

*Barbour S.*

PUBLIC HEARING

before

ASSEMBLY STANDING COMMITTEE ON RULES AND ORDER

on

1974 ASSEMBLY RULES

Held:  
February 8, 1974  
Assembly Chamber  
State House  
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John P. Doyle (Chairman)  
Assemblyman William J. Hamilton  
Assemblyman Herbert C. Klein  
Assemblyman George H. Barbour  
Assemblyman Albert Burstein  
Assemblyman James R. Hurley

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UNITED STATES DEPARTMENT OF AGRICULTURE

REPORT

ON THE PROGRESS OF THE WORK DURING THE YEAR 1917

BY

W. H. HAZEN, CHIEF OF BUREAU

WASHINGTON, D. C.  
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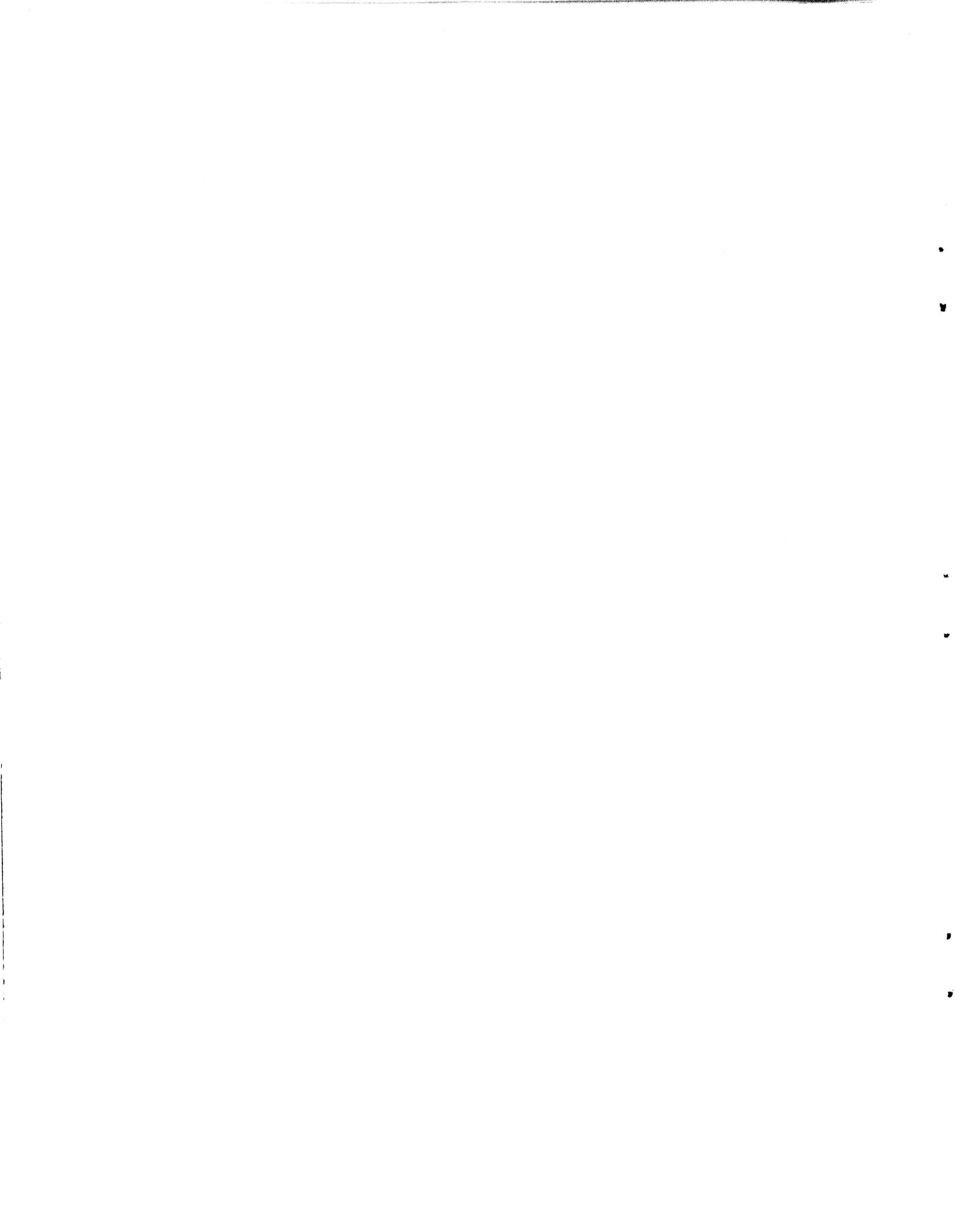
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ASSEMBLYMAN JOHN PAUL DOYLE (Chairman): I think we will get started now.

By way of introduction, this is a public hearing of the Assembly Standing Committee on Rules and Order. I am sure most of you who are with us will recall that on January 31st this House passed, unanimously, a new set of rules. At that time a number of proposals were submitted to this Committee for further discussion. In addition, during that time we had proposals that were made but were not introduced on the floor by various members. We have also had much discussion before and after that date by public interest groups and public-minded citizens.

In response to all of this, we have already met to set an agenda for this public hearing and for further discussion and deliberation on whether further rule changes can be made and that has been posted on the legislative billboard.

In addition to that, we have set this date for a public hearing. I am pleased to say that with me on the Committee today is the Assistant Majority Leader, Mr. Hamilton and our Associate Leader, Mr. Barbour.

We have had several ways of signing up so the particular order isn't clear even to me. I will call the witnesses in turn, and as I have them, so that you may prepare yourself. Assemblyman MacInnes will lead off; Mr. Kohler from Common Cause; Mrs. Rosen from the League of Women Voters; Mr. Lloyd from New Jersey Public Interest Research Group; Mr. Peter Allen from the New Jersey Retail Merchants Association; and Lucy Mackenzie who is testifying as an individual.

Assemblyman MacInnes?

A S S E M B L Y M A N   G O R D O N   A.   M a c I N N E S:  
My name is Gordon MacInnes. I am the Assemblyman  
from the 23rd District, representing part of Morris  
County.

I am back and I appreciate the patience of this  
Committee in permitting me to appear once again. The  
members of this Committee deserve great credit for  
the important steps already taken to make the New  
Jersey Assembly more open and more ordered in its  
deliberations. As with most human products, however,  
the Rules governing the 196th Session are capable  
of improvement.

To most of the public and even members of the  
press who cover the Legislature, rules and procedures  
are at the bottom of the list for interest or liveli-  
ness. But as the members of this Committee know,  
the procedures we employ determine to a major extent  
the quality of legislative consideration. The act of  
adopting and modifying our rules will set the stage  
for judging the works of this Session.

The tradition we inherit is not a proud one.  
The New Jersey Judiciary is considered a national  
model for its efficiency and quality. The Executive  
article of the 1947 Constitution is the envy of every  
Governor who is held responsible for much that he does  
not control and who must deal with executive officers  
of different parties or persuasions. But practically  
nowhere is the New Jersey Legislature seen as one to  
be copied. Instead, our body has been described -  
and aptly, sometimes - as a "zoo", "circus", and  
"monkey house".

The rules we adopted January 31 will go a long way toward preventing these same unkind appellations from being used to describe the 196th Session. But more can be done, even with the limited staff and facilities available to us. We should look back on our first two months and identify weaknesses already exposed. We should look back to the 195th Session and ask if that is how we choose to conduct the public's business.

It is the intent of this Committee, of the Majority Leadership and of the Rules approved January 31 that the Assembly Committee system shall be greatly strengthened. But already we have been asked to vote on several bills that have not been referred to Committee. I have examined every vote taken by the 195th Assembly. The record compiled by our immediate predecessors was disgraceful. Of 971 bills voted on, 622, or 64%, had not been referred to or considered by a standing committee. If these figures don't disturb you, they do me and many groups and citizens. And not all such bills were consent items permitting the appointment of Ray Schuller to the Wallington Police Department. Particularly in the closing days, many were bills of considerable substance and controversy. For instance, a tax package that closed the 1973 budget deficit by imposing new taxes on gasoline and corporate business, or another bill that changed the actuarial basis of the public employees retirement system.

To rationalize this process I would recommend an addition to the rules which would require seven days advance notice before a bill not referred to a standing committee can be called for a vote. This

will permit, at a minimum, the time for interested legislators to review the bill and be prepared with questions or comments.

The new rules require a sponsor's statement to be included with every bill that is introduced. Parenthetically, I should point out that we have subsequently approved legislation which did not bear such a statement, a practice I assume will end when we reconvene. I have read many of these statements and drafted a few myself. There is, of course, considerable variety in the completeness and objectivity of these statements, but none that I've read include material damaging to passage of the bill. Since the statement becomes a part of the permanent file of a statute and presumably will be available to the courts to help determine legislative intent, it is essential that such statements be accurate and objective.

To insure this, I urge that standing committees be required to issue a statement with every bill released for consideration. With sponsors' statements now required, the change I recommend is a modest one. In the event the sponsor's statement is accurate, then the committee need only indicate such in its release. Where it is not, then the committee should be required to amend it or draft one of its own which will serve the purpose intended by this Committee. Otherwise, the effect of our new rules will be to incorporate statements characterized more by advocacy rather than by accuracy and by form rather than fact.

The Committee system deserves another safeguard

to insure its effectiveness. We should be aware that committee assignments are often requested to reflect the experience and expertise of the individual legislator. Too often, this experience also carries with it a personal or organizational interest. A committee's interest in all instances may not coincide very closely with the public's interest. There ought to be a safety valve to insure public debate of a bill sought by the majority of the Assembly but denied by 5 or 6 committee members. I, therefore, join with others in urging that the Conference Committee be given the power to relieve a bill from a standing committee, even if it has been considered and failed to secure the requisite affirmative votes.

This position may appear to contradict the intent of the Rules Committee and Leadership to strengthen the standing committee system. But no one expects that a responsible and effective committee system is going to emerge full blown from the forehead of some benign legislative god. Instead, we are encouraging an evolution from secret, speedy committee action to open and deliberate consideration of bills. As proof that we don't yet have the kind of committee system sought by all of us, I note that most committees are scheduled to meet a total of only 14 hours in the eleven weeks between February 15 and May 2, and this is a year when there is an unprecedented volume of proposed legislation.

If these suggested changes are recommended by this Committee and approved on the floor, a perfect legislative institution will not result. The slow

movement to perfection will require better facilities, more staff persons and the devotion of more time than presently given by the average legislator. These recommended changes may be minimal in impact, but they say a great deal about the resolve of the legislature to reform its ways.

ASSEMBLYMAN DOYLE: Thank you, Assemblyman, for your statement and for your continued interest in the rule changes that have been made, both on the floor and in previous Committee meetings and by your statements, including this one.

Since you began I'd like to welcome Assemblyman Burstein and Assemblyman Hurley. Thank you for your presence.

Assemblyman Hamilton, we will start the questioning with you.

ASSEMBLYMAN HAMILTON: Assemblyman, your interest in seeing that a bill that is defeated in committee be alive at least for possible consideration through the vehicle of the conference committee is an idea that interests me. It is one that we talked about a little before. Have you given any specific thought to the kind of showing of interest or support that such a bill would have to have before either the conference committee could release it or it could otherwise, once again, get some viability once it had been rejected by the reference committee?

ASSEMBLYMAN MacINNES: Do you mean in terms of the number of votes that might be required in the conference committee?

ASSEMBLYMAN HAMILTON: That's right.

ASSEMBLYMAN MacINNES: Well, I think we want to see votes reflecting a majority of the members of

the Assembly in having that bill released - relieved from the standing reference committee. So you would have to have the votes of conference committee members who represented at least 41 Assembly votes.

ASSEMBLYMAN HAMILTON: You'd settle for a simple majority?

ASSEMBLYMAN MacINNES: Yes, I would.

ASSEMBLYMAN HAMILTON: Isn't that somewhat counterproductive of what we hope is going to be a more active and more efficient and more responsible committee system?

ASSEMBLYMAN MacINNES: Well, it appears to be, yes. But I think the fact is that the committee system, for a variety of reasons, is not going to appear overnight as an effective and active and responsible system. There is great variety, from my own experience in the short time I have been here, in how various standing committees operate.

For example, I think that my membership on the Taxation Committee gives me a little experience there; I think that operates as a model committee in some respects. We get prepared agendas. We get minutes of every meeting. We get plenty of advance warning of what bills are going to be considered. We go beyond just the consideration of bills into creative work by committee members themselves. We have the resources available to us through the Office of Fiscal Affairs and that may explain, in part, why we are able to do that. But that is not true of every standing committee. In other places the staff person who serves it, also serves the Senate committee. He may serve special public commissions or special committees investigating other questions. The quarters are cramped. There are a lot of drawbacks that we are all familiar with. So despite the clear intent of

the leadership and of the Assembly in adopting the rules that we did on January 31st, I think we are still a long way from an effective system.

I pointed out that most committees are going to meet about 14 hours in 11 weeks. Most committees have somewhere between 100 and 200 bills referred to them, aside from any special questions or problems that they want to look at in a special way. So that 14 hours hardly seems to me, in this time period - and we are probably going to be meeting through May or so - to be an indication that the committee system has arrived as we would like to see it.

ASSEMBLYMAN HAMILTON: If I could interrupt, Assemblyman, I am not taking any issue at all with your comments about the number of hours the committees are going to meet, or about the need for more staff support. But let's take the Tax Committee as an example. While I have not observed it in operation, knowing some of the personnel I am sure it operates in exactly the fashion you described. Were that committee to give 5 or 6 solid hours of consideration to an important piece of legislation and reject it, a simple majority of the conference committee, under your proposal, would have the right to turn that around in the same fashion as a bill that received the most perfunctory consideration and rejection by another reference committee. I am not sure how you solve that. It seems to me that if we want to encourage the committees to do a good job, a solid job and a thorough job, to say that they can be overridden by a bare majority in the conference committee by a persistent sponsor who has something and he is going to buttonhole his fellow colleagues and say, "listen this isn't going to hurt anybody; they didn't understand it", when your committee might have given five or six hours of solid under-

standing to it—it seems to me that, while I like the concept, a simple majority makes it too easy and would really denegate the work that the reference committees, we hope, are going to do.

ASSEMBLYMAN MacINNES: I see that apparent contradiction. I think that where a committee has spent 5 or 6 hours dealing with a problem or a specific piece of legislation and reached the conclusion that it ought not to be reported favorably, that it probably has compiled in that time some fairly substantial arguments as to why it shouldn't be. Those arguments would be available to anybody interested and I am sure that if it were a strong feeling by the committee - its chairman and members - then those arguments would be made available to people and would be difficult, I would hope, for those 41 votes to be reflected in the conference committee.

ASSEMBLYMAN HAMILTON: It would be making the conference committee a "super committee", which has not been its function in the, approximately, two years it has been in existence.

ASSEMBLYMAN MacINNES: I am not able to comment very well about the way it operated in the past two years. Apparently there is some dispute as to precisely the way it operated. We all know it did not have any sort of written or understood procedures, as we now have for it.

I do think that this is not a safety valve that is going to be used that often. I think the mechanism is sufficiently complicated that it will not be with ease that someone distorts or interrupts the works of the standing reference committees.

I do think it is a safety valve which should be available, however, and I think that the record, as I understand it, on the use of the one day discharge - 24 hour discharge rule - has not been an effective device for relieving the standing committee of a bill.

ASSEMBLYMAN HAMILTON: It has proven, however, to be a prod to a recalcitrant committee that wasn't considering bills on at least a few occasions.

I think we have other matters to talk about. I wonder if, other than the simple majority approach, you have any other backup positions that you would offer to us if we were not inclined to accept a majority and we were inclined to accept the concept of the conference committee performing this function?

ASSEMBLYMAN MacINNES: I do have some suggested language in the back there which, in addition to the majority concept, requires that there would have been at least two affirmative votes at the time that the bill was voted negative.

ASSEMBLYMAN HAMILTON: But the only position that you would take is that a simple majority ought to be able to override in the conference committee once the procedure is followed.

ASSEMBLYMAN MacINNES: Yes.

ASSEMBLYMAN HAMILTON: Thank you very much.

ASSEMBLYMAN DOYLE: Assemblyman Barbour?

ASSEMBLYMAN BARBOUR: I have an interest in this same area. In the rules committee debate, I was a proponent of the position that you advocate and I was persuaded that I ought to give up on it.

I still sort of feel that way. I know that the 24 hour rule, in the past history of the Legislature, has not been an effective valve but I think

it is because it hasn't been used as much as it is anything else.

I can only remember about 15 times since 1962 that it has been used. Maybe it is a few more. I think that it wasn't used because most members weren't aware of it nor did they understand how it could operate really adequately; and secondly, because they felt there, perhaps, wasn't a need for it. I really believe that if there is an emphasis placed on the 24-hour rule, it could serve this safety valve function and, at the same time, preserve the concept of the stronger committee system.

ASSEMBLYMAN MacINNES: My suggestion would be, I guess, along the same line. I think we have a different situation than has been true in past sessions. I think today's hearing is an indication of how different that situation is. We have a rules committee that has decided that it is going to be an active committee through the life of the session. This means that in an area where we are trying to deal with some unknowns that it might be helpful to have this committee recommend the change that I have recommended here and try it out. If it does have the effect that some fear, that is, that it really does dissipate the effectiveness of the standing reference committees, then I think we would be able to say that it didn't work as we had hoped it would and we are now going to change the rules to reflect our original recommendations.

I'd like to urge on the Committee that viewpoint, simply because I think that there are so many areas where there are untried recommendations which should be given the chance and this is one of them that I

would like to see. If it turns out to have the effect of really diluting the effectiveness of our efforts to strengthen the committee system, then let's change the rule again. But that seems to me to be an option available to us when we have this kind of interest shown by the members of the rules committee.

ASSEMBLYMAN BARBOUR: I would think that if we do adopt this provision, or some version of it, that we ought to go with more - with a larger vote - than a simple majority because the 24-hour, in my opinion, effectively gives that and therefore to go the conference committee route, if we are going to put that in as another option, I think it ought to be somewhat different than the numbers required in the 24-hour.

ASSEMBLYMAN MacINNES: Where a bill has not been considered, what do the rules state now for consideration for having a --

ASSEMBLYMAN BARBOUR: Well, in the 24-hours--

ASSEMBLYMAN MacINNES: No, under the existing rules for the conference committee, what do the rules state for relieving a committee of a bill that has not been considered?

ASSEMBLYMAN DOYLE: The question is, I think, if the bill has not yet been considered after the three notices have been given by a sponsor, then how many votes are needed. It is a simple majority of 41.

ASSEMBLYMAN BARBOUR: I thought that was a number of Assemblypeople from a number of different districts.

ASSEMBLYMAN BURSTEIN: There is no time element involved with that though.

ASSEMBLYMAN HAMILTON: That is the negative vote.

ASSEMBLYMAN BARBOUR: All right. One further thing in connection with your testimony. On the first page, the second from last paragraph, you advocate that on all occasions where no reference is given, seven days notice would be required. What does this do to the real emergency situations? Don't you think that we should have a provision there? I think we do far too many things under the name of emergency now, and have always, but I think there should be some real system in there for emergency procedure.

ASSEMBLYMAN MacINNES: I think if you look at the record of the last session I don't think we are going to adopt any rules which would violate the constitutional provisions for enabling emergency passage of legislation. But I think we can say that the emergency has been abused too often in the past. In fact, I have a count here of all the bills that were considered in the last session. My quick memory of it is that 10% of the Assembly bills and closer to 20% of the Senate bills were passed on emergency.

I don't think that many of us could convince too many of our constituents that, in fact, all of those bills were truly emergency situations. I think that it is the intent of the leadership and of the membership, to the extent that I have been able to detect their sentiment, that the emergency be used sparingly and only in those instances where there is a true emergency.

So I don't think that anything here would necessarily-- I don't think that this applies to the emergency provision because we do have the case

of a large number - particularly Senate bills - in the last session. Already, in this session, we have Senate bills coming over, being given second reading and then being brought up on third reading without reference to a committee. It is that problem that I am trying to deal with. I think the use of the emergency is a different question.

ASSEMBLYMAN BARBOUR: You touched on one aspect of work that the committees haven't been able to get to because of the workload and the inadequate number of sessions, and that's things that they want to consider on their own. It would seem to me that this is in the area of planning and programing of the committee and is one of the areas that we are definitely lacking in, not only in committee work but in the total operation of the Legislature. I don't know that this is particularly something that is going to be corrected in the rules but I think that it is a good thing to have recorded in the testimony.

ASSEMBLYMAN MacINNES: While I have no question about the intent and the spirit of the rules we adopted on the 31st, I think that as we move from a time when we have been luxuriating in a small case load before the appropriations break into a time when there is going to be great pressure put on the Legislature to get its work done so we can move into the special session on taxes and school finance, that the rules should provide for procedures as well as for spirit to insure, or to increase the probability, rather, that greater care and deliberation will be shown in the adoption of legislation. I think to the extent that we are protected by procedures - and I think that some of these are relatively minimal but important steps in having such procedures - then I think we are going to be in better shape when the

great landslide pressures arise in May.

ASSEMBLYMAN DOYLE: Assemblyman Burstein?

ASSEMBLYMAN BURSTEIN: I believe that most of the points that I would have asked about have been covered but there is one thing that Assemblyman MacInnes stated for the record that I think needs some clarification, since this is a public record and people reading it may not have full knowledge of the implications of the statement, and that related to the number of hours scheduled for committee meetings over the span of time mentioned - 11 weeks I think it was, 14 hours over 11 weeks. I think the record should be clear that that does not encompass the actual meeting time of the standing reference committees; there have been any number of additional meetings beyond those scheduled for this period of time, at least published as scheduled, that have, in fact, taken place.

If you assign a simple two-hour time element to the scheduled meetings, you may come up with the 14 hours but I know, as one example, the Education Committee, which I chair, has met, perhaps, 14 hours over this recess period, let alone during the normal scheduled time for Education Committee meetings when we are in session. I do believe that to be the case with a good number of other committees. So that the public does not have a distorted version of the committee system and the committee work, I think that should be a matter of record.

ASSEMBLYMAN MacINNES: I certainly didn't want to distort anything. I think I said "most committees". I realize that the Education Committee and the Appropriations Committee, particularly, have been meeting more

often than that. But it is also true that other committees are not going to meet much more than those minimum hours laid out in the schedule.

ASSEMBLYMAN BARBOUR: Augmenting that too, that time schedule does not include any public hearing time. Public hearings would be in addition to that.

ASSEMBLYMAN DOYLE: Assemblyman Hurley?

ASSEMBLYMAN HURLEY: I am sorry, I came in toward the end of your testimony. I just want the record to reflect that I agree with most of the points you made. I think we all would agree and would hope that what you say about emergencies were to be true. I would like to have the opportunity-- I wish somebody would do a study on an early history of the Legislature. If you keep a record, everybody would agree that the use of the emergency may have been abused but there are a number of other factors besides the Legislature that enter into that. Those people who are in the majority now will find that out and have already found that out - it is called the Executive Branch.

ASSEMBLYMAN MacINNES: You think that has some influence on the way the Legislature operates?

Just for the record, I'd like to point out that in the last session, out of 633 bills - Assembly bills that were voted on - 51 were approved on emergency. But out of 310 Senate bills, 44 - about 15% - were adopted on emergency.

ASSEMBLYMAN DOYLE: Assemblyman Hamilton, you said you had another question?

ASSEMBLYMAN HAMILTON: Yes. Those figures that you gave, the 64%, were really shocking. I felt at the time we were doing far too much on no reference

bills but I had no idea that the bills we passed ran that high. My thought is that the seven-day mandatory slowdown, after you have a bill in, doesn't really do the job if it still didn't go to committee. Maybe what we need is a procedure whereby you can review the decision to put a bill on second reading without reference rather than slowing it down after you have already introduced it.

As Assemblyman Barbour has noted, there are genuine and bona fide emergencies and bills that can be passed on emergency. It is the absence of consideration by a reference committee, frequently, in both Houses that is disturbing. The Tort Claims Act is a classic example that we have heard so much about from lawyers, from litigants and from other people, since it was enacted. It was passed in the Senate on second reading without reference and it was brought over here and given the same treatment, despite an effort to send it to committee for consideration. I think in some way we have to come to a realistic and not too restrictive rule that will enable us to override a decision to put something on second reading without reference where there is a good reason for doing it.

ASSEMBLYMAN MacINNES: I am open-- My suggestion here isn't one that I consider to be the only way to take care of that problem. I'd like to see the problem addressed in some fashion. This was one that came to mind. Your suggestion might be much better. I am not sure precisely what form that would take. But it happens that an awful lot of that is in the consideration of Senate bills, at least from the last session.

ASSEMBLYMAN BARBOUR: Mr. Chairman, I have one other question. At the top of the second page, the first paragraph deals with statements and the fact that - the last three lines - the court would be able to use these in interpreting the law. I think that is a very dangerous thing because the legislation that is passed is not the product of the sponsor; it is the product of the total membership. Therefore, to give the sponsor, through his statement, a standing over and above that of the other legislators, I think, is not good, especially since you indicate in there that many times that is a self-serving statement. I think if the courts are going to have any kind of direction or instructions, that they are to examine those statements more than is presently done, let's say, to determine or interpret the legislation. I think that is a bad move.

ASSEMBLYMAN MacINNES: That's exactly why I have suggested the change that I have; that is, that the committee be required to adopt the statement. If the sponsor's statement is found to be accurate and objective and complete, then the sponsor's statement can be adopted. If it is not, then the committee can draft a new one. That's why I have urged this change because I do think it would be probably a worse situation than we have now, where it is very, very difficult for lawyers to establish legislative intent based on the very brief legislative history that goes with most statutes that are put on the books.

I would think it would be very helpful, not only to legislators who have to vote on bills and to the public who wants to understand the bills, but down the

road to courts and litigants so that they will have available a clear statement of what the legislative intent was.

I think that now that we do have a sponsor's statement, we really do have to take the next step and insure that that sponsor's statement is a reflection of what the majority intended when it enacted the bill. That is why I urge that the committee be required to either adopt, modify, or replace the sponsor's statement.

ASSEMBLYMAN BARBOUR: But I see in this a thrust to have the court consider background material to a greater degree than they have heretofore. I don't think that's good. I think the interpretation should be made from the legislation because if that isn't so, then you have to be as careful and examine each statement with the exactness and the specifics as you do the legislation itself because it really becomes embodied in, and a part of, the legislation, even though it doesn't go in the statute books. This is the thing that I have a problem with.

ASSEMBLYMAN MacINNES: I am not an attorney so I am operating at somewhat of a disadvantage in talking about this. But my impression is that presently the disadvantages are even greater than they would be if we adopted this mandatory statement. That is, that too often the statutory language itself does not provide sufficient clue to judges and lawyers as to exactly what was intended by the Legislature. We don't have available to us, as we do in federal cases, lengthy congressional committee hearings, minority and majority statements on the release of bills, conference committee statements, as you do in the federal congress.

My limited exposure to that indicates that where a question arises, much use is made of that background

material in trying to determine what the congressional intent was when a particular statute was enacted.

I think this is a very short, halting step towards providing that same kind of background that presently is not available and that is one additional reason why I would like to see it incorporated in the rules.

ASSEMBLYMAN BARBOUR: If we had all of the background material that you have at the federal level, including minutes and records, etc., that might be advisable. The thing that bugs me is that someone who has an ax to grind in introducing legislation will doctor that statement to be self-serving and even moreso if the person knows that it is going to be used by the court in interpreting it.

ASSEMBLYMAN MacINNES: That's why I think we need to have the committee screened and to have a committee statement. Now that we have those sponsor's statements required, and we all know the nature of those sponsor's statements, I think we can see the need for having a screen. Just as we screen the legislation on its merits, we also are going to have to screen that statement because otherwise it will not reflect, in many cases, the intent of the committee or of the Legislature. So, I appreciate your arguments on my side of the question.

ASSEMBLYMAN DOYLE: Gentlemen, I don't feel that you can convince each other.

Assemblyman Hurley?

ASSEMBLYMAN HURLEY: Mr. Chairman, I don't want this to be a debate, in any way, but I do question your figures, particularly your percentage figure.

My records indicate that we passed 581 bills, of which 119 were no reference and 21 of those were conditional vetoes which, to my knowledge, never go through the committee system. Perhaps they should, I

don't know. That indicates about a 20% figure. So, I really question that, only from the standpoint of having accurate figures before us when we talk about these things.

ASSEMBLYMAN MacINNES: I did not include the conditional vetoes in the figures. That is, I did not have a separate category for conditional vetoes. I considered whether or not the bill that was conditionally vetoed had, before its passage over to the Governor's office, been referred to a standing committee.

ASSEMBLYMAN HURLEY: Well, the 21 I cited is not the significant point I wanted to make. The point is that 119 is perhaps too many, yes, but certainly not 64%, as was indicated in your statement. I do want to reiterate a couple of things and, that is, I agree with your comments on the statements. As you know, I introduced a resolution to that effect on the committee statement. I agree with your comments on the conference committee and I agree with your suggestions on the emergency provisions.

I also want to point out that of the 31 bills, or joint resolutions, passed to date in the Assembly, 11 of those - better than 1 out of 3 - were passed by emergency resolutions this year.

ASSEMBLYMAN DOYLE: Assemblyman, you indicated your concern over the emergency provision. While recognizing that perhaps 10% or 20% is too much to be passed by emergency, nevertheless recognizing that some things are, in fact, true emergencies, how would you go about defining what is, in your opinion, something that truly ought to be considered under emergency provisions - either a qualitative definition or quantitative judgment by how many members of this House?

ASSEMBLYMAN MacINNES: O.K. My comments relate to bills without reference to a committee that are given second reading without reference. They are not related to the use of emergency, per se, although the use of the emergency, obviously, comes in on many of those bills. I do not have, and don't propose today, any single criterion that I could lay out which would handle all the situations that are likely to come up over the next two years. I think that we have to have confidence in our leadership - that they will use the emergency in a sparing and careful manner.

I do not propose today interceding between the constitutional provision for emergency action, which, essentially, waives the Rules of the House. I would assume that we are going to continue to see some emergencies come down. I would hope that the pace of them would slow down and that it would only be used for situations that are considered emergent, truly so, by the leadership.

ASSEMBLYMAN DOYLE: Assemblyman, you serve on the Taxation Committee?

ASSEMBLYMAN MacINNES: Yes, and the Transportation Committee.

ASSEMBLYMAN DOYLE: How many bills have been reported out of those two committees since the beginning of the session, approximately.

ASSEMBLYMAN MacINNES: Well, from the Taxation Committee I would say there are maybe 10 and out of Transportation, 15.

ASSEMBLYMAN DOYLE: Out of those 25 bills, and I might be going into a hornet's nest and prove your point and not mine, how many had appended to them a committee statement? Because the rules do permit statements to be added when the committee so chooses.

ASSEMBLYMAN MacINNES: All of them from the Taxation Committee.

ASSEMBLYMAN DOYLE: Is that a rule of the Taxation Committee that all bills will come out with statements?

ASSEMBLYMAN MacINNES: It is.

ASSEMBLYMAN DOYLE: Is such a rule part of the Transportation--

ASSEMBLYMAN MacINNES: It is not.

ASSEMBLYMAN DOYLE: And out of the bills that come out of the Transportation Committee, how many have had statements appended to them?

ASSEMBLYMAN MacINNES: Committee statements?

ASSEMBLYMAN DOYLE: Yes.

ASSEMBLYMAN MacINNES: One that I can remember.

ASSEMBLYMAN DOYLE: A-290?

ASSEMBLYMAN MacINNES: I can't remember which one it was. I do remember that we did.

ASSEMBLYMAN DOYLE: My point, of course, is - and it would be made with, I think, most of any of the other committees - that the committees, though they have that opportunity, have not used it and if you forced it upon them, the committee statement that might be appended would only become frivolous or not really helpful to the legislative process or the judicial process that might happen if that becomes a matter of litigation. I don't think I am going to be any more successful than Assemblyman Barbour in convincing you on the point but I just wanted to make those points.

ASSEMBLYMAN MacINNES: Well, I think that is true of all of the rules that we adopt though, isn't it, to some extent? We can observe the letter of the rules and violate the spirit of them and probably do all too frequently. I am not sure that that should

be the ground for argument on this question. I think we ought to be arguing on the merits and, hopefully, reporting on the merits.

ASSEMBLYMAN HAMILTON: I think, perhaps, the Chairman's point is the kind of example, if you will, that the Taxation Committee, and presumably other committees, is setting with reference to putting in statements and, presumably, the increased awareness that legislators are going to have in considering bills that have committee statements, in debate and in party conferences; that we may go further towards bringing about the goal that I think everybody wants as far as having a Legislative history on a bill by having it in the permissive form that it is now rather than mandating it and, perhaps, as the Chairman suggests, compromising the quality of the product that the committee will put out when it has to put it out on every bill that it releases.

ASSEMBLYMAN MacINNES: I guess my response to that would be the same as it was on the other point, that is, to try it. If we find out that we are not getting the kinds of statements that we think should be appended to bills, then maybe we should modify the rules. But I think that the Taxation Committee example argues equally for both views. I have seen it operate very effectively on the Taxation Committee and it has increased the level of consideration and of understanding by all the Taxation Committee members because we have to see a statement.

ASSEMBLYMAN BARBOUR: I think that perhaps you have the further problem too in that some committees are very active and have ten times as many bills as other committees do to consider and this would place a real heavy burden on those that already have the burden.

One further thing on this emergency - every emergency bill is without reference so that the emergency bill is in a "without reference" class.

I have never seen one with reference.

ASSEMBLYMAN HAMILTON: Many times, George.

ASSEMBLYMAN BARBOUR: I don't think so.

ASSEMBLYMAN MacINNES: Almost half of the bills considered on emergency in the last session had been referred to a committee.

ASSEMBLYMAN BARBOUR: At least then 50%, or some percentage, we will say, are in the category of non-reference and therefore if every bill with non-reference has to have-- the seven day rule would be applicable to, there would be an apparent problem, I think, and I would prefer not to have that. If we adopt such a rule, I would opt for an exception to it for emergency bills - that emergency bills would not have to comply with that rule.

ASSEMBLYMAN MacINNES: I think what we are talking about are only those bills that are referred, as a matter of course, to standing reference committees. You can't have a statement appended by a committee if it doesn't have the bill.

ASSEMBLYMAN BARBOUR: I am talking about the seven-day rule.

ASSEMBLYMAN MacINNES: Oh, I see. I'm sorry.

ASSEMBLYMAN BARBOUR: I started out with the statements and wound up with the other - a typical trick.

ASSEMBLYMAN DOYLE: Unless there are any other questions, Assemblyman MacInnes, thank you for your continuing interest and for your testimony today and for your statistical analysis - whether it be right or wrong. I think the committee would like the benefit of all the figures you have, some of which

were not in your prepared statement, but which you gave later in answer to some questions.

ASSEMBLYMAN MacINNES: They are in this form right now--

ASSEMBLYMAN DOYLE: Perhaps you can give it to us in a little more orderly form than a yellow pad.

ASSEMBLYMAN MacINNES: I'll have to clean it up a bit.

ASSEMBLYMAN DOYLE: Thank you very much.

ASSEMBLYMAN MacINNES: Thank you for the opportunity.

ASSEMBLYMAN BARBOUR: May I say we asked a lot of questions to make a good thing better.

ASSEMBLYMAN DOYLE: On the schedule I announced earlier the next witness is W. Ray Kohler, representing Common Cause of New Jersey. Mr. Kohler?

W. R A Y K O H L E R: I will try to stay away from statistics.

Mr. Chairman, members of the committee, my name is Ray Kohler. I represent New Jersey Common Cause, an organization with over 13,000 members.

I would like to begin by complimenting the committee and the Assembly on the effort that has been made thus far in Rules changes and hope that will be a continuing process. We believe that there are still some additional changes that need to be considered.

I would also like to compliment the Assembly and the Legislature in general for the toll-free telephone number that is now available. I have tried to use that on a number of occasions and found that on some occasions I had to call as many as five or six times. I think other people must be using it also.

We are committed to a policy of openness, accountability and responsiveness and we believe that the number of people using that telephone number must be an indication that some people are interested in what's happening in the New Jersey Legislature. That will help educate the public and we commend you on it.

We believe that currently a crisis of integrity exists in government. We don't think that rules can necessarily be enacted that will guarantee integrity. We do think that rules can be enacted that will show a lack of it.

In the previous discussion there was some question of what constitutes an emergency. I suppose if you could define what an emergency is you wouldn't have an emergency. So, what we are suggesting is that we can't guarantee good legislation with good rules but if we have good rules, we think that bad legislation, or ill-considered legislation, will be exposed. We think that is important for the public to be aware of.

I have presented to the committee a copy of a prepared statement. I think in the interest of time I will just summarize that statement, point by point. It will probably be easier to do that way.

The first thing we would like to deal with is the Assembly Minutes. I don't know whether you know how difficult it is for the public to get a copy of the Assembly minutes. Sometimes you chase around to three or four people and they keep sending you to someone else and they finally tell you it is on record in the Library. Since we do not always have availability to the library, we find it difficult to get the minutes.

Furthermore, there are a lot of things that we

would like to know about legislation that is not contained in the Minutes. In fact, I brought with me a copy of the Minutes, a copy of the Legislative Index and a copy of the New Jersey Legislative News. You can find some of what you need to know in all three of those but not all of it in any of them. It tends to defeat the purpose of educating the public and I hope that isn't intentional.

What we would like to see is a more comprehensive system of disseminating information. Now maybe that would not necessarily take the form of a changed set of minutes. Maybe it would have to be something that would have to be worked out with the Senate, so that a joint presentation could be made. We feel that it has to be made regularly, not after a three-month period because then much of it is history and not of immediate interest. In fact, we would like to recommend that you take a look at the Eagleton Institute's recommendations - The Eagleton Study of 1970. They suggested that there should be something available which would give status of bills - all bills that are introduced on a given day by sponsors; all bills ready for a second reading; all bills ready for a third reading; all bills awaiting the Governor's action and all veto-override bills - that there should be a place for committee reports - all committees that will meet the following week; attendance at committee meetings; actions taken on bills at committee meetings - that there be a place for rollcall vote recording and, finally, that there be attendance figures on the rollcall vote recording. I would like to suggest that New Jersey Common Cause believes that there should be rollcall votes on all bills, resolutions, motions and amendments.

As I say, we are not sure what form this should take. If it can't take any other form, then we strongly recommend that it be added to the Minutes. If you feel that some other form would be better, then we would recognize your discretion in this.

We also would like to say that the cost of some of these other services seems rather prohibitive. I tried to check and I got what people said they weren't sure of, but they thought they were correct figures. For instance, the Legislative Index: Apparently on a subscription basis, this costs \$85 a year. Now I know that members of the Assembly and Senate can give complimentary subscriptions but I think you are limited in the number you give and most people wouldn't have access to those.

The Legislative News, I believe, is somewhere around \$45 a year. And, as I say, the Minutes are almost impossible to get. You can't even buy them, I guess. We think there should be some better method of disseminating information.

The second thing is what was alluded to before - we would like to deal with it in a different vein - that is, an idea of seven days advance public notice for all bills between second and third reading. Notice I didn't just say bills that didn't get prior committee consideration; I said all bills. We think that that time is necessary for the Legislature, itself, to make itself familiar with committee reports - bills coming from committee. If it is going to be voted on the next day, and when we see the tally boards have so many bills on them on occasion, it is unlikely that a legislator has time to study those bills.

We also think that it gives the press a chance to inform the public on legislation that would be voted on later. Now I recognize the discussion on emergencies. We are not saying that the provision

in the rules which allows emergency situations should be eliminated. We think that should continue. We do think if any of the statistics are proper, whether it be 20% or higher, that that's probably been violated - the intent of it anyway - and we think that would be too high.

Furthermore, I have heard that on occasion there have been times where the bill printing room cannot get the final draft of the bill to the legislators by the time it's to be voted on. That seems to us to be a poor system - or a poor way - of doing things.

I would recommend one other thing - and bring it to your attention. The Beadleston Commission, in 1971, polled the current Legislature on this and found that 98% responded to a question, in the affirmative, saying, "should a calendar of bills for floor votes be made known to the legislators and the public a week in advance - a week or more in advance?" Now if 98% of them were in agreement on that, that obviously doesn't just reflect one party - or the majority - we feel that they must have found some negligence here and we recommend that change.

Our third point is roll call votes. As I mentioned before, we think there should be roll call votes on all motions, amendments, bills and resolutions and that that should be made available to the public in published form. It could be waived under the consent calendar system. On that system it is obvious that those who are present apparently are in agreement, so we don't have any problem in that situation.

Number four - the fourth point - is committee responsibility. We don't think that a statement of purpose is enough for a bill. We think that if the Committee considered a bill, that it should include, along with a statement of purpose, some pros and

cons, as they develop them, concerning the bill.

Now you might say, "who would have time to read it?" We hope that the public would. We hope that the press would deal with them and we hope that the Legislature would deal with them. If you would adopt our seven-day advance public notice, you would have at least seven days to deal with them.

As far as another question that developed, although we think that they might be useful to the court, that usefulness we see, can, in some instances, be questioned. We think that the pros and cons would be most useful to the public before final passage of the legislation so that they could then inform themselves. Let's face it, sometimes it is difficult to tell exactly what's intended by legislation in the form that it is presented. If they then found that it didn't seem to meet what the intent was that was suggested, then modifications could be made later, before it is finally passed.

Point number five - we suggest that executive sessions of committees be determined by a majority vote of the entire membership and not just the chairman. We think that it should be a public vote and we think that an announcement should be made concerning the matter to be discussed at that executive session - a reason given for that executive session. In fact, one of the things that seems to have attracted a lot of attention and one of the things that we are supporting is an open meetings bill at all levels of government. There are specific provisions in that bill limiting the kinds of executive session. We feel that if the legislature is going to consider that in the affirmative - and I believe the number of co-sponsors indicates that it will be considered in the affirmative - that they should be willing to set a

prior precedent in dealing with that.

Number six - we believe that subcommittees should be governed by the same rules that apply to full committees. We think they should be open. They should be accountable. We are not asking that committee meetings, or subcommittee meetings, become a circus. We are not asking that just anyone who shows up be able to jump up and have their say at any time during the proceedings. But we do think that committees should be open, and the subcommittees as well, and they should follow the same rules.

The final point - number seven - is one that, I guess, deals a little bit with something that Assemblyman MacInnes mentioned - although ours is a little different. We recommend that, if a committee has not taken final action on a bill 90 days after it has been introduced to that committee, that a petition of one-fifth of the members of the Assembly may discharge that bill for floor action. Now notice I didn't say to the conference committee. We are afraid that if it goes to the conference committee, then we have another thing similar to the old caucus system and that is just substituting one kind of charade for another. We are not interested in that.

We think that the one-fifth shows, or gives some indication, that there is more than just one person interested in the bill. We also think that it protects the right of the minority and we think that in any kind of democratic system the minority's rights must be protected, along with the majority.

Those are our recommendations. I have indicated in my prepared statement where we think that the recommendations probably would best fit into the rules, although this last one seemed to me could fit into

either Rule 10:7 or Rule 10:16(c). I wasn't sure whether either of those was the best place so I just arbitrarily selected one.

Incidentally, one last thing: You are probably aware that during the election campaign, Common Cause conducted a poll of all candidates and in all these issues the vast majority - and I could give you the rundown on each one if you are interested - of the people who were eventually elected - the successful candidates - said that they were in favor of most of these changes. Not all of these were included; the subcommittee one was not included, but most of them were.

ASSEMBLYMAN DOYLE: Thank you. Mr. Hamilton?

ASSEMBLYMAN HAMILTON: Very briefly, I think that, certainly, some of the matters that you proposed are matters that the committee is in accord with. The rule about subcommittees operating under the same rules as the standing reference committees is a matter that we talked about at one of our earlier meetings. While we didn't specifically include it, we thought it was implicit and we may well decide to make it explicit, in light of the continuing concern that it may not be so.

The proposal under three - for roll call votes - is something that we considered at great length and our problem was in finding the appropriate language. I would say respectfully to you that I don't think your language quite makes it because you do call for all resolutions to be the subject of a roll call vote. As you know, we have an awful lot of welcoming resolutions and memorial resolutions and congratulatory resolutions and I am sure that neither of us wants to have those subject to a roll call vote.

MR. KOHLER: Excuse me, could I respond? I do not intend that my language be the official language. I just intend that to be the language of the purpose of Common Cause in expressing itself. It was not written as we would have it included in the rules.

ASSEMBLYMAN HAMILTON: With respect to that one proposal, there was, as I recall it, no substantive objection by any member of the committee to the concept. The problem was in getting out a product that we could point to with some pride and that would be some real progress. We weren't able to come up with definitive language to eliminate those kinds of resolutions. It may be that the word "formal resolutions" would do it. Although I still foresee problems when the board remains open, after regular business, and you are in routine business and bills are being introduced and there are special orders to advance them. Clearly there is nobody there for a roll call vote. So while we agree, in concept, with that one, I, at least, haven't yet figured out how we can do it without hamstringing ourselves on heavy roll call votes on which no one would want a roll call vote.

MR. KOHLER: There wouldn't be that problem on amendments though, would there?

ASSEMBLYMAN HAMILTON: No. On amendments and motions to refer back to committee, and those kinds of things, I think the public is entitled to know. Because frequently you can kill good legislation without ever voting on it, merely by sending it back to committee for amendment. I think that those matters ought to be matters of public record.

I think that would be the unanimous consensus of the committee. Again, the problem would be, how do you articulate it?

The only other thing that I did want to comment on - and it is, perhaps, appropriate in light of the results of the survey that you mentioned-- I think Assemblyman Kean mentioned this when we were debating the new rules. I am sure that probably every member of the committee supported the concept of Rule 10:7. We thought about a number of vehicles for achieving relief from oppressive action, or unfair action, by a reference committee. You have opted for something along the lines of what is on page 6 of your memorandum. Assemblyman MacInnes would take a little different approach. But we thought that we had probably addressed the problem by retaining the 24-hour rule and by specifying the powers and obligations of procedures of a conference committee. I think there is substantial amount of sentiment on this committee that if it proves that we are wrong in any of those particulars, we either have to take this or we have to take something like Assemblyman MacInnes has come up with, or something further. Each of them is different in kind.

This proposed 10:7 would allow one-fifth, or 16 people, to override the action of the reference committee. We took issue with Mr. MacInnes on a simple majority on the conference committee being able to override, in other words, votes of 41 members of the conference committee being able to override a reference committee that gave full and clear consideration. That's why we put the requirements of consideration and release in the conference committee rule. But I think we ought to take a continuing look at this and see where we go. Once again it is a problem of how many

ways do you try to approach the same problem of an unresponsive reference committee. Hopefully we don't have them anymore. I can't say that we don't, but hopefully we don't and, hopefully, if we do, we have mechanisms that will approach it. But, certainly, we will take a further look at all the mechanisms that are advanced by Common Cause, by Assemblyman MacInnes and by anyone else who may come up with a little different approach today, addressing that problem, because it has been a real problem in the past.

MR. KOHLER: Our concern with having it go to the conference committee was that that does not always protect the rights of the minority and we felt that this may possibly do a better job. We are afraid that the conference committee will become, as I said, the old caucus system again and then we are back to-- The committees then don't have any responsibility. Everything is decided in the conference with the caucus and then we have that whole problem again. That's why we did not opt for that.

ASSEMBLYMAN DOYLE: Assemblyman Barbour?

ASSEMBLYMAN BARBOUR: I have essentially the same remarks to make that Assemblyman Hamilton made except that I would like to reiterate his position on the discharge petition. I have a good deal of problem with that.

I don't like to see a committee bottle up legislation but if a committee has given bona fide and serious consideration to a bill and has voted not to release that bill, I don't think a fair treatment is 15% or one-fifth, or figures like that, to let that bill come out on the floor. Because I know from experience that I can get 10 or 12 or 13 or 14 or 15 or 16 or 17 - I don't

know just what the limit is- assembly people to sign almost any bill that I talk with them a little bit about to get it out to the floor for a vote. I think that is bad. I think the committee members, if they have given bona fide consideration to it and it is voted not to release it - I think it should need something more than that kind of percentage to get the bill out on the floor. I don't have the fear that you have of the conference committee. If the conference committee is set up under proper rules, I don't see why anybody, really, should have a fear of it. I think they are raising a bogeyman that doesn't exist.

MR. KOHLER: Excuse me, could I ask is the conference committee going to be governed by the same rules that govern standing reference committees? Would it be completely open and will it have recorded votes?

ASSEMBLYMAN DOYLE: The answers to those questions are provided already in the rules adopted January 31st and they are all in the affirmative.

ASSEMBLYMAN BARBOUR: Actually, last year, it sort of operated that way. The only problem was that nobody knew when it was going to meet.

ASSEMBLYMAN BURSTEIN: There were several problems last year, Mr. Barbour.

ASSEMBLYMAN BARBOUR: That was the biggest problem.

I think everybody is in agreement that the conference committee is going to meet like the reference committees and the same rules and regulations will apply. I would really prefer to see it be given an opportunity to work and then, if it doesn't work, we can have some viable alternative.

MR. KOHLER: I understand your sentiment. I would like to make one response. I think there are some times when the full Assembly might feel that it is more convenient to have something bottled up in committee so they don't have to commit themselves on it because of the political implications of it. This is one way that we could prevent that.

ASSEMBLYMAN BARBOUR: I would just point this out to you. Suppose it is released by a petition of one-fifth and it comes on the floor and the first motion is to send it back to committee for amendment?

MR. KOHLER: I agree but I think that is revealing. I think we, to some degree, understand that sending it back is sometimes the same as killing it and we can at least take that into consideration.

ASSEMBLYMAN BARBOUR: I think a viable amendment can be proposed, or suggested, for almost any piece of legislation. If the purpose is to kill, it probably is going to get killed.

MR. KOHLER: Yes, but my point is that we would like to know who is for or against it sometimes - for the entire Assembly - as opposed to just hiding it behind a committee that doesn't release it. We think that is part of our idea of accountability. But I understand what you are saying.

ASSEMBLYMAN BARBOUR: I think it is too but I don't know that you are going to get it the way you are going.

ASSEMBLYMAN DOYLE: You proposed a rather comprehensive system of committee reports, including not only statements but pros and cons and development of issues and materials; all of which makes a member have to do more and spend more time. The whole idea of the seven days is to give more time for consideration. Do you think that all of this that you

suggest is consistent with what has been a part-time legislature?

MR. KOHLER: I think that most studies that have been done suggest that the legislature is very much understaffed. If what you are asking is, "will we have time to do it," I think the Legislature needs to find a way to do it.

What we need is good, well-considered legislation. In fact, the democratic system is not the most efficient system and not the speediest system. I am sure a dictatorship can decide things rather readily. So if we are going to have a democratic system that is going to have integrity, I think we are going to have well-considered legislation.

Now, if what you are going to say is that there is no time to do it, then we are in a rather bad situation. I think we have to find the time to do it. If that means eventually becoming a full-time legislature, maybe that is what is necessary. We are not suggesting that now but we think that some of these things can be done without having a full-time legislature. Possibly we would need additional staff people and we would not be against that if they are properly used.

ASSEMBLYMAN DOYLE: If all of the bills that have been introduced would have to be put onto the floor within 90 days - if they had not been considered - that would number already, this early in the session, into the thousands. Given that fact and your testimony and what other people have said, it has often been suggested that, perhaps, what should be done is to find a method so that not so many bills would be introduced as are introduced. Consistent with each Assembly person's prerogative to do their legislative

function, do you think that could be accomplished in any way?

MR. KOHLER: I think the Beadleston Commission addressed itself to that and I think they decided it was rather undemocratic to limit any legislator's prerogative in introducing legislation. For instance, I think one of the things that is often considered is that beyond a certain date that no new legislation will be introduced. What if an emergency develops beyond that date? You have to do something.

I would think that maybe what we need - and I don't know that it can be written into the rules, but maybe this would almost necessitate it-- Let's face it, there is a lot of legislation introduced that no one takes seriously, probably not even the sponsor. It is introduced so that he can relieve a commitment that he has made at one time that he knows has almost no chance for passing. If we could eliminate that kind of introduction of legislation, I would think that that would reduce the workload considerably so that the more important measures-- If a committeeman knows that he is going to have to deal with much of this, I suppose he is going to be a little more reluctant to just shovel things in.

I have a feeling that maybe the way the Legislative Index records the number of bills sponsored by an individual almost necessitates this. As soon as someone looks at it, they will say, "well, how many bills did my legislator sponsor" and if he doesn't have a lot of titles below his name then it looks like he wasn't doing anything. No one bothers, often, to check to see whether those are legitimate pieces of needed legislation or whether they are something that he introduces every session and knows won't get anywhere. I don't see any way a rule can limit that. I think what we need is possibly more

responsiveness on the part of the individual legislators in doing their job. But I don't know that you can regulate that by rule.

My answer is that I would be reluctant to suggest a limitation on the number that could be introduced because I think that might limit the democratic procedure. But if that is the only way, maybe that is possible.

ASSEMBLYMAN DOYLE: It has been suggested that a bill introduced, in order to be considered by a committee, must be pushed, as it were, by the sponsor, otherwise after a certain period of time the bill would, in effect, die. What would be your thoughts on that?

MR. KOHLER: Could you explain what you mean by pushed?

ASSEMBLYMAN DOYLE: If the sponsor doesn't request the committee, to which the bill was referred, to consider the bill within a certain period of time and the fiscal note, if such is appropriate, that that bill would die.

MR. KOHLER: My recommendation would be that bill shouldn't have been introduced in the first place.

ASSEMBLYMAN DOYLE: Given the fact that it was introduced, what would you do?

MR. KOHLER: Then I guess that, if the sponsor doesn't care about it, that's all right. It seems to me that is a waste of paper and time to introduce things that aren't worthwhile to begin with.

Maybe that doesn't answer your question but--

ASSEMBLYMAN DOYLE: On the discharge petition, let me make similar comments to Assemblyman Hamilton and Assemblyman Barbour, that is, that I think we should work with the present rules to see whether

the 24-hour rule won't be used a little more liberally and the conference committee won't work out as suggested.

I have some deep doubts about how consistent a strengthened committee system is with telling the Legislature and the committees of that Assembly that if they don't get to a bill in 90 days, 16 people can put it on the floor. I have some problems with that. Perhaps the discharge procedures we have now won't work out but I think they are worth a try before we move to something which is, in my vision, as radical as is suggested by the discharge petition.

Do you think that number could be heightened and that it would make more sense than just one-fifth?

MR. KOHLER: I suppose in many Legislatures it could be heightened and would still protect the minority, but the way this state seems to elect officials, it often ends up with a minority that doesn't have much more than one-fifth. Since our main intent is to protect the interest of the minority, I think you have to keep the number low enough to see that they are protected.

ASSEMBLYMAN DOYLE: My historical recollection seems to be that there were times when the other party had majorities of 58 to 12 when we had a 60-man house and in the Senate it was 17 to 4. Would we have to drop that fraction lower and lower to take care of those situations so we could protect whatever the minority is?

MR. KOHLER: I would think that one-fifth would generally protect the minority. I suppose in the few instances where it doesn't then maybe something else should be considered. But I think this would be a good start in protecting the minority.

ASSEMBLYMAN DOYLE: It wouldn't right now.

MR. KOHLER: All right, but first of all, I am not suggesting that the minority always has to be just one party. It could be a minority of individuals who believe in one piece of legislation. But it could be a party matter and probably often is.

ASSEMBLYMAN BARBOUR: My problem and the thing that I think is more important and needs more attention is to protect the majority from the minority. Because I have been involved in politics since 1947 and I think the majority always takes many, many more lumps than they give. Really, that's true. I think that in most cases the minority party becomes the party of, or a group of, obstructionists and a group who is out to get publicity and to belabor the majority party.

ASSEMBLYMAN HURLEY: I have been saying that for years, George.

ASSEMBLYMAN BARBOUR: Therefore, I don't think they need any protection.

This whole business of the rules - I think that the rules are pretty good and I think that the comments I have heard, and the statements that have been made here, indicate that the rules are pretty good. I don't mean by that that we should forget them and not really go ahead and improve them. There is one thing that gets me, and that I think organizations such as Common Cause and the League ought to drive at, and that is the improvement of the Legislature, insofar as staffing is concerned, insofar as facilities, services, and things of this kind are concerned, because you have a problem there that hasn't really surfaced, in my opinion. It is not needed just to have a good legislative product but also needed because of the erosion that has taken place of the legislative duties, responsibilities,

powers, and authorities over the past period of time. The Executive and the Judicial are both exercising a lot of functions that really belong with the Legislative branch of government. And the reason they are doing it, in my opinion, is because the Legislative branch has been understaffed, the budget for the legislature is woefully inadequate and the facilities are the same. I think the fact of all the money and the power in the Executive and the great work that has been done in connection with the Judiciary in New Jersey has built those two up so they are the two strong brothers and the Legislature is the weak one. I think there ought to be three on the same level. I think this is the drive that we need in this state in order to restore really good government and to have an effective legislature, not a question of rules and how you operate, etc. I think that is really the biggest problem.

MR. KOHLER: Can I respond to that, please?

I don't disagree with you, necessarily, but what we want to be sure of is that once we hire this additional staffing, etc., that is it going to be used properly and in the people's interest. We don't want a lack of accountability to be discarded as an issue and all of a sudden say, "well, everyone has additional staff". In fact, we are not against additional staff if it is going to be used properly. We agree.

Most studies-- The Eagleton Study, the Beadleston Commission Study, the League of Women Voters Study, the Conference of State Legislatures Study, all of those have suggested that staffing is inadequate. I think part of that though has to be laid at the steps of the legislature itself. How long ago has it been that they were going to consider another State House, or at least other Chambers? That keeps getting

pushed aside, probably for political reasons because no one wants to vote for the expenditure that is necessary to have his own office, etc. But as long as that's the way it is going to be done, I suppose it will continue that way. I don't know that we can necessarily correct that problem.

ASSEMBLYMAN BARBOUR: That's what I am getting at. I think we can. I think we can help. I think that if thrust and your publicity was aimed in that direction, you would make it much easier for that to be accomplished.

ASSEMBLYMAN HAMILTON: I'd like to get back for just a moment to your comment about the variety of publications that report things that happen here in the legislature. I think we are acutely aware of the problem. I am not really sure that we are on the beam in solving it. I don't think that one omnibus publication, that gives everything - the bills, the sponsors, the votes, the minutes - is going to be a workable tool. It is going to have too much information, in my view.

We are considering and we - if we are not doing so today - are going to be talking to the people who have done the publishing over the years - the printer of the bills - to see if there is some way in which we can include a current history on a bill-when it gets introduced, when it gets released from committee with amendments, and otherwise - so, we are aware of that problem. We want to see if there is a way in which we can save money on bills for which you only need 100 copies and also on bills where you may need 10,000 copies because, certainly, to order the same number of copies of every bill that goes in really doesn't make any sense. For underage, oversized, or undersized policemen, you don't need too many copies.

Yet, if you get a campaign disclosure bill, you are going to have two or three tons on a printing.

So, we are aware of those problems and we are aware of a lack of information in some of those publications, although I think they do a pretty darn good job of heightening people's interest in the legislature and in making information available.

I think the bill that was passed last year - I think Assemblyman Wallace introduced it - making copies of the Index available to libraries was a step in the right direction. I had a similar bill that would have made it available to secondary schools in the state. I think maybe we have to spend a few dollars and put the tool out there at least where people can use it. There is no way in the world you can make them read it. You can't make your members read it either when you get it but the fact of the matter is there is an interest there and there is an interest in most schools where they have a good social studies teacher. There is an interest in most communities by people who belong to your organization and other organizations. So if it is readily available at a local public library at least two or three days after the fact, they could get caught up on some of them.

As far as the Minutes are concerned, I don't know. I remember getting minutes six months after the legislature was in session too. I never felt the Minutes were that helpful to me but to somebody who wasn't here, the minutes might be extremely helpful.

The whole area of printing - how we can keep our records up to date is something that we are concerned with. Maybe it is today, Mr. Chairman, that we are going to have people from MacCrellish and Quigley here, is it?

ASSEMBLYMAN DOYLE: I don't know.

MR. KOHLER: Would there be any possibility of having the roll call votes included in the Index? I know that is an independent publication. Since it comes out on a much more regular basis than the minutes--

ASSEMBLYMAN HAMILTON: I don't think at \$85 a year you could. I think the cost is going to go up if you start putting a sheet in there to show how every legislator voted.

MR. KOHLER: Would there be the possibility that some kind of an information service, at least to newspapers, could be available? I think the League of Women Voters now does it but it seems to me it shouldn't have to be their job to disseminate official legislative information like that.

ASSEMBLYMAN HURLEY: May I interrupt, Mr. Chairman? I don't know what is happening this year, but last year every newspaper in the state was given the vote after each session.

ASSEMBLYMAN DOYLE: How long after?

ASSEMBLYMAN HURLEY: That day or the next day. I don't know exactly how long it took them to get it. Joe, was it the next day?

ASSEMBLYMAN DOYLE: Once again we are into the situation where you can send it out to the newspapers but that doesn't necessarily mean that they are going to print it.

ASSEMBLYMAN BARBOUR: They got it very quickly afterwards and about 2% used it.

ASSEMBLYMAN DOYLE: I'd like to take off on Assemblyman Barbour's remarks about legislative help. There was a special Senate Committee that just reported,

a copy of that report was sent to every member of the Legislature - perhaps I feel more interest in it because the Chairman was a Senator from my district, Senator Russo - and that suggested further staff help, further aid money and provisions for district offices. I think, as Assemblyman Barbour suggested, that groups like yours should be heard on those instruments because they would strengthen the legislative branch, which I think is needed both on the federal and the state level.

One other thing you said was you felt the discharge petition was necessary so that the public could know what the Assembly people think on given pieces of legislation and that way they would have to be committed. I think the same purpose could be served - as groups such as yours often do - simply by the process of buttonholing and publicizing, either by citizens of an aware constituency or by groups such as yours. I don't think that we have to have discharge petitions to serve the purpose of committing people to a particular position on given pieces of important legislation.

MR. KOHLER: There are two things that cause problems with that. First of all, if someone doesn't respond, they obviously aren't on the record - or the record that will be given to the public. That happens in some cases. In fact, we have a whole delegation from one county that didn't respond, apparently by plan.

There are others. There can always be a suggestion later that they misinterpreted what the question meant. Then it becomes a semantic debate as to whether it was a proper question, or properly posed. If it is, let's say, a question that is voted on in the Assembly, it seems to me it is less likely that

could be used as an argument. People can always abstain from voting but I think that also says something sometimes.

ASSEMBLYMAN BARBOUR: May I be a little facetious? Maybe I am a little overly sensitive but I see a lot of television ads about Common Cause and it seems to me they are taking credit for everything. You know, this rankles me. I have been working, as I said, since 1947 and most of my drive in this kind of thing has been in this direction. I have been there and I have been working. I have instituted law suits where I have prepared all the pleadings, paid all the expense, for the purpose of having openness. I do resent, very frankly - and many people that I talk with do resent - Common Cause taking all the credit - all the credit.

If you listen to those commercials you will see that I am not exaggerating. Now, what I would suggest is to drop those commercials and get up some commercials that point out the need for the facilities for the legislature and this would be something that could be used nationwide because every state is in the same box - also the need for additional staffing, the need for additional services, the need for-- all of the needs that we have. You would make the people so much aware of what the problems were and what the needs were and what good could be accomplished by it that I think your dollars would be much better spent.

ASSEMBLYMAN HAMILTON: Assemblyman, when Common Cause has a public hearing, you can be the first speaker.

ASSEMBLYMAN DOYLE: I know that Mr. Kohler might want to respond but I think there is little that we can put in the rules that will govern Common Cause's television commercials.

Unless there is anything further, I'd like to thank you for your testimony and also for the Common Cause notation that was sent to all of the Assembly people, commending us on the adoption of a new set of rules. We recognize, as you did in that letter, that perhaps there are areas for further consideration and we will certainly consider what you had to say.

MR. KOHLER: Very good. I would only respond that we are pleased that at least some people see our commercials.

ASSEMBLYMAN DOYLE: In announcing the time schedule, I said that the next speaker would be Mrs. Rosen from the League of Women Voters. With her permission, I had a note given to me that Peter Allen, representing the New Jersey Retail Merchants Association, has brief testimony and has a time problem. With the concurrence of the rest of the committee, which I have obtained, I might take him out of turn. His statement is going to be brief. Mr. Allen?

(Common Cause full statement on page 38A)

P E T E R   A L L E N: Thank you for your consideration, Mr. Doyle. First, I would like to commend you, Mr. Doyle, and the other Committee members for calling this hearing for the betterment of the legislative process in our State and to allow more people to participate, fully, in the democratic process.

Many suggestions have been offered already to the rules before today and several others, of course, have been offered this morning and articulated quite well. While my organization agrees with most of these recommendations and suggestions, I certainly won't repeat them now but, instead, I would like to offer support for the amendment to Rule 15.2 proposed by Mr. Mac Innes with a further correction. I propose the correction to be: "except that no bill or resolution, which has not been referred to a Committee, shall be taken up unless all members of the Assembly have been notified by telegram or letter and a public notice shall have been posted in a conspicuous place at least seven calendar days prior thereto." This, I think, would insure ample time for members of the public to contact their representatives before a final vote is taken on any bill.

I would also support for Mr. Mac Innes's amendment to Rule 10:12 requiring a statement by a bill sponsor, as well as a statement by the Committee when released, which would clearly put forth the legislative intent of the bill.

Aside from those two recommendations, Mr. Doyle, I want to thank you for the opportunity for allowing me to present the views of my members today.

ASSEMBLYMAN DOYLE: Thank you for your thoughts. So as to keep the record clear, under the new rules which

you addressed yourself to as 15:2 - and so did Assemblyman Mac Innes - is now known as 15:3. I appreciate your comments on that and on the other Rules you spoke on.

Gentlemen, do you have any questions?

ASSEMBLYMAN HAMILTON: Mr. Allen, we already see the problem, I guess, from our side of the fence on us getting up the speed of what the Education Committee or the Transportation Committee did. The people that you represent -- what is their concern? They don't start taking an active interest in a bill until it looks like it's coming out of Committee and there is not enough time if you don't get the seven day notice? In other words, we get the complaint, not only from you -- I had a Freeholder of my party and my county on the Juvenile Justice Bill and he said to me, "Hey, you fellows passed that bill and now it's going to cost the county some money and you ran that by us." Well, my answer - silent sometimes and outloud other times - is that bill went in 15 months ago. You can read the Legislative Index the same as I can, but we can't send a Public Notice out to everybody who might be affected by every piece of Legislation introduced. There is a certain amount of self-help. I'm not critical of you, but I'm asking you, at what point ~~does~~ the interest of the people that you represent really trigger off so that we can judge the need for additional advance notice of a vote on a bill.

MR. ALLEN: Okay. We review every bill that is introduced as everybody else probably does. Our staff, our resources, are extremely small-- there is myself and another gentleman reviewing all the pre-filed bills. For example, this year it's an extremely tremendous job in addition to all the other things

we do. We review all the bills. We try to separate those which we feel will affect our members and those which won't. Then, we attempt to watch the progress of each of those bills as they move along or move through the Committee or are amended or what have you. Our interest in those bills, which receive, in our opinion, top priority, I think increases as the bill itself progresses. So, to ask - at what point do we become interested - it's really right from the very beginning, but I guess our interests on certain bills narrows down to bills that will affect our industry the most as the bills move along.

ASSEMBLYMAN HAMILTON: Is the need from your point of view then one that when it's out of Committee, you want to be able to generate support if you're in favor of it or opposition. In other words, you want a chance to be effective not just to be informed, but a chance to be effectively heard either for or against. Is that what it boils down to?

MR. ALLEN: That's right. We would appear before a Committee and offer either our support or our opposition to a particular bill. If we think the bill is very bad in our opinion, we would ask that it be rejected. If we feel that the bill has merit -- and I would like to point out that in most cases the Committees that we've appeared before, so far, on the bills that we spoke on, we felt that the bills have had merit; however, we feel that with our expertise and background and the input that we can introduce and offer, we'd like to offer amendments. Those amendments, of course, are not always incorporated in the bills, so we would like a second chance, again, to represent the people that we are in favor of to perhaps contact not only the Committee members but also all Legislators. So, we feel that this second chance is

vitally important. I'm not speaking just for our own organization but I think for anybody; it's very important.

ASSEMBLYMAN BARBOUR: You really do have a second chance, though, as it's operated. You have the other House.

MR. ALLEN: Well, let me say, then, that we would like two second chances.

ASSEMBLYMAN BARBOUR: I understand. It really is a situation that does have to be measured. How long do you drag it out? How slow do you make it go? I know from practical experience that, once the bill is out of Committee and has been noticed to be on the board, there aren't many minds that are changed.

MR. ALLEN: Well, I don't know whether I fully agree with that. However, in listening to your report - your remarks - earlier, Mr. Barbour, about the time interval involved and the delaying action involved, obviously, you cannot consider and vote on and pass or reject every single bill that is introduced or even every bill that is considered by a Committee. There just isn't sufficient time. I think if a bill is important enough, in your minds, to come to the floor for a vote, it ought to be given the fullest possibility of complete exposure and complete airing and complete hearing on everybody's part. I would think that, if you feel a bill is important enough to come up for a vote and has a high priority, the additional seven days is not an undue burden; in fact, if that bill is that high in priority, perhaps another bill of lesser majority could be put aside.

ASSEMBLYMAN BARBOUR: My remarks were in no way an objection to it. I have no problem with it at all. The only thing that I really meant by my remarks is that from practical experience -- the

time to get your input is with a Committee. It doesn't mean near as much afterwards. That's the way you would have to do it -- the job. I have no objection in giving a weeks' notice, ten days', or even two weeks' notice. All it would do is require better programming and planning -- set something up so that it keeps moving.

ASSEMBLYMAN DOYLE: Assemblyman Hurley?

ASSEMBLYMAN HURLEY: I don't have a copy of your statement, but you said, " to post it in a conspicuous place ". What do you have in mind?

MR. ALLEN: I was thinking of the Legislative Bulletin Board out here in the lobby.

ASSEMBLYMAN HURLEY: Well, since you didn't say where - and I don't have a copy of your statement - I didn't know --

MR. ALLEN: I don't have a copy of the statement either. I don't have a written statement, gentlemen. I'm sorry.

ASSEMBLYMAN DOYLE: Did I understand you to speak on behalf of the mandatory committee report proposal of Assemblyman Mac Innes's that the standing committees would have to file a statement with every bill they reported?

MR. ALLEN: Yes.

ASSEMBLYMAN DOYLE: Could you see your staff limited as it is participating in the drafting of such statements and bills that it felt strongly in favor of?

MR. ALLEN: Drafting the statements themselves?

ASSEMBLYMAN DOYLE: Yes.

MR. ALLEN: Yes. We would be willing to exert additional effort to do that because now, as I say, we ask for the opportunity to draft amendments to bills. In fact, we've offered our services to every

Legislator in the field of consumer bills or retailing type of bills where, if a Legislator has an idea in mind, but hasn't committed it to writing, then we'll sit down and help with that. We'll get some expertise from the retailing industry to offer input to do that.

ASSEMBLYMAN DOYLE: Thank you very much for taking the time to come out and speak to us. We appreciate it.

MR. ALLEN: Thank you.

ASSEMBLYMAN DOYLE: Mrs. Rosen?

Mrs. Rosen, thank you for the courtesy in letting Mr. Allen - and all those others that will follow after you - speak first. The gentleman did have a problem.

S E L M A R O S E N: We ladies never mind having the last word.

I am Selma Rosen, Legislative Reform Chairman of the League of Women Voters of New Jersey. The League, with over 9,000 members strong in New Jersey, has long been concerned with legislative reform. This concern was sharply focused as a result of a study of the legislative process made by our members. We are committed to working for a legislature that is effective, efficient, open, responsible and responsive. We welcome this opportunity to comment on how the Assembly rules can help achieve this goal.

But first, the League wishes to congratulate the Assembly on the considerable progress already made in its newly adopted 1974 rules; particularly in the revitalization of the Assembly reference committee system. For the first time the rules spell out a clear procedure whereby proposed legislation will be studied at open committee meetings, regularly held and regularly attended by committee members. We appreciate that there will be advance notice of

both meeting dates and a list of bills which will be considered and that minutes of these committee meetings must be made available. We anticipate that all these changes will afford the public increased opportunities to observe and participate in the legislative process.

In addition, your publically stated intention to continue studying the rules and to consider further changes in the rules is to be commended. The prompt scheduling of this public hearing is consistent with that intention.

Here are some changes and additions to the rules that the League proposes.

#### Assembly minutes and other records

It would be useful if the minutes of the Assembly were published and made available within thirty days and this should be specified in the rules. In the past there have been delays as long as six months. Prompt reproduction of all official records, including minutes of committee meetings and hearings, is needed if the public is going to effectively monitor the legislative process. Likewise legislators need this information promptly.

Additionally, we recommend that a rule be adopted requiring that no bill on which a hearing has been held be calendared for third reading before the printed testimony of the hearing is available to all Assembly members.

#### Recording of votes and attendance

All votes taken on the floor of the Assembly should be roll call votes, including votes on amendments. Presently, information on how individual Assemblymen voted on amendments is not usually available even though these votes may be as important as the final votes. Also needed is some recording system that will distinguish between abstentions and absenteeism. They are not the same thing.

Obviously before this latter proposal is feasible, it will be necessary to institute some system of recording comings and goings of Assemblymen. A simple Roll Call vote at the beginning of each session does not record late arrivals

and early departures. We recommend that a rule be adopted requiring that an Assemblyman arriving or leaving after the initial roll call vote must notify the Speaker of the Assembly and that this should be noted in the minutes of that session.

Absent members of the Assembly should not be allowed to submit written statements in favor of or opposed to a bill. The public interest is better served if their position on a bill is reflected in an actual vote. There are sufficient opportunities through speeches, letters and newspaper releases for an Assemblyman to make known to the public his stand on any bill.

#### Motions to reconsider

We are concerned that the provision in rule 13:11 dealing with motions to reconsider may be too restrictive. While it is desirable to discourage needless repetitive voting, requiring 30 affirmative votes before a motion to reconsider is allowed may be too large a number under certain circumstances. If there are many legislators either absent or abstaining, a majority of those present and voting may be less than thirty. Therefore we propose that before a motion to reconsider can be made, the bill shall have received either 30 affirmative votes or majority of the votes of those present and voting (whichever number is less). This would also discourage abstentions.

#### Final votes on bills

Rule 15:10 requires only one calendar day between the second and third readings of a bill. In order to assure full public discussion before a final vote is taken on a bill, a week seems a more reasonable period.

#### Advance Notice

Arrangements should be made for providing more public information in advance about legislative proceedings. We recommend a "calendar service", a weekly or twice weekly mailing available to any member of the public free or at nominal cost giving advance notice of what bills are coming up for a floor vote or for discussion at committee meetings, upcoming public hearings, and other relevant information. (This assumes that nothing other than matters of a true emergency nature will be brought up unless notice has been given by means of this calendar.) Suitable provision in the rules should be made to

institute such a system. The calendar could also list bills reported out of committee and the votes and attendance records of committee members.

The Legislative Hot Line is no substitute for this sort of regular, comprehensive service.

We were pleased about the creation of the Legislative Hot Line, which could well become the nucleus of a Legislative Public Information Office, the setting up of which we have often recommended in the past. The experience of our members with it has been good, when they have been able to get through. We hope the Legislative Services is considering additional lines.

#### Recording Debate

Debate on the floor of the Assembly should be recorded verbatim and be available to the public. We do not propose printing it all. (Copy of a report on other states' procedures is attached.) Further, permission should routinely be granted to bona-fide radio and TV personnel to broadcast live or taped parts of session. We hope the recent televising of an Assembly session by the public broadcasting channel is just the first of many such programs that will be broadcast. If we hope to encourage wide interest in state government, our citizens need more exposure to legislative discussion and debate.

#### Statements of explanation

Rule 10:12 which provides that standing reference committees may attach statements explaining the purpose of any reported bill including any suggested substitutions and changes should be changed to read shall. Such explanations are very useful and help clarify the committee's action on a bill. If the committee members are unable to agree on a proposed statement then a minority statement could be added.

At the very least such committee statements should comment on the inadequacy of the sponsor's statement now required (in Rule 15:4).

#### Executive sessions of committees

The rule providing for open committee meetings could be strengthened by prohibiting executive sessions of standing reference committees unless there is first a vote taken at a regular open committee meeting to hold such an executive session. This would alert the public to the executive committee meeting and en-

courage standing reference committees to make more decisions at open meetings of their committees.

### Legislative vacancies

We recommend an addition to the rules to provide that this house issue writs for special elections to fill vacancies in your membership promptly. An unfilled vacancy means that many voters are not fully represented in the Assembly for extended periods of time. Since a majority of 41 votes is needed to pass legislation in the Assembly, vacancies can also mean a negative vote as long as they exist. Only speedy filling of vacancies can prevent this and assure full representation of all New Jersey districts.

In general we are pleased with the new rules that have been adopted and the willingness of this committee to consider additional changes. We hope that the new rules will be strictly adhered to and that "emergencies" will not be utilized to set them aside.

In addition we are concerned about staffing requirements needed to implement some of these rule changes; particularly in the areas of committee staffing and bill drafting. Therefore, we will support reasonable increases in the professional staff of this Legislature and hope that there will be a supplemental appropriation in this year's budget to make this possible.

Thank you.

ASSEMBLYMAN DOYLE: Thank you.

Let me ask one question. On that staffing, would that include - in your mind - staffing in homes offices in the district level as well as additional staffing here in the State House?

MRS. ROSEN: I think that the League has priorities, and we feel that the most important thing would be staffing of the professional staff, here. We would like, for example, to see each committee have its own staff member, rather than sharing a staff member. We think that - particularly in the area of bill drafting, if we are going to have all these statements added to bills - we ought to at least provide some more help in that area. These would be our priorities presently.

ASSEMBLYMAN HAMILTON: Thank you, for what is a very constructive and comprehensive statement. About the only thing that I would ask - on page 2, in calling for a Rule that would require that no bill be put up for third reading until the printed testimony of the hearing is available, I'm assuming that you are referring to where there is a Public Hearing that has been held?

MRS. ROSEN: Yes. In the past, this has not always been true. There have been hearings but the testimony has not been available, and the whole thing is over before anybody ever sees the testimony.

ASSEMBLYMAN HAMILTON: I know that that is true, and I don't think that we've looked yet at the mechanics of what's going to happen with the testimony we're taking today, for instance. When is it possible to get it back without taking precedence over other matters; when would we get it back if we don't take precedence for that kind of thing. I think we would probably have to ask that question before we can adopt that Rule. But with the exception of the required statements on bills released by Committee, I think that everything that you've proposed, I personally am in accord with, and I, on that one, remain unconvinced and I hope I'm not unconvincible. It just seems to me that that is going to create more problems than it is going to solve. We've got it where it is permissive. To my knowledge it has never been in the Rules, before, that it was even permissive. The only time you made a record of Legislative History on a bill in the past is when you had a Public Hearing such as this when, frequently, there was the problem about getting the testimony even recorded. But I think the comments that you've made are both productive and concrete. The one other item - on the motion to reconsider, we

were well aware that there was nothing magical about 30 votes when we took it up and we looked for some other test. It may well be that the majority of those present in voting might be the way to do it but, certainly, I'd like to thank you for your testimony.

MRS. ROSEN: Oh, thank you. I would just like to comment on this question of how you do all these things that we are asking you to do. I think the only problem - as far as affixing these statements on to bills as they leave Committee - is a question of staff. I think our New Jersey Legislature is going to have to be a little bit more generous about voting themselves more staff if they want to be effective and do all these things. They simply need more help, and the League is prepared and has always, in the past, supported these kinds of additional appropriations.

ASSEMBLYMAN HAMILTON: There is no question that we would have to get more professional staff but, I suspect, that some of us - in fixing priorities for those new staff members - might rather have them do things other than writing statements on bills where we think that the bills are self-explanatory. On those bills where there does have to be a statement, I agree that they ought to be spending their time on that, but I think that is the one point where we might part company -- not on the need for the additional staff, but how we would use that staff when we have qualified people to do the work?

ASSEMBLYMAN DOYLE: Assemblyman Burstein?

ASSEMBLYMAN BURSTEIN: I would largely echo what Assemblyman Hamilton has said with regard to the basic position the League has taken. They are very much consistent with most of my views. But I do want to point out a couple of things in the

statement that, I think, are not quite in point. Perhaps, I am missing the point and you can clarify it for me.

One relates to the last paragraph on page 2 which talks in terms of absent members of the Assembly not being permitted to submit a statement. I have no knowledge, at the present time, that that is permitted.

MRS. ROSEN: Well, that was according to the agenda that, I think, was made available as to what would be discussed today. That was one of the proposals that has been made. So, we are reacting not to the Rules, but to a proposed change in the rules.

ASSEMBLYMAN BURSTEIN: All right. Now I understand what that comment was about. I think that related to a motion made by Assemblyman Orechio if I recall correctly. I think, also, that on the motion to reconsider - which concerned us in the original drafting of the Rules - due to the fact that, in our view, there had been an abuse of that privilege by some Assemblyman during the course of the last Legislative year, we had to put some kind of restriction on that. I think that the suggestion of putting it in alternative terms - 30 votes or a majority of those voting - may very well be something that could be useful to us.

I do, at this point, want to go on further, since I had not been present, unfortunately, at some of the earlier portions of testimony, as it relates to statements appended to bills in making them mandatory because it's a pet peeve of mine, and I think too much is being made of it. I don't want to make you the butt of these remarks but, nevertheless, feel that they ought to be made. I think that there is a gross misconception about the utility of having these

statements. It is easy enough when you have a one or two page bill, to put on a statement annexed to it by a staff member, that would, in effect, interpret it for the general public and for the Committee and the Legislature as well. But when you're dealing with more complex pieces of legislation, what you are asking for is something that would be analytical to the point of being useful beyond the bill itself. I don't think that you are going to be able to achieve that. Further, I don't think that you can achieve it, in such a way, as to be useful in cases of litigation where a Court would have to interpret the meaning of a bill. Because most instances of statutory construction involved in litigation have to do with phrases in context of the general bill - which normally would not be reflected in a Committee statement of any sort - and unless you would have the kind of back-up material that is incorporated in the Federal process, in the Senate and the House of Representatives on the Federal level, it does not seem to me to be at all useful in that regard so that all we are doing in mandating is creating additional work and, in my view, needlessly.

I would like just to get, if I may, your considerable views on that.

MRS. ROSEN: I think we have two interests in having these statements added.

One, the League feels not only that they want to inform their Legislators about what is going on and what is happening here and what our reactions are, but get a lot of requests from other public organizations who don't regularly come to Trenton and don't follow the Legislative Sessions very closely and who want information. I think, first of all, that these kinds of statements would be helpful to the less sophisticated

readers of bills. That would be one function that I could see that they would serve.

Another function - which I think is far more important - is that we ought to be sure about what these bills mean. I think that in cases - and perhaps this only refers to a small number of bills - where a Committee can't easily draw up such a statement and where there isn't agreement as to what it means, perhaps, the fault is not in the comprehension and writing ability of the Committee members but in the bill. This is something that they should consider.

We have often found that we have trouble understanding what some of these bills are all about, even after getting legal and other expert advice, perhaps that would be a warning then if it cannot be easily described or at least understandably described what the purpose of the bill is then, perhaps, it is not clearly written.

ASSEMBLYMAN BURSTEIN: Well, that may be so, but do you think the statement is the vehicle by which a bill can be cured of that ambiguity or that cloudiness of verbiage? Isn't it really the Committee function to do that within the content of the bill itself and not by means of some explanatory statement at the end of it?

MRS. ROSEN: You mean this is putting out the fire -- sending the fire engine out when the fire is out?

ASSEMBLYMAN BURSTEIN: That is quite so.

MRS. ROSEN: Perhaps. At least it would be a warning that if you're having trouble with this statement that perhaps you ought to look back at the bill. Also, I don't want to minimize this first reason that we present. There are a lot of bills. There have been 25 hundred bills already introduced

in the Assembly and Senate this year. There are also many groups that want to know what these bills say and would find a shorter statement to be very helpful.

ASSEMBLYMAN BURSTEIN: Perhaps I can phrase it in these terms. I know that as a Committee Chairman, myself, I am making every effort as to those bills that I feel require explanatory material, at the end of it, to have such a statement written. But I'm not doing it with every bill simply because most bills that come across our desks don't require -- they are either self-explanatory or brief in their compass and don't need anything more than the average reader to take a look at the contents of the bill. What I think that I personally - and hopefully the Committee as well will do - is to allow the present system to remain to see how it works out. If we find that there are defects in it, all well and good. But I would see the dangers in going into a mandatory system to outweigh the permissive system we are now trying out.

Thank you in any event.

MRS. ROSEN: Thank you.

ASSEMBLYMAN DOYLE: Assemblyman Hurley?

ASSEMBLYMAN HURLEY: I want first of all to comment that I hope the record of this Public Hearing comes about very quickly because I'd like to have a record that Mr. Hamilton and Mr. Burstein think that your remarks are all that good. I agree with you particularly on the motions to reconsider and on the statements because they were subjects of earlier discussions that they did not agree with.

ASSEMBLYMAN HAMILTON: You must have misunderstood us on the statements, Mr. Hurley. We did not espouse the mandatory statements, neither Mr. Burstein nor myself.

ASSEMBLYMAN HURLEY: Well, your opening statement was that you agreed with everything that she said. That's what I want to find out when I read the testimony. I'm not going to debate here with Mr. Burstein, but I have a great number of arguments with him on this particular issue that just confirmed your remarks about the statements. I have no other questions.

ASSEMBLYMAN DOYLE: You have pointed out two areas that I think this Committee, individually and as a whole, wish to take some action on and that is the availability of the Assembly minutes and the need for the recordation of certain other votes, other than those that are presently taken as roll call votes. Our problem with these two areas is - given those as goals, - the particular language or the particular method by which we accomplish that end result, if you have any light to shed upon that even now or subsequently, we'd much appreciate it.

MRS. ROSEN: Well, as an initial thing, I think that it could be included very easily in the Rules that all votes be roll call votes. This would not be a complicated Rule to be drawn up. You have the machinery to do roll call votes.

ASSEMBLYMAN DOYLE: I quite agree with you. The problem with that is the welcoming of the third grade or the special order that moves something from second to third reading -- there has to be some definition as to those items, either by consent calendar that would not be roll-called and those things that still should be.

MRS. ROSEN: There already is some provision for a consent calendar which would handle those situations. Does a roll call vote take any longer than

a show of hands vote?

ASSEMBLYMAN DOYLE: -- if you don't mind opening the machine, waiting for the light to light up, closing the machine, and waiting for the card printout plus that extra paperwork of such card. Not significantly, but over the long process of a two-year session, it would add, substantively, to the time. I was just looking for some implementation. I'd like to say for the most part that I agree with everything you say. I will put it in the words of Assemblyman Hamilton, I remain unconvinced but not necessarily unconvincible, on the mandatory statement, which I understand, clearly, to be his position as well as Assemblyman Burstein's.

I'd like to thank you for your thoughts on what was done so far and we will certainly take into consideration those other things you suggest.

ASSEMBLYMAN BURSTEIN: There is just one further thing I'd like to ask about, Mrs. Rosen, if I may. On page 4, relating to your comments on the executive session of committees - your last sentence - the first part of which I really have no quarrel, which relates to the matter of there being a vote taken in public before there can be an executive session. But the second sentence about alerting the public to the executive committee meetings and encouraging standing reference committees to make more decisions at open meetings is the phraseology that threw me off a bit. I want to make explicit the fact that the intent of the new Rules that we adopted, particularly Rule 10.13, I think it is - I don't have the citation immediately at hand - that talked in terms of the openness of committee meetings, yet permitting executive sessions, was designed not to have decisions made in the executive session and in fact says that all votes shall be taken in open session. The only purpose for executive

session -- and I suspect that they are going to be exceptionally rare - I haven't held one yet, and I don't think most of the Committees have -- is in cases of bills that may require a little further consideration or comment back and forth amongst Committee members that they may not want to have made public initially, to take place in a closed session, giving them that opportunity. Anyway, I don't think it will be available, as I say, too frequently. But all votes and full discussion are encouraged at open meetings.

MRS. ROSEN: I think the intention of that particular suggestion was to stiffen up the Rule on open committee meetings. We haven't had much experience, so we can't criticize anything that's happened so far. We hope that there will truly be open committee meetings and that executive meetings won't be used as a means of circumventing what is, obviously, the purpose of this Rule.

ASSEMBLYMAN HAMILTON: Mr. Chairman, I'd like to go back to that question - does it take more time even to have a roll call vote on the welcoming resolution? It doesn't. But you have seen the spectacle of an Assemblyman who wants to be recorded on a vote when it is a recorded vote. I would hate to think that we were keeping the machine open or taking longer to make sure that he could record his vote on the third grade if they happen to be from his district or from an area that might well be his district the next time the maps are drawn. I think that's a real possibility of the kind of thing that would take longer. It is not the machine itself, but it is the Assemblyman wanting to get his vote down on a particular question.

Before we leave this, let me say that although

we haven't talked about it, one of the most significant suggestions contained in your remarks is the one on recording debate and that's one thing in which I am in accord with Mr. Hurley. So you don't misunderstand - I think we ought to go to that. We have talked about getting cost estimates. I don't know where we are with respect to that information now. I do think there is a question of whether we should publish everything. We ought to decide how much of it we are going to reproduce for posterity.

MRS. ROSEN: Well, the League is giving you a very outdated, actually, limited kind of survey that they did make on what other states are doing. It is interesting. There are States like Pennsylvania which publish everything and do it at considerable cost -- a million dollars a year. But there are other states that simply record the debate and make it available. They don't bother to print it all up. But if somebody wants to refer to a session and refresh their memory about what was said, they can at either no cost or very nominal cost get that section of the minutes or the discussion made available to them. This is the kind of thing that we had in mind and it is not a very expensive thing.

ASSEMBLYMAN BURSTEIN: I would say that - my own personal view is - Pennsylvania is wasting a heck of a lot of money. It is a rare occasion when you get an edifying debate.

ASSEMBLYMAN HAMILTON: Even Assemblyman Burstein's remarks, as good as they are, aren't worth a million dollars a year.

ASSEMBLYMAN DOYLE: Did you wish to debate on the value of Senator Burstein's remarks or any other points?

ASSEMBLYMAN HURLEY: No, I think it is extremely valuable.

ASSEMBLYMAN BURSTEIN: Thank you, Jim.

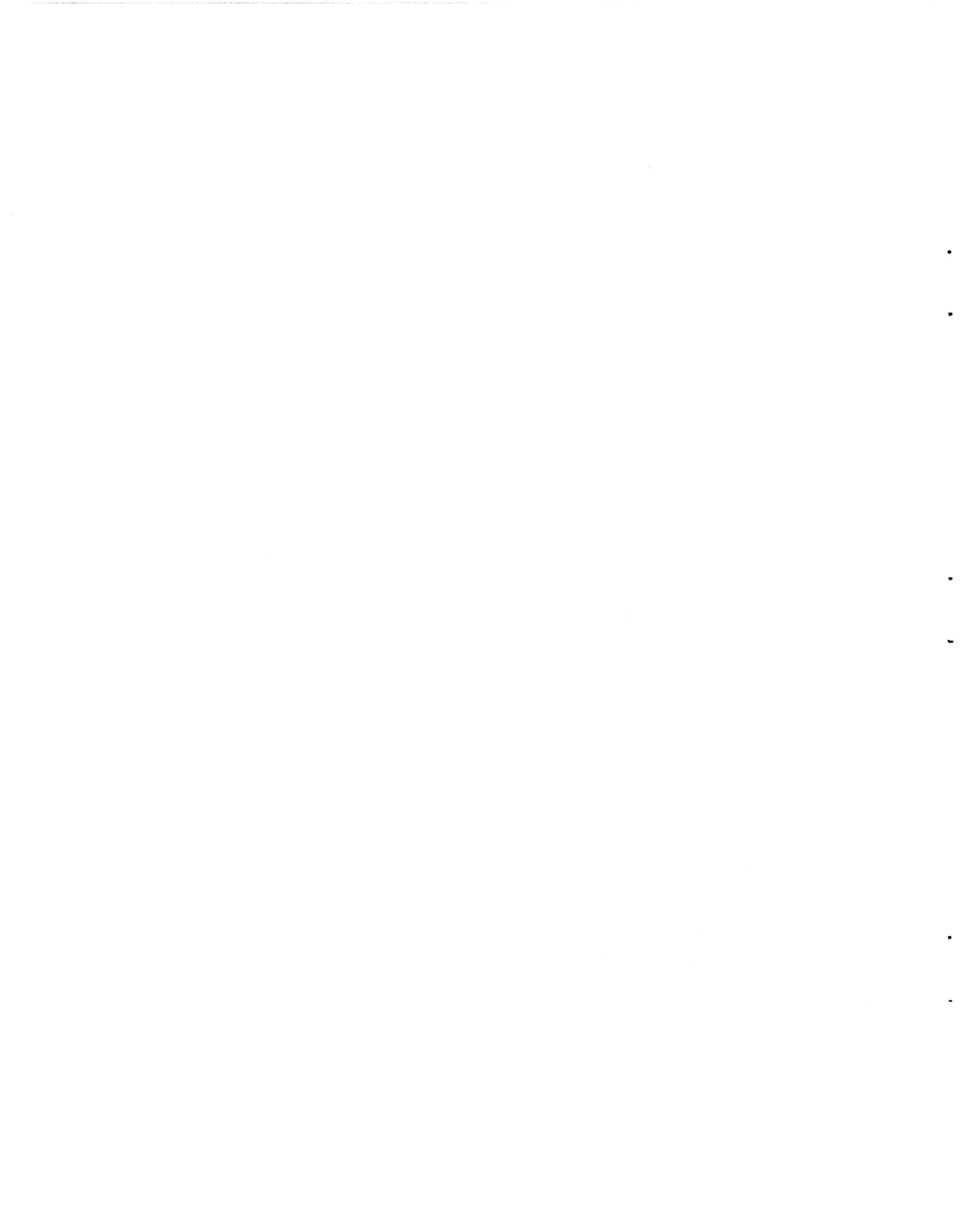
ASSEMBLYMAN DOYLE: Thank you very much.

MRS. ROSEN: You're welcome.

ASSEMBLYMAN DOYLE: As a matter of housekeeping, we are now at twenty-five minutes to one and counting. We have at least three other persons - Mr. Lloyd of New Jersey PIRG, Mrs. Mackenzie, and I believe Mr. Kunz, who have expressed an interest to testify. If there is anybody else, they will be added. If we are going to get this transcript out early, as we would like to, we have to give our reporters a break. Unless any of those three people who wanted to testify have a particular problem, I'd like to recess for 45 minutes for lunch so that we would be returning at approximately twenty minutes after one.

MR. PHILIP E. KUNZ: In accord with that, the Council of Churches is perfectly happy simply to file its statement. (Statement of Council of Churches can be found on page 44 A)

(Recess for lunch)



Afternoon Session

ASSEMBLYMAN DOYLE: We will get started now.

Mr. Lloyd.

E D W A R D L L O Y D: Good afternoon. I am Ed Lloyd, Legal Advisor for the New Jersey Public Interest Research Group.

NJPIRG is a non-partisan, non-profit, student-funded and student-directed research corporation supported by college students on eight New Jersey campuses. NJPIRG's major areas of concern are land use and transportation, health care, environmental protection, consumer action, race and sex discrimination, corporate responsibility and government operations.

Governments have standing operating procedures as do businesses, consumer groups, and almost any other human endeavor imaginable. The procedures of operations for each of these entities determine not only the efficiency with which they operate but all too often the procedural rules employed spell the difference between success or failure of purpose. Such is the case with the New Jersey Assembly Rules. The rules adopted by the Assembly should foster thoughtful, thoroughly analyzed and debated legislation. To this end, NJPIRG presents the following three recommendations:

Recording of Votes. All recorded votes of the Assembly as a whole, of its standing reference committees, its ad-hoc committees, and all subcommittees should be recorded as yea, nay, not voting, or absent. The significant change recommended here is the differentiation between an abstention signified by the recording of "not voting" and an absence. As the rules now stand, either an abstention or an absence is recorded as a negative vote. Such a recordation system gives no indication of whether the

Assembly person made a conscious choice to abstain or was merely absent from the meeting. The constituents of that Assembly person and all the people of New Jersey should be informed of a representative's absenteeism as opposed to the refusal to take a position on an issue. In the interest of greater accountability to the people of this State and more openness in government, NJPIRG urges that the recordation system outlined above be adopted by the Assembly.

**Subcommittee Rules.** Subcommittees may be created by a standing reference committee under rule 10.1, but no mention is made of the procedural rules governing such subcommittees in the rule. PIRG recommends that the innovations of public committee meetings and the recommendations for recordation outlined above be explicitly extended to cover subcommittees as well. The very reasons for making these rules applicable to the committees themselves apply equally as well to subcommittees. Indeed, the whole purpose of opening up the committee meetings and process to public scrutiny would be subverted in allowing a subcommittee to operate under different rules. NJPIRG urges that the subcommittees of the Assembly be expressly subjected to the same rules that pertain to the committees themselves.

**Conference Committee.** The conference committee mechanism for releasing a bill from a standing reference committee, even though such a bill has been rejected by such committee, should be maintained. The arguments in favor of this procedure have been made very ably by Assemblyman MacInnes. These cogent arguments need not be restated here. Let me simply state that NJPIRG heartily concurs in Assemblyman MacInnes's presentation with regard to this conference committee mechanism.

In conclusion, the Assembly has come a long way in

adopting its present rules. It is the hope of NJPIRG that there will be a continuation of the effort to make the Assembly procedures more open to public participation and individual Assembly persons more accountable, through vote recordation, to their constituents. It is in this interest that NJPIRG has made these recommendations. Thank you for the opportunity of letting me do so.

ASSEMBLYMAN DOYLE: Thank you, Mr. Lloyd. Do the Committee members have any questions?

ASSEMBLYMAN BURSTEIN: Mr. Lloyd, with regard to your comments on subcommittee rules, it is the intent of the rules, as adopted, that the subcommittees do operate in accordance with the general applicability of all rules in committee operations. Although it is not stated explicitly in the rule, itself, that allows for the creation of the subcommittee, we had discussed this prior to the adoption of the rules and any fair interpretation of the way Rule 10 is structured indicates that a subcommittee, being just an appendage of a whole committee, has to operate in that fashion. So you may be assured that they are in fact doing so.

MR. LLOYD: That is my understanding. The recommendation goes to the point of just making that explicit so that it is absolutely clear.

ASSEMBLYMAN BURSTEIN: Thank you.

ASSEMBLYMAN DOYLE: Any other questions? (No response.)

Do you think that your suggestion about the discharge on the conference committee suggestion is consistent with a strengthened committee system?

MR. LLOYD: Yes, I do. The reasons stated by Assemblyman MacInnes I felt were quite good arguments for that case. A strong committee system is important. It is very important for thorough consideration of a bill.

I do believe though that even with full consideration of the committee, his recommendation is structured so if there are two affirmative votes, those affirmative votes would be necessary for the conference committee to act. And there is a substantial possibility that a majority of the Assembly, represented by 41 votes on the conference committee, may well want to bring that bill out in spite of its rejection. And I believe the balance can be struck in such a way that the two can operate, both to maintain the strength of the standing committees, themselves, as well as to offer this mechanism for release in specific cases.

ASSEMBLYMAN DOYLE: Why do you think the 24-hour discharge rule by which you put the House under notice at least 24 hours in advance, and get 41 votes and the bill comes out, is not sufficient?

MR. LLOYD: I think that goes to one of the questions we were discussing this morning about the seven-day period between the second reading and the third reading. Twenty-four hours is not very much time and the consideration of a legislator's time, which was mentioned this morning, is significant. There is so much to be done in the Assembly and 24 hours may not be adequate. Another mechanism to enable the release, I think would be advisable.

ASSEMBLYMAN DOYLE: Thank you.

ASSEMBLYMAN KLEIN: Would it make any difference to you if it was 48 or 72 hours? Is the time lag really the critical part? The point of the matter is that there is another device whereby 41 members may release a bill for a floor vote.

MR. LLOYD: I think the mechanism is important, and perhaps extending that 24 hours would be the best way to go about opening it up a little bit more. Rather than a different mechanism completely, perhaps changing the

24-hour rule to 48 or 7 days might be the way to go.

ASSEMBLYMAN DOYLE: Any other questions? (No response.)  
Thank you very much for staying for the afternoon session.  
We appreciate your testimony.

Mrs. Mackenzie.

L U C Y M A C K E N Z I E: My name is Lucy Mackenzie,  
and I live at 369 Dodds Lane, Princeton. I appreciate  
this opportunity to testify before the Rules Committee.

I am the editor of the League of Women Voters' Roll Call Report, prepared weekly during the legislative session, which includes the votes of individual legislators in both houses on approximately ten bills acted upon during the week. The Roll Call is sent to 54 - it was 52 when I prepared this, but it is now 54 - New Jersey newspapers, free of charge, and to 22 paid subscribers, including several legislators. The purpose of the Roll Call is to heighten interest in the Legislature and to provide readers with a report of action taken by their own local legislators.

When the Legislature meets on Monday and Thursday, the Roll Call must be in the mail by late Friday. On Tuesday and Friday mornings, the bills acted upon the day before must be analyzed and selected and the votes carefully transcribed. On Friday, the report must be typed, reproduced, and mailed. We have also contracted to telephone important votes of Bergen County legislators to the Ridgewood News each Tuesday and Friday morning.

In order to do all of this, we must have the tallies from the previous day early on Tuesday and Friday. They were made available last year, but recently it has become more and more difficult to get this information; the waiting time has stretched from hours to days. Unfortunately, I have been forced to tell the Ridgewood News that we could not give them the Assembly votes because we could not get

them.

Since voting is electronic, it seems a simple matter to make copies of the tallies. I am quite sure that no member of the Assembly wishes to keep this information from our subscribers. But the good intentions of this body do not seem to be reflected in the actions of the staff.

We want to continue to publish the Roll Call Report. In order to do so, we must ask for your help. Thank you.

ASSEMBLYMAN DOYLE: Thank you. Any questions?

ASSEMBLYMAN HAMILTON: Where does the problem seem to be? Who on the staff or what reason has been given for not being able to follow the practice that was the practice before?

ASSEMBLYMAN DOYLE: If I might interrupt you, I don't think, Mrs. Mackenzie wants to mention individuals.

MRS. MACKENZIE: No, I will not mention names.

ASSEMBLYMAN DOYLE: Tell us in a general way the problem.

MRS. MACKENZIE: I have spent really many hours going from office to office, up to the third floor, second floor, basement and sub-basement, trying to figure out what the process is through which these tallies flow. They obviously come out here. It would seem a simple matter to me -- Well, they are obviously given to someone to reproduce because other people do get copies in addition to me. I do not know why it takes so long for them to become available. I have been told on occasion that the girl who does that was not there yesterday or she is sick today. It seems to me there should be some device whereby it doesn't break down completely if one person is absent.

ASSEMBLYMAN HAMILTON: It may be our growing pains under reorganization. It sounds to me like something we ought to be able to solve fairly simply.

ASSEMBLYMAN KLEIN: As I understand it, you have a group of preselected bills that you are concerned with?

MRS. MACKENZIE: It is very complicated, Assemblyman Klein. On Tuesday, I come in and pick up all the tallies on all the bills that were voted on on Monday. Of course, I have gone through the possible bills before this. It would be impossible otherwise. On Tuesday, I have to select a certain number of bills that might be used on Friday. Then I have to process those and put them aside as "possibles." On Friday, I go through all of the Thursday bills and winnow out ten or, on some occasions, we have put out a double issue, which means twenty. But this requires going through all these bills, finding out the sponsors, trying to figure out the significance of all the bills, consulting the newspapers, very carefully transcribing, and checking, checking and double checking to make sure we do not make a mistake. It is quite time consuming. And unless I get them early in the morning, it can't be done.

ASSEMBLYMAN HURLEY: You say that you got these last year?

MRS. MACKENZIE: Yes, almost without fail.

ASSEMBLYMAN HURLEY: Where did you get them last year?

MRS. MACKENZIE: The same place.

ASSEMBLYMAN HURLEY: Well, there doesn't appear to be any apparent reason why you can't get them now.

MRS. MACKENZIE: I wouldn't think so.

ASSEMBLYMAN HURLEY: I should hope this committee would help in any way it can. I hope this committee can help in some way.

MRS. MACKENZIE: I hope so too. If it can't, I don't know where to go next.

ASSEMBLYMAN HURLEY: I don't see any reason why it can't.

ASSEMBLYMAN KLEIN: Are we open for a motion, Mr. Chairman? I would move that this committee try to help.

MRS. MACKENZIE: I appreciate that very much.

ASSEMBLYMAN HURLEY: If they would allow me, I could solve it for you.

MRS. MACKENZIE: I understand.

ASSEMBLYMAN BURSTEIN: May I ask one question?

ASSEMBLYMAN DOYLE: Go ahead.

ASSEMBLYMAN BURSTEIN: Mrs. Mackenzie, is there any reason why the Bergen County legislators are being watched like hawks as opposed to the other 20 counties of the State?

MRS. MACKENZIE: Actually I think you should be very pleased to have such an attentive newspaper. The Ridgewood News is avid for all of the information about its legislators and we consider this, of course, commendable. They are paying for the service, which I think is astonishing. If any others care to pay for it, we would give it to them also, time permitting.

ASSEMBLYMAN BURSTEIN: Thank you.

ASSEMBLYMAN DOYLE: I think we all think you serve a valuable purpose and agree we can make you function better in providing that service, and we intend to do so.

MRS. MACKENZIE: Thank you.

May I comment on one other thing that came up in testimony? I will here take issue with my sisters of the League, perhaps fortunately or unfortunately. On the subject of absences and abstentions, as you can imagine I have a terrific time with that too. The system I use is: I go through every single bill, resolution or whatever that was voted upon. The person who did not vote on any of them, I consider to be absent. I will admit this could be unfair, but they are functionally absent as far as I am concerned.

The reason I do this is because there is no other

way to do it. The League has suggested that we have late-comers sign in with the Clerk. I do not think this would be effective because I don't think you can enforce it. People would forget to do it. It is not like kindergarten, after all. My only suggestion is - and I am sure it will not be taken up because it is very expensive - but in the long run there is only one thing to do and that is to add another button and that would be an abstain button. Then you could look at the tally, without going through all this incredible paper work, and you would know immediately who abstained and who was absent.

ASSEMBLYMAN KLEIN: That still doesn't solve the problem of the person who is there that day, but who is off the floor at the time the vote is cast.

MRS. MACKENZIE: That is true. I would still have to use my own system for my own purposes in going through all of the bills. But the voter in the hometown would know what the intention of that legislator was on that particular bill.

ASSEMBLYMAN HAMILTON: Isn't it really the pattern of multiple abstentions or absences that is more significant than an abstention on a given bill, unless it was a crucial one? If a bill passes 50 to 13, even if a legislator abstains on it, the constituency is certainly entitled to know that, but isn't the critical thing that you can show somebody is absent 17 times - somebody abstains 53 times? Isn't that much more significant than an absence or abstention on any given vote?

MRS. MACKENZIE: Well, I think both. Obviously, you are right. On many bills, nobody would care really. But even on the important bills, you would still have to go through this procedure of finding out what happened on all bills that day. Thank you very much.

ASSEMBLYMAN DOYLE: Thank you.

I understand we have one other witness who has indicated a desire to testify. Mr. Gannon?

J O S E P H A. G A N N O N: Thank you, Mr. Chairman. My name is Joseph Gannon and I am testifying as a private citizen. It is no secret that I am also the Executive Director of the Assembly and may by way of answers to questions add something, or perhaps detract.

Mr. Chairman and members of the Committee, I think that the reason why I have sought out this opportunity to speak to you today is because it occurs to me that someone should speak out with respect to the costs of running the Legislature and thereafter to the end products of the Legislature, all of which the Rules Committee bears upon in the way it acts, in the way it prescribes things that must be done. In this regard, it is no secret that what is usually done in one House is also done in the other in one form or another and, therefore, what is said here or what is done here, could have a direct bearing throughout the entire Legislative Branch.

In this regard, I would like to congratulate you and at the same time put in a continuing pitch for the taxpayer. At the risk of alienating many of the witnesses here today, I would like to say that despite careful and close attention and despite what are, I am sure, proper motives, I have heard little suggested by way of extra services that you could offer which would either be terribly fruitful or, in fact, are not already available.

It seems to me that experienced people have the information available to them. We have, for example, under your Rules, provided every member of New Jersey's public, most likely via the public press, with the conduct, that is to say, the voting conduct of the committees, something which had not been done before and probably is very

useful. The fact is that the meetings are not only open, but what takes place there is recorded and is available.

Secondly, with respect to putting that information, as Assemblyman Hamilton observed late in the morning session, all on one sheet along with roll call votes, which are also available singly, in one document, I submit to you that would be a rather confusing document, particularly late in the session where it is conceivable you may have as many as 70 or 80 roll call votes recorded. So, as I see it as a professional in this field, in order to make sure that the public has access to the information, it is problematical whether or not you should drown them with it. I am very concerned that while the motivations are pure, we don't go to the extent of spending what I believe will be hundreds of thousands of dollars to package something which is available in usable form readily, and, as it were, quite cheaply. That is the general observation I wanted to make.

In addition, I wanted to, if you will, perhaps balance the record with respect to the form and function of committee statements, at least in so far as they might be usable as court exhibits. Like Assemblyman MacInnes, I too am not an attorney, but because of my occupation I have a great deal of access and familiarity with court hearings, with procedures of Congress and of this Legislature and others. I noted, for example, that the League of Women Voters provided you with a summary of what other legislatures do by way of verbatims. I noted too in the past two weeks that a question of legislative history was tried to be determined by our Supreme Court in the case of the 1966 Constitutional Convention verbatim report. It was intriguing to me that both sides, using the same testimony, drew opposing conclusions from the exact same words. I submit to you that to a lesser degree that might continue

to be the case were you to provide verbatims of everything you did.

The timeliness feature of providing records - it seems to me that there are some things you might be able to do, but they are not properly the subject of specifics in your Rules. They are administrative decisions, decisions in some ways which I could perhaps be helpful in carrying out.

In so far as mandating the printer to return to you a bill in a given number of hours, should his press break, I don't know what we would do. Do we suggest that he has violated the law of the State of New Jersey and, therefore, put him in jail? I simply make this rather outrageous example to try to discourage you from putting people in such tight bindings that they may never be able to function efficiently.

With that, I will quit and answer any questions?

ASSEMBLYMAN BURSTEIN: Just one comment and that is that I am surprised that you are surprised that lawyers on opposing sides of an issue would draw diametrically opposite conclusions from the same verbiage. It happens all the time. That is what we are paid for, I guess; isn't that correct?

Aside from that comment, would you find anything wrong or do you find anything that would be excessively costly if we were to adopt the suggestions made this morning rather consistently by all the witnesses as to the recording of all votes, aside from - and I think the committee would have to consider simple resolutions of the variety described this morning by, I think, Assemblyman Hamilton -- aside from those, but recording votes on amendments to bills, as an example?

MR. GANNON: It is the custom of the House that all roll call votes are maintained, although some are

omitted from the Journal. They are maintained in the offices of Legislative Research. The actual custodian, I believe, is Mrs. Peggy Henry, who sits immediately underneath Mr. Alito's office. Those records, I believe, arrive at her desk within 24 hours of the time they take place.

With respect to some procedural votes, such as motions to recommit and the like, some, as I say, are omitted from the Journal.

As far as the availability of the Journal, which, in effect, is the minutes of the Assembly, being rather late in the game, that is to say being available usually more than 30 days, there is a ready explanation for that. I might offer it to you. We usually don't print it unless we get a sizeable enough thing to bind. That is one of the reasons it takes some time.

Be that as it may, getting back to the specifics of your question, I would submit to you that they are available, albeit not in a bound form.

ASSEMBLYMAN KLEIN: Just following up, Mr. Gannon, on that point, I quite agree with you that those votes which do involve a roll call, there is, in fact, a record maintained. To be specific on that subject, do you see any objection -- or I'll put it the other way -- do you think it would be desirable to include in the rules a specific provision requiring that they be maintained, in other words, formalizing the custom?

MR. GANNON: Perhaps I am reading the present Rules liberally, but I see it there. I see it there in terms of the obligations of the Journal Clerks described in the Rules. I forget the reference. But I believe it is there. It just occurs to me that what is being suggested in terms of binding these things and making them more readily available and the like is merely lack of pursuit.

ASSEMBLYMAN KLEIN: In other words, you are saying

that you think it is there in the Rules already.

MR. GANNON: I do.

ASSEMBLYMAN KLEIN: The second part of the problem, as I see it, is whether we should require that there be a roll call vote on every motion. I would like to have your thoughts on that subject.

MR. GANNON: I have been officially employed by the State of New Jersey for about two years, but have been an observer of both Houses, and particularly of this one, for several more. Without reference to party or personality, I must say that the presiding officers have without fail in my experience exercised the best possible judgment in these areas and have consistently asked that the members utilize the machines, which ergo requires and produces a roll call vote in any questionable case. Certainly, I am assuming you are continuing the exception of welcoming the eighth grade of St. Mary's, that that would not apply. I certainly don't see any necessity for that. It is a nice idea, I suppose, that somebody could frame that roll call. I don't know that it is really needed.

ASSEMBLYMAN KLEIN: You are saying, putting aside the welcoming resolutions and things of that ilk, that the only actions taken in open session which are not recorded are those votes on motions which are of such a noncontroversial nature that there really is no purpose served in having a roll call.

MR. GANNON: That is my experience.

ASSEMBLYMAN KLEIN: In other words, where there is any controversy or any division at all of the House, a roll call is in fact taken and, of course, that roll call vote is recorded.

MR. GANNON: That is my testimony and that has been by observation. There have been occasions when there has been an argument as to the nature of what type and kind

of vote should be taken, some opinions of which I would not always say I agree with. But I would then say as a part of that observation that it is still within the power of the members of this House to have asked for such a thing and, I submit, they would have received it.

Again I have divided the reasons for my coming here into two areas and I would like, if you have no more questions with respect to that, to make one or two more observations.

ASSEMBLYMAN HURLEY: I have a couple of questions, if I may, Mr. Chairman. Taking into consideration what you have just said about the discretion exercised by presiding officers of this House, then why not have it written in the rules that roll call votes will be taken when requested by a member? Why leave it to the discretion of the presiding officer?

MR. GANNON: It seems to me, Assemblyman, that you could expose yourself - and admittedly I am using an extreme example - and your colleagues to harassment by any member. And since your experience has been so good in terms of recognizing the fine discretion exercised by the presiding officers, it is unreasonable to get yourself into a situation where a recalcitrant member can decide to play games with you and insist on a series of roll calls which in no way contribute to the movement or the finishing touches of legislation.

ASSEMBLYMAN HURLEY: If the purpose is to open the system, then you are willing to leave that power with the presiding officer to make that decision?

MR. GANNON: Assemblyman, please do not misinterpret my response as being argumentative, but the postulate of your question causes me to become so, a little bit. I am in no way encouraging the closing of the system by suggesting that the Speakers continue to utilize their fine

discretion because they have consistently, again both parties, caused to be reflected in the public record the meaningful votes of this House, even in some instances by not taking votes, as it were, because it was obvious what the pleasure of the House was.

ASSEMBLYMAN HURLEY: One more question: In your statement you talked about the availability of minutes and roll call votes, etc. Are you suggesting or saying that what was said here this morning by a great number of people is of no value?

MR. GANNON: I am suggesting that what was urged here this morning by many people was more of a convenience than an initiation of new information. And in that regard, I suggest that the concurrent cost should be heavily measured before one goes into newer costs, without additional information. To put it more plainly, I fail to find anyone suggesting the creation of something which is not now available.

ASSEMBLYMAN HURLEY: Including the question of statements? Could there not be information available on a committee statement that is not now available on the sponsor's statement?

MR. GANNON: Assemblyman, I believe that the sponsor's statement-- and it is in this connection that I wanted to divide my remarks. I had some observations with respect to sponsors' statements and committee statements.

ASSEMBLYMAN HURLEY: I'm sorry.

MR. GANNON: I would like to get into that and then perhaps pick that question up if I might.

ASSEMBLYMAN HAMILTON: Before you do, Mr. Gannon, the suggestion was made by several people that the seven-day rule would provide some change in the way we are now operating. Would you comment on that briefly?

MR. GANNON: I think a seven-day notice is very, very desirable. In that regard, I am in total sympathy with the present leadership of this House which has so directed its staff, namely me, to see to it that that be done. The problem is real in that you meet weekly, as do your committees, and it is always difficult to meet a time frame spelled out in terms of seven days because what you are saying in effect is, immediately upon adjournment of the committee, get that bill into the Clerk's Office and put it on second reading, which notice is sent out by virtue of the Legislative News to all members. So while I am in total sympathy with it and think it is totally desirable, it will at times be impossible to comply with, because if the board is not open - it could be shut down for any number of legitimate reasons - it will be impossible to give it second reading.

While I say, yes, it should be done, and while I say, yes, the more notice to the members and public you are able to give is desirable, if you put it in the Rules and we cannot comply, then I suggest to you that you will be faced with the necessity to stand on this floor and suspend the Rules.

ASSEMBLYMAN HURLEY: May I comment on that, Mr. Chairman? Mr. Gannon, did we not operate under a seven-day system previously?

MR. GANNON: In the last two years, a bona fide attempt was made at a seven-day system; subject to the exact, if not totally exact exceptions I have just described, I would say, yes, it was attempted.

ASSEMBLYMAN HURLEY: I grant you that, but having been involved in the procedure, many times having the board closed and not having second reading of the bill, we are then faced with the possibility of holding the bill, giving it second reading the next session and then waiting

the seven days, which we did.

Now when sessions get longer, then it becomes a real problem, but we did do that. I don't know that it is insurmountable. I have to concur that it does present problems because you either have to deliberately wait another week on the notice ---

MR. GANNON: There is a classic case, if you will allow me for just a moment, present in the House. We have a bill which provides for a new railroad structure -- or excuse me, a new bridge over the Waverly Railroad yard, which was heard by the Transportation Committee of the Assembly on February 20th. That bill is in a position -- and hopefully with the concurrence of the membership will be voted in this House on Monday, the 18th of March, which is almost a full month. But quite frankly it is going to require probably emergency action in spite of the fact that it has been around here for six weeks. This is no one's fault. This is simply a matter of adhering to either a constitutional requirement of laying over or our own Rules of this House.

ASSEMBLYMAN KLEIN: Mr. Chairman, may I just ask one question of Mr. Gannon, following up on that subject? It seems to me that everything you have said and that Mr. Hurley has said on this subject really relates to a constitutional requirement that it seems to me is bound more in tradition than it is in real necessity. I just question whether we realistically need that second reading or whether it shouldn't be substituted for something like a filing requirement, namely, that after the bill is released by committee that it simply be filed with the Office of the Clerk and, thereafter, whatever time period you want to have, could run. In other words, if you want to have a seven-day rule, say seven days from the date that the committee report is filed with the Office of Clerk, the

bill would then be eligible for third reading and a vote. And I would ask you whether you see any real requirement in terms of fairness, in terms of the philosophy of openness that has been expressed today, in having that second reading be a mandatory requirement.

MR. GANNON: Assemblyman, I think that there is room for improvement in terms of what we are doing. To be specific in response to your question, I would put it this way: If you had concurrently a change in the Constitution as well as a change in the Rules of the House so as to cause a similar notification, then I would say nothing is surrendered. If, on the other hand, you get into a situation where you change as an experiment the necessity for second reading, which is available now - if the members care to sit in and listen to all the committee reports and what have you - and in rare instances they do - and utilize it for parliamentary reasons - then I would say to you if you surrendered that opportunity, it would not be good.

So I guess to sum up, I think your idea has much merit and I would most assuredly support even the dropping of three readings or the cutting back to two, provided you picked up time and notice to the members in the process.

ASSEMBLYMAN KLEIN: Thank you.

ASSEMBLYMAN DOYLE: Mr. Gannon, on the record-keeping procedures, would you see any problem - I know there are problems in keeping a transcript record, so far as printing, who gets it, and perhaps exorbitant costs -- but would you see any problem in maintaining a tape-recording that would be available for historians, courts, or whatever, to copy at their expense?

MR. GANNON: Quite frankly, I think that is an excellent idea, at least in terms of it being explored by

this committee or another one. I think that possibility is excellent. It would not involve, I don't believe, extraordinary amounts of money. As a reference, it could be very, very helpful.

ASSEMBLYMAN DOYLE: I would like to point out it is not my suggestion. Assemblywoman Wilson has submitted information on behalf of an, as yet unnumbered, resolution with a fiscal note attached thereto. I wish to have that on the record.

You suggested that you had another point to go on to.

MR. GANNON: I deliberately separated my remarks and I would like now to just make a few with respect to the question of committee statements.

Perhaps I should take a moment to briefly describe, despite the fact that I am sure all of you are fully aware of it, for purposes of the record, my conception of what happens around here in terms of how this thing operates.

Most of the bills of the members are drafted by Legislative Services. They draft generally in response to the spoken request of the sponsor or in many instances, as many, I guess, in response to a written request. In point of fact, the work probably originates with Mr. Lanning and then is dispersed within his shop and there is an occasion in that relay for something to be lost in the translation. Furthermore, after the bill is drafted, it then goes to the sponsor who then in turn submits it and it goes back to the same source for check in terms of its propriety, at least in terms of form, which to me is incorrect incidentally, - I just throw that in - since you are having the same person who drafted it look at his own work, in most instances. And, thereafter, we give it then to a committee which is not staffed by legal talent, but rather

is staffed by specialists in the field of interest, but not by attorneys or those necessarily terribly expert in what the written word may mean before a judge.

As a consequence, it occurs to me that despite some possible benefits of a committee statement in terms of "what will a bill do," we still can't be sure, and I feel this should be understood by this committee if you go the route of committee statement. I am talking now about visualizing, based on that short review, what has actually taken place.

In addition, a committee statement, as I see it, would be justification as to why the committee voted the way it did. In that respect, it too, to me at least, smacks of an advocacy position. If that is true, if your observation is that a sponsor's statement is somewhat suspect because it is an advocacy statement and if, in fact, the committee statement might also be so classified, then I have yet to see what you have picked up.

Continuing for a moment some other random thoughts on this question, the committee statement in the context in which it is being discussed, I think is incorrectly equated with what is normally and routinely offered in the Congress, and they are world apart. In the Congress, which is peopled or staffed by extensive staff upon staff, as it were - and I am not criticizing that, but simply saying it exists - where you have continuous hearings and experts available and continuous cross-checking and contrary opinions entered as a matter of course, where conclusions, therefore, are slowly and painfully drawn in terms of weighing the words of experts who do appear and who do submit critiques, you have therein, in terms of a committee report, an extraordinary document, filled with facts and filled

with references whereby evaluations can be made by virtue of cross-reference or reference back to source people and documents. That is entirely different than a situation in which this House operates, as does the Senate, which would say that it is the combined conclusion that this bill receive our favorable consideration because we are of the judgment that it will reduce accidents or whatever the subject matter is. It is just two different things.

I think, were you to go this route, without a clear and thorough understanding by the reader, by the public at large, as to what that statement meant, then, in fact, to use headline-grabbing words, you would be guilty of fraud. Because you would not be giving the public or your colleagues the kind of report which would of necessity be termed a convincing or totally persuasive document.

I wanted to make that point because I think that there could be a terrible misunderstanding were you to go down this route and people assume much more than what that statement might say.

ASSEMBLYMAN HURLEY: Mr. Chairman, through you, I grant there could be a misunderstanding. But at least some of the suggestions I have heard and some of the suggestions I have made, don't bear on editorial comment on the bill, such as you just gave in an example. You just said, passage of this bill would reduce accidents. I realize you were just using an example. That wasn't the intent. I haven't heard that to be the intent of anybody's suggestion. What I have heard is that if the sponsor's statement is accurate, then pass judgment on that sponsor's statement and say, "In our judgment this bill speaks to the issue that the sponsor said it did, accomplishes that, and therefore we release it." If it doesn't do it, you take a contraposition. If you don't believe the sponsor's statement, if you don't agree

with it, then you publish a statement saying that you don't agree with it.

I think I went so far as to confuse myself.

MR. GANNON: Assemblyman, I understand totally what you just said and it is precisely that which frightens me. As I visualize and conceptualize the role of the standing committee, it is one which weighs the merits of a proposal, irrespective of the motivation of the sponsor.

ASSEMBLYMAN HURLEY: May I respond to that? I think that is beautiful. I think that is great, except - and this is where I have great difference of opinion with Mr. Burstein - there are vast numbers of people who must, absolutely must, rely on a statement, whether it be prepared by the public press or whether it be by some other person. I am not a lawyer - many people are not - and even lawyers don't understand. You can read the bill and the larger the bill, it seems to be - maybe not the more simple - but the more lucid the explanation should be because that is where the real trouble comes in. The short bill, you usually can grasp.

MR. GANNON: Assemblyman, I can't debate that. I just simply and sincerely question as to whether or not you have addressed yourself to that very problem by virtue of a committee statement, which admittedly in our instance, operating part time and short of staff, would have to be terribly concise. Even if it were to be long, it would obviously be lacking in the kind of background and in the kind of research which is commonplace in the United States Congress and, indeed, in many other legislatures.

That is my point. I think that the people who testify here long for the kind of research and contemplation in the legislative process which they receive elsewhere, but which will not be brought about by a committee statement.

ASSEMBLYMAN HURLEY: I will grant you that. I think that is absolutely true, except that - and here is where we have a difference of opinion - you are expecting and the public expects a legislator to vote definitively and every other way on a bill. Over here you expect him to do that, but over there you say, hey, we don't have the staff. All I am saying is that this statement might be one more bit of input that might help in the decisions made on this floor.

MR. GANNON: If I may, Assemblyman, let me be brutally frank. I am also concerned that it would become a crutch and would become a reason why members would not read bills. Were that to be the case, then I submit that what you may gain, what little you may gain, by virtue of such a statement, you would lose wholesale by virtue of allowing or suggesting or excusing people from reading the text of the bill.

ASSEMBLYMAN BURSTEIN: I don't have a question to pose. I just wish to make a comment or two. First, what Mr. Gannon has just said with regard to committee statements echoes my feelings strongly held about both the dangers and the inadequacy of any kind of statement. I think we would be making a serious mistake if we mandated those statements, as has been suggested.

I would also point out that with all of the panoply of assistance that the Federal committees, the Congressional committees, get, you will still find differences of viewpoints in the courts, in the statutory interpretation of Federal legislation, just as you do in State legislation. So, very frequently, even those elaborate statements that you get in connection with the adoption of a bill in Congress is no more helpful in the last analysis than anything that we could do here within these legislative halls.

Finally, I would say that this whole discussion has a great deal of value to all of us, I would say, in pointing up the inadequacy of the work that we do here generally - the fact of the time pressures upon us, the fact that we are a part-time Legislature, the fact that many don't come with the skills that enable them to read legislation rather quickly. The inadequacy of that kind of thing in the consideration of bills before us is something that I think has been highlighted by this discussion. And there are no easy ways out of it, very frankly. There is no simple system to deal with particularly complex pieces of legislation in a way that would completely satisfy those who have presented to us what I think to be an ideal rather than a practical legislative problem.

ASSEMBLYMAN DOYLE: Mr. Hurley, do you wish to make a statement on the same point, I presume?

ASSEMBLYMAN HURLEY: Suffice it to say, using your line of reasoning, you should do away with the sponsor's statement also.

ASSEMBLYMAN BURSTEIN: Maybe that's a good idea.

ASSEMBLYMAN DOYLE: Any other comments?

ASSEMBLYMAN KLEIN: I would like to make one comment and, that is, I generally share the views that Assemblyman Burstein has expressed. It seems to me when you are talking about committee statements, you have to decide for what purpose they would be used. If you are talking about committee statements to be used for posterity, for lawyers or others who might be considering the import of legislation in the future, it seems to me that a very brief committee statement that simply says in one or two sentences what a very complex bill is designed to do is of no great help at all.

The other purpose that I see is the one that Assemblyman

Hurley has suggested and that is as an aid to members of the Legislature. If that is the purpose, I would submit that a far greater assistance is provided to members of the Legislature by the statements of those who debate on the bill when it comes before the House. Certainly a committee chairman where his committee has considered legislation in depth will offer far more illuminating information on what a bill is all about than would be contained in a one- or two-sentence statement appended to the legislation.

Similar illumination can come from other members of the committee and other members of the House that are interested in and knowledgeable on that legislation.

I think until we are prepared to provide uniformly high-quality statements that are of a meaningful nature, I suspect that what we are going to do is to simply add another requirement that will be expensive and cumbersome and not terribly helpful.

ASSEMBLYMAN HAMILTON: I would like to go back to the comment that Assemblyman Hurley made because at first blush there is some logic to it - and probably at second blush too, Mr. Hurley. But there is another purpose, I think, to the sponsor's statement, something that has a tendency at least to impose the mental discipline of the sponsor to question whether, in fact, the language that is in the bill is really going to effect the purpose that he says the bill is designed to achieve. We can't write that into a Rule in any other way. Maybe it is unseemly that we should even say of ourselves and our colleagues that we ought to have to do that. But we have had testimony today about the superabundance of bills. We haven't had it about the duplication of bills, but we all know that that exists. And maybe the sponsor's statement serves that

purpose as well as the other purposes we have been talking about. So I think there is a difference between the sponsor's statement and the committee's statement.

ASSEMBLYMAN HURLEY: I certainly don't want to prolong this, but commenting on Mr. Klein's assertion that the information, the really illuminating facts, come out here on the floor, I would say that is to negate the work of the committee. All I have heard all day and for two months now is how a strong committee system works and now you are going to tell me that what really matters is when you get the illuminating facts on the floor.

Hopefully, Mr. Klein, the sponsor has appeared before the committee and given his reasons. I know he has if the committee is doing its job and if the sponsor is doing his job. Otherwise, he wouldn't get it out of committee, would he? So it doesn't just happen here. My point is that what goes on in that committee hearing on that bill should be made known to all members of the Legislature.

ASSEMBLYMAN KLEIN: Mr. Hurley, I thought this was a public hearing and not a debate, but if you want to make it a debate ---

ASSEMBLYMAN HURLEY: You weren't here this morning.

ASSEMBLYMAN KLEIN: If you want to make it a debate, I think you misconceive the thrust of my remarks. Certainly illuminating information is developed in the course of consideration of a bill by a committee. You are suggesting that members of the House that are not members of the committee would find assistance and aid and illumination from the committee statement. I suggest to you that those members who are not members of the committee would find far more illumination and get far more benefit out of receiving accurate, concise comments from the committee chairman or other members of the committee during the course of debate

than they would get from a few sentences in a statement appended to the legislation.

ASSEMBLYMAN HURLEY: I don't want to debate anymore. I have another question for Mr. Gannon.

ASSEMBLYMAN DOYLE: All right. But let me say this, because I am evidently the only committee member who hasn't said something on committee statements.

ASSEMBLYMAN HURLEY: By all means do.

ASSEMBLYMAN DOYLE: And I am not going to try and convince anybody else, as has been done for the past 15 minutes, because I don't think any of us are going to get anybody else to change their position so we might all remain convincible.

I think much of what has been said is to the effect that if committee statements are ever justified, they aren't justified at this time when we are not sufficiently staffed. Rather than discuss what is basically an academic and moot question, whether they will ever be justified, let us first address ourselves to the problem of sufficient staffing. For surely, with insufficient staffing, committee statements will mean little, no matter how much we might think they are desirable. What they will merely become is a reiteration of the advocate's statement or, as was suggested by one of the witnesses this morning, some lobbying group's statement. And I don't think either of those possibilities serves to help the whole idea that we are all seeking to do, which is to strengthen the House. That being the case and hoping that that doesn't draw any comment, you have a further question for the witness?

ASSEMBLYMAN HURLEY: I have a question. You commented on the Rule. This does not apply to anything you said here, but since you made comments on the Rules, I ask you a question, if I may. Should there be a time limit within

which a bill should be listed by the Speaker, for instance, the gross receipts tax repeal act and bills of that type which have been released by committee, but have not been posted on the board?

MR. GANNON: In my judgment, no. The question as to the timing of the board, I think is properly a subject for the discussion of the leaders, and that most assuredly includes yourself as Assistant Minority Leader. But in so far as mandating that timing or that kind of thing in the Rules, I think you sacrifice something at the same time and that is that the leadership who has a broad picture of needs, as opposed to the individual member whose vision is somewhat focussed on his own purpose or his own particular bill -- the leadership then is in the best position to time, as it were, for consideration bills or the proposals before the House.

So your suggestion, which I interpret, as it were, to mean to be a stipulation that the Speaker is under the control of the committee chairmen, I think is an incorrect one and I would submit to you that it opens up all kinds of mischief to this House, conceivably at least, because you are in a position where if you do it for one bill, you must do it for all bills, I would assume. At least you have to be consistent and you could have all kinds of problems in terms of bills being released, and what have you. I think it is a bad move.

ASSEMBLYMAN HURLEY: What you are suggesting is that a bill, having been released by committee, does not have to come to a vote.

MR. GANNON: I am suggesting that that is what the rules say.

ASSEMBLYMAN HURLEY: And that is what you agree with?

MR. GANNON: I agree that the rules say that and I also suggest to you that the time of their calendaring is best handled by the leadership of the House. And, if indeed, as is the case with A 699 - I think is the number - which I honestly believe on the merits is a bad bill and happens to be a Republican bill, if it is just pointed out to the sponsor, "Look it got out of committee, but for these reasons we think on the merits it is a bad bill," then it may very well be that it isn't debated to no end. To have a man put his bill up, try and argue something in which he no longer believes, and have him shot down, I don't understand what kind of macabre ritual that would be.

I simply suggest that in the case of the repeal of the gross receipts tax, we had perhaps seven million dollars of municipality income at stake. Until and if, for instance, Mr. Foran, whom I believe was the sponsor, might suggest an alternative way of financing what he is going to take away from these municipalities, it might best be held or else certainly that would become a political debate, as opposed to a meritorious question.

My point is that I am suggesting by virtue of all of these examples that you have, as it were, a functioning, thinking group, who are timing the calendaring of these bills, namely, the leadership of which you are a part, and a distinguished part.

ASSEMBLYMAN DOYLE: Without turning this into a discussion of the merits of a particular piece of legislation - we are trying to keep it on the rules - as a student of other legislatures, Mr. Gannon, do you know of any other state legislature that puts that kind of constriction on its presiding officer, such as a time limit?

MR. GANNON: Personally, I do not. But that does not mean that they do not exist. I don't want to represent that I have made an exhaustive search of the question.

ASSEMBLYMAN DOYLE: Anything further, gentlemen?

MR. GANNON: Could I made one last comment - and this is not really very provocative. I would just ask the committee in its deliberations to consider the following proposal; that is, that the minutes would include the record of any vote taken in committee which does in fact defeat a bill in committee. I think that that piece of information, which is oftentimes of vital public concern, should be made a part of the permanent record in terms of the committee minutes.

ASSEMBLYMAN DOYLE: It is only provocative in this sense. It is my understanding of the rules, having participated in the two reference committees on which I served, in at least one of which, if not both of which, we have in fact defeated bills, that that type of vote does appear in the minutes and, further, is prescribed by the rules as one that should appear in the minutes. But if my understanding is incorrect, then I personally agree with that suggestion.

MR. GANNON: It is very difficult for me to argue, but in looking back over past minutes, I didn't find any.

ASSEMBLYMAN DOYLE: We will discuss that further.

ASSEMBLYMAN HAMILTON: I believe it is in the committee minutes, but not in the minutes that are published of the Assembly.

MR. GANNON: That's the point.

ASSEMBLYMAN DOYLE: Oh, I'm sorry. I missed your point.

ASSEMBLYMAN HAMILTON: I think we have to get back to that in the whole question that came up this morning about the bill defeated in committee - should it go to the conference committee where it could be resurrected by some vote of some magnitude or whatever.

ASSEMBLYMAN KLEIN: Is that the same question? I am not quite sure that it is.

ASSEMBLYMAN DOYLE: I think Mr. Gannon's point is

not the resurrection of defeated bills, but the advancement of knowledge to the public that that is what happened to a particular piece of proposed legislation.

MR. GANNON: Maybe I should elaborate for just a moment. It seems to me that this Assembly is doing a wonderful thing for Assemblies to come because it is focussing the public's attention on the fact that committee activity is a vital and permanent part of the legislative process. In part that is carried out by the consideration and, in some cases, the defeat in committee of bills. It seems to me that that, therefore, should be a part of the permanent record of activity for other legislatures to understand and for interested scholars and the citizenry at large to consider. That is the reason why I think it should be a part of the permanent historical record of this body and the reason why I suggest it be put in the minutes.

ASSEMBLYMAN DOYLE: Don't you think that, in addition, it should be part of what has come to be in a sense the day-by-day journal of the Legislature, and that is the Legislative Index?

MR. GANNON: I do. However, as a minimum, I really would like to see you put it in the Journal.

ASSEMBLYMAN BURSTEIN: I take it what you are suggesting is that it is only closed votes in committee that either affirmatively or negatively affect a bill that would be so recorded. Intermediate votes, such as holding over for further data, this kind of thing ---

MR. GANNON: It is the final negative vote, frankly, that I think should be in there, the reason being that it seems to me, if there is a record of a roll call vote on a bill in the Journal, it is obvious that it has worked its way through the process and had, in most instances,

some committee consideration. But there are also many instances - and I think they will increase with time - in which bills will be unfavorably considered and concluded unfavorably.

ASSEMBLYMAN KLEIN: I agree with you that it is not terribly controversial, but I would just like to clarify my own thinking. As I understand, the rules presently provide for a recordation of all such votes, but apparently you feel after they are recorded that that record is not preserved. Is that the idea?

MR. GANNON: That's correct. The ongoing permanent record from the historical point of view seems to be the official minutes. Now I could be wrong. Certainly the more energetic scholar would include all of the documents. But I would think that that is more or less a very strong definitive action by a committee that should be preserved.

ASSEMBLYMAN KLEIN: I can only speak for myself. My own thinking is that, having gone as far as we have, mainly to require that all actions of committees be recorded, I think we ought to preserve that record in toto.

MR. GANNON: Fine.

ASSEMBLYMAN DOYLE: Any other questions of this witness? (No response.) Thank you very much, Mr. Gannon.

That concludes those witnesses who have expressed an interest in testifying unless there is anyone present in the Chamber who would like to be heard at this time.

Gentlemen, are there any statements you care to make?

If not, let me have the record indicate that I am in receipt of certain proposed resolutions by Assemblywoman Wilson, Assemblyman Orechio and by Mr. Lanning of Legislative Services Agency. Unless there is some objection, I ask that they be added to the transcript that will be made of this hearing.

(Resolutions referred to above can  
be found beginning on page 47 A.)

ASSEMBLYMAN DOYLE: If there are no other statements,

my thanks to ---

ASSEMBLYMAN HURLEY: Did you ask for statements?

ASSEMBLYMAN DOYLE: Yes.

ASSEMBLYMAN HURLEY: A few minutes ago, comment was made by Mr. Klein that he did not want to get into a debate. But I think it ought to be said here that most of the day's session was used by the majority to debate those suggestions made by witnesses. I have never attended a public hearing like it in my seven years in the Legislature. Usually you listen to what people say and you question what they have suggested. But in this hearing, people have made suggestions and you have argued against them. So I say to you, to tell people you are going to have a public hearing - motions were made on the floor in the debate some weeks ago and referred to this committee - and say we are going to be ongoing, but if you are not really going to do it, is worse than not doing it at all. You were prepared, obviously prepared, to counter those suggestions made today. There has been no productive work done here today.

ASSEMBLYMAN DOYLE: Mr. Hurley, let me use the prerogative of the chair and respond and I will leave it open for anybody else to respond.

If we have produced anything today, it has been a result of all of us. If you feel that we have produced nothing, then we are all to blame for that too, including yourself.

I think that it has been helpful. It has pointed out items of common concern of those people who have studied and who are interested in the Rules. For the most part, many of those items have been items that this committee has decided to keep at previous meetings on its continuing agenda. If our questions seem to be from the negative framework, it was only in the questioner's mind, I am sure, to help find further facts so that that person might be able better to come to a conclusion on whatever the issue was.

I find it very difficult for a committee member to make the statement that has been made, given the fact that each one of the members of this committee has treated this - and I speak now at least for the majority, I am sure - as an ongoing serious endeavor and one that was not concluded by the unanimous adoption of the Rules, which every witness who testified this morning, with the possible exception of Mr. Gannon, recognized to be a vast improvement over what has taken place in the past four years. I can't conclude that all of the efforts of the gentlemen from the majority, not only today but in meetings back in February and meetings that took place before January 31st, were in vain or were wasted efforts, no more than it was true that today was a wasted effort. Quite to the contrary, I think it was a useful exercise. I think it provides a basis for whatever further amendments should be made, and I say to you will be made in the not too distant future.

Perhaps somebody else would like to comment.

ASSEMBLYMAN HAMILTON: Mr. Chairman, I think I ought to say this: I would hope that that was not the tone, Mr. Hurley, that anyone took away from this public hearing. But I would say that, with respect to virtually each and every one of the proposals that came before us, there was very little that was brand new today. The fact of the matter is some of us who attended earlier meetings of the Rules Committee, even before the vote at the end of January, had formed opinions, tentative, fixed or otherwise, and I think it was only fair in receiving from people their suggestions, to let them have the benefit, first of all, of an awareness that we had considered some of those matters and to give them some insight into at least some of the thinking that had gone into it in the past and, in those areas where matters were rejected or tentatively rejected,

to lay that on the table and not run and hide from it.

Certainly to the extent that I disagree with anyone, I was not doing it in an attempt to demean anyone who appeared here today because I think they gave of their time in the same fashion that we who are paid legislators gave of our time, and they are not being paid. But I do think that they were entitled to some insight into the thinking that had gone on, to either carry an item or to reject an item, to the extent it had already been rejected. I think that ought to be on the record.

ASSEMBLYMAN BURSTEIN: Mr. Chairman, I would also say in response to Mr. Hurley's remarks, and carry it perhaps beyond the hearing that was held today, that this may have been a hearing different from all other public hearings that have preceded it of other committees. To the extent that it served to have a cross-current of testing of ideas, as described by Assemblyman Hamilton, it was all to the good.

I think part of the problem of public hearings in the past has been that the committee has sat as a kind of sponge listening to people without testing out their views. I think part of the process legislatively of a hearing ought to be to probe those who are advocating a particular position. And until you do so probe, I would find it difficult in assessing what validity that position has. We have to the extent described by Assemblyman Hamilton, again, certain preconceived ideas about some of the positions taken today. But even in situations where we have no preconceived ideas in other committee hearings, it would seem to me all to the good that there be this kind of cross-discussion and cross-comment, so that you can get some idea, obviously done in a courteous fashion -- but so that you can get some

idea as to the validity of a proposition.

ASSEMBLYMAN DOYLE: I don't know if this seemingly partisan debate is going to add anything to the discussion, the transcript or the record that is being kept for the purpose of adopting whatever proposals should be adopted to further amend the Rules, but if you wish to continue, please feel free.

ASSEMBLYMAN HURLEY: I simply wish to say, Chairman Doyle, I think future actions of this committee on these suggestions will bear out what I say.

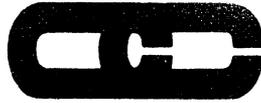
ASSEMBLYMAN HAMILTON: Why don't we decide when we are going to meet? In that way, we can test the validity of your hypothesis, Mr. Hurley.

ASSEMBLYMAN DOYLE: So far, Mr. Hurley, we have a perfect record in that we have kept our word on everything we have said and we will do it on this too. When the record is concluded, we will do it by having an open meeting for what other purposes and items on the continuing agenda for this committee should be maintained.

I would like to thank the witnesses that testified, the court reporters who probably worked harder than anybody, and the committee members, all of whom came today. Thank you very much.

(Hearing Concluded)

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**common  
cause** NEW  
JERSEY

28 WEST STATE STREET, RM. 718, TRENTON, NEW JERSEY 08605



609-396-1150

PREPARED STATEMENT ON ASSEMBLY RULES CHANGES  
TO THE NEW JERSEY STATE ASSEMBLY COMMITTEE ON RULES AND ORDER

by

W. Ray Kohler  
for NEW JERSEY COMMON CAUSE

State House      Trenton, N.J.  
March 8, 1974

On behalf of the more than 13,000 members of New Jersey Common Cause, I wish to publically commend you and the other members of the New Jersey Assembly for an excellent beginning toward the adoption of a set of rules that will help to insure the desirable goals of openness, responsiveness and accountability.

Our compliment for your good beginning must not, however, be construed as a statement of satisfaction that a desirable end product has been achieved. If government is to receive justified support from the people, government and especially the officials who direct it, must demonstrate a willingness to operate by such procedures that will demand and deserve respect. To this end, New Jersey Common Cause urges proper completion of the task.

Too often the people have been given the credible instead of the truth, too often they have been sold the image instead of the actual, too often they have been forced to accept the artificial for the real. Little wonder that they have lost confidence and trust. Although rules can never guarantee the truth, actual and/or real, they can create an atmosphere where the polluting substitutes can be seen for what they really are and dealt with accordingly.

You may not be able to pass a rule guaranteeing virtue but you can adopt some that will expose the lack of it.

If public confidence is to be regained, if integrity is to be restored, the rules of the New Jersey Assembly must reflect openness, responsiveness and accountability. To foster this end, New Jersey Common Cause recommends the following rules changes for your serious consideration.

1. AVAILABILITY OF ASSEMBLY MINUTES

Because the "Minutes of the General Assembly" constitute the official and permanent record of the Assembly, they should be printed regularly and made easily available to the public in a timely fashion.

It is our concern that Legislative information appears in so many forms that it is extremely difficult for the public to remain fully informed. Such a situation is neither desirable nor necessary. Although the Minutes might not be the proper forum for it, some provision should be made to include the information of the "Minutes", "Journal", "Index" and "News" in one publication that is easily available to the public.

We see the consolidation of this information in one publication as something that would require cooperation with the Senate and possible additional outside sources. In the interim we would like to see the Assembly Rules amended as follows:

7:3 The Assembly Minutes shall be printed and made easily available to the public in a timely fashion.

2. ADVANCE PUBLIC NOTICE

To foster accountability and responsiveness, New Jersey Common Cause proposes adoption of a rule to require a 7 day interval between the Second and Third Readings of any bill or resolution. The rule should also include a pro-

vision that public notification be given at the beginning of the 7 day interval to help insure public awareness.

We believe that a shorter interval does not provide enough time to adequately study amendments to a bill made on Second Reading. Furthermore, a shorter time interval is insufficient for the press to inform the public and for the public to make its wishes known to the legislators. In fact, the very mechanics of bill printing are often complicated by the lack of such an interval. It is not uncommon for amendments to a bill to be distributed to the Assemblyman on the very day he or she is expected to cast an informed vote for or against the entire bill.

Therefore, New Jersey Common Cause would like to see the rules amended as follows:

15:11 There shall be seven days advance public notice between the Second and Third Reading of a Bill or Resolution.

### 3. ROLL CALL VOTES

We believe that it would be in the public interest to have recorded roll call votes on all motions and especially on amendments in addition to the votes that are currently required on final passage of bills or resolutions. Positions taken on amendments are often as revealing in evaluating a legislator's performance as his or her vote on final passage of a bill or resolution.

A record of these votes should be included in the Assembly "Minutes" or in some other forum that is conveniently and easily available to the public.

We recommend the following Rules amendment:

12:1 There shall be a recorded roll call vote on all motions, amendments, bills and resolutions with the exception that this can be waived for any of these appearing on the consent calendar.

12:2 These recorded roll call votes will automatically become part of the material for inclusion in the Assembly "Minutes".

#### 4. COMMITTEE RESPONSIBILITY

A complete record of all committee meetings should be filed with the Clerk of the Assembly. That record must be made available to the public on a timely basis.

A necessary step toward increased committee responsibility was made with the inclusion of Assembly Rule #10:12, but additional information is desirable from the committee. In addition to the "statement explaining the provisions and purposes of the bill or resolution", a statement of "pros" and "cons" on the issue (as developed by the committee), and any other statistical or evaluative material (such as a careful analysis of it in terms of background and impact), should be included.

This report should be made at the same time that the bill is released from committee (2nd Reading) and therefore would be available for scrutiny by the entire Assembly membership as well as the public and press in advance of final floor consideration of the bill.

New Jersey Common Cause recommends inclusion in the Assembly Rules:

10:12 A complete record of all committee meetings shall be filed with the Clerk of the Assembly. The record shall include a record of attendance at committee meetings, a statement of all actions taken, and an analysis of each bill considered. The analysis shall include a statement of "pros" and "cons", a statement explaining the provisions and purposes, and a careful evaluation of it in terms of background and impact. These reports will be made available to the Assembly membership and the public at the time that the bill is released from committee.

## 5. COMMITTEE EXECUTIVE SESSIONS

We commend the Assembly for the adoption of Assembly Rule #10:10 which states that "Meetings of Standing Reference Committees where official committee action is to be taken shall be open to the general public." We are concerned, however, that there are some inherent weaknesses contained in the wording of this rule.

It is the belief of New Jersey Common Cause that public business should be conducted in public and that those who conduct it should not hide behind locked doors or the false partitions of "Executive Session". So far as we can determine, private committee sessions should only be authorized if the matter under consideration concerned the "security of the State" or would severely and unnecessarily damage the reputation of individuals in personnel matters.

Furthermore, we believe that the full committee, not just the chairman, must make the final decision about private sessions in these two areas. At the time that the vote is taken by the committee to go into Executive Session, the reasons for such a session must be made public and the vote must be in open session and publically recorded.

Therefore, we recommend an amendment to the rules as follows:

10:10 There shall be an open and recorded vote for any committee to go into Executive Session. Reasons for doing so should be stated openly and should be limited to matters which concern the security of the state or which might unnecessarily damage the reputation of an individual.

## 6. SUB-COMMITTEE REGULATIONS

It would be most damaging to the concept of openness if sub-committees were not required to comply with the same rules that do now or should apply to

Standing Reference Committees. The desirable reduction in the number of Standing Reference Committees may foster an increased number of operating sub-committees. To eliminate them from the same requirements as the Standing Reference Committees would permit the institutionalization of the same type of secrecy that is so undemocratic and so deplorable.

New Jersey Common Cause recommends a rules change:

10:10 All sub-committees of the Assembly shall be required to operate under the rules that govern the Standing Reference Committees.

## 6. DISCHARGE PETITION

In order to insure committee accountability, to gain fair consideration for all bills and to protect the rights of the minority, New Jersey Common Cause proposes a rules change to provide that if a bill has not received final action in committee and therefore has not been released for a floor vote within 90 days after it has been introduced, it can be discharged to the floor upon the submission of a petition signed by 1/5 of the total Assembly membership.

Such a rule would help to eliminate the practice of indefinite postponement or of postponing until such a time when chances of final passage are minimal. Furthermore, it could prevent the Assembly from sidestepping controversial issues by making sure that they remain locked in committee.

Therefore, New Jersey Common Cause recommends:

10:7 If a bill has not been released for a floor vote within 90 days after it has been introduced, a petition signed by 1/5 of the members of the Assembly shall discharge it to the floor.

March 8, 1974

NEW JERSEY COUNCIL OF CHURCHES

Government Commission

Testimony on Assembly Rules

Philip E. Kunz, Director  
Social Concerns

Members of the Assembly rules committee, The New Jersey Council of Churches is pleased to have this opportunity to comment on proposed rules. The Council is keenly interested in being supportive to those circles in the Assembly now seeking internal reform. Such a movement can dramatically help the members of the house and all of the people. In this brief testimony, let me first indicate a few immediate actions which, in our view, would strongly improve the Assembly proceedings, and then state some of the long range steps which we earnestly commend to the Committee and the house.

The immediate adjustments should begin with rule writing to avoid the over use of Emergency Resolutions so prevalent in the past. During the 195th Legislature, for example, of 971 bills voted on, 622 had no Committee reference. Allowing for low profile bills, this still shows a shockingly high use of Emergency procedure and a disregard for orderly committee process. N.J.C.C. thus recommends to you a rule requiring seven days notice before voting on bills. Only a very few situations should be allowed to claim the name "Emergency." Even the recent commendable action on the energy crisis could have awaited seven days deliberation period before passage. We feel strongly the present use of "emergency" has virtually gutted the meaning of that English word.

Another direct rules change of substantial help would be simple. The Committee should include the words, "shall be filed" in the rule regarding the provision of statements by Committees on pending bills. In short, we strongly urge a mandatory Committee report in written English on all bills remanded to the floor. This would not be onerous. But one plain sentence would suffice in some cases. Most important, real Committee reporting would help the members by provision of a factual view more neutral than the statements amended by sponsors. The task of party leadership would be enhanced. The understanding of each member would be helped. The flow of bills never expected to get

to the floor could be cut. As members learned that Committees were a serious forum for their measures, they would send their best drafting and be prepared to push for it. Required Committee reports, or statements, would make the process in your Assembly quite superior to that in Washington.

A last immediate change should be a new rule. Bills rejected in Committee should be open to call by the sponsor to the Assembly Conference Committee. This rule would strengthen the standing Committees, but also open a necessary democratic safeguard to each member. No longer could special interests, often very skillful at influencing a handful in a Committee, thwart the will of the whole majority by holding a bill in Committee.

Beyond these three most immediate changes, N.J.C.C. would like these substantial changes to evolve through your actions in the 196th Legislature:

1. A regular written record of Assembly proceedings, available to the public. This document would be similar to the Congressional Record, but would not allow the abuse known as "revisions and extension of remarks." Why would this document help? First it would truly show the important process of the Assembly to any citizen. Then it would avoid certain current problems such as the impossibility of securing passed Resolutions for as long as two weeks following passage, It would relieve the heavily burdened clerks staff of inquiries from the public which they are hard put to meet. It would serve as a baseline of truth indicating to Assembly members and others what was debated and how the process went. This "Record of The Assembly," could be made available in limited edition to the Clerk, State and other Libraries, and to the public for xerox copies at their cost.

2. This Assembly should take itself far more seriously and provide reinforcement of staff. There are not enough persons to support the Clerk, the leadership, and the committees today. The Assembly also should have stronger computer capacity. N.J.C.C. is ready to back the Assembly in interpreting this important upgrading to the public and would be pleased to commend members to the public who will fight for stronger staffing.

3. The Assembly, in cooperation with the Senate, would be most justified in providing more working space for staff and for house members in Trenton. This could be done by taking over the building now used by Mercer County College at State and Warren. The edifice, a historic building to be preserved, could be given a remodeled interior providing offices and committee rooms now sadly lacking. This plan would have two benefits: A. provision of space at a low cost; B. retention of a historic site with architectural interest rather than another costly "contemporary" building detracting from the present mix of styles which makes downtown Trenton esthetically interesting. This approach, retention of sound existing buildings with new interiors, has been well used in Washington and by Temple University to name but two applications.

4. The Assembly should offer and pass a bill altering the payment of Legislative salaries to an extended basis concurrent with period of service. Monthly would be best, but quarterly might be functional. The present "one-shot" method is unconscionable. Increased salaries would be justified as this Assembly shows high responsibility through rules changes, more thoughtful process, and diligent effort for "open government." N.J.C.C. would be willing to argue to the public for a more fulltime and better paid Legislature.

While N.J.C.C. could easily recommend more far reaching reforms, the present willingness of this Rules Committee to look at some changes means that adoption of just those suggestions offered herein can be a solid, workable, equitable, and politic change for the better.

N.J.C.C. hopes that the 196th Assembly will not hold a few hearings and then revert to "business as usual." This would constitute a grievous fraud on the public. We believe that many members can get together and enact the helpful changes we recommend. You will be helping yourself. In helping yourself, you will be helping your constituents and even your State.

ASSEMBLY RESOLUTION

BY

ASSEMBLYWOMAN WILSON

BE IT RESOLVED by the General Assembly of the State of New Jersey:

That the following rule be adopted as a part of the permanent Rules to govern the 1974 General Assembly:

Rule:

That verbatim transcripts be made of every session of the General Assembly of the State of New Jersey and that such transcripts be kept in a suitable place, copies to be made available to the public in a manner to be designated by the Speaker.



GENERAL ASSEMBLY  
OF NEW JERSEY  
TRENTON

CARL A. ORECHIO  
ASSEMBLYMAN, DISTRICT 27 (ESSEX)  
47 WASHINGTON AVENUE  
NUTLEY, N. J. 07110  
BUS. 201 667 4000

RESOLUTION

by

Assemblyman Orechio

BE IT RESOLVED that the Proposed Rules of the General Assembly for the 196th Legislature, First Session, 1974, be supplemented by the addition of a new rule 12:6 to read as follows:

12:6 a. If a member is unable to be present during a vote or roll call, he may file with the clerk or assistant clerk a written statement, signed by the member, declaring his support for, or opposition to, a bill or bills, the number or numbers of which shall be listed on said statement. If the member declares his support for a bill or bills, an entry shall be made in the Minutes of the General Assembly stating that the member "announced for" said bill or bills. If the member declares his opposition to a bill or bills, an entry shall be made in the Minutes of the General Assembly stating that the member "announced against" said bill or bills.

b. After a roll call has been taken and a quorum declared, there shall be entered in the Minutes of the General Assembly the term "absent" next to the names of those members who failed to attend. However, if the Speaker excuses any members from being present, there shall be entered in the Minutes of the General Assembly the term "excused" next to the names of said members.

c. If a Member does not act under 12:6 a., and is recorded as having been present at roll call, he will be recorded as abstaining or not voting.

Proposed Assembly Rule  
*Legislative Services Agency*  
*by William Lanning*

Any member of the General Assembly may be added as a co-sponsor of an Assembly bill or resolution at any time prior to the final vote thereon by motion or by a written request addressed to and approved by the prime sponsor of the measure. Approved requests for co-sponsorship shall be delivered to the Clerk who shall announce the same in open session.



GENERAL ASSEMBLY  
OF NEW JERSEY  
TRENTON

GORDON A. MACINNES, JR.  
ASSEMBLYMAN, DISTRICT 23 (MORRIS)  
14 ELM STREET  
MORRISTOWN, N.J. 07960

RES. 201-539-0579  
BUS. 201-539-4550

March 13, 1974

The Hon. John Doyle  
Chairman, Assembly Rules Committee  
2 Arbor Drive  
Bricktown, N.J. 08723

Dear Chairman Doyle,

I am writing to correct information presented in testimony March 8. The error in the figures quoted resulted from the use of the final issue of the Legislative Index for the 195th Session, which does not show all committee actions in the event that a bill is enacted into law. I have reviewed a statistically significant sampling from both years of the 195th Session and it appears that the proportion of bills voted on without reference to committee is 20%. This does not change my view that seven days notice should be given before bills without reference are considered. As I stated during questioning, I would be open to other suggestions such as the one put forward by Assemblyman Hamilton, which would accomplish the same purpose.

For the record, while the use of the emergency was not the subject of my testimony it may be helpful for the Committee's consideration to know that of 623 Assembly bills voted on by the Assembly 41 received emergency consideration. Of 310 Senate bills voted on by the Assembly 44 were the result of emergency. This represents 8.6% of all bills considered on the floor of the Assembly but 14% of all Senate bills.

I appreciate your understanding in permitting me to correct the record.

Sincerely,

Gordon A. MacInnes, Jr.

GAM/ds

AUG 14 1985



