

IMPROVING  
THE  
NEW JERSEY LEGISLATURE



REPORT

OF THE

COMMISSION TO STUDY THE LEGISLATURE

(pursuant to Senate Concurrent Resolution No. 2030, 1971)

December 6, 1971

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(Established pursuant to Senate Concurrent Resolution No. 2030,  
adopted June 14, 1971)

MEMBERS OF THE COMMISSION

Alfred N. Beadleston (*Senator*, 5th Senate District), Chair-  
man

William V. Musto (*Senator*, 12th Senate District), Vice Chair-  
man

J. Edward Crabel (*Senator*, 7th Senate District)

Harry L. Sears (*Senator*, 10th Senate District)

James M. Coleman (*Assemblyman*, Assembly District 5B)

David J. Friedland (*Assemblyman*, Assembly District 12B)

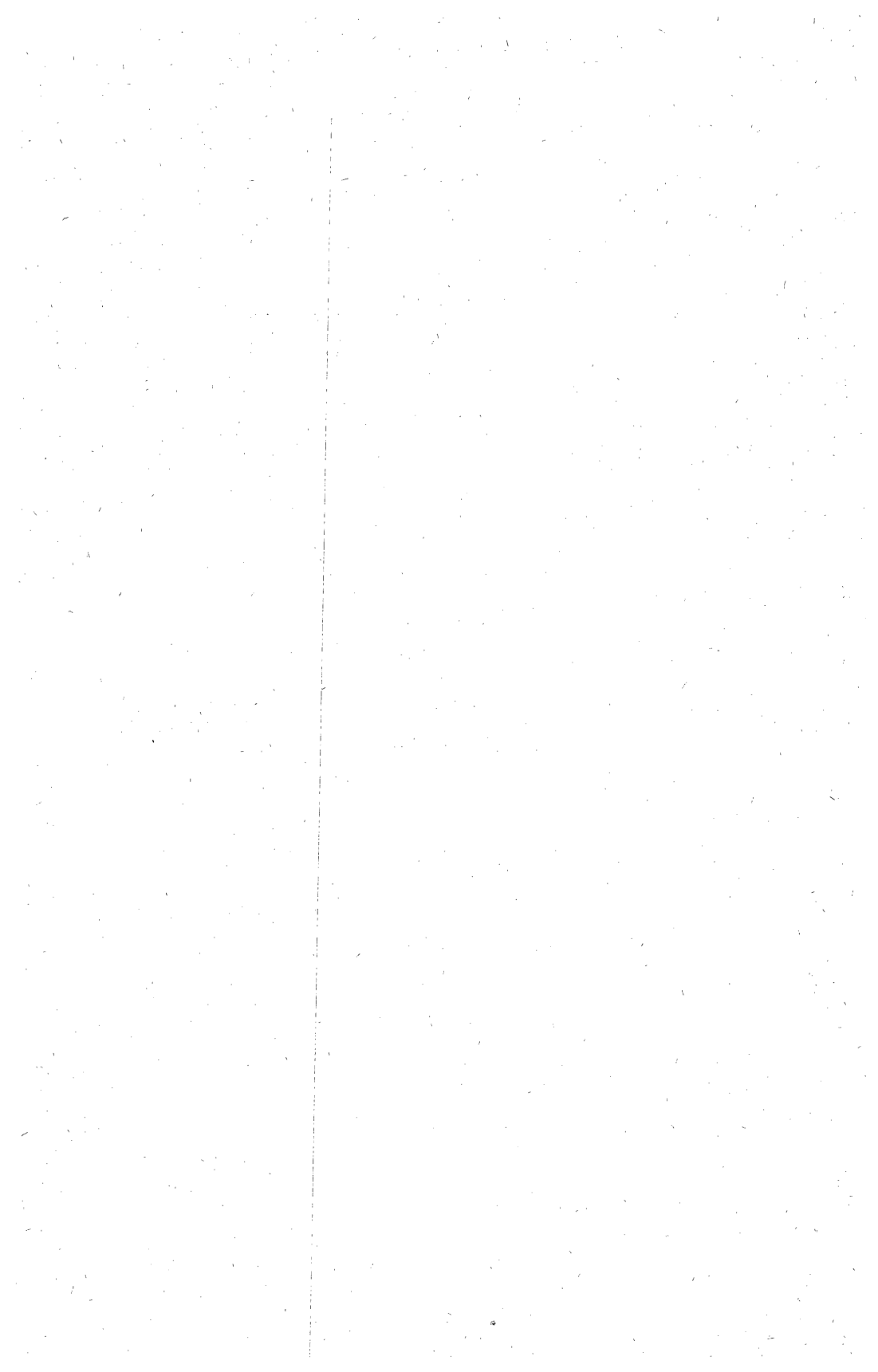
John J. Horn (*Assemblyman*, Assembly District 3D)

Peter J. McDonough (*Assemblyman*, Assembly District 9C)



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## LETTER OF TRANSMITTAL

December 6, 1971

HONORABLE MEMBERS OF THE SENATE  
HONORABLE MEMBERS OF THE GENERAL ASSEMBLY

GENTLEMEN :

The Commission to Study the Legislature, established pursuant to Senate Concurrent Resolution No. 2030 “. . . to study the structure, organization and procedures of the New Jersey Legislature and the general legislative process as embodied in the Constitution of New Jersey, statutes, rules, customs and traditions and to recommend such changes as it deems necessary and desirable . . .”, hereby respectfully submits its report.

/s/ ALFRED N. BEADLESTON,  
\_\_\_\_\_  
ALFRED N. BEADLESTON  
*Chairman*

/s/ WILLIAM V. MUSTO,\*  
\_\_\_\_\_  
WILLIAM V. MUSTO  
*Vice Chairman*

/s/ J. EDWARD CRABIEL  
\_\_\_\_\_  
J. EDWARD CRABIEL

/s/ HARRY L. SEARS \*\*\*  
\_\_\_\_\_  
HARRY L. SEARS

/s/ JAMES M. COLEMAN  
\_\_\_\_\_  
JAMES M. COLEMAN

/s/ DAVID J. FRIEDLAND \*\*  
\_\_\_\_\_  
DAVID J. FRIEDLAND

/s/ JOHN J. HORN  
\_\_\_\_\_  
JOHN J. HORN

/s/ PETER J. McDONOUGH  
\_\_\_\_\_  
PETER J. McDONOUGH

\* With supplemental statement. (See page 43.)

\*\* Joins in Senator Musto's statement. (See page 43.)

\*\*\* With supplemental statement. (See page 46.)

REPORT OF THE COMMISSIONER

1911

THE COMMISSIONER OF THE BUREAU OF LANDS

REPORT

The Commission to study the... (The Commission to study the...)

Mr. [Name]	Mr. [Name]	Mr. [Name]	Mr. [Name]
Mr. [Name]	Mr. [Name]	Mr. [Name]	Mr. [Name]
Mr. [Name]	Mr. [Name]	Mr. [Name]	Mr. [Name]
Mr. [Name]	Mr. [Name]	Mr. [Name]	Mr. [Name]

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## I. PROCEDURE OF COMMISSION STUDY

The Commission created by Senate Concurrent Resolution No. 2030 (1971) met and organized on July 19, 1971, by the election of Senator Alfred N. Beadleston as Chairman, Senator William V. Musto as Vice Chairman and the appointment of William M. Lanning, Chief Counsel of the Legislative Services Agency, as Secretary. The following members of the legislative staffs were requested to assist the Commission: Samuel A. Alito, Research Director of the Legislative Services Agency; David J. Goldberg, Counsel to the Senate Minority; Joseph Gonzalez, Executive Director of the Assembly Majority; Merritt Ierley, Jr., Legislative Aide to Senator Fairleigh S. Dickinson, Jr., and Lewis B. Thurston, III, Executive Director of the Senate.

To accomplish the directive of the Legislature as set forth in section three of Senate Concurrent Resolution No. 2030 (1971) within the limited time specified in that resolution, the Commission approached its assignment in the following manner:

1. A comprehensive questionnaire was formulated and sent to all members of the 1971 Legislature, including those who had resigned during the legislative year. (See Appendix B.)

2. Personal interviews were scheduled with a selected list of 40 members of the Legislature. (See Appendix C.)

3. Representatives of a number of organizations which have studied the operations of the New Jersey Legislature and known to have a continuing interest in its processes were invited to meet with the Commission.

4. A public hearing was scheduled and held.

5. Reports of studies of the New Jersey and other state legislatures and staff studies on various aspects of the legislative process were reviewed.

The thoughts, comments and recommendations of a total of 91 members and former members of the Legislature were obtained through replies to the aforementioned questionnaire and in-depth personal interviews. During the course of its meetings,

the Commission held extensive discussions with representatives of the following organizations: The Commission on State Administrative and Professional Compensation, popularly known as the "Vieser Commission," which completed its studies and reported to then Governor Richard J. Hughes in November, 1969; the Eagleton Institute of Politics of Rutgers, the State University, which made a comprehensive study of the New Jersey Legislature in 1963 and has since made similar studies for the legislatures of seven other states; The League of Women Voters of New Jersey, which in March, 1971, published a report on legislative reform in New Jersey and has on-going studies of the legislative process; the New Jersey Taxpayers Association; and the Division of Pensions, Department of the Treasury, whose Director made a nation-wide study of legislative pension programs at the request of the Commission.

The Commission, in reviewing the 1971 report of the Citizens Conference on State Legislatures, while recognizing the validity of certain criticism and recommendations with respect to the New Jersey Legislature, takes strong issue with its "rating" of state legislatures and its listing of the New Jersey Legislature as 32nd in the nation. No attempt was made in the Citizens Conference Report to measure the quality of a legislature's product; New Jersey's product, this Commission believes, is surely among the best, if not the best, in the Nation. A qualified expert in the field stated that the Citizens Conference rating system is akin to rating a college football team by the size of the stadium in which it plays its home games, the quality of the food at its training table and the team's uniforms.

## II. RECENT LEGISLATIVE REFORM

In its continuing effort to strengthen the legislative branch and to make the legislative process more responsive and responsible in meeting the needs and aspirations of the people of this State, the New Jersey Legislature has, during the past 17 years, initiated three major studies of its structure, organization, methods, practices and procedures.

In 1953, the Legislature established by concurrent resolution the Commission on Legislative Procedure and Research (the "McCay Commission"), which proposed a number of changes that were adopted by law and the rules of the two Houses. These changes included the following:

1. Reorganization of the old Law Revision and Bill Drafting Commission and staff into the present bi-partisan Law Revision and Legislative Services Commission and Agency. This reorganization included, for the first time, the creation of a Division of Legislative Information and Research to provide non-partisan, factual informational and research service to the members, officers, committees and commissions of the Legislature.

2. Establishment of the Legislative Budget and Finance Office to assist the Legislature, and particularly its Joint Appropriations Committee, in all fiscal affairs.

3. Drastic reduction in the number of standing committees in the two houses: from 45 Senate and 54 Assembly reference, joint and special committees to 12 uniform reference, four administrative and four joint committees in each house.

4. Orientation sessions following every legislative election to acquaint newly-elected members with their duties and responsibilities.

5. Changes in the format of bills to facilitate easier understanding by legislators and the public, including the use of brackets, italics and asterisks to designate deleted and added materials in bills amending present law, and the separate printing of all amendments.

6. Provision for periodic status reports on legislative bills and for public information services by the Legislative Services Agency.

7. Direction to the Legislative Services Agency to recommend, from time to time as it deems necessary or desirable, changes in the legislative process.

By concurrent resolution in 1963, the Legislature invited the Eagleton Institute of Politics at Rutgers, the State University, to study its organization, personnel, procedures, staffing, financing, practices and powers. In its report published later that year, the Institute made some 18 recommendations "for strengthening that institution as a coordinate branch of government." A considerable number of those recommendations — some of which had previously been proposed by members of the Legislature and other groups — were subsequently adopted in full or in modified form.

In 1965, the Legislature provided by law, as suggested by the New Jersey Supreme Court, for a constitutional convention to propose a new legislative apportionment plan consonant with the "one man, one vote" standard enunciated by the United States Supreme Court. In 1966, that convention proposed and the people ratified amendments to the State Constitution providing for the present legislative structure of 40 senators and 80 Assemblymen, which supplanted the 1966-67 temporary, interim (29 Senators - 60 Assemblymen) plan and the prior long-standing (21 Senators - 60 Assemblymen) Legislature.

Since the McCay report and principally during the past four years and pursuant to the suggestions of the leadership of both parties, a number of changes in legislative organization, methods, practices and procedures have been adopted, including the following:

1. In 1968, the Constitution was amended to provide for a two-year legislature starting with the 1970 session. Bills introduced during the first annual session are now carried over into the second annual session. As a consequence, the number of bills and resolutions introduced in the second annual session has been drastically reduced from the number introduced in the first annual session—2,663 in 1970 and less than 1000 in 1971. At the same time, this constitutional amendment limited the Governor's authority to "pocket

veto" bills in his possession after the start of a new legislative year. Previously, he could exercise this "pocket veto" power every year; now, only every other year.

2. In 1971, the Legislature adopted a strong lobby control law, replacing an earlier and weaker law adopted in 1964. The 1971 law requires all lobbyists to register with, and report in detail their activities to, the Attorney General. The earlier law required lobbyists (who were not clearly defined) to register with the Secretary of State.

3. Also in 1971, the Legislature adopted a tough conflicts of interest law, supplanting a 1967 law. This new law, among other things, bans certain business activities by legislators and legislative employees with, and representations before, various State agencies; provides for a code of ethics; continues the Joint Legislative Committee on Ethical Standards; and provides criminal penalties for violations. The 1967 conflicts law provided that no legislator or legislative employee could engage in certain specified activities with the State without first filing, as part of the public record, a statement of such activities.

4. In 1968, the Legislature adopted by law a code of fair procedure regulating the conduct of legislative hearings and the witnesses called to testify at such hearings.

5. As an outgrowth of the first two-year legislature (1970-71), the Senate continued its leadership (including the positions of President, Majority and Assistant Majority Leaders, Minority and Assistant Minority Leaders, and Standing Committee Chairmen) throughout the two-year period.

6. During the past several years, the leaders in both houses have normally scheduled two regular meetings per week from January to the summer recess, except for the budget interim extending from mid-February to mid-March. Previously, only one weekly meeting was generally scheduled, except during the busiest part of the session prior to the summer recess when two meetings per week were scheduled.

7. The leaders in both houses have issued and enforced stricter rules barring unauthorized persons from the floors of the chambers.

8. The leaders in both houses have notified their members, by letter or telegram, of the bills to be voted on at the next scheduled meeting.

9. By a change in the Senate Rules in 1966, all confirmations of gubernatorial nominations reported are voted upon in public session.

10. Since 1967, legislators and legislators-elect have been afforded the opportunity to pre-file bills, starting on November 15 before the start of the regular session.

11. Orientation sessions for newly-elected legislators have been conducted following each election, including scheduled conferences of each of the standing reference committees with the department heads and other executive officers most directly concerned with the work of the committee.

12. In 1962, the Legislature provided by law for the preparation and submission of fiscal notes, including dollar estimates, for bills which increase or decrease State revenues, increase State appropriations or require the application of State funds not specified in the bills. In 1967, this law was amended to provide for fiscal notes for bills affecting the fiscal affairs of counties, municipalities, special districts and school districts. However, no changes in the rules of the two houses have been made to implement this 1967 law.

13. The majorities and minorities in both houses have been provided with small professional staffs.

14. Salaries of legislators have been increased to \$10,000 annually to compensate for the decreased value of the dollar and the added duties placed upon the members of the Legislature.

15. The functions and responsibilities of the standing reference committees have been increased in the General Assembly. These committees have met regularly on the days on which the Legislature has met—once or twice weekly; in addition, some committees have met, from time to time, on non-legislative days.

a. Five permanent, full-time staff members of the research division of the Legislative Services Agency, along with secretarial assistants, have been assigned as aides to five of the standing reference committees in the two Houses.

b. The standing reference committees have been re-organized to reflect changing areas of major legislative concern and to equalize the number of bills referred to each committee; e.g., a new Committee on Air and Water Pollution and Public Health and a new Committee on Taxation were established.

c. The number of public hearings conducted by the standing committees (and by various legislative ad hoc study commissions) has increased significantly during the past decade. For example during the first ten months of 1971, there were 61 public hearings held by legislative committees and commissions. Each of these hearings was recorded, and a transcript was prepared for distribution to all legislators and the public. These transcripts include more than 7,000 pages.

d. In 1971, meeting rooms for the standing reference committees were made available on the second floor of the rear portion of the State House. These rooms are judged to be inadequate in terms of number and size, and there is general agreement that more and larger rooms should be provided.

e. From time to time, graduate students of the Rutgers Law School and Eagleton Institute and the Rutgers Graduate School of Social Work have been made available, on an interne basis to various reference committees and individual legislators.

16. Each member of the Senate and General Assembly has been allocated a sum of money to employ a personal legislative aide or aides. Several years ago, this allocation was increased to \$4,500 annually.

17. The Legislature established its first oversight ("watch dog") committee by concurrent resolution to oversee the allocation of 1968 and subsequent bond issue moneys.

18. In 1970, the Senate installed an electronic voting system, similar to the one used in the General Assembly.

19. In 1971, the Legislature established by law the Office of Fiscal Affairs under the Law Revision and Legislative Services Commission. To that office were transferred the office of the present Legislative Budget and Finance Director and the office of the State Auditor. The object of this law is

to centralize in one legislative agency all legislative post-auditing and pre-auditing functions, all legislative expenditure information and performance analysis, all legislative fiscal oversight, and all legislative fiscal information and research services.

20. In 1964, the Legislature established a separate Division of Law Revision under the Law Revision and Legislative Services Commission to carry out the responsibility of the Commission in examining, studying and reporting to the Legislature on all proposals to revise the laws of this State.

21. Staff of the Legislative Services Agency for bill drafting, law revision, research and fiscal review has been significantly increased. For example, full-time professional staff in the Legislative Information and Research Division has been increased from two to thirteen in the last eight years.

22. The Legislative Services Agency prepared and distributed for the Legislature a "Legislators' Handbook". It also prepared and distributes to visitors and others a brochure describing briefly the legislative process in New Jersey.

23. A mechanical filing and retrieval system was installed in the Bill Room to facilitate bill service to legislators, staff and the public.

### III. STRUCTURE AND SIZE

New Jersey's Legislature has been bicameral since its inception in 1776. The 1776 Constitution provided for a Council composed of one member from each county and a General Assembly composed of three members from each county, with the proviso that the Legislature could change the allotment of Assemblymen among the counties when it judged it to be equitable to do so but that the total number of Assemblymen could not be less than 39. Both the 1844 and the 1947 Constitutions provided for a Senate composed of one member from each county and an Assembly composed of not more than 60 members apportioned among the counties on the basis of population, with each county guaranteed one member.

Following the United States Supreme Court's "one man, one vote" rule in 1964, the New Jersey Supreme Court declared New Jersey's Senate of 21 Senators, invalid and ordered a change consonant with Federal standards. Accordingly, the Legislature adopted by law an interim plan for the years 1966 and 1967, which provided for a Senate of 29 members apportioned according to population, each of which was composed of one whole county or two or more whole, contiguous counties. The 60-member General Assembly was retained.

At the same time, the Legislature provided by law for the 1966 Constitutional Convention, which proposed for use, starting in 1968, the present legislative plan of 40 Senators and 80 Assemblymen. At that Convention, the 126 delegates debated at considerable length the comparative merits of unicameralism and bicameralism. They also debated at length the optimum size of the Legislature. They voted overwhelmingly for a bicameral body of 40 and 80, and the people ratified its proposal by a margin of better than 383,000 votes.

The witnesses who appeared at the public hearing held by this commission were split on bicameralism *versus* unicameralism. Three-fourths of the legislators who responded to the commission's questionnaire favored a bicameral Legislature. The results of the questionnaire showed that the responding legis-

lators were about evenly split between retaining the present sizes of the two houses and reducing them.

The Commission members reviewed in depth the comparative advantages of bicameralism and unicameralism and a majority were impressed with the principal argument for a two-house legislature, namely: It provides for a check-and-balance between the two houses and, therefore, promotes more deliberative consideration of bills and provides a safeguard against precipitous legislative action. The Commission further believes that a one-house legislature would further strengthen the role of the Executive in the legislative process and, consequently, weaken the role of the Legislature. The Governor's role would be particularly dominant when the majority in the Legislature were of the same party as the Governor. The Commission notes that only one state legislature—Nebraska's—is unicameral, and the members of that house are elected on a non-partisan ballot. Furthermore, the Commission believes that many of the proponents of unicameralism really seek a smaller legislature, which goal can be reasonably achieved with a two-house legislature.

The Commission notes that in terms of population per legislator (Senators plus Assemblymen) New Jersey ranks 45th among the 50 states—in only five states does a legislator represent, on the average, more people than the legislator in New Jersey. It ranks 46th in terms of population per Assemblyman and 43rd in terms of population per Senator.

Only 13 states have legislatures smaller than New Jersey's 120-member Legislature. Only 12 states have lower houses smaller than New Jersey's 80-member house; and 21 senates are larger than this State's 40-member upper house. (See Appendix D.)

The commission is impressed by the argument that the present 40-80 size provides for a legislature closer to the people than a smaller one and for better communication between legislator and constituents.

The Commission further notes that the present Senate and Assembly districts certified by the Apportionment Commission have been declared invalid by the Superior Court in *Scriminger, et al. v. Sherwin, et al.*, for any elections after 1971 in which case the Court raised several serious questions as to whether or not our State constitutional provisions satisfy

Federal standards. This decision is now on appeal before the Supreme Court. In view of this, the Commission believes it is inappropriate to suggest any change in the present structure now.

The Commission, therefore, recommends that the present structure and size of the two Houses of the Legislature be retained for the time being.

### *Staggered Senate Terms*

During the years from 1844 to 1966, the terms of the members of the New Jersey Senate were staggered. This practice—followed in the United States Senate and in many state legislatures—provides for a continuity and stability in membership which, the Commission believes, are highly desirable for effective government. Furthermore, it tends to “flatten out the peaks and valleys” of voter decisions.

The 1844 Constitution provided for the election of one-third of the Senate members each year for three-year terms. The 1947 Constitution lengthened their terms to four years and, at the same time, provided for the election of all State officials in odd-numbered years, thereby separating the consideration of State and Federal candidates and issues, and provided for the election of one-half of the Senate members every two years.

The 1966 Constitutional Convention, however, abandoned staggered terms. Faced with the necessity to provide for new Senate districts following each decennial Federal census and the desirability to continue the separation of State and Federal elections, the Convention delegates chose to provide that the four-year terms of the Senators be continued except that once every decade their terms would be reduced to two years. This resulted in the present arrangement whereby all 40 Senators are elected for two-year terms beginning in the second year after a new census, for four-year terms beginning in the fourth year after a new census, and again for four-year terms starting in the eighth year after a new census.

Because of the necessity of drawing new Senate districts after each census, *inter-decade* terms cannot be staggered. There is, however, no need to abandon staggered terms *within* each census decade. The present 2-4-4 arrangement for all 40 members could be replaced with a 2-4-4 arrangement for 20 members and a 4-4-2 arrangement for the other 20 members. This would

result in all 40 members being elected at one time only once every decade.

The terms of the members of the New Jersey General Assembly have never been staggered. From 1776 to 1947, they served for one-year terms; the 1947 Constitution lengthened their terms to two years, and the 1966 Convention retained the two-year terms. To stagger their two-year terms, the Commission believes, would be highly undesirable for two reasons: 1. Every other year, one-half of the members would be elected during a Federal election year. 2. Having 40 members or a considerable number of them running for re-election every year would be highly disruptive in developing and maintaining an orderly and productive legislative process.

The Commission, therefore, recommends that the Legislature propose a constitutional amendment providing for intra-decade staggering of Senate terms whereby one-half of the members, selected by lot, serve for terms of two, four and four years in each decade and the other one-half would serve for four, four and two years in each decade. The Commission further recommends that this amendment be effective starting with the seating of the 1974 Legislature, with one-half of the Senators to be elected in 1973 to serve for two years and the other half for four years. (See proposed Concurrent Resolution in Appendix E.)

If the above recommendation to initiate staggered terms in mid-decade—starting with the 1974 legislative year—is adopted, it will mean that one-half of the Senators, chosen by lot, will serve for three two-year terms in the ten-year period from 1972 through 1981; i.e., they will serve for two-year terms in '72-'73, '74-'75, and '80-'81. The other half of the Senators will serve for one two-year term and two four-year terms during that same ten-year period.

If, however, staggered terms are started after the next decennial census—starting in 1982—the terms of all Senators will be equal; during the decade 1982-1991, one-half will have 2-4-4-year terms and the other half will have 4-4-2-year terms.

The Commission, therefore, suggests that the Legislature may wish to consider as an alternative to the above recommendation delaying the start of staggered terms until the 1982 Legislature and revise accordingly the proposed constitutional amendment as set forth in Appendix E.

#### IV. SESSIONS

New Jersey's Legislature, unlike those in most of the other 49 states, is a "commuter" legislature; i.e., the capitol is within commuting distance of every member. Primarily for that reason, this State's Legislature has always had unlimited, annual sessions.

Since 1954, the Legislature has followed the practice of meeting once per week starting in January (twice per week at times), recessing from mid-February to mid-March primarily for meetings and hearings of the Joint Appropriations Committee, recessing in May or June after completing the bulk of its business (with the Senate sometimes convening during the summer months for the consideration of gubernatorial nominations), meeting several additional times in November, December and early January, and finally adjourning *sine die* on the last day of the legislative year, the same day of the beginning of the next legislative year.

In recognition of the need for more sessions to consider the increasing number and complexity of introduced bills and for meetings of the standing committees, the number of times the Legislature has met twice in one week has increased substantially in the past few years.

In the responses to the Commission's questionnaire, a large majority indicated their preference for meeting once or twice per week from January through May or June and several times in the Fall. A large majority (86 per cent) rejected the suggestion to meet four or five times weekly for a three- or six-week period during January to June. A smaller majority (53 per cent) expressed their approval of meeting once per week during January-March and two or three times per week during April-June. A large majority favored Monday as the first day, Thursday as the second, and 11:00 A.M. or 10:00 A.M. as the meeting time.

The Commission believes that, so long as New Jersey has a citizen Legislature composed of part-time legislators who cannot abandon their personal gainful employment for extended periods of time, a schedule of four or five meetings per week during

several months is impracticable. On the other hand, the Commission believes that one meeting per week is insufficient (a) to consider the ever-increasing number and complexity of legislative problems and (b) to provide the standing reference committees with adequate time, to operate effectively.

The Commission, therefore, recommends that the two houses meet in session generally twice per week (preferably on Mondays and Thursdays) whenever necessary to complete their work, and modified from time to time as the workload indicates.

The Commission further recommends that the second day during the week be scheduled predominantly for standing reference committee meetings.

## V. RULES, PROCEDURES, AND ADMINISTRATION

A number of state legislatures impose deadlines on the introduction of bills, for committee consideration of bills, and for floor action. Most of these legislatures, unlike New Jersey's which has no constitutional limitation on the length of its sessions, are those which meet for only a limited time of 30 to 90 days during a year or biennium.

Deadlines for the introduction of bills are used principally to provide for the even and orderly flow of legislation. These deadlines, however, when rigidly applied, deprive a legislator and his constituents of a basic right—to introduce legislation judged to be of benefit to the people of the State.

The Commission thus opposes deadlines on the introduction of bills in New Jersey.

As the committee system in New Jersey grows in importance, it is imperative that committee control not become autocratic.

The Commission favors a requirement that a committee take action on a bill within 60 days after a sponsor requests release of his bill. This recommendation will necessitate carefully-developed rules in both houses to provide for all contingencies, such as legislation introduced late in a session.

The Commission holds that calendaring of bills for floor action is the prerogative of the presiding officer in each House. However, it feels strongly that bills reported out of committee should be acted upon promptly or sent back to committee.

The Commission favors establishing a procedure in each House to provide that at least one session, or, more ideally, at least one week, should intervene between the time when a bill is released from committee and when it is calendared for a final vote.

The consensus among the members is that having a longer interval between the time of release and the final vote on a bill will allow members more time to study the legislation upon which they must vote.

The Commission recommends that the rules of the two Houses be changed to allow speedier floor consideration of legislation without violating the rights of members and impeding discussion and debate.

The Commission favors institution of a consent calendar in each House, recognizing that the Constitution mandates a separate roll call vote on each bill on the consent calendar. The members recommend that a system be adopted whereby legislators receive a consent list one full week before bills are scheduled to be calendared. If no legislator registers an objection within a specified period the bills would be automatically calendared. The Commission strongly recommends that no additional restrictions on debate be added to those which are now in the rules of each House. The Commission believes that the present restrictions on debate are reasonable.

There was no sentiment among members of the Commission for constitutional change regarding emergency action. However, Commission members favor a more sparing use of emergency resolutions.

There are no recommendations for any changes in the format of the *Senate Journal* and *Assembly Minutes*.

The Commission recommends that editing and printing of both the *Journal* and *Minutes* be accelerated so that members and the public may receive the proceedings much more rapidly than is now the case.

Although the Commission considers the *Legislative Index* an excellent reporting service, it recommends several changes in its contents.

The Commission recommends a more detailed topical index, retention of the summary and legislative history of bills signed into law, changes in the synopses to reflect amendments, and inclusion of the votes by which bills pass each House.

### ***Bill Printing***

At the present time, when a Senate (or Assembly) bill is amended the amendments are printed separately as "Senate (or Assembly) Amendments to Senate (or Assembly) No. \_\_\_\_\_" or

as "Senate (or Assembly) Committee Amendments to Senate (or Assembly) No. \_\_\_\_." When the bill is amended in the house of origin it is then reprinted as an "Official Copy Reprint," "Second Official Copy Reprint," etc., incorporating the adopted amendments (showing the additions and deletions to the introductory form of the bill by the use of italics, brackets and asterisks); but when the bill is amended in the opposite house an Official Copy Reprint is not ordered until the amendments are concurred in by the house of origin.

This practice, the Commission believes, is confusing to members and the public and there is no reason for not reprinting bills incorporating amendments adopted in the second house but not yet adopted in the house of origin.

The Commission, therefore, recommends that the present practice of printing "Official Copy Reprints" of bills incorporating amendments adopted or concurred in by the house of origin be continued. In addition, the Commission recommends "Senate Reprints" and "Assembly Reprints" be printed incorporating amendments adopted by the second house but not yet concurred in by the house of origin and that appropriate amendments to the rules of the two houses to implement this recommendation be adopted. (See Appendix G.)

The Commission voted not to recommend a transcript of debate of Senate and Assembly sessions, deeming it an unnecessarily large expense.

The Commission considered the possibility of full-time administrative officers from each House.

The Commission recommends the addition of full-time assistants in the offices of the Clerk of the General Assembly and the Secretary of the Senate to handle the increased workload and administrative details now facing the Legislature.

## VI. STANDING REFERENCE AND SPECIAL COMMITTEES

Virtually every proposal for revising existing legislative procedures includes recommendations for strengthening the legislative committee system. This can be seen in the comments of the Citizens Conference on State Legislatures, the various reports issued by the Eagleton Institute of Politics at Rutgers, as well as the testimony of the several groups invited to appear before the Commission, including the League of Women Voters of New Jersey and the New Jersey Taxpayers Association.

The responses to the Commission's questionnaire on the Legislature and the interviews conducted with members of the Legislature indicate that dissatisfaction with the present committee system is as prevalent within the Legislature as it appears to be elsewhere. The Commission is convinced that a general strengthening of the committee system of the Legislature is indispensable to any program of legislative improvement. Indeed, committee reform represents the bedrock of any program to improve legislative operations. With this in mind, the Commission has developed more recommendations for revising the existing committee system than it has in any other area scrutinized. Most of these changes can be implemented by the legislative leadership or by changes in the Rules of the Senate and General Assembly.

The Commission, therefore, strongly recommends that its proposals be reviewed forthwith by the newly-elected leaders of the Senate and General Assembly with a view to implementing these proposals for the 1972 legislative session.

### *Committee Structure*

In the past, the attempt to create working committees has been hindered by the fact that many members have been assigned to more than one committee and in some instances have been required to serve on five or six separate committees. The Senate now has 17 standing reference committees while the Assembly has 18. In the Commission's opinion, reform of the committee system must start with a reduction of the number of standing reference committees and a corresponding reduction

in the number of committee assignments of each individual legislator.

The Commission recommends that the number of standing reference committees be reduced from the existing 17 or 18 to a maximum of ten, as follows:

## PROPOSED STANDING REFERENCE COMMITTEES

(name and subject matter)

1. Agriculture and Environment Committee
  - Agriculture, horticulture and animal industry
  - Conservation, public parks and recreation
  - Natural resources and resource development
  - Air and water pollution
  - Green Acres
  - Fish, game and shell fisheries
  - Navigation, boating and shore protection
  - Wetlands and meadowlands
2. County and Municipal Government Committee
  - County and municipal structure and powers
  - County and municipal employee relations
  - County and municipal pensions
  - Planning and zoning
3. Education Committee
  - Public and private education
  - State aid for education
  - The Arts
  - Libraries
4. Institutions, Health and Welfare Committee
  - State institutions
  - Public welfare
5. Judiciary Committee
  - State, county and municipal courts
  - Technical bills amendatory of existing laws
  - Elections
  - Civil rights

6. Labor, Industry and Professions Committee
  - Regulatory measures, business and professions
  - Banking
  - Insurance
  - State business promotion, including resorts
  - Consumer protection
  - Labor
7. Law, Public Safety and Defense Committee
  - Law enforcement
  - Motor vehicle and traffic safety
  - State police
  - Militia
  - Veterans affairs
  - Air safety
8. Revenue, Finance and Appropriations Committee
  - Revenue measures, including racing and gambling
  - Appropriation bills
  - Tax exemptions
  - State aid (other than Education)
9. State Government and Federal and Interstate Relations Committee
  - State structure
  - State employee relations
  - State pensions
  - Federal relations
  - Interstate compacts and authorities
10. Transportation and Communications Committee
  - Highways
  - Mass transit
  - Communications (Radio, TV, Telephone)
  - Regulation of public utilities
  - Trucking regulation
  - Aviation regulation

The reduction to ten standing reference committees will reduce drastically the number of committee assignments required of each member. The other factor affecting committee assignments is the size of each standing reference committee. Committee size will tend to vary depending upon the responsibilities of the com-

mittees involved and the relative political strength of the major parties within each House. If committee size—except for the two Committees on Revenue, Finance and Appropriations and the Judiciary Committee in the Senate—is limited to not more than seven members, it should be possible for most members to serve on a single committee and in no event on more than two.

Insofar as possible and in accordance with current practice, legislative leaders should be relieved of committee assignments so that they can concentrate on their leadership responsibilities.

The Commission recommends that the standing reference committees—except for the Revenue, Finance and Appropriations committees in both houses and the Judiciary Committee in the Senate—wherever possible should not have more than seven members divided according to the relative political strength of the major parties in each House. Legislators should be assigned to a single standing reference committee to the greatest possible extent and in no event should serve on more than two committees. Legislative leaders should be relieved of committee responsibilities as much as possible.

### *Committee Responsibility*

The Commission is in general agreement that standing reference committees should be granted the power to determine which bills assigned to it should be processed and released for consideration and vote upon the floor by the entire membership of the House. A fully-functioning committee system implies no less. It is recognized, however, that major policy bills and bills appropriating substantial sums of money, perhaps in excess of \$50,000.00, inevitably involve the leadership of both the majority and minority parties of the House.

The question as to whether there should be any leadership responsibility for controlling the flow of major legislation has been particularly vexing to the Commission. In the Congress, for example, this responsibility is assigned to the Rules Committee, which acts as a traffic coordinator and policeman over bill flow.

In a legislature as small as New Jersey's and with as few standing committees, such a cumbersome procedure does not seem warranted or desirable. During the past year, the General Assembly assigned the responsibility for controlling the flow of

major legislation to the floor to a bi-partisan Conference Committee. In the Senate, traditionally, this has been the function of the majority party conference. The Commission feels strongly 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 and that any other control over bills, whether major policy bills or appropriations, be limited to only the most significant measures.

Although the Commission suggests that any review by external agencies of committee decisions as to the release of bills be greatly curtailed, it recommends that there be a right of review over committee actions. The Commission believes that the Revenue, Finance and Appropriations Committee should be granted the opportunity to comment in writing upon any bill reported out by any other reference committee that affects the revenues or expenditures of the State. Such comment of the Revenue, Finance and Appropriations Committee should be printed along with the report of the reference committee and should be available to the membership of the House before the bill is voted upon.

The Commission recommends that each standing reference committee be clearly assigned the responsibility for reviewing the bills assigned to it and determining which bills should be brought before the general membership of the House for a vote. Any other control over the flow of bills from committees, if required at all, should be limited to major policy measures and bills appropriating sums in excess of \$50,000.00. The Revenue, Finance and Appropriations Committee, however, should comment in writing on all bills having financial implications released from other standing reference committees.

### *Committee Procedures*

As part of an improved committee system, the Commission believes that a record should be kept of committee proceedings. This record should contain the attendance record of the members and the committee vote on each bill considered for release by the committee. These records should be available to the general public immediately following every committee session and should be made a part of the records of the two Houses. In this way, the general public will be informed of the actions taken by each committee member.

The chairman of each standing reference committee should give adequate notice to the members of his committee of the bills to be considered at the next committee meeting.

In addition, the Commission believes that in the House of origin the committee to which that bill is assigned, upon the release of the bill from committee, should prepare a written report summarizing the provisions of the bill as a guide to the membership of the House and the general public, and this report should be printed and filed and distributed with the bill. Virtually all of the legislators questioned favored such a change. Should the bill be amended or altered in any way in the second House, upon release of the bill from such a committee, that committee should also prepare a written report explaining the significance of the changes it has made in the bill. This, for the first time, will provide a written record on every bill coming before the respective Houses for consideration and a vote by the entire membership.

Another method for developing a public record on a bill is the public hearing. Public hearings have been used by the New Jersey Legislature on many occasions. In terms of the entire number of bills processed by the Legislature, however, a relatively small percentage are given public hearings. Without attempting to set a specific standard, the Commission believes that it is in the public interest to provide greater opportunities for interested groups and members of the general public to comment upon pending legislation through the use of hearings. The Commission recommends that this authority of the standing reference committees be liberally exercised.

The Commission recommends that committees maintain records of attendance at committee meetings and record the vote on each bill considered for release by the committee. These records shall be available to the public and included in the official records of the respective Houses of the Legislature. Written reports shall accompany all bills reported out of committee in the House of origin. Supplemental written reports shall also accompany bills amended or changed by a committee in the second House. Supplemental written reports may also accompany bills reported by a committee of the second House where the committee deems it necessary or advisable for clarification. Public hearings are to be encouraged and used with greater frequency.

### *Committee Facilities and Support*

Past attempts to develop a functioning committee system have been severely hampered by the lack of adequate facilities for the committees as well as a lack of adequate staff. There is general agreement among legislators that better facilities are required. This Commission in Section X of this report dealing with facilities has made specific recommendations for providing additional space for the committees. Without repeating these recommendations, it would merely reiterate here the importance of adequate physical facilities to the success of a committee system.

The Legislature has gradually increased the staff for standing committees over the past several years. Staffing, however, still is inadequate and remains one of the major weak points of the present committee system. Recognizing the time demanded of the members of the Legislature, it is unrealistic to expect committee members to carry out their responsibilities adequately without the assistance of capable and professional staff.

The Commission recommends that each standing reference committee should have its own meeting room and facilities and should have assigned to it by the Legislative Services Agency at least one full-time staff member, who shall be under the jurisdiction of the Legislative Services Agency and work under the direction of the chairman and the committee.

### *Committee Leadership*

This Commission has recommended elsewhere in this report that Legislative leaders be continued in their positions for not less than two years and perhaps for their elective terms in the Senate or General Assembly. We believe that the same general policy should apply to committee chairmen as well. The responsibility for selecting committee chairmen is vested in the Speaker of the General Assembly and the President of the Senate. The Commission does not suggest that this be changed. It strongly recommends, however, that committee chairmen should be retained for at least the same period as the leaders of each House, provided that the Speaker and the President are satisfied that the chairmen are meeting their responsibilities.

Insofar as possible, the same continuity of membership that applies to chairmen should also apply to the members of the committees. In order to develop a cadre of expertise within the Legislature, it is desirable that the membership of the committees not change too frequently. The Commission would recommend that members be encouraged to continue to serve on the same committee to the greatest possible extent.

The Commission recommends that committee chairmen and members should continue to serve for a term equivalent to that of the leaders of each respective House. Continuity in the office of chairmen should be encouraged provided the chairman is meeting his responsibilities to the committee.

### *Special Study Committees*

Because of the weakness of standing committees and the lack of adequate staff, the Legislature has traditionally relied heavily upon special study committees and commissions.

The Commission recommends that reliance upon such special studies be substantially curtailed hereafter and that the responsibility for conducting such special studies be vested within the respective standing committees.

The Commission also recommends that Legislative Services Agency compile a list of all existing special study committees and commissions, their membership, their responsibilities and the status of their studies, and that this report be made available to the leadership of the Houses with a view to eliminating as many of the existing study commissions as is possible or transferring their responsibilities to the standing reference committees.

The Commission, however, recognizes there will be, from time to time, major legislative problems beyond the scope of any individual standing committee or too demanding for the staff now available to standing committees. It recommends that the use of special study committees be limited to such circumstances and that otherwise these assignments be made to regular standing committee.

### *Joint Committees*

It has been suggested that joint committees be utilized by the Legislature to a much greater extent than at the present time. The Joint Legislative Committee on Appropriations is undoubtedly the best example of a functioning joint committee. This is one area where joint committees are clearly required and the Commission would expect the Revenue, Finance and Appropriations Committee to function on a joint basis as has its predecessor.

The Commission recommends that the standing committees of each House be encouraged to function on a joint basis whenever such an approach will expedite the flow of legislation or the resolution of legislative problems. Certainly, a joint committee approach can be used for public hearings on bills or when the corresponding committees of the two Houses have before them similar or identical proposals. A joint committee approach could help resolve the differences between the Houses.

### *Other Proposals*

The Commission also considered a proposal to provide each or certain committees with their own budget and to reimburse members for expenses incurred with committee activities. The latter proposal would require a constitutional amendment which the Commission does not believe to be warranted. The proposal for committee budgets seems premature at this time.

The Commission recommends that until the Legislature has experience with a fully functioning committee system, these matters be centralized in the Legislative Services Agency.

## VII. THE INDIVIDUAL MEMBER

The heart of any Legislature is the individual member. Individual members introduce bills, deliberate in committees and conferences and vote legislation up or down. The basic responsibility for the way the Legislature operates and the kind of legislation enacted ultimately rests individually and collectively with each member.

To attract capable, intelligent persons of integrity, the job of legislator must be attractive, not for the opportunity to gain individual material advantage, but for the opportunity to render effective public service. Collectively, New Jersey legislators oversee a \$1.8 billion government. Thus, in many respects, they serve, in effect, as directors of a multi-billion dollar corporation.

The position of legislator in New Jersey in 1971 does not have the attraction it should. In many ways legislators lack the tools and do not exercise the power to do an effective job of legislating.

### *Full-Time vs. Citizen Legislature*

Some critics of the Legislature believe that the answer lies in a so-called "full-time" Legislature. Most frequently they advocate a small, professional body of one or two houses, well-staffed and well-compensated. Fewer, more informed legislators spending more time on the job will produce better legislation, they argue.

Other critics, while suggesting numerous means of improving the system, believe that the traditional part-time citizen legislator is still viable. They suggest that such a citizen legislature is more representative of, and responsive to, all elements of the people and that the job of the state legislator does not require full-time service. Good legislating and good legislation will result from employment of modern rules, practices and management techniques and better staffing and facilities, they argue.

After serious deliberation, the Commission concludes and recommends that the tradition of a citizen legislature be continued but greatly strengthened in New Jersey.

The Commission does not believe that a "full-time" Legislature would necessarily result in improvement in the calibre of persons elected. Indeed, many of today's better legislators would not run for office if other employment were barred. None of the 50 states has a "full-time" legislature.

The interviews of legislators not seeking reelection indicated no single outstanding reason for their voluntary retirement. Personal and party considerations were frequently mentioned. Some attributed their leaving in part to deficiencies in the system and suggested the need for more staff, better facilities and changed procedures. There was no consensus that a change to "full-time" operation was the answer, however.

The Commission believes that the citizen legislature can function effectively in our State in 1971 and the future if certain improvements are effected.

#### *Compensation and Personal Staff*

The first improvement is to make the job more attractive for good people. The \$10,000 salary paid legislators appears adequate for part-time service. However, closer examination reveals that the legislator in many cases retains little if any of this sum for his efforts. He is not reimbursed for the considerable travel and many other expenses involved in the job. Stationery and postage allowances frequently prove inadequate. The staff allowance of \$4,500 is insufficient to hire even one full-time secretary. There is no room within it for a professional research or administrative assistant. No office space is provided.

At present, many of the most conscientious legislators serve at a financial sacrifice. Their expenses exceed the present allowances. They devote a considerable portion of their time to legislating during the periods of their lives with the highest earning potential in their chosen vocation.

The Constitution of New Jersey contains language which bars reimbursement of legislators' expenses or the granting of allowances in lieu of reimbursement. The Commission believes that this language should not be modified to permit such reimbursement; this could lead to abuses, as it has in other states.

In order to attract good legislators and to provide them with the personal staffs necessary to serve their constituents properly, the Commission recommends that the salary of

Senators and Assemblymen be increased from \$10,000 to \$12,500, effective in 1974. It further recommends that the present staff allowance of \$4,500 be increased to \$10,000 to enable legislators to employ more professional personal staff at no financial sacrifice to the legislators themselves. Adequate stationery and postage allowances should be provided to all Senators and Assemblymen.

In the five years between 1965 and 1970, the salaries of New Jersey legislators increased first from \$5,000 to \$7,500 and then to \$10,000—a 100 per cent increase. In 1974, salaries will increase 25 per cent. The Commission believes that this increase, effective beginning in 1974, will be commensurate with the demanding requirements placed upon each legislator with the development of a stronger working committee system proposed in this report.

This Commission trusts that the proposed increased individual staff allowance of \$10,000 will be limited to the employment of the minimum number of aides consonant with the needs of the district represented and with providing the individual legislator with the professional assistance necessary to represent his constituents effectively and that this allowance not be used for political patronage purposes.

To insure that the increased compensation we recommend is permissible under the present national wage-price freeze, we have asked the Attorney General to review this suggestion and render a legal opinion to the President of the Senate and the Speaker of the General Assembly.

Most other populous, industrial states compensate legislators at a considerably higher level than we do in New Jersey, and, in addition, provide substantial expense accounts. California legislators receive annual salaries of \$19,200; Illinois, \$17,500; Michigan, \$17,000; New York, \$15,000; and Ohio, \$12,750.

### *Retirement Program*

Among the elements of compensation for any job, including that of legislator, is a retirement program.

Unlike judges and certain other New Jersey public employees, legislators do not now have a separate retirement system. They are eligible to participate in the Public Employees Retirement System, a staff retirement system created primarily for the career public employee. Among the 120 legislators, only 67 are

members (28 Senators and 39 Assemblymen). To vest pension benefits, a member of this system must be a member for at least 15 years. The amount of benefits is determined by a formula based on years of service, and benefits are reduced for each year before age 60 at which retirement occurs.

To evaluate properly the present retirement program for legislators, the Commission requested the State Division of Pensions of the Treasury Department to conduct a survey of comparable benefits available to legislators in each of the other 49 states. Of the 42 states reporting, 33 have pension systems in which legislators may participate. Of these, eight states (including California, New York and Michigan) have plans established specifically for members of the Legislature, while 15 other states have devised special benefits for members of the Legislature within state retirement programs generally available to most other employees. The benefits available and the conditions applicable vary considerably among these states.

The 23 states now providing separate retirement benefits for legislators recognize that the period of service in government rendered by most legislators is likely to be less than that of the average career employee and hence there may be good reasons to prescribe lower service obligations for deferred or early retirement. This Commission concurs. It believes that the present retirement program available to New Jersey legislators is inadequate because this important distinction is not recognized.

The Commission, therefore, recommends the establishment of an improved retirement program for legislators which recognizes the unique character of legislative service.

The basic elements of such a program should include:

1. Compulsory membership.
2. Members will contribute at least five per cent of their salary annually over and above whatever is required for Social Security payments.
3. Legislative service purchased will be valued at 3 per cent of final average salary for each year of service.
4. The service requirement for deferred retirement for members of the Legislature would be eight years of legislative service. This is consistent with the general trend to reduce the service requirements for

deferred retirement. A member with eight years of service could elect to defer the receipt of a pension of 24 per cent of final average salary payable at the normal service retirement age for all members of the retirement program, age 60.

5. A maximum allowance of two-thirds of salary would be permitted so that any legislator with more than 22 years of service in the Legislature could qualify for this maximum benefit.
6. A separate legislators' schedule of benefits would be established in the PERS.
7. At the time of retirement, a member enrolled on the basis of legislative as well as other public service should be permitted to elect the larger retirement allowance, if he qualifies for benefits under both the provisions of the legislator's schedule of benefits and the regular PERS schedule.

Appendix G contains a draft of legislation including these and other elements of an improved program.

### *A Difficult Job*

These changes in the compensation, benefits and personal staff of individual members, combined with significant improvements in central staffing, improved procedures and upgraded facilities, will effectively increase the attractiveness of and enhance the respect for the positions of Senator and Assemblyman. They will make it easier for the member to perform effectively the job he was elected to do.

Even with these changes, however, the job of legislator, if performed conscientiously, will be difficult and time-consuming. The Commission wishes to emphasize this, especially to prospective candidates who should not underestimate the effort which will be required of them and become disillusioned and drop out as some of their predecessors have done.

Replies to the questionnaire circulated among the 1971 legislators indicate that, in addition to the days spent in Trenton at meetings of the Legislature, most legislators spent from ten to twenty additional days per year in the State capitol. Furthermore, they devoted twenty to forty hours per week on legislative

work in their homes and offices and attended two to four evening meetings or dinners per week on matters related to their legislative work. In other words, a considerable number of them spend a predominant portion of their working hours on legislative business.

### *Conflicts of Interest Law*

In order to be an effective instrument of government policy, the Legislature must have the confidence of the public. Too often in the past this confidence has wavered. Hopefully, the most comprehensive law regulating conflicts of interest ever enacted in our State, which was signed into law by Governor Cahill on June 2, 1971, and becomes effective January 11, 1972, will help to enhance the confidence of New Jersey citizens in their elected representatives.

Even so, many persons and groups have expressed the conviction that this new conflicts law should be changed in numerous respects if it is to achieve its stated goal "that the conduct of public officials and employees shall hold the respect and confidence of the people." The Commission believes that it would be premature to attempt any comprehensive revision of the substantive provisions of the law. The law should be given a reasonable opportunity to function before any attempt is made to evaluate its effectiveness.

It is apparent, however, that some of its aspects require immediate attention before the law becomes effective in January of 1972. For example, it appears that the two-year limitation imposed upon former officials and employees by Section 6(b) is forcing a premature exodus from State government of a number of professional personnel. While this is a problem more closely associated with the Executive Branch of government, it will have some impact upon the Legislature as well.

Therefore, the Commission recommends that the Conflicts Law be modified by deleting Section 6(b) and modifying Section 6(a) by requiring "substantial" direct involvement before the disqualification would apply.

Of more immediate concern to the Legislature itself—although here again there will be a collateral impact upon the Executive Branch—is the application of the provisions of the Conflicts of Interest Law to part-time legislative personnel. Un-

like the Executive and Judicial Branches, the Legislature relies upon a large number of individuals who do not hold regular employment with State government.

This Commission is recommending in this report that, wherever possible, greater utilization should be made of full-time personnel. Many facets of the Legislature's work, however, do not lend themselves to staffing on a regular or full-time basis. Large numbers of people are required only on the days on which the Legislature is in session.

Every legislator, for example, employs several aides who work with him on legislative days and perform assignments on a demand basis in the legislator's home district. Such aides are paid by voucher and do not enjoy the benefits (such as vacation, sick leave, health insurance and pension rights) commonly associated with regular State employment. In addition, their compensation, while it may be adequate for the services performed, is not sufficient to permit the aides to forego other employment or means of livelihood. The same is true of the many clerks and assistants, as well as some of the professional staff, utilized by the Legislature during its working session. It is not practical to convert most of these irregular employees into full-time personnel.

The status of these people must be clarified under the Conflicts of Interest Law. If this is not done by amendment of the law itself, it is recommended that this problem be dealt with in the Code of Ethics to be promulgated by the President of the Senate and the Speaker of the General Assembly and approved by the Legislature as provided in Section 12 of the Conflicts Act.

Thus, the Commission recommends that the status of part-time legislative personnel under the Conflicts Law be clarified by including them under the definition of "special State officer or employee" and that a Code of Ethics spell out the specific prohibitions applicable to such special State officers or employees other than those applicable to "State officers or employees".

The Commission suggests that the Executive Branch give consideration to this problem also, since it will create problems in that branch of government as well. We note, for example, that many principal departments of the State employ individuals and business concerns on a consultant basis to perform services

which in many instances either are being performed in part by other State employees or could ordinarily be performed by State employees. The status of these individuals and firms insofar as the Conflicts Law is concerned should be clarified now so that there can be no misunderstanding as to whether the law is applicable to them.

These amendments will in no way dilute the strong major substantive provisions of the law as it relates to legislators and most State employees. They will help to ensure the retention of dedicated, able professionals in both the Executive and Legislative branches of State government and ensure that recruitment of other professionals will not be unduly inhibited.

## VIII. LEADERSHIP

To be truly an equal and coordinate branch of State government, the Legislature must have strong, effective leadership. This is especially true in New Jersey, where the Governor is endowed with extraordinarily strong constitutional powers.

By this standard, the role of legislative leadership in our State has been weak. While many able legislators who have served and are now serving in leadership posts have performed in an effective, outstanding manner for their limited tenure, their offices remain weak, however, due in large measure to the tradition of annually rotating leadership positions. Lack of adequate staff and compensation have also contributed substantially.

### *Leadership Continuity*

Defenders of the traditional practice of rotating leadership posts argue that it prevents the possibility of autocratic one-man domination; provides opportunities for various geographic, population and other elements of the Legislature's constituency to be represented; and produces many experienced "back benchers" who have had leadership experience over the years.

Proponents of greater continuity of leadership argue that rotation dilutes the strength of the leadership offices. By the time a leader learns his job and begins to perform it effectively, it is time for him to step out, they say. Continuity need not mean indefinite tenure and properly used should not result in excessive rule, they argue.

Many observers of the New Jersey Legislature and most advocates of legislative reform believe that greater continuity of leadership is essential to a stronger Legislature.

After serious consideration of this important question, the Commission recommends that there be greater continuity in the leadership positions of Senate President, Assembly Speaker, majority and minority leaders and assistant majority and minority leaders of both Houses. The Commission suggests that the presiding officers of both Houses be

reelected at the annual organizational sessions for not less than two successive one-year terms and that serious consideration be given to extension of these successive terms of office for a greater period.

The Commission further recommends that committee chairmen and members be similarly reappointed.

Experience and ability are the essence of leadership. The rotating tradition in the Senate was broken in 1971 when the leaders of both the majority and minority were reelected. The minority leader of the 1971 Senate has held a leadership position since 1967, and there have been prior instances of continued service in minority leadership positions. The consensus of participants in, and observers of, the Senate appears to be that it functioned more efficiently and effectively in 1971 than in the past in large measure due to the experience of its leaders. This is testimony to the soundness of the principle of greater continuity of leadership.

#### *Leadership Compensation*

The responsibilities of leadership require that the leader devote more time and energy to do his job effectively than the other members. The Senate President and Assembly Speaker, among their duties, preside over their respective Houses, appoint members to committees and appoint staff to their respective Houses. For performing these duties, the Constitution of New Jersey prescribes that they receive one-third more compensation than the other members. The majority and minority leaders and their assistant leaders are the floor leaders and conference chairmen for their respective party delegations. They receive no additional compensation for these responsibilities.

The one-third additional salary paid to the presiding officers would appear to be inadequate for the time and effort required of them. These positions have become almost full-time. Indeed, it has been suggested in some quarters that they be made full-time positions. The Commission believes that a better, more adequate alternative is to provide greater staff assistance and compensation to these leaders. The Commission questions how many able legislators would be able to forsake their regular employment for the temporary position of full-time leader.

The floor leaders are important officers of their respective Houses although they are selected by the members of their

respective parties. A much greater effort is required of them than of the usual member, but they receive no additional compensation. We believe this to be inequitable.

Therefore, the Commission recommends that the Legislature place a question on the ballot at the 1972 general election to amend the State Constitution to permit the Legislature by statute to provide for additional compensation for the Senate President and Assembly Speaker up to one-half of the basic legislative compensation and to provide compensation to not more than four additional leaders of each House not exceeding one-third of the basic legislative compensation. (See Appendix H for proposed constitutional amendment.) The legislation authorizing additional compensation would be drafted to be effective at the beginning of the 1974 Legislature.

### *Leadership Staff*

One of the most effective means of strengthening leadership is by providing adequate professional staff to those in leadership positions. Until 1970, none of the leaders of either house had full-time professional staff assistance. In some instances no staff at all was available; in others, part-time "semi-professional" staff help was used. Obviously, neither proved satisfactory.

Over the years most legislative critics have pointed to this lack of leadership staff as a major weakness of the Legislature. Good staff work at the focal point of legislative decision-making is essential to effective leadership.

In 1970 the Senate created the positions of Executive Director (to serve as staff to the Senate President, Majority Leader and Assistant Majority Leader) and Counsel to the Minority (to serve as staff to the Minority Leader and Assistant Minority Leader). Similarly, the Assembly created the positions of Executive Director of the Majority and Executive Director of the Minority. Experienced professionals in government were recruited for these positions and have served very effectively for the past two years.

If the legislative leadership is going to continue to be strengthened, as the Commission believes it should, there is a need for more leadership staff.

The Commission, therefore, recommends that the professional staff of the legislative leaders of both Houses be substantially increased to provide these leaders with the information they need in legislative decision-making, to strengthen their leadership capacity by ensuring the day-to-day operation of the leadership function, and to provide information regarding legislative matters to the news media and the public.

## IX. STAFF

Members of the Legislature in their response to the questionnaire and in their interviews rated "good" to "excellent" the quality of present legislative staff services but expressed an overwhelming consensus of the need for additional professional staff assistance for the entire Legislature, its leadership, committees and for the individual members. Expansion of the professional staff of the Legislature has been severely handicapped by the lack of office space in which additional help could work.

Augmentation of staff to serve the budget, fiscal and audit functions is anticipated; action in this regard awaits the appointment of a director of the newly-created Office of Fiscal Affairs, which the Commission sincerely believes should be accomplished prior to the convening of the 1972 Legislature. Experience during the 1970 and 1971 sessions has demonstrated the value of competent staff for the majority and minority leadership of the two Houses. Additional staff assistance for individual members is the dominant staff request by members of the Legislature.

There is recognition of the desirability of either expanding the operations of the offices of the Secretary of the Senate and the Clerk of the General Assembly or the creation of additional positions to perform the record and administrative functions of the two Houses throughout the year on all business days.

As is noted in the section of this report on Standing Reference and Special Committees, this Commission recommends the expansion of the research staff of the Legislative Services Agency to permit professional assistance to all proposed ten standing reference committees. In addition, the Commission recommends that the staff of the Division of Legislative Information and Research in the Legislative Services Agency be enlarged to ensure its adequacy in serving the individual members of the Legislature. As soon as working space can be made available, it is recommended that at least two additional attorneys be employed for the Division of Bill Drafting and Legal Services of the Legislative Services Agency.

## X. FACILITIES

The New Jersey Legislature has short-changed itself with respect to physical facilities. The lack of space in which members may work and confer with constituents and State officials, committees may meet, staff can function efficiently and the public may observe the Legislature at work inevitably hampers the operations of the Legislative Branch and diminishes its image with the general public.

The extent to which the Legislature has short-changed itself becomes more apparent when comparison is made with the facilities of other state legislatures. States with much smaller populations and far less economic resources have recognized and supplied facilities more in keeping with the important work of their legislative branches.

While there is a difference of opinion among members of the Legislature as to the adequacy or inadequacy of the Senate and Assembly chambers themselves, there is widespread recognition of the inadequacy of the supporting facilities. Studies of the State Capitol Development Commission indicated modernization of the present chambers and construction of additional facilities in proximity thereto were impractical for efficient and convenient operations.

As this report goes to press, the Commission is pleased to be advised that the leadership, with the cooperation of the Governor and the Department of the Treasury, has arranged for the allocation to the Legislative Branch of certain additional State House space and that contracts have been awarded for the remodeling of this space for use beginning in January, 1972. While this additional space should permit assignment of a committee room to each of the proposed 10 standing reference committees of each House (the corresponding committees of each House sharing a room), will provide space for the centralization of most of the functions of the new Office of Fiscal Affairs and some improvement in space for majority and minority offices and conference rooms, it falls far short of the true and reasonable requirements of the members and staff of the Legislature.

The Commission, therefore, recommends that continued efforts be made to obtain allocation of additional State House space for the use of the Legislature during the next few years. The Commission also recommends that planning be resumed for the construction within the next five years of a Legislative Building or a substantial addition to the State House to provide necessary space for use of the Legislative Branch.

## XI. VISIBILITY OF THE LEGISLATURE

In addition to the public relations problems common to all state legislatures, the New Jersey Legislature, and indeed the entire State government, has a particular problem by reason of there being no daily newspaper with substantial State-wide circulation and no major network television station in the State. The regular daily news broadcasts of New York television stations viewed by millions of New Jersey and Connecticut citizens, while providing coverage of activities in Albany, almost totally ignore legislative and other state government activities in Trenton and Hartford.

Without in any manner desiring to infringe on the freedom of the news media to air what they believe worthy, the Commission recommends that the legislative leadership, in cooperation with the Governor and the members of New Jersey's Congressional delegation, actively seek the cooperation of the management of New York television stations to improve their news coverage on a regular basis of the activities of New Jersey's State government.

## SUPPLEMENTAL STATEMENT

by

SENATOR WILLIAM V. MUSTO

(Assemblyman David J. Friedland joins in this statement)

Although I see in this report a number of recommendations which will substantially strengthen the current legislative process in this State, I have signed it with extreme reluctance. I would have preferred signing a report calling for a unicameral legislature of substantially fewer members than 120, serving "full-time" (in the sense that members of Congress serve "full-time"). I would recommend that these legislators be compensated adequately for their "full-time" service, that they be provided with adequate facilities in the State House and, as needed, in their home districts, and that they have available adequate, professionally-trained staff to aid in the development and promotion of their legislative programs.

I recommend a unicameral legislature composed of 75 members, with five elected from each Congressional District (as I have proposed in Senate Concurrent Resolution No. 25 of 1970), or of 60 or 45 members, with four, or three, elected from each Congressional District.

I believe that the present legislative structure is awkward, inconvenient, confusing and subject to endless litigation. Under this plan all Senators run at-large in their Senate districts, *except* in Burlington, Ocean, Salem, Gloucester and Camden counties where the Senators are elected from one-man districts. Under this plan all county lines have been respected in drawing Senate districts *except* in Camden, Gloucester, Salem, Burlington and Ocean counties. In the 1972 Legislature all Assemblymen were elected in two-member districts of about 170,000 people each, *except* in Monmouth county, where one Assemblyman was elected from the entire county of about 460,000 people and two Assemblymen were elected from each of two Assembly districts of more than 230,000 people; and *except* in Middlesex county where one Assemblyman was elected from the entire county with

more than 580,000 people; and *except* in Hudson county, where one Assemblyman was elected at-large from the county with more than 600,000 people; and *except* in Passaic county where one Assemblyman was elected from each of three Assembly districts with populations of about 150,000 people and two Assemblymen were elected at-large from the county with a population of 460,000.

The Assembly districts from which the 1970-71 members were elected bear little resemblance to the districts used to select the 1972-73 members; they were changed, it appears, willy-nilly to satisfy a computer "numbers game" with little or no regard for continuity of constituencies and the identity of the legislator with his constituents.

Since 1964, our legislative apportionment plan has been under almost constant challenge in the State and Federal courts, and there is no indication that this litigation will come to a satisfactory conclusion soon. The present apportionment has been declared invalid by our Superior Court in a decision that casts grave doubts on the viability of our State constitutional provisions, and that decision is now on appeal before the New Jersey Supreme Court.

New Jersey needs a legislative structure that is internally consistent and easy to understand. The smaller, unicameral legislature I propose fits these requirements. All legislators will represent constituencies which are equal in population; there will be no *exceptions, no inconsistencies, no confusion*. Using Congressional Districts will permit a higher degree of voter identity with both his representatives in Trenton and Washington. Identical Congressional and legislative districts will also reduce the painful decennial chore of redistricting and reapportionment.

The unicameral legislature I propose has more to recommend it than its simple structure and the comparative ease with which it can be reapportioned.

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

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

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

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

The concentration of legislative authority and responsibility in one house will strengthen the legislative branch of State Government in relation to the executive branch. The 1947 Constitution significantly strengthened the office of the Governor of New Jersey and it devised a judicial system that is generally regarded as one of the finest in the nation. But the powers of the legislature were not increased in 1947 and today the legislative branch needs strengthening if it is to function as a truly "equal and coordinate branch." A change to unicameralism should help to rejuvenate the legislative process.

## SUPPLEMENTAL STATEMENT

by

SENATOR HARRY L. SEARS

While this report contains a number of excellent suggestions for improvement of the legislative process, I have signed it with considerable reluctance because I believe it fails to resolve the fundamental question before the Commission.

That question is whether the position of legislator will be the primary, predominant occupation of the individual serving therein or remain the traditional secondary avocation that it is today.

The report recommends a number of changes to add to the responsibilities and workload of the members and leaders. In essence these changes, including a real working committee system, if seriously implemented, would change the nature of the position to require that a member be first and foremost a legislator.

On the other hand, the Commission suggests a number of other changes such as increased salaries and benefits, increased staff assistance, etc., ostensibly to assist the member to perform his job better and to attract good people to run for the office. However, in my opinion, these changes are entirely inadequate and/or inappropriate to meet the additional responsibilities envisioned in the changed status of the position.

Thus, while in essence the report recommends that the position of legislator be predominant for the individual, it does not recommend adequate means for the individual properly to assume this role and carry out the additional responsibilities of the position.

If the New Jersey Legislature is to perform properly the many and varied responsibilities that it has assumed, I believe that its members must be first and foremost legislators, in the same sense that members of the U. S. Congress are legislators. Further, they must perform their function within the context of a strong law to regulate conflicts of interest. This concept

embodies and requires substantially higher salaries for individual members (perhaps \$20,000-\$25,000 annually). A \$2,500 increase as recommended is inconsistent with this concept. The concept also embodies virtually full-time leaders and committee chairmen, with leaders compensated at Cabinet-level salaries. A much larger, stronger central professional staff for research, bill-drafting and fiscal matters would be necessary to assist members in their additional duties. An increase to \$10,000 in the personal staff allowance, without adequate restrictions on its use for other than professional staffing, is an inappropriate means to accomplish these ends. Members should be reimbursed for reasonable out-of-pocket expenditures directly related to the position. A constitutional amendment to accomplish this, if necessary, should be adopted. We cannot assume that such a change automatically would result in abuses such as have occurred in some other states.

If we are not prepared in New Jersey at this time to embrace this type of overall new concept of legislative service, then I believe that the salary increase, improved pension and increased personal staff allowances recommended in this report are inappropriate at this time. They are insufficient incentive and inadequate compensation for legislators to assume fully the new responsibilities recommended in this report. They are unwarranted additional compensation if these additional duties are not fully undertaken.

I am generally in accord with the recommendations of this report regarding strengthening the committee system and opening the legislative process more to public scrutiny. These are essential to an improved legislative process.



## APPENDIX A

### SENATE CONCURRENT RESOLUTION No. 2030

#### STATE OF NEW JERSEY

By Senators BEADLESTON, MUSTO and BATEMAN

Passed Senate June 14, 1971

Passed General Assembly June 14, 1971

Filed June 17, 1971

**A CONCURRENT RESOLUTION** creating a commission to study the Legislature and the legislative process and to recommend such changes as it deems necessary and desirable.

**WHEREAS**, New Jersey State Government in general and legislative matters in particular have expanded greatly and become increasingly more complicated in the last decade, resulting in a greatly increased legislative workload; and

**WHEREAS**, To adjust to these changes there have been some corresponding changes in the structure, organization, methods, and procedure of the Legislature, including an increase in size, staff, committees, legislative compensation, and the number of sessions, the institution of electronic voting and more leadership continuity in the Senate, revised committee procedures, particularly in the Assembly, revised lobbyist regulation and conflict of interest laws, and the creation of the Office of Fiscal Affairs; and

**WHEREAS**, While these improvements met certain specific needs, there remains the need to review in a comprehensive, thorough manner the basic structure, organization and procedures of the Legislature to effect further improvements

consistent with the greater demands on the legislative process; and

WHEREAS, The Legislature has the responsibility to conduct a continuing review of its operations as provided by the Constitution, statute, rule, custom and tradition to recommend and effect desirable changes from time to time; and

WHEREAS, In view of the heightened public discussion regarding the desirability of such a review, enhanced by the unusual number of members voluntarily leaving legislative service for business or personal reasons in 1971 and the fact that a new Legislature will begin a new 2-year session in January 1972; now, therefore

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

1. There is hereby created a commission to consist of eight members, four each to be appointed by the President of the Senate and the Speaker of the General Assmby. No more than two of each group of four shall be of the same political party. The members shall serve without compensation. Vacancies in the membership of the commission shall be filled in the same manner as the original appointments were made.

2. The commission shall organize as soon as may be after the appointment of its members and shall select a chairman and vice-chairman from among its members and a secretary who need not be a member of the commission.

3. It shall be the duty of the commission to study the structure, organization and procedures of the New Jersey Legislature and the general legislative process as embodied in the Constitution of New Jersey, statutes, rules, customs and traditions and to recommend such changes as it deems necessary and desirable.

4. The commission shall be entitled to call to its assistance and avail itself of the services of such employees of any State, county or municipal department, board, bureau, commission or agency as it may require and as may be available to it for said purpose, and to employ counsel and such stenographic and clerical assistants and incur such traveling and other miscellaneous expenses as it may deem necessary in order to perform

its duties and as may be within the limits of funds appropriated or otherwise made available to it for said purposes.

5. The commission may meet and hold hearings at such place or places as it shall designate during the sessions or recesses of the Legislature and shall report its findings, conclusions and recommendations by December 1, 1971, accompanying the same with any proposed constitutional amendments, statutory changes and legislative rule changes which it may desire to recommend for adoption by the Legislature.

## APPENDIX B

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### QUESTIONNAIRE

RE

### STRUCTURE, ORGANIZATION AND PROCEDURES OF N. J. LEGISLATURE

Those responses to the within Questionnaire on Structure, Organization and Procedures of the New Jersey Legislature, sent to all members and former members of the 1971 Legislature, which lend themselves to statistical analysis are set forth in this Appendix.

For completeness, the remaining questions are included. The replies and comments to these questions are reflected in the body of the Report and in the Summary of Interviews (Appendix C).

#### A. *The Individual Legislator*

1. During 1970 and 1971, I spent approximately:
  - a. 25 days in Trenton on non-session days.
  - b. 20-30 hours per week on the average on legislative work at home and in my office.
  - c. 3 evenings out per week in public or party appearances because of membership in the Legislature.
2. Do you favor a "full-time" Legislature in which members' primary occupation would be legislator (somewhat similar to Congress)? Yes 46%. No 54%.
3. If so, what other business, employment or professional activity, if any, would members be permitted to engage in?  
(Varying replies and comments.)

4. If you favor such a "full-time" Legislature, in addition to the personal perquisites of office now authorized, what changes would you suggest to improve your ability to function as a legislator?

Of those answering "Yes" to question 2. above:

- a. Higher salary, 100% (\$15,000-\$37,000 per year).
- b. Expense allowance for mileage, meals, etc., 60%.
- c. A professional staff person as an aide, 100%.  
Part-time 47% ; Full-time 67%.
- d. Secretarial allowance (now \$4,500), 80%,  
(\$6,000-\$20,000 per year).
- e. A small office in Trenton, 60%.
- f. A small office in your district, 90%.
- g. More postage, 50%.
- h. More stationery, 23%.
- i. Separate legislative pension program, 90%.  
If so, should it be noncontributory?  
Yes 25%. No 71%.  
How many years service to qualify? 6.

5. On the basis of the present "part-time" Legislature, in addition to the personal perquisites of office you are authorized to receive now, what changes would you suggest to improve your ability to function as a legislator?

- a. Higher salary, 100% (\$12,000-\$25,000 per year).
- b. Expense allowance for mileage, meals, etc., 52%.
- c. A professional staff person as an aide, 87%.  
Part-time 42% ; Full-time 45%.
- d. Secretarial allowance (now \$4,500), 80%.  
(\$6,000-\$10,000 per year).
- e. A small office in Trenton, 51%.
- f. A small office in your district, 58%.
- g. More postage, 28%.
- h. More stationery, 12%.
- i. Separate legislative pension program, 90%.  
If so, should it be non-contributory?  
Yes 19%. No 42%.  
How many years service to qualify? 6.

**B. Legislative Leaders**

1. Within the context of the present type of "part-time" service for non-leader legislators, should any, some or all of the following leaders be "full-time" (primary occupation would be legislator somewhat similar to Congress)?

- \_\_\_\_\_ Senate President.
- \_\_\_\_\_ Assembly Speaker.
- \_\_\_\_\_ Majority Leaders.
- \_\_\_\_\_ Minority Leaders.

(Varying responses and comments.)

2. Should any or all of the following receive additional compensation for their leadership activity and/or additional work?

	<i>Suggested additional annual amount</i>
Senate President: Assembly Speaker, 90%	+\$4,000 or more
Majority Leaders, 84%	+\$4,000 or more
Minority Leaders, 82%	+\$4,000 or more
Ass't Majority Leaders, 64%	+\$3,000
Ass't Minority Leaders, 62%	+\$3,000
Chairmen of Standing Committees, 55%	+\$2,000-\$3,000
Chairman of Joint Appropriation Committee, 74%	+\$3,000 or more
Members of Joint Appropriation Committee, 58%	+\$1,000

3. Should the presiding officers and majority leaders have additional professional, full-time staff?  
Yes 84%. No 16%.
4. Should the minority leaders have additional professional, full-time staff?  
Yes 80%. No 20%.
5. As to the term of leadership, I prefer:
  - Annual rotation, 23%.
  - 2-year terms for the 2-year sessions, 43%.
  - 4-year terms, 6%.
  - Leadership continuity until control changes, 19%.
  - Other, 12%.

C. *Structure and Size*

1. Do you favor a unicameral Legislature—25%?  
Do you favor a bicameral Legislature—74%?
2. What size Legislature do you favor?
  - a. Bicameral.
    1. Senate                    40            *More*            *Fewer*  
                                 52%                    0                    48%
    2. Assembly                80            *More*            *Fewer*  
                                 49%                    0                    51%
  - b. Unicameral—Consensus 60 members (range 21-100).
3. What kind of legislative districts do you prefer?

	<i>Senate</i>	<i>Assembly</i>	<i>Unicameral</i>
Single member	60%	40%	21%
Multi member (up to 2 per district)	35%	65%	0

D. *Legislative Sessions*

1. Do you favor the traditional legislative schedule of 1 or 2 sessions a week from January-May or June and then several sessions in the Fall?  
Yes 68%. No 32%.
2. Would you favor a more concentrated schedule of sessions 4 or 5 days a week for a 3-6 month period between January and June?  
Yes 14%. No 86%.
3. Would you favor a modification of the traditional schedule to have only 1 session a week for voting during January-March and then 2 or 3 sessions a week during April, May and possibly June?  
Yes 53%. No 47%.
4. Would you favor any other type of scheduling of sessions?  
Yes 26%. No 74%.
5. Which day or days of the week would you prefer for sessions?
  - a. If 1 session a week—Monday 73%. Tues. 27%.
  - b. If 2 sessions a week—Mon-Thurs. 76%.  
Tues-Thurs. 24%.
6. What time of day should legislative sessions begin?  
2:00 P.M. 26%. 11:00 A.M. 49%. Other 25% (10:00 A.M.)

*E. Standing and Special Committees*

1. Should standing reference committees, rather than the majority conference, have actual authority to report or not report any bill out of committee?  
Yes 75%. No 25%.  
Should this committee authority be limited to "non-policy" bills?  
Yes 40%. No 60%.
2. Should any bill reported out of committee be accompanied by a brief written report and recommendation of the committee?  
Yes 92%. No 8%.
3. When should committee meetings be held? Session day 70%. Non-session day 30%. If on a session day, at what time? A.M.
4. Should a record of attendance at committee meetings be kept? Yes 96%. No 4%.  
Should it be a public record? Yes 79%. No 21%.
5. Should a record of votes at committee meetings be kept? Yes 82%. No 18%.  
Should it be a public record? Yes 52%. No 48%.
6. Should the standing committees have professional staff? All—66%. Some—32%. None—2%.
7. Should committees be required to hold public hearings on certain bills? Yes 78%. No 22%. If so, on what kind? "policy" ; appropriating over \$ ; other . . . . .  
(Varying responses.)
8. Should there be more use of joint committees (such as the Joint Appropriation Committee)?  
Yes 74%. No 26%.
9. Should each committee have its own committee room?  
Yes 84%. No 16%.
10. The Senate now has 17 standing committees and the Assembly 18. Do you favor:  
a. the same number, 48%  
b. more, 2%  
c. fewer, 50%  
Should the subject matter for these committees be re-arranged in any way? Yes 56%. No 44%.

11. What is the maximum number of standing reference committees on which a legislator should serve?  
1—13%. 2—66%. 3—19%. 4—2%.
12. How many members should each standing reference committee have? 5-7. Should the Senate Judiciary Committee and Senate and Assembly Appropriations Committees continue to have more members than other committees? Yes 83%. No 17%.
13. Should the standing committees have annual budgets and appropriations of their own for committee work? All—25%. Some—52%. None—23%.
14. Should the terms of committee chairman be:  
1 year, 20%  
2 years, 49%  
4 years (in Senate, when appropriate), 14%  
other, 17%
15. Should the terms of committee members be:  
1 year, 16%  
2 years, 55%  
4 years 12%  
other, 17%
16. Should any changes be made in the authority, scope, schedule or activity of the Joint Appropriations Committee?  
Yes 41%. No 59%.  
Should any changes in the budget process as it pertains to this committee's work be considered?  
Yes 66%. No 34%.
17. Should we have fewer, more, about the same number of special study commissions?  
Fewer—60%. More—13%. About the same—27%.  
Should staffed, working standing committees largely perform the functions now performed by special study commissions?  
Yes 81%. No 19%.
18. Should standing and special committee members be reimbursed for the expenses of committee work?  
Yes 66%. No 34%.

## F. Party Conferences

1. What role should the majority and minority conferences play in the legislative process?  
(Varying responses.)
2. If the majority conference should consider only "policy" bills, what should these generally include?  
(Varying responses.)  
Who should determine which bills are such "policy" bills?  
(Varying responses.)

## G. Rules; Procedures and Administration

1. Should the rules of each house contain certain provisions regarding the timely processing of bills?
  - a. deadline for introduction of bills, 43%.
  - b. deadline for committee reporting of bills, 52%.
  - c. deadline for floor action, 35%.
  - d. other, 4%.
  - e. none of the above, 29%.
2. Should the rules provide that one or more sessions must elapse subsequent to release of a bill from committee before the bill can be brought to a floor vote?  
Yes 75%. No 25%.
3. Should there be a "consent calendar" of "non-controversial" bills? Yes 83%. No 17%.  
If so, how should it be formulated?  
(Varying responses.)
4. Should a calendar of bills for floor votes be made known to legislators and the public a week or more in advance of the session? Yes 98%. No 2%.
5. Should there be limits on floor debate other than the ones now included in the rules of each House?  
Yes 38%. No 62%.
6. Would you favor a system similar to that used to limit debate in Congress whereby on major bills certain amounts of time are allocated to the majority and minority respectively? Yes 49%. No 51%.  
If not, would you favor any other changes in present procedures regarding floor debate?  
Yes 22%. No 78%.

7. Should any changes be made in the Constitutional provisions and/or the rules governing the readings a bill has and the procedure for emergency votes?  
Yes 13%. No 87%.
8. Should the emergency vote procedure be:
  - a. About the same as now—82%.
  - b. Made more difficult—16%.
  - c. Made easier—2%.
9. What other changes, if any, would you suggest in the rules of each House? (Varying minor responses.)
10. Should the *Assembly Minutes* and *Senate Journal* be changed in any way. Yes 30%. No 70%.
11. Should the *Legislative News* and *Legislative Index* be changed in any way? Yes 26%. No 74%.
12. Should each bill contain a brief explanatory statement?  
Yes 90%. No 10%.  
Should any other changes be made in the form of bills and resolutions? Yes 24%. No 76%.
13. Should a complete, printed copy of the amended version of a bill be available to legislators and the public immediately after adoption of a committee or floor amendment and prior to a floor vote?  
Yes 97%. No 3%.
14. Would you favor verbatim transcript of floor debate (like the Congressional record)? Yes 29%. No 71%.
15. Would you favor a full-time administrative officer and/or office for the Legislature or for each House?  
Yes 84%. No 16%.  
If so, should they be in addition to the present part-time administrative staff of each House?  
Yes 68%. No 32%.
16. In what ways can legislative orientation sessions be improved? (Varying responses.)

## H. Facilities

1. Do you favor construction of a new legislative building? Yes 75% No 25%; an addition to the State

House? Yes 75% No 25%; or acquisition by other means of additional space for the Legislature? Yes 84%, No 16%.

Should such new facilities include:

	<i>Yes</i>	<i>No</i>
a. New chambers .....	75%	25%
b. Individual offices for legislators .....	69%	31%
c. Shared offices (3 or 4) for legislators .....	80%	20%
d. Office space for full-time legislative staff .....	100%	0
e. Office space for part-time legislative staff .....	80%	20%
f. Committees and conference rooms .....	100%	0
2. Do you favor acquiring additional office space in the State House for the Legislature? Yes 83%. No 17%.		
3. Do you believe the present facilities are adequate as to:		

	<i>Yes</i>	<i>No</i>
Senate Chamber .....	50%	50%
Assembly Chamber .....	56%	44%
Committee rooms .....	14%	86%
Party conference rooms .....	6%	94%
General conference rooms .....	11%	89%
Leader's office space .....	44%	56%
Member's office space .....	6%	94%
Leadership staff .....	19%	81%
Bill Drafting staff .....	24%	76%
Research staff .....	18%	82%
Revisor of Statutes staff .....	28%	72%
Legislative Budget and Finance staff .....	31%	69%
Auditor's staff .....	37%	63%

### *I. Staff*

1. How do you evaluate the need for and quality of present services of the following type of staff:

	<i>Same</i>	<i>More</i>	<i>Less</i>	<i>Excellent</i>	<i>Good</i>	<i>Fair</i>	<i>Poor</i>
a. Bill drafting . . . . .	24%	74%	2%	52%	38%	10%	0
b. Legal services . . . . .	27%	71%	2%	49%	30%	19%	2%
c. Research and information . . . . .	19%	81%	0	49%	34%	10%	7%
d. Fiscal and budget . . . . .	23%	69%	8%	29%	27%	34%	10%
e. Statute revision . . . . .	29%	69%	2%	22%	42%	27%	9%
f. Committee							
1. Partisan . . . . .	40%	51%	9%	18%	50%	25%	7%
2. Non-partisan . . . . .	25%	69%	6%	6%	57%	27%	10%
g. Leadership . . . . .	57%	43%	0	40%	38%	22%	0
h. To individual members							
1. Full-time . . . . .	11%	87%	2%	36%	44%	8%	12%
2. Part-time . . . . .	32%	62%	6%	12%	44%	32%	12%
i. Special study commissions . . . . .	22%	40%	38%	3%	44%	47%	6%

2. How can staff services most be improved?  
(Varying responses.)
3. Do you favor the present arrangement of the Law Revision and Legislative Services Commission overseeing the non-partisan, full-time staff of the Legislature?  
Yes 90%. No 10%.  
Would you prefer any different arrangement?  
Yes 28%. No 72%.
4. Should the Legislature have one or more full-time professional non-partisan staff persons to specifically keep the Legislature informed of pertinent activity in Congress and the Federal executive branch?  
Yes 80%. No 20%.

## APPENDIX C

### SUMMARY OF INTERVIEWS WITH 40 MEMBERS AND FORMER MEMBERS OF THE 1970-1971 LEGISLATURE

The following is a compilation of 40 personal interviews with members of the Legislature.

These interviews, scheduled in advance and taking an average of an hour each, were held in the legislator's office or home. The list of those interviewed was determined by the Commission, and was representative of every area of the State.

The interviews provided an opportunity to expand on topics posed in the questionnaire, or to raise subjects not otherwise covered. There was no fixed set of questions, the format rather permitting the legislator to concentrate on those areas he considered most important. One question, however, was routinely asked, and that concerned the matter of turnover, inasmuch as this was not covered by the questionnaire.

This summary does not attempt to be statistical, a function better served by the questionnaire. Conclusions are suggested only where there has been an obvious preponderance of like comments.

#### I. *Structure and Size*

Sentiment remains clearly in favor of retaining a bicameral Legislature.

One summed up the thoughts of many: "There is no question whatsoever about retaining a bicameral Legislature. I am completely convinced that two houses provide more thoughtful legislation."

Another: "I like the cooling-off period between passage in one house and the other."

And another: "It might be okay for Nebraska, but New Jersey is a much more diversified state."

An opposing argument: "I would prefer unicameral. We can do the job better, and end a lot of duplication. And you would put an end to passing the buck."

There was proposed a unicameral Legislature fashioned along the lines of parliamentary government in Great Britain and Canada, the principal virtues being efficiency, responsiveness, and inherent proximity to the people.

Some have either no clear preference between bicameralism and unicameralism, or question the virtue of bicameralism since the Supreme Court one-man, one-vote decision. This comment for instance: "A bicameral Legislature is preferred, but there is some question as to how much sense it makes if we continue to have both houses elected only on the basis of population." And a related comment: "I still think the idea of checks and balances is a healthy thing. But with the Legislature the way it is now, there is very little checking and balancing going on."

On balance, bicameralism remains the overriding favorite.

### *Size*

Size is, of course, a matter outside of the immediate legislative province, requiring a constitutional amendment; but it is worth comment.

Hardly anyone wants to see the Legislature larger; many believe the present size is the most appropriate; a significant number believe a reduction in size would be a definite improvement.

The range of opinion is reflected in the following three comments:

"If you take the one-man, one-vote decision seriously, the logical conclusion is to increase, not to decrease the size of the Legislature."

"I don't see the feasibility now of any reduction in size. For whatever drop there is in size, there will be a slack that will have to be picked up by those remaining."

"We're too big now. A Senate of 20 and Assembly of 40 should be ample, particularly with additional staffing. Decreasing the size would add greatly to efficiency, as well as having the virtue of insuring responsible legislators. With too large a house, it's too easy for some to get lost in the shuffle."

The interviews and questionnaires show no appreciable sentiment for an increase, and very close to an even split between a

reduction and preserving the status quo. Among those favoring a reduction, the most common specific proposals are for a halving of the present (Senate of 20 and Assembly of 40) or something approximating the size of the Legislature before the 1966 Constitutional Convention, compensated, of course, for one-man, one-vote.

Still another comment is of interest: "The present total is too high, and it should not have gone to this point in the first place. But another change so soon will only further confuse the voters. We should therefore make no change at this time."

## II. *Legislative Sessions*

There is considerable divergence of opinion as to the current schedule of two sessions a week. Some maintain this is a distinct improvement, permitting a more efficient integration of committee work with floor business, and allowing recess earlier in the year. Others maintain the second session of the week is a total waste of time.

Some comments, pro and con:

"I like two days a week. Those really interested in the Legislature will make it two days, and I think they owe more than that to the position."

"Two days a week is okay, but only if it is on successive days. Divided between Monday and Thursday, it is a problem."

"The present schedule of two days a week is impossible to reconcile with a law practice."

"If we continue meeting twice a week, we might consider Monday as the Senate meeting day, and Tuesday as the Assembly meeting day, and Thursday as a joint meeting day. This would provide better use of facilities and staff."

"I am totally opposed to two days a week. We're not getting anything more done. The work can be done in one day, and to stretch it out to two is a waste of time."

"I am opposed to two days a week, as long as there is voting on both those days. I don't see how, with that kind of schedule, that bills can be properly studied."

"I would be in favor of one day a week for the session, and then conference on a separate day, all day, perhaps every two weeks, away from Trenton, and in such a way as to concentrate on business with no interruptions."

Scheduling, by its nature, is inevitably a problem anywhere. With a part-time Legislature of 120 members, there is clearly no fixed pattern of dates that will be universally appealing.

The question of having one or two sessions a week results in the sharpest division of opinion. Those opposing a twice-a-week schedule feel they have sound reasons for doing so and believe just as much can be accomplished while meeting once a week, at the same time not precluding an occasional second session if it appears to be justified. Others (as many or more) contend that the current work load demands meeting twice a week.

Where there is a consensus with regard to scheduling it is in opposition to any substantial change, such as concentrating the major part of the legislative year into a period of two or so months, meeting every day of the week.

### III. *Rules, Procedures and Administration*

This being an area wholly within the province of the Legislature itself to change, it is interesting to note that there is a strong expression of interest to do so.

The questionnaires examined this area in some detail; the interviews, less so.

Chiefly advocated are these changes: A consent calendar of non-controversial bills; a calendar of bills for floor votes published a week or more in advance; a rule that one or more sessions must elapse after release of a bill from committee before it can be brought to a floor vote; a requirement that each bill contain a brief explanatory statement; and provision for a complete, printed copy of the amended version of a bill to be made available immediately after adoption of a committee or floor amendment and prior to a floor vote.

If a consent calendar were to be instituted in the strict sense of the term, it would require a constitutional amendment. As it is now, the Constitution requires that each bill be voted upon separately. Many of those advocating a consent calendar feel a compromise is possible, and indeed might be preferable. Under such a system, the consent calendar would be a list of bills which both majority and minority agree to be non-controversial, and on which no member of the house indicates his intention to speak. These bills would be voted upon at one time in sequence with a separate roll call on each. A constitutional change would be

necessary in order to have the entire list adopted by virtue of one roll call. A significant number of those proposing a consent calendar feel there is merit in retaining the present constitutional requirement and continuing to submit each bill to a separate vote.

A rule to require advance notice of one week for bills coming to a floor vote received overwhelming approval in the questionnaire. An interviewed Senator said such a rule, which he considers sound, makes two sessions a week all the more important.

Also with very strong support is the proposal that each bill contain a brief explanatory statement. One interviewed Assemblyman suggested this also include a statement of origin (e.g., prepared by a lobbyist).

Suggestions on rules and procedures included the following:

"I'd like to see more liaison with the Executive and the Judiciary—more continuing dialogue instead of a steady number of last minute "emergency" bills. Assuming they are of the same party, how about bringing leadership into Cabinet meetings?"

"We should do away with the extensive recognition of groups at the beginning of each session; it is too much of a waste of time."

"We need a better system for determining what bills go on the board—perhaps something analogous to the Ways and Means Committee in the U. S. House of Representatives, but without the power to stall indefinitely."

"The biggest weakness we have is the lack of efficiency in our present schedule."

"We should try to get more done early in the year. We should also meet on time, and make adequate time available during the day for committee meetings. There's no point in setting committee meetings on off-days because people simply won't come."

The matter of deadlines was considered in the questionnaire. There was substantial interest shown, but not enough to form a consensus. These questions included deadlines on the introduction of bills, on committee reporting of bills, and on floor action.

#### IV. *Committees*

The first mistake the Legislature is making with regard to committees—in the view of a very substantial number—is in making too many committee assignments. There is significant interest in reducing the number of assignments to perhaps a maximum of two committees, or in the case of chairmen, one. There is something of a hunch on the part of many that this in itself will go a long way toward improving the committee system removing the absurdity of being scheduled for two or three committee meetings at the same time, and permitting each legislator to concentrate his interests and acquire expertise in one or two areas.

There is just about as much of a consensus that all committees—or at least major ones—should have professional staff. Parenthetical to this is the need for space, preferably each committee having its own permanent meeting room.

Beyond these broad areas of agreement, any consequential change in the committee system in the Senate depends on what is to be done about the party conference. Members of the Assembly—where a revised system has been in effect for two years—appear more inclined to give committees final jurisdiction on all or most legislation. In the Senate there is more disposition toward preserving the caucus system, at least with regard to major legislation. (There was speculation on the part of one legislator as to the extent that Assembly disenchantment with the caucus may have accrued from the nature of the caucus in that house; and parenthetically that the Senate, with a smaller house and a smaller caucus, has all along found this system more workable.) Section V discusses party conferences in more detail.

#### *Number of Committees*

There would appear to be substantial agreement with a proposal to reduce the number of committees. This would be in line with a reduction in the number of assignments, emphasizing the development of committee expertise and permitting better utilization of the staff and facilities.

In general, there is substantial agreement about room for improvement in the committee system, pursuing further the changes that have already been instituted with success in the Assembly.

Reflecting the comments of many is the following: "Committees need beefing up and, above all, permanent staff. They need regular meeting times and agendas. A lot of what is now done in the office of the Governor's Counsel *after* passage of legislation should have been done in committee in the first place, including review by the appropriate department and all other related spade work."

And a related comment: "Right now, all the expertise belongs to the Executive. No wonder we have an ineffective committee system. We need experts in each field, as they have in Congress."

Among specific suggestions are the following:

"We should hold committee meetings after the session. Judiciary, for instance, holds up 30 people in the middle of a session."

"There should be a joint committee comprised of leadership and committee chairmen in both houses. It should meet regularly, and preferably on a non-session day. The joint committee would coordinate the release of and voting upon bills in opposite houses, replacing what is now a haphazard system of coordination."

"We should probably go to majority and minority committee staffs on a permanent basis, as in Congress."

"We should consider joint committee meetings, at least on major legislation, and perhaps on most."

## V. *Leadership and Roles of the Majority and Minority*

As an alternative to a full-time Legislature, there is some interest shown in the possibility of making leadership full-time.

"Leadership has to be in Trenton most of the time to be really effective. It's close to that now, and could very well go full-time (in the same sense as Congress) with a Cabinet-level salary," says a present member of the leadership. The same opinion is voiced by others, both in and out of leadership.

There is, of course, the other view: "Full-time, permanent leadership is not the answer. We need the periodic infusion of different thinking that is supplied in rotation of leadership. Additionally, permanent leadership would put too much power in the hands of a few, who may not necessarily represent statewide viewpoints." This comment assumes that to make leadership full-time would also necessarily be to make it permanent—

the assumption being that you won't find many legislators willing to disrupt so completely their careers to accept a full-time position that is automatically limited to one or two years. Some believe continuity of leadership would be desirable anyway. Generally speaking, "continuity" means in the same sense as Congress; i.e., the tradition of retaining a leader by re-electing him each year. Says one present leader, opposing the past tradition of our Legislature: "We shouldn't have automatic annual rotation; nor should we have automatic long terms either. Let leadership be elected for one year at a time, but continued as long as it is effective and retains support."

The contrary is summed up in the following: "I am definitely not in favor of continuation of leadership. Rotation is a motivation for people to stay in the Legislature and work their way up. Permanent leadership means a closed shop, a select inner core, which is wrong."

The questionnaire confirms a definite preference for some degree of rotation, either on an annual basis or for two-year terms coinciding with two-year sessions.

### *Compensation*

The matter of increased compensation for leadership is one on which there appears to be some consensus, although it is also a matter which could only be resolved through a constitutional amendment.

The President and Speaker now receive a differential of 33%, and there is a good deal of sentiment for doing the same for the majority and minority leaders, as noted in Section VI. A number of legislators have suggested something along the following order: President, Speaker and majority leaders: 50% additional; assistant majority leaders and minority leaders: 25% or 30% more.

### *Tripartite Equality*

The matter of leadership also intertwines with one of the fundamental concerns expressed in by far the majority of interviews, and that is how to make the Legislature equal in fact to the other branches of government. Those who propose full-time leadership, or permanent leadership, or higher salaries for leadership, or all of these, as well as other perquisites of office, often express the thought that these will result in a stronger

Legislature relative to the Executive and Judiciary. Some have pointed to New York State, where continuity of leadership has produced men whose names can compete with the Executive for coverage in newspapers and on radio and television. It is argued that this gives the Legislature a greater sense of its own integrity and a greater balance of power relative to the Executive.

Others see this in a quite different light, feeling that entrenched power of leadership is exactly what New Jersey does *not* need.

The interviews were necessarily limited in number, which means a selective list, which in turn means a natural predisposition toward those legislators who have present, past, or potential roles in leadership positions. There is a little more expression of support for full-time and permanency among the interviewed than would appear the case in the questionnaire, which reflect the opinions of the Legislature at large. In either case, however, there is clearly a preference for retaining rotation of leadership. And if there is to come the day of full-time leadership, it is not here yet.

### *Party Conference*

The matter of party conference was raised in few interviews. When it was brought up, it was generally in a positive way.

The Assembly, of course, has in the last two years moved away from the conference system. It is not surprising, then, that an Assemblyman says: "We should get away from the caucus system—something we've largely done in the Assembly, but which is harder to do in the Senate."

But another Assemblyman says "There is a lack of party communication as a result of getting rid of the caucus. Perhaps it was aggravating at times, but that was partly a result of the physical facilities. I would like to see it reconstituted—perhaps on a different basis."

In the Senate, the party conference has remained intact, presumably being more workable because of its smaller size. Those senators who spoke about the conference did so in a strongly favorable way. Typical was the following: "The value of the caucus is that you get at one time, in a short time, the effective pros and cons of all those legislators who have an interest in or knowledge of that particular legislation. There

are things that you can say in caucus that cannot be said in public."

The same legislator then suggested: "Perhaps we might have committees consider all legislation, and where favorably disposed, have the chairman so report and then let caucus, in all cases, determine whether or not the bill is to go to second reading and to a vote on the floor."

There were also these other comments:

"Caucus has served a useful function, and should be preserved no matter what changes are made in the committee system."

"The caucus system serves a valuable function. It provides an opportunity to discuss freely and tear apart. A committee is too small a group to serve the same function, and often suffers from poor attendance. The caucus should be preserved. It is common in legislatures throughout the country."

The interviews, therefore, would appear to offer no surprises on this question. In the Assembly, where the caucus became almost unmanageable because of its size and where an alternate system has evolved, there seems to be no great interest in returning to the caucus system. In the Senate, where the caucus is perhaps a stronger tradition and has proved more workable, there seems to be no great interest in scrapping it, at least for major legislation.

## VI. *The Individual Legislator*

There is a consensus on two points, and it is a strong one. The legislator needs more staff and he believes he is entitled to a better salary.

Personal staff is perhaps the matter that has been emphasized in these interviews more than any other. Each legislator now has an allotment of \$4,500 which he can allocate to designated persons in any way he sees fit. It may be used for one aide, or it may be divided among so many that it constitutes nothing more than petty patronage.

There is considerable feeling that this allotment should be increased, and revised in such a way as to better assure professionalism on the part of staff. Those who would ideally prefer to see the Legislature constituted on a full-time basis believe there is a reasonable compromise to be pursued through increased staffing, perhaps even on a full-time basis. This last point

represents the concept of a full-time legislative office in lieu of a full-time Legislature.

Proposals cover the following range:

- (1) A modest increase in present allotment, perhaps to \$6,000, possibly with an additional differential for those legislators whose districts are comprised of more than one county;
- (2) A substantial increase in the staff allotment, perhaps in the range of \$6,000 to \$12,000;
- (3) A full-time office and staff for each district;
- (4) A full-time staff and office for each legislator;
- (5) Full-time staff, on a pooled basis, in Trenton.

As it is now, many legislators find they are in effect subsidizing their own offices. An obvious example is the lawyer whose secretary is doing legislative work well beyond what is compensated through the State allotment. At the extreme is the full-time legislative office, of which there would appear to be two in the state, in each case financed (over and above the \$4,500) by the two legislators out of their own resources. Among the many who draw on private office staff to a greater extent than state funds provide, one comments: "Right now, to do the job right in terms of staff means paying out of one's own pocket."

Recurring throughout these interviews is the desire to see the Legislative Branch restored to a rightful level of equality within our tripartite system of government. The following might then be observed: How many judges are required to pay out of their own pocket for staff? How many cabinet members? None.

Whatever the degree of increase in staff allotment, there have been several recommendations—with what would appear to be considerable merit—that payment be instituted on a regular basis, perhaps every two weeks or once a month, instead of twice a year as at present. This would: (1) be a reminder that there are duties expected to be performed; and (2) it would be more equitable in a case where an aide resigns sometime during the year. There have also been suggestions that a member's allotment be made payable to a maximum of two or three aides, which would get rid of the practice of distributing the allotment among so many friends and workers as to make their usefulness to the State negligible.

Substantially increasing the staff would "free the legislator for his proper function of studying and discussing the substan-

tive content of the many bills presented to us, and give us time to reflect upon the larger problems which we know, or at least sense, are going to face the Legislature. . . . The Congress of the United States has met this problem of freeing the Congressman from the routine and time-consuming details which plague our legislator. The public on the other hand is unaware of the vast difference in facilities and staff between State and Congress."

Says another: "If I had the proper staffing, it would make a great deal of difference. This is one of the two reasons I'm leaving the Legislature."

On the other hand, another: "Personal staff is not as important as good staffing in Trenton. However, a modest increase in the present allotment might be appropriate."

### *Legislative Salaries*

There is unquestionably a consensus that an increase is in order. The most frequent recommendations are in the range of \$12,000 to \$15,000.

There is also appreciable sentiment in favor of a higher salary differential for the Senate President and Assembly Speaker, and a differential for the first time for the other leadership positions. These would, of course, require constitutional amendments.

In addition, there is a suggestion that the President, Speaker, and two Majority Leaders each be provided with a State car and driver, this being no more than is already provided for Cabinet members in this State and for legislative leaders in other states. Being relieved of the chore of driving would presumably provide a substantial additional amount of working time.

The legislative salary increments outlined above would be for a part-time Legislature. Should the Legislature choose to go full-time (a matter to be discussed below) the salary recommendations are generally in the range of \$30,000 to \$37,000.

### *Part-time vs. Full-time*

"Going to a full-time Legislature is of questionable value."

"The most important change we can make would be to go to a full-time Legislature."

"One should not be wholly dependent on the Legislature for income."

"Some people have suggested going full-time, but this is not necessary. What has been neglected under the present system? What has been missing?"

"Full-time? Very strongly, yes."

"Full-time is not the answer."

These sample comments tell the story. There is simply no consensus on this point. The interviews gave the impression that a substantial number of legislators would like to go full-time, but more would not. The results of the questionnaire bear this out precisely (54% no, 46% yes).

The principal reasons for supporting a full-time Legislature include the example of Congress; the arguments of efficiency, thoroughness and adequate deliberation; and the assertion that it has become very nearly a full-time job anyway without the benefits of full-time staff and full-time salary.

Those arguing against full-time assert that it would substantially detract from the concept of the citizen-legislator; that it would prevent a lot of people from serving; and that the cost would be prohibitive.

Among those favoring a full-time Legislature there is also a lack of a clear consensus as to whether or not this means full-time in the strict sense (prohibiting any other activity whatsoever) or whether it means full-time in the same sense as in Congress.

The question of going full-time seems then a matter of weighing, on the one hand, maximum efficiency and effectiveness; and on the other hand, the virtue of diversity in representation and proximity to the electorate. What tips the balance appears to be the question of cost.

But not all would agree. Says one: "The cost argument doesn't hold up. We spend more by accident in the present system than we would spend to make the Legislature full-time."

## VII. *Staff*

In a word, more.

There seems to be substantial satisfaction with the work performed by the present Legislative Services staff, and an equal degree of unanimity that there's just not enough of them. With the assumption that additional space will be found, there

is a clear indication that the Legislature is willing to expand existing staff—particularly for the purpose of giving all or most committees full-time staff assistance.

A sample comment: “Legislative Services must be expanded. There’s no complaint about quality. But it is so understaffed it can’t do all that is needed.”

The consensus: More.

(Comments on personal staff are contained in section VI.)

### VIII. *Facilities*

“Our facilities in Trenton are absolutely appalling. The lack of proper office space and conference rooms and the crowded, disordered situation we face in trying to handle our business greatly affects the efficiency of our work.”

“We have among the poorest facilities of any state in the country.”

“Grossly inadequate.”

Inadequacy of existing legislative facilities is one area where virtually everyone is in agreement. What to do about it is not so certain.

A temporary solution is to acquire additional space in the existing State House, and most of those questioned are in favor of this, at least as a stopgap measure. In terms of a long run solution, there is a good deal of support for either an entirely new legislative building or an addition to the present State House. To a large extent the determination between the two comes down to the question of whether or not new chambers are necessary. Some feel the present chambers are simply inadequately in size, leaving no alternative but replacing them as part of a new building. Others believe some renovation might be sufficient as long as an addition is constructed adjacent to the area of the chambers to provide additional space for offices for legislators, committees, and staff.

Ideally, each legislator would probably like to have his own office in the State House. As a practical matter, a substantial number seem to feel it would be sufficient to have shared office space—still a vast improvement over what now amounts to no office space whatsoever. At the very least, each legislator should have access to his own telephone, desk, filing cabinet and at least a reasonable degree of privacy for meeting constituents and discussing legislative business.

“The ideal,” says one member of the leadership, “would be a whole new building with new chambers. But a reasonable solution can probably be obtained short of that.”

Another believes new facilities should be made contingent upon a legislative schedule that will mean maximum utilization. He argues: “What’s the point of having a beautiful new building for someone who wants to come at noon and leave at 4 P. M.?”

Still another sees a relationship to the recurring theme of bringing the Legislature into an equality of status with the other two branches. He states the case and suggests the reason: “Lack of space, staff, etc. has helped to lower respect for the Legislature. Yet we are one-third of the state government, and should be on a par with the other two branches in these respects. It’s our own fault this situation exists.”

## IX. *Turnover*

The Legislature this year is experiencing what is undoubtedly one of the highest rates of voluntary turnover in its history—if not indeed the highest. Without even counting the results of involuntary departure on election day, nearly half of the members of the Senate—and a number approaching that in the Assembly—will be new faces next year.

Appointments and deaths account for a few of these. Beyond that, however, the rate of turnover has attracted considerable attention and concern, and accounts at least in part for the genesis of this study.

Is there a significance to the turnover? Are there changes that can be made to counteract such a trend, or, on the other hand, is the turnover rate largely a matter of coincidence?

There well may be as many specific reasons for the turnover as there are legislators departing. No one factor seems to account even for a substantial number of departures. The list of probable causes is long, and covers the entire spectrum of service in the Legislature. Undoubtedly, each legislator, consciously or unconsciously, weighed many of these factors in coming to his decision either to run again or not to run.

Inasmuch as there is clearly no one predominant issue, the following list and representative comments have been intentionally set forth in alphabetical order.

### *Appointments to Other Offices*

“Moving to greener pastures has probably accounted for more departures than any other cause. We have to recognize that service in the Legislature often represents a stepping stone to other offices.”

“I see appointments by the Governor as one of the paramount reasons for turnover. Personally I question whether or not this should be done before a term is up.”

“Obviously the Legislature is not something you make a career of. The Governor has taken a lot out through appointments.”

### *Conflict of Interest Bill*

“There is too much turnover this time. A lot of it is due, especially with lawyers, to the conflict of interest bill. We have to anticipate that there will be more leaving later. The new law hits lawyers especially hard. A lot of it is unworkable. It should be modified.”

“I would say the major reason (turnover) probably is the conflict of interest bill. Perhaps it should be made a little less restrictive. I think we went to the extreme on that bill, and ought now to take another look at it.”

### *Failure to Realize Legislative Responsibilities*

“Perhaps the chief reason (turnover) is this: Anyone coming into the Legislature has to be prepared to make the sacrifices. Some of the turnover is the result of people coming in without the recognition. Those not willing to make the sacrifice shouldn't run.”

“We have to try to make the Legislature as attractive as possible, but there will always be some sacrifice involved. Unless people are willing to make such a sacrifice, they shouldn't run for the office.”

### *Frustration*

“We should meet on time.”

“Additional space is essential.”

“We waste too much time.”

“It is difficult for a legislator to feel that he can do an appropriate job for his constituency under these (lack of staff and office space) restrictive and discouraging conditions.”

### *Greater Time Requirements*

“Requirements for legislative time are greater than they used to be, and this is a factor. It is partly created by legislators themselves with the indiscriminate introduction of bills.”

“The prevailing reason (turnover) is that the Legislature has accumulated more and more work without increasing the capability to operate effectively as a co-equal branch of government.”

### *Lack of Staff*

“I believe many of the legislators are leaving because of the frustration of carrying out their responsibilities, this being caused by a lack of staff and the time-consuming duties which are forced upon them by a constituency which is not aware of the lack of these aids.”

“If I had proper staffing, it would make a difference. It is one of the reasons I am leaving.”

### *Lowered Image of the Legislator*

“Turnover will continue to be a problem until the prestige of the office is enhanced.”

“It (turnover) is bound to continue. The job has become less attractive—partly through having too many people and partly because of the conflicts bill. The public image has gone down.”

### *Pressure of Business or Profession*

“You get to the point where you have to decide between business and the Legislature, because it gets hard to reconcile the two. The pressures of serving build up while the attraction of the office goes down. Being full-time would change this as a factor.”

“It has become impossible to reconcile a legislative schedule of two days per week with a law practice.”

### *Redistricting*

“Redistricting has made a substantial difference, and it is a problem for the voter as well.”

### *Salary*

“There is a low monetary return in relation to the work—particularly in view of the expense of being a legislator.”

### *Schedule*

“Meeting two days a week is tough on many people. A better system would be to meet throughout the year, but only once per week.”

### *Size of the Legislature*

“Reducing the size of the Legislature should make it more attractive—but at the same time it will mean more heat for each individual, and this may keep some people from serving.”

### *Temper of the Times*

“As much as anything else it (turnover) comes from the general temper of the times—a general impatience on the part of the people, charges of corruption, and so on, making it more difficult to serve.”

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With no one factor thus emerging, no one single change in the structure, organization or procedures of the Legislature would seem to answer the question of what to do about turnover.

Nor is there even complete agreement that the turnover has much significance. For instance: “There is no reason to view it as holding any great significance this year. But it does point to the weakness of the system of electing everyone at the same time. The answer lies in staggered terms.”

Others believe there are some positive steps to be taken. Of the factors enumerated above, some are outside the scope of legislative correction, and can only be lived with; some are constitutional in nature; others are wholly within the Legislature’s province, and by the way they have been expressed, suggest their own remedies.

“There will always be some turnover,” says one member of leadership, “but to the extent we can keep someone good with the appropriate changes, they are worth doing.”

## APPENDIX D

### TABLE I

A RANKING OF STATE LEGISLATURES BY SIZE OF TOTAL MEMBERSHIP AND  
AVERAGE POPULATION REPRESENTED BY EACH LEGISLATIVE SEAT

<i>State</i>	<i>Total no. of legislative seats (both houses, where applicable)</i>	<i>Ranking among 50 State Legislatures (lowest ranking=1)*</i>	<i>Average population per legislative seat (in thousands)</i>	<i>Ranking among 50 State Legislatures (lowest average=1)</i>	<i>Total State population (in millions)**</i>
Alabama	141	23	24.4	34	3.44
Alaska	60	3.5	5	6	.30
Arizona	90	6.5	19.7	26	1.77
Arkansas	135	20	14.2	19.5	1.92
California	120	14.5	166.3	50	19.95
Colorado	100	10	22	29	2.20
Connecticut	213	45	14.2	19.5	3.03
Delaware	58	2	9.3	13	.54
Florida	167	34	40.6	42	6.78
Georgia	251	47	18.3	23	4.58
Hawaii	76	5	10	14	.76
Idaho	105	11	6.8	10	.71
Illinois	235	46	47.3	44	11.11
Indiana	150	30	34.6	41	5.19
Iowa	150	30	18.8	24.5	2.82
Kansas	165	33	13.6	18	2.24

TABLE I—Continued

<i>State</i>	<i>Total no. of legislative seats (both houses, where applicable)</i>	<i>Ranking among 50 State Legislatures (lowest ranking=1)*</i>	<i>Average population per legislative seat (in thousands)</i>	<i>Ranking among 50 State Legislatures (lowest average=1)</i>	<i>Total State population (in millions)**</i>
Kentucky	138	21	23.3	32	3.21
Louisiana	144	24	25.3	35	3.64
Maine	183	40	5.4	7	.99
Maryland	185	41	21.2	28	3.92
Massachusetts	280	49	20.3	27	5.68
Michigan	148	27.5	59.9	46	8.87
Minnesota	202	43	18.8	24.5	3.80
Mississippi	174	37	12.7	16	2.21
Missouri	197	42	23.7	33	4.67
Montana	159	32	4.3	5	.69
Nebraska	49	1	30.2	38	1.48
Nevada	60	3.5	8	11	.48
New Hampshire	424	50	1.7	1	.73
New Jersey	120	14.5	59.7	45	7.16
New Mexico	112	13	9	12	1.01
New York	207	44	87.9	49	18.19
North Carolina	170	35.5	29.9	37	5.08
North Dakota	147	25.5	4.2	4	.61
Ohio	132	16.5	80.7	48	10.65
Oklahoma	147	25.5	17.4	22	25.5

Oregon	90	6.5	23.2	31	2.09
Pennsylvania	253	48	46.6	43	11.79
Rhode Island	150	30	6.3	9	.94
South Carolina	170	35.5	15.2	21	2.59
South Dakota	110	12	6	8	.66
Tennessee	132	16.5	29.7	36	3.92
Texas	181	39	61.8	47	11.19
Utah	97	9	10.8	15	1.05
Vermont	180	38	2.4	2	.44
Virginia	140	22	33.1	39	4.64
Washington	148	27.5	23	30	3.40
West Virginia	134	19	13	17	1.74
Wisconsin	133	18	33.2	40	4.41
Wyoming	91	8	3.6	3	.33

\* Data on State Legislatures taken from: The Council of State Governments, *American State Legislatures; their structures and procedures*, 1971.

\*\* Population data may be found in U.S. Department of Commerce Bureau of the Census, *1970 Census of Population*, February, 1971.

TABLE II  
RANKING OF EACH HOUSE OF THE STATE LEGISLATURES BY SIZE OF  
MEMBERSHIP AND AVERAGE POPULATION PER SEAT

State	HOUSE				SENATE			
	Number of seats	State Rankings (lowest ranking=1)	Average Population per seat (in thousands)*	State Rankings (lowest average=1)	Number of seats	State Rankings (lowest ranking=1)	Average Population per seat (in thousands)	State Rankings (lowest average=1)
Alabama	106	30	32.5	31	35	20	98.3	34
Alaska	40	2.5	7.5	7	20	2.5	15.	5
Arizona	60	5.5	29.5	29	30	8.5	59.	25
Arkansas	100	23.5	19.2	20	35	20	54.9	20
California	80	13.5	249.4	49	40	29	498.8	50
Colorado	65	8	33.9	32	35	20	62.9	26
Connecticut	177	44.5	17.1	16	36	23	84.2	30
Delaware	39	1	14.1	12	19	1	28.8	11
Florida	119	32	57.1	41	48	35.5	141.3	41
Georgia	195	46	23.5	22	56	47	81.8	29
Hawaii	51	4	15.1	14	25	5	30.4	13.5
Idaho	70	10.5	10.1	10	35	20	20.3	8
Illinois	177	44.5	62.8	43	58	49	191.6	44
Indiana	100	23.5	51.9	40	50	42	103.8	36
Iowa	100	23.5	28.2	26.5	50	42	56.4	23
Kansas	125	36	17.9	18	40	29	56.	21

Kentucky	100	23.5	32.1	30	38	24.5	84.5	31
Louisiana	105	29	34.7	34	39	26	93.3	33
Maine	151	42	6.6	5.5	32	12	30.9	15
Maryland	142	38	27.6	25	43	33	91.2	32
Massachusetts	240	48	23.7	23	40	29	142.	42
Michigan	110	31	80.7	45	38	24.5	233.4	45
Minnesota	135	37	28.2	26.5	67	50	56.7	24
Mississippi	122	34	18.1	19	52	45	42.5	17
Missouri	163	43	28.7	28	34	16.5	137.4	40
Montana	104	28	6.6	5.5	55	46	12.5	3
Nebraska	Unicameral				49	38	30.2	12
Nevada	40	2.5	12.	11	20	2.5	24.	9
New Hampshire	400	49	1.8	1	24	4	30.4	13.5
New Jersey	80	13.5	89.5	46	40	29	179.	43
New Mexico	70	10.5	14.4	13	42	32	24.1	10
New York	150	40	121.3	48	57	48	319.1	47
North Carolina	120	33	42.3	37	50	42	101.6	35
North Dakota	98	15	6.2	4	49	38	12.4	2
Ohio	99	17.5	107.6	47	33	14	322.7	48
Oklahoma	99	17.5	25.8	24	48	35.5	53.1	19
Oregon	60	5.5	34.8	35	30	8.5	69.7	28
Pennsylvania	203	47	58.1	42	50	42	235.8	46
Rhode Island	100	23.5	9.4	9	50	42	18.8	6
South Carolina	124	35	20.9	21	46	34	56.3	22

TABLE II—(Continued)

State	HOUSE				SENATE			
	Number of seats	State Rankings (lowest ranking=1)	Average Population per seat (in thousands)*	State Rankings (lowest average=1)	Number of seats	State Rankings (lowest ranking=1)	Average Population per seat (in thousands)	State Rankings (lowest average=1)
South Dakota	75	12	8.8	8	35	20	18.9	7
Tennessee	99	17.5	39.6	36	33	14	118.8	38
Texts	150	40	74.6	44	31	11	361.	49
Utah	69	9	15.2	15	28	6	37.5	16
Vermont	150	40	2.9	2	30	8.5	14.7	4
Virginia	100	23.5	46.4	39	40	29	116.	37
Washington	99	17.5	34.3	33	49	38	69.4	27
West Virginia	100	23.5	17.4	17	34	16.5	51.2	18
Wisconsin	100	23.5	44.1	38	33	14	133.6	39
Wyoming	61	7	5.4	3	30	8.5	10.	1

\* Calculation on basis of total State population.

## APPENDIX E

### CONSTITUTIONAL AMENDMENT— STAGGERED SENATE TERMS

A CONCURRENT RESOLUTION proposing to amend Article IV, Section II, paragraph 2, of the Constitution of New Jersey.

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

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

#### PROPOSED AMENDMENT

Amend Article IV, Section II, paragraph 2, to read as follows:

2. Each Senator shall be elected by the legally qualified voters of the Senate district, except that if the Senate district is composed of two or more counties and two Senators are apportioned to the district, one Senator shall be elected by the legally qualified voters of each Assembly district. Each Senator shall be elected for a term beginning at noon of the second Tuesday in January next following his election and ending at noon of the second Tuesday in January 4 years thereafter, except that [each Senator,] *1/2 of the Senators to be elected for [a term] terms beginning in January, 1974, 1/2 of the Senators to be elected for terms beginning in January of the second year following the year in which a decennial census of the United States is taken[,] and 1/2 of the Senators to be elected for terms beginning in January of the year in which a decennial census of the United States is taken shall be elected for [a term] terms of 2 years. The Senators to serve for terms of 2 years beginning in January, 1974, and in January of the second year following the year in which a decennial census of the United States is taken shall be chosen by lot as provided by law.*

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

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

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

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

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

2. In every municipality the following question:

	Yes.	<p style="text-align: center;">AMENDMENT TO CONSTITUTION AUTHORIZATION FOR STAGGERED TERMS— STATE SENATE</p>
	No.	<p>Shall the amendment of Article IV, Section VII, paragraph 2, of the Constitution, agreed to by the Legislature providing for the staggering of terms of the members of the State Senate, be adopted?</p>

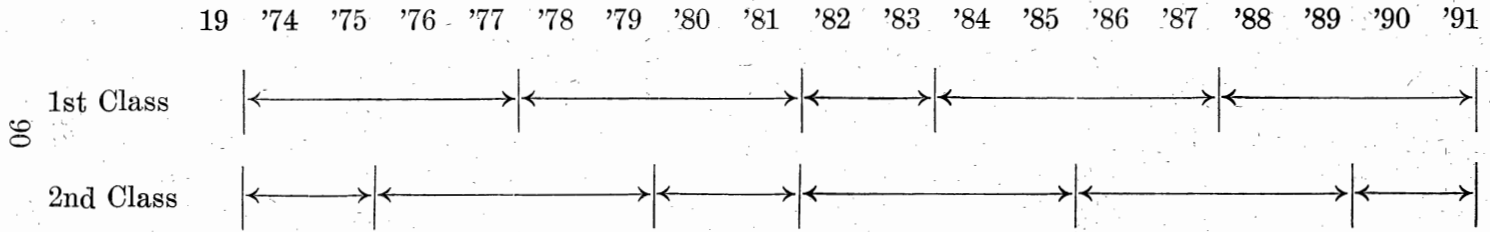
STATEMENT

The present constitutional provision governing the terms of the members of the Senate provides that all 40 Senators shall serve for concurrent terms of 2 years, 4 years and 4 years during each decade following each Federal census. This provision was

proposed by the Constitutional Convention of 1966 and adopted by the people that same year. Prior to that time, the members of the Senate were elected in two classes for staggered terms. The convention abandoned the staggered terms because of the anticipated need to redraw Senate districts after each Federal decennial census. There is, however, no need to abandon staggered terms *within* each decade.

This proposed amendment would provide for such *intra-decade staggering*. In 1973, 20 Senators would be elected for terms of 4 years beginning in 1974 and the other 20 Senators would be elected for terms of 2 years. In the following years, their terms would be as follows:

### PROPOSED STAGGERED TERMS



The Senators to be elected for 2-year terms would be determined by lot, as provided by law.

**APPENDIX F**

**PROPOSED NEW BILL FORMAT**

**SAMPLE #1:** When Assembly bill was amended in Assembly  
(as per present practice).

[OFFICIAL COPY REPRINT]

**ASSEMBLY, No. 1000**

With Assembly Committee Amendments, adopted February  
8, 1972

**STATE OF NEW JERSEY**

By Assemblymen DOE and ROE

AN ACT amending N. J. S. 18A:6-27, repealing N. J. S.  
18A:6-28 and 18A:6-29 and supplementing chapter 6 of  
Title 18A of the New Jersey Statutes.

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

**SAMPLE #2:** Where Assembly bill passed Assembly without  
amendment and was amended in Senate by  
Senate Committee amendments.

[SENATE REPRINT]

**ASSEMBLY, No. 1000**

With Senate Committee Amendments, adopted February 11, 1972

**STATE OF NEW JERSEY**

By Assemblymen DOE and ROE

AN ACT amending N. J. S. 18A:6-27, repealing N. J. S.  
18A:6-28 and 18A:6-29 and supplementing chapter 6 of  
Title 18A of the New Jersey Statutes.

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

SAMPLE #3: Where Assembly bill passed Assembly without amendment and was amended twice in Senate.

[SECOND SENATE REPRINT]

ASSEMBLY, No. 1000

With Senate Committee Amendments, adopted February 11, 1972

Senate Amendments, adopted February 15, 1972

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**STATE OF NEW JERSEY**

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By Assemblymen DOE and ROE

AN ACT amending N. J. S. 18A:6-27, repealing N. J. S. 18A:6-28 and 18A:6-29 and supplementing chapter 6 of Title 18A of the New Jersey Statutes.

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

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SAMPLE #4: When Assembly concurs in Senate amendments (as per present practice).

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1000

With Senate Committee Amendments, adopted February 11, 1972

Senate Amendments, adopted February 15, 1972

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Senate Committee and Senate Amendments concurred in by the Assembly, February 21, 1972

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**STATE OF NEW JERSEY**

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By Assemblymen DOE and ROE

AN ACT amending N. J. S. 18A:6-27, repealing N. J. S. 18A:6-28 and 18A:6-29 and supplementing chapter 6 of Title 18A of the New Jersey Statutes.

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

SAMPLE #5: Where Assembly bill was amended and passed in  
Assembly and amended once in Senate.

[SENATE REPRINT]

**ASSEMBLY, No. 1000**

[OFFICIAL COPY REPRINT]

With Assembly Committee Amendments, adopted February  
8, 1972

Senate Committee Amendments, adopted February 11, 1972

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**STATE OF NEW JERSEY**

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By Assemblymen DOE and ROE

AN ACT amending N. J. S. 18A:6-27, repealing N. J. S.  
18A:6-28 and 18A:6-29 and supplementing chapter 6 of  
Title 18A of the New Jersey Statutes.

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

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SAMPLE #6: Where Assembly bill was amended and passed in  
Assembly and amended twice in Senate.

[SECOND SENATE REPRINT]

**ASSEMBLY, No. 1000**

[OFFICIAL COPY REPRINT]

With Assembly Committee Amendments, adopted February  
5, 1972

Senate Committee Amendments, adopted February 11, 1972  
Senate Amendments, adopted February 15, 1972

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**STATE OF NEW JERSEY**

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By Assemblymen DOE and ROE

AN ACT amending N. J. S. 18A:6-27, repealing N. J. S.  
18A:6-28 and 18A:6-29 and supplementing chapter 6 of  
Title 18A of the New Jersey Statutes.

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

**SAMPLE #7:** When Assembly concurs in Senate amendments to Assembly bill which had also been amended in the Assembly (as per present practice).

[SECOND OFFICIAL COPY REPRINT]

**ASSEMBLY, No. 1000**

With Assembly Committee Amendments, adopted February 5, 1972

Senate Committee Amendments, adopted February 11, 1972

Senate Amendments, adopted February 15, 1972

Senate Committee and Senate Amendments concurred in by the Assembly, February 21, 1972

**STATE OF NEW JERSEY**

By Assemblymen DOE and ROE

AN ACT amending N. J. S. 18A:6-27, repealing N. J. S. 18A:6-28 and 18A:6-29 and supplementing chapter 6 of Title 18A of the New Jersey Statutes.

- 1 BE IT ENACTED *by the Senate and General Assembly of the*
- 2 *State of New Jersey:*

## APPENDIX G

### LEGISLATIVE PENSION BILL

A SUPPLEMENT to the "Public Employees' Retirement System Act," approved June 28, 1954 (P. L. 1954, c. 84).

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

1. Notwithstanding the provisions of P. L. 1954, c. 84, s. 7d (C. 43:15A-7d), all members of the Legislature shall become members of the retirement system, subject to all benefits and requirements of membership.

2. Notwithstanding the provisions of P. L. 1954, c. 84, s. 25 (C. 43:15A-25), (a) a separate account shall be established in the annuity savings fund for each member of the Legislature and all contributions based on legislative salaries shall be credited to this account as distinguished from any other account that the legislator may have as a result of other public service covered by the retirement system; and (b) the member of the Legislature shall contribute at a rate equal to 5 percent of his legislative salary, which contribution shall be deducted from his salary at the time or times it is paid, and which shall be exclusive of any other contribution required of the member for Social Security, contributory death benefits or deductions for any other purpose.

A member of the Legislature who is enrolled on the basis of other public service before, during, or after his service as a member of the Legislature shall contribute for such other service at the rate of contribution required of other members as provided by section 25.

3. Notwithstanding any other law regarding the purchase of service credit in the retirement system, a member of the Legislature may purchase credit for all previous legislative service by paying into the annuity savings fund 5 percent of the sal-

aries he received in such prior periods, in which event he shall agree to make such purchase within one year after the effective date of this supplementary act or during the first year of membership as a member of the Legislature; if the request for the purchase is received beyond the one year period, interest shall be added to the amount of the arrearage obligation at the regular interest rate. The purchase of such credit may be by lump sum or in regular installments over a maximum period of 10 years.

In the case of any member of the Legislature coming under the provisions of this section, full pension credit for the period of service for which arrears are being paid by the member shall be given upon the payment of at least one-half of the total arrearage obligation and the completion of one year of membership and the making of such arrears payments, except that in the case of retirement pursuant to P. L. 1954, c. 84, sections 38, 41(b), 48 and 61 and to the provisions of this supplementary act, the total membership credit for such service shall be in direct proportion as the amount paid bears to the total amount of the arrearage obligation of the member.

The contributions of all members of the Legislature related to their legislative service shall be adjusted for all years prior to the effective date of this supplementary act to determine either an overpayment or shortage in the separate account, requiring the payment of contributions at the percentage of salary provided for in this section. Overpayments shall be refunded and shortages shall be established as arrearage obligations to be satisfied in the same manner as any other arrearage obligation established pursuant to this section.

No member shall receive credit for any legislative service for which he has not contributed as required by this section.

4. A member, who shall have attained the age of 60 years, upon retirement on the basis of legislative service, shall receive a retirement allowance consisting of:

a. an annuity which shall be the actuarial equivalent of his accumulated deductions together with regular interest; and

b. a pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of three percent of final compensation as a legislator, for each year of creditable service as a member of the Legislature. In no event

shall the allowance payable under this section exceed two-thirds of final compensation.

c. The death benefit provided in P. L. 1954, c. 84, s. 48(c) (C. 43:15A-48c) shall apply in the case of any member retiring under the provisions of this section.

d. No member shall be eligible to retire pursuant to this section until he has terminated all public service covered by the retirement system.

5. A member, who shall have served as a member of the Legislature for at least eight years and having made contributions therefor to the retirement system and who ceases to be a member of the Legislature for any reason other than death before reaching age 60, may, upon termination of such service as a member of the Legislature and all other public service covered by the retirement system elect to receive, in lieu of the payment provided in P. L. 1954, c. 84, s. 41a (C. 43:15A-41a): (a) the payments provided for in P. L. 1954, c. 84, s. 38 (C. 43:15A-38) if he so qualifies under said section, or (b) the payments provided for in P. L. 1954, c. 84, s. 41b (C. 43:15A-41b) if he so qualifies under said section, or (c) a deferred retirement allowance beginning on the first day of the month following his attainment of age 60 and the filing of an application therefor, which shall be made up of an annuity derived from the member's accumulated deductions at the time of termination of his service as a member of the Legislature and a pension in the amount which, when added to the member's annuity, will provide a total retirement allowance of three percent of final compensation as a legislator, for each year of creditable service as a member of the Legislature.

The benefit payable pursuant to this section shall be subject to the maximum allowance provisions of section 4 of this supplementary act.

The provisions for the exercise of optional privileges, the payment of accumulated contributions in the event of death before attaining service retirement age, and the death benefit in the event of death following retirement, shall be those stipulated in P. L. 1954, c. 84, s. 38 (C. 43:15A-38) in the case of any member of the Legislature retiring under the provisions of this section.

6a. A member making contributions pursuant to the provisions of this supplementary act and who is not eligible for any

benefits hereunder, may, upon termination of such service as a member of the Legislature, elect to receive the return of his accumulated contributions in accordance with the provisions of P. L. 1954, c. 84, s. 41a (C. 43:15A-41a); but if a member of the Legislature is a member of the retirement system on the basis of other public service, no application for a return of contributions may be approved until he has terminated all service covered by the system and makes application for a return of all contributions made to the retirement system. If all or any part of a member's legislative service is applied toward qualifying for benefits under any other provisions of the act to which this act is a supplement, no return of contributions made on the basis of legislative salaries shall be approved; in that event service established as a member of the Legislature and salaries pertaining thereto shall be credited in the same manner as all other service and salaries covered by the retirement system.

b. At the time of retirement, a member enrolled on the basis of legislative as well as other public service shall be permitted to elect the largest possible retirement allowance, if he qualifies for benefits under both the provisions of this supplementary act and the act to which this is a supplement. Upon the election of the legislative retirement benefits provided by this supplementary act, an application for a return of contributions made on the basis of such other public service may be approved.

c. A member of the Legislature electing to receive a retirement allowance under this supplementary act or the act to which this as a supplement shall be ineligible to receive a retirement allowance or pension for the same service under any other law of the State.

7. This act shall take effect immediately.

## APPENDIX H

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### CONSTITUTIONAL AMENDMENT— ADDITIONAL COMPENSATION AUTHORIZATION FOR PRESIDING OFFICERS AND LEGISLATIVE LEADERS

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A CONCURRENT RESOLUTION proposing to amend Article IV, Section IV, paragraph 7 of the Constitution of the State of New Jersey.

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

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

#### PROPOSED AMENDMENT

Amend Article IV, Section IV, paragraph 7, to read as follows:

7. Members of the Senate and General Assembly shall receive annually, during the term for which they shall have been elected and while they shall hold their office, such compensation as shall, from time to time, be fixed by law and no other allowance or emolument, directly or indirectly, for any purpose whatever. The President of the Senate and the Speaker of the General Assembly, each by virtue of his office, shall receive an additional allowance, [equal to one-third] *not in excess of one-half of his compensation as a member as shall, from time to time, be fixed by law. Members, not in excess of four in each House, selected as the leaders of the majority and minority members, each by virtue of his position, shall receive, an additional allowance, not in excess of one-third of his compensation as a member as shall, from time to time, be fixed by law.*

2. When this proposed amendment to the Constitution is finally agreed to, pursuant to Article IX, paragraph 1 of the

Constitution, it shall be submitted to the people at the next general election occurring more than 3 months after such final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate and the Speaker of the General Assembly and the Secretary of State, not less than 3 months prior to said general election.

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

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

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

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

2. In every municipality the following question.

	Yes.	<p style="text-align: center;">AMENDMENT TO CONSTITUTION AUTHORIZATION FOR ADDITIONAL ALLOWANCES FOR PRESIDING OFFICERS AND LEGISLATIVE LEADERS</p> <p>Do you approve the amendment to Article IV, Section IV, paragraph 7 of the Constitution, proposed by the Legislature, to authorize the Legislature, by law, to increase the additional allowance in addition to salary of the President of the Senate and the Speaker of the General Assembly from <math>\frac{1}{3}</math> to not more than <math>\frac{1}{2}</math> of annual salary and to provide, by law, additional allowances in addition to salary for not more than four leaders in each House in amounts of not more than <math>\frac{1}{3}</math> of annual salary?</p>
	No.	



