

Senatorial courtesy: Many N.J. public boards can't operate effectively because members haven't been confirmed

By Star-Ledger Guest Columnist

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Tim Farrell/The Star-Ledger

Outgoing Senate President Richard Codey (D-Essex) speaks with Senate Majority Leader Stephen Sweeney (D-Gloucester) during budget voting sessions in June.

By John Weingart/ Star-Ledger Guest Columnist

Government is rarely accused of practicing too much courtesy, but that is what's wrong with the state Senate's process for confirming members of New Jersey's 500 boards and commissions. These groups, with a total of about 6,000 seats, offer an admirable avenue for meaningful public participation. While some are advisory and others have significant authority, all could enable interested citizens to help guide the implementation of key laws and programs.

Many of the commissions, however, are unable to operate effectively because they lack a full complement of members. A 2004 study by the Eagleton Institute of Politics found as many as 36 percent of the slots vacant or held by people whose terms had expired. By all accounts, the situation is even worse now. As I step down from chairing the Highlands Council, for example, appointments are up-to-date for only three of the 15 members.

Much of the blame does not lie with a particular administration, but rather with the long-standing practice called "senatorial courtesy." As currently interpreted, it means that the state Senate will not schedule a confirmation hearing on a governor's nominee for any post until each senator representing any part of the individual's home county signs off. Depending on where the candidate lives, anywhere from one to seven senators can thereby single-handedly block the nomination.

While "senatorial courtesy" is not written in any law or regulation, it is not without merit. It helps address the imbalance of power between the branches of government in a state with one of the nation's most powerful chief executives. Individual senators invoke "courtesy" not only when they find a nominee objectionable, but also as a means to gain the governor's attention on unrelated matters.

The application of this tradition to New Jersey's commissions, however, rarely succeeds in giving a senator any added clout. With thousands of slots on hundreds of commissions, the governor's office lacks the time and resources to bargain on more than a few. As a result, seats remain vacant and the citizens from all walks of life, who agreed to serve and then wait months or years for their nomination to be confirmed, are left feeling frustrated and angry.

The big loser is public participation in government. The ability of many boards to function effectively is undercut while the long-term vacancies encourage cynicism among people who care about their missions.

The Senate could remedy this problem by limiting the application of senatorial courtesy to nominees for paid positions. It is one thing to keep this hurdle in the path of potential judges, cabinet members and other top officials seeking the highest-paying jobs government has to offer. These posts have sufficiently high visibility that when a senator threatens to block a nomination, the governor's office is usually quick to negotiate. Also, public attention and pressure can usually be brought to bear. In contrast, when one or more state senators refuse to sign off on candidates for boards and commissions, no one much notices.

Just maybe, an oddity of history could prompt Senate President **Dick Codey** to make this year's lame duck session the moment for reform. Never again will the Senate be led by someone who saw senatorial courtesy prevent him, as Senate president, from gaining confirmation for potential commission members he had nominated as governor. Come January when **Kim Guadagno** is sworn in as lieutenant governor, the era of the Senate leader filling in for the governor will end.

As Codey's time as Senate president comes to an end, he could add to his legacy by making this one procedural change that would allow the boards and commissions he and his colleagues have created over the years to truly help bridge the gap between government and the governed. If he doesn't fix this process, it's hard to see how or when it will ever be done.

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