

GARDEN STATE CLE LESSON PLAN

**A 1.0 CLE CREDIT COURSE
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THE LEGISLATIVE PROCESS

**WITH REED GUSCIORA, ESQ.,
15th DISTRICT NEW JERSEY STATE
ASSEMBLYMAN
AND FEATURING**

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- I. INTRODUCTION**
- II. THE RULES OF 41 AND 21: SIMPLE MAJORITY
NEEDED IN SENATE AND ASSEMBLY**
- III. COMMITTEE PROCESS FOR BOTH HOUSES**

IV. ANATOMY OF A BILL: THE LEGISLATIVE PATH

- a. An idea for legislation
- b. Office of Legislative Services (non-partisan) drafts a bill for comment and changes and additions by a member
- c. Amendments are made at any time in the process, even after it goes to the Senate
- d. Co sponsors are sought and added to the bill before its being thrown into the hopper. Minority sponsors are important too.
- e. Committee's post bills for committee consideration ONLY with consent of the Speaker in the Assembly—very powerful position
- f. Both the Chair of the Committee and the Speaker like to know the sentiment of the other on the bill before posting
- g. If Speaker wants to see a bill posted, and the committee chair doesn't, the Speaker may reassign the bill to a more friendly committee to conduct hearings and later post the bill for floor consideration
- h. If different committees have an interest in the subject matter, they both may hold hearings. Example: Deer and damage to crops (Agriculture) and environmental committee (dangers to wildlife). Fiscal impact also analyzed.
- i. If Speaker gives the Ok and the Chair agrees, the bill is posted to the agenda and committee hearings are conducted
- j. Testimony at hearings often results in changes to the bills under consideration
- k. Lobbying is a part of the process, private meetings are requested on non-session days with lobbyists. Lobbyists will write and lobby and get their own constituencies to work on Assembly and Senate members for support
- l. To get a bill posted, you can get help from a lobbyist that has inside knowledge and institutional memory. They can help a constituency often and they usually have access to the Governor, the committees and the Speaker

- m. Few bills make it through the process in one session so during lame duck session, so there is a need to go over all the bills introduced last year in your committee for argument that it merits further consideration
- n. If a member feels that there are not enough for the 41 votes needed to pass a bill, then s/he may need to look to the other party for support --but that may not be forthcoming in partisan politics. Therefore, most members pull a bill if they feel it will not pass. Minority members are an important part of the legislative process.
- o. No "conference" like Congress has. The Houses try to work things out in advance of Senate amendment, sort of an informal conference
- p. Governor's Role: he has counsel participate in all stages. Compromise is the concern of the day.
- q. Vetoes are NOT likely to be overridden by 2/3 vote

V. GENERAL OBSERVATIONS

- a. The Assembly is more driven by leadership
- b. Senate President respects each member due to various traditions
- c. Constituents will point out errors in a bill. Getting the toothpaste back into the tube is a difficult task. Corrective legislation can be adopted to remediate the problem.