political rhetoric that invariably accompanies a campaign. I believe that this separation would benefit the Legislature and probably our campaigns.
- (4) A lame duck session would occur only if it is scheduled to deal with a specific agenda. In the absence of a lame duck session, legislative leaders would have a full two months after legislative elections to focus on the organization of the new session, the identification of party initiatives, the appointment of committee chairs and members, the session and committee schedule, and new member orientation.
- (5) A July to January interim would be used for research and oversight projects which are almost impossible to undertake during regular session periods. These would be conducted by the interim committees appointed by the houses at the conclusion of the session. This is widely used in other states.
- (6) A July to January interim would also allow for:
 - (a) better management of legislative staff;
 - (b) better management of legislative printing and the legislative information system (this will be more important as the system gets larger);

- (c) improved maintenance of legislative facilities; and
- (d) an opportunity for implementation of new technology and/or procedures uninterrupted by routine legislative business.

The single concern that has been expressed about this proposal is the perception that the Legislature is not "working" during the interim simply because we are not convened in formal session to vote on bills. The fact is that under the current system, the Legislature meets infrequently during this period and the sessions that are held are subject to the distractions of the campaign. Constituent services would, of course, continue during this period, and could in fact be intensified.

We've done a great deal over the last two and a half years to professionalize the operations of the Legislature, and to impose a new discipline on the ways in which we conduct our business. I believe that those who observe and care about the Legislature, and its ability to be responsive and act responsibly, will view this proposal as a positive extension of our already successful efforts at self-improvement.

I would appreciate your co-sponsorship and support of this resolution.