

STATE OF NEW JERSEY
C O N S T I T U T I O N A L
C O N V E N T I O N

of

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held at

RUTGERS UNIVERSITY

The State University of New Jersey
New Brunswick, New Jersey

April 7, 1966

Volume III

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STATE OF NEW JERSEY
CONSTITUTIONAL CONVENTION OF 1966

APRIL 7, 1966

(The session began at 11:30 A.M.)

PRESIDENT ADRIAN M. FOLEY, JR.: Ladies and gentlemen, may I ask you to please take your places.

The third meeting of the Constitutional Convention of 1966 will now come to order.

The Chair would ask that the day's business commence with a prayer by the Rev. Mervin S. Gerhart of St. Paul's United Church of Christ, Milltown, New Jersey.

Rev. Gerhart.

REV. GERHART: Let us pray. Almighty and Everlasting God, who dost unite men in this high holy season of the year and whose benevolent hand is over all mankind, we thank Thee for this great land of ours of freedom and justice in which we live and where Thy children may serve Thee and their fellowmen in many ways. And even in this age of speed and division Thy guiding hand and ruling hand is felt in life. Let Thy hand be upon these Thy servants, invest them with Thy spirit and give them wisdom and courage, strength and vigor to do that which is before them, that this State may be a haven of prosperity and satisfaction for all her people. Do Thou endow the Governor of this Commonwealth with wisdom and tolerance and patience, and the President of the United States with fortitude and conviction, that we, Thy people, may continue to live in prosperity and in peace and in happiness of our freedom.

Govern Thy people with justice and guide us all in the way of peace, here and in our world. Make each one here to know his great privilege and his responsibility to Thee, to his fellowman and to himself, for the sake of Jesus Christ who lived and died to be the Savior of all men. Amen.

PRESIDENT: Thank you, Rev. Gerhart, for giving up your valuable time during this season and being with us, for your most inspirational message.

Ladies and gentlemen, what is your pleasure with regard to the reading of minutes of our last session?

The Chair recognizes Senator Crabiel.

MR. J. EDWARD CRABIEL: Mr. President, I move that the reading of the minutes of the last session be dispensed with.

MR. C. ROBERT SARCONI: I second the motion, Mr. President.

PRESIDENT: A motion has been made and seconded to dispense with the reading of the minutes.

All those in favor, signify by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence.)

The motion is carried.

Mr. Secretary, would you please call the roll.

SECRETARY JOHN E. DIMON: Our apologies for the incomplete list of last week and for the mispronunciation of names. If I do mispronounce your name, if you will come forward after the meeting, I will try to oblige.

(The Secretary called the roll and the following delegates answered as their names were called.)

ATLANTIC COUNTY

Lilienfeld, Ponzio, Bozarth, Farley

BERGEN COUNTY

Andora, Bartoletta, Becton, Bertini, Borg, Durkin,
Peer, Sammartino, Skevin, Weber, Woodcock

BURLINGTON COUNTY

Belopolsky, Dimon, Forsythe

CAMDEN COUNTY

Deighan, Malandra, McCord, Scholz, Thatcher,
Perry, Weinberg

CAPE MAY COUNTY

Sandman

CUMBERLAND COUNTY

Horuvitz, Lupton

ESSEX COUNTY

Bate, Clancy, Clapp, Cohen, Duff, Foley,
Jacobson, Kimmelman, Lynch, Sarcone, Stiles,
Tompkins, Van Riper, Hume

GLOUCESTER COUNTY

Connery, Hunt, Caulfield

HUDSON COUNTY

Castano, Dugan, Gaulkin, Glauberman, Grossi, Koch,
MacPhail, Musto, Roth, Phelps, Roberson

HUNTERDON COUNTY

Lance, Rittenhouse

MERCER COUNTY

Bash, Goldberg, Hollendonner, Weinroth,
Lockhard, Pierson

MIDDLESEX COUNTY

Crabiel, Evanko, Gallagher, Jacks, Metzger
Willis, Yelencsics

MONMOUTH COUNTY

Beadleston, Gross, McGann, Reilly, Sterner, Stout

MORRIS COUNTY

Georges, Hillery, Manahan, Maraziti, Roach,
Thomas

OCEAN COUNTY

Cucci, Novins

PASSAIC COUNTY

Biber, Dunn, Evers, Keegan, LaCava, Roemer,
Sisco, Sullivan

SALEM COUNTY
Leap

SOMERSET COUNTY
Bateman, Meredith, Ozzard, Shaffer

SUSSEX COUNTY
Hollander, Woolfenden

UNION COUNTY
Bailey, Cawley, Dietz, Gannon, Jamison, McDonough,
McGowan, Schreiber, Orkin, Pfaltz

WARREN COUNTY
Curry, Dumont

SECRETARY: Mr. President, you have a quorum and you may proceed with the business of the day.

PRESIDENT: A quorum being present, it is now in order to commence the business of the day.

Mr. Secretary, do you have any proposals presented for the Convention's consideration at our last meeting?

SECRETARY: Mr. President, we have one proposal known as Proposal No. 1, introduced by William V. Musto, a proposal to provide for a unicameral legislature:

"RESOLVED, that the following be agreed upon as part of the proposed revised and amended State Constitution: Paragraph 1. Provision shall be made for a unicameral legislature in place of the present bicameral legislature."

This is the only proposal that we have, Mr. President.

PRESIDENT: Pursuant to the authority arising under Rule 62 of the Convention, the Proposal will be referred to the Committee on Structure of the Legislature.

The Chair would urge that the Committee on Structure of the Legislature commence its hearings and business just as

soon as possible since disposition of this Proposal could possibly affect the business of the Convention and the work of other committees.

The Committee on Rules, by reason of the obligation incurred under Rule 28, was directed to prepare the uniform rules governing the conduct of the public hearings. Are Chairman Thomas and Chairman Dietz present and wish to report on the result of their Rules Committee work?

MR. CHRISTOPHER DIETZ: Mr. President.

PRESIDENT: The Chair recognizes Delegate Dietz.

MR. DIETZ: The Committee on Rules and Business Affairs, having deliberated on the subject matter of rules governing the conduct of public hearings by the standing committees, as directed under Rule 28 of our Rules, reports that the following be the rules for the conduct of such meetings:

1. The standing committees shall hold public hearings as and when ordered by the Convention, by general or special order, on the subject matter lying within its consideration in accordance with the Rules of the Convention or referred to it by the Convention.

2. The co-chairmen, or acting chairman, of the standing committees shall give public notice of each public hearing as far in advance as is practicable and in no event shall such public notice be made less than seven days prior to said public hearing.

3. Said public notice shall be made by delivering a copy thereof to the Committee on Public Relations and Information and the Committee on Public Relations and Information shall deliver or forward immediately copies thereof to all members of the news media.

4. A copy of said public notice shall be posted prominently in the Convention chambers, in the State House, and forwarded to all County Clerks for posting in each County Court House.

5. Said public notice shall include the date, time and place of the public hearing and a concise description of the subject matter or proposal to be considered.

6. All persons wishing to testify before a standing committee shall be afforded a reasonable opportunity to do so and should notify Mrs. June Chase at either telephone: Area code 201, Charter 7-0001 or Area code 609, 292-4724 when Convention is not in session, of such intention.

7. Expert witnesses shall be invited to testify whenever the committee deems necessary or desirable.

8. Witnesses shall be requested, where practicable, to submit written statements of their testimony, but the lack of such written statements shall not be used to deny any witness the opportunity to testify.

9. Witnesses shall limit their oral testimony to 15 minutes, unless otherwise restricted or extended by the committee.

10. Prior to convening a public hearing authorized under these Convention rules, each committee conducting such hearing shall designate a member to sit as the Presiding Officer.

In this capacity such member will maintain order and decorum and rule on all procedural questions arising during the course of the hearing. Rulings of the chair may be overruled by a majority vote of the committee members present. In the event a ruling of the chair is so appealed, the presiding officer shall vote only in the event of a tie.

11. All said public hearings shall be recorded and transcribed. Three hundred copies of the transcription of each public hearing, together with any exhibits and other related materials as the committee may direct, shall be made, and a copy thereof shall be made available to each delegate as soon as practicable.

12. Whenever practicable, said public hearing shall be held at Rutgers, the State University, New Brunswick, New Jersey.

PRESIDENT: Co-Chairman Thomas, does this represent the unanimous view of your Committee?

MR. PETER W. THOMAS: It does.

PRESIDENT: That being so and this being the power given to the Committee under Rule 28, this Convention shall be guided by the uniform rules on public hearings. All chairmen shall contact the Committee on Rules for any

further definition should it be required and, unless amended, these shall cover all future public hearings.

Thank you.

MR. JOHN J. CLANCY: Mr. Chairman.

PRESIDENT: The Chair recognizes Mr. Clancy from Essex.

MR. CLANCY: Just for a point of clarification. I observed in Rule No. 1 it is provided that, "The standing committees shall hold public hearings as and when ordered by the Convention, by general or special order, on the subject matter lying within its consideration in accordance with the Rules of the Convention or referred to it by the Convention."

Is it intended by the last phrase that the matter be referred to the Committee by general or special order in accordance with the general rules which we are adopting, or may that referral have with it specific rules to govern the Committee in the consideration of that particular matter?

I don't understand the last phrase.

PRESIDENT: The Chair would ask for clarification.

MR. DIETZ: Mr. President, will the Delegate please restate his question. Both Mr. Thomas and myself are unsure of the point he is trying to make.

MR. CLANCY: It appears that matters referred to standing committees for public hearing shall be governed in accordance or by the rules of the Convention. That's clear. Now what does the rest of it mean, "or referred to it by the Convention." Does that mean that a referral can be

circumscribed by the order of referral to the committee?

MR. THOMAS: No. I think the way the rules are provided there, the general rules of the Convention, set up the areas of responsibility for each committee. Now it's possible that the Convention Chairman or some other duly authorized person could refer to a specific committee a matter to consider that is not specifically covered by the general rules of the Convention for that committee.

PRESIDENT. And so, Mr. Chairman, I take it that should a matter be referred by the committee acting as a whole, that would be one of the provisions which could only be covered by the last clause.

MR. THOMAS: That's correct.

PRESIDENT: Is that satisfactory, Mr. Clancy?

MR. CLANCY: No. I'm not clear on it yet. I don't know why it's there. If we're to be governed as a committee in the conduct of hearings by the general rules adopted, I should think that would be sufficient. I don't understand "or referred to it by the Convention."

PRESIDENT: I take it, Mr. Clancy, that the Rules Committee felt that possibly a matter referred by the Convention sitting as a committee as a whole might not be covered by the present rules and they, therefore, added this clause so as to take care of that possible contingency.

MR. CLANCY: If that be the fact or the purpose or intent, then I think it might be indicated that we're to be governed by the general rules adopted by the Convention or such other rules laid out or laid down in the referral.

As it is, it's not clear and the explanation doesn't suffice.

PRESIDENT: The Chair recognizes Mr. Thomas.

MR. THOMAS: This merely says that the 9 standing committees shall consider those matters which have been apportioned for each committee under our existing rules of the Convention. But it is entirely possible that the Convention as a whole may decide to enlarge the area of responsibility for a particular committee, so this first rule for the conduct of hearings refers to that.

PRESIDENT: Thank you, Mr. Thomas.

The Committee, I am sure, will be open to further suggestions as to any possible amendments on definitions at any time other than on the Convention floor.

MR. DIETZ: Mr. President, one further point. Under Rule 28 committees can only hold public hearings when ordered by the Convention and, therefore, I think the Convention might entertain, under new business, today a resolution which would authorize discretion to two committees in this area right now, the Structure and Apportionment Committees, to hold public hearings at their discretion in the near future.

PRESIDENT: The Chair will entertain such a motion.

Does the Chairman of the Structure of the Legislature Committee wish to be heard?

The Chair recognizes Senator Stout.

MR. RICHARD R. STOUT: We had a meeting last week and tentatively set a hearing date for April 21 in either this room or in one of the rooms across the street. We are having a meeting after this session and I would like to

announce that the Committee on Structure will meet immediately after this session, Room C in the Commons, and we will confirm the hearing date at that time.

PRESIDENT: I take it, Mr. Chairman, that you would move this body to grant the Committee discretionary right to hold public hearings at the call of the chair of the Committee?

MR. STOUT: I so move.

PRESIDENT: Is there a second to that motion?

Any discussion on the motion?

The Chair recognizes Mr. Duff.

MR. JOHN B. DUFF: Since the Apportionment Committee is holding public meetings on April 14, it seems to me that we can't accomplish much unless there are also hearings going on on whether the legislature is going to be unicameral or bicameral. I would suggest that the hearings of the Structure Committee commence next week as well.

PRESIDENT: Well, Mr. Duff, the present question before the floor is simply whether the Committee shall be granted discretionary power to call meetings at the call of the chair.

MR. CRABIEL: Mr. President, could we table that motion and give us two or three minutes, long enough to get agreement here on the exact type of motion to put in to provide for these two public hearings? I believe it is necessary for the Convention to authorize that but we are just trying to get an agreement here on just what type of wording should be used. So if we could just have one

minute or maybe two minutes, I think we can get an agreement on the proper motion and either have Senator Stout's motion amended or get an all-encompassing motion.

PRESIDENT: The Chair will declare a recess for 5 minutes.

(Short recess)

PRESIDENT: The Convention will please come to order. The Chair recognizes Senator Stout of Monmouth County.

MR. STOUT: Mr. President, I move the following resolution: "RESOLVED, that the Convention hereby authorize the standing committees on Structure and Apportionment to hold such public hearings, in accordance with the rules, as they deem necessary and as decided by a majority vote of the committee."

PRESIDENT: The Chair recognizes Senator Keegan.

MR. JOSEPH M. KEEGAN: I second the motion.

PRESIDENT: Motion duly made and seconded that public hearings be called by standing committees on Structure and Apportionment by said committees with majority agreement.

Any discussion on the motion?

(Silence)

Are you ready for the question?

(Silence)

All those in favor will signify by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

The motion is carried.

The Chair recognizes Senator Keegan from Passaic.

MR. KEEGAN: Mr. President, the Committee on Apportionment, both panels, Panels A and B, will meet immediately after the Convention adjourns here on the floor of the gymnasium.

Now, this will be a short meeting. For the edification of the members on that, we understand that there are other committee meetings but it is estimated that this Committee meeting will take about 10 minutes. Through me, Co-Chairman Lance announces that he has other meetings too, so at the general meeting we will check to find out where and when the specific meetings are being held.

Does the Chair require now any announcements with respect to the meeting of April 14th, the public hearings?

PRESIDENT: The Chair would ask Senator Keegan to make that announcement since it is the hope that as many Delegates as possible will attend such meetings.

If you wish to make that announcement, the Chair will entertain it.

MR. KEEGAN: Mr. President and fellow Delegates, the first public hearing of the Apportionment Committee will be held in this building at 2 o'clock, April 14.

The Convention should note that the Convention Secretary has caused to be notified some 200 organizations of the time and place of this public hearing. To date,

it is scheduled that there will be two organizations heard on the 14th. As other acceptances of the invitation of the Committee are received, they will be communicated through the press and to the members of the Convention.

We join in the Chair's request that as many Delegates, who have the time and the interest to follow the public hearings, will please come at 2 o'clock, April 14, this building.

PRESIDENT: Thank you, Senator Keegan.

Is there any unfinished business to come before the Convention?

The Chair recognizes Senator Sarcone.

MR. SARCONE: Mr. President, with reference to last week's record, if I may bring it up at this time, the record of the proceedings of the last meeting does not reflect the presence of two Delegates from Middlesex who were here - Mildred G. Willis and John Evanko, Jr. I would ask that the record be corrected to indicate their presence.

PRESIDENT: The Secretary is directed to amend the minutes to reflect the attendance of the Delegates.

The Chair is advised that the minutes incorrectly reflected the absence of Delegate Manahan from Morris County and the Secretary is directed to so amend the minutes.

Will you please state your name before speaking?

MR. NORMAN H. ROTH: Roth of Hudson County.

Mr. President, the record does not disclose my name

in attendance at the last meeting and I move that it be corrected to include it.

PRESIDENT: Thank you. The Secretary is so directed.

The Chair recognizes Mr. Duff of Essex.

MR. DUFF: Mr. President, the record does not record the attendance of Delegate Cohen from Essex County who was present last week.

PRESIDENT: The Secretary is directed to so record it.

The Chair recognizes Delegate Deighan from Camden County.

MR. NEIL F. DEIGHAN, JR.: Mr. Chairman, the record does not reflect the presence of Delegate Bennie from Camden County.

PRESIDENT: Thank you. The record will be amended and the Secretary is so directed.

The Chair recognizes Mr. Manahan.

MR. DAVID V. MANAHAN: Mr. Chairman, Mr. Georges from Morris County is the one who was not registered as present last week.

PRESIDENT: The Secretary is directed to re-amend the minutes to reflect Mr. Georges' presence.

Is there any further unfinished business to come before the Convention?

MR. JOSEPH A. LA CAVA: May the record also be amended to show the presence at the last meeting of Delegate Edward Sisco of Passaic County.

PRESIDENT: The record will be so amended.

(The official roll call was so amended)

PRESIDENT: Is there anything further to come before the Convention?

MR. CRABIEL: Mr. President, I would like to have the 21 delegation leaders of the Democrat Party meet in Room D following adjournment of the Convention.

PRESIDENT: That's Room D as in "David," Senator Crabiel?

MR. CRABIEL: Yes.

PRESIDENT: Anything further to come before the Convention?

The Chair recognizes Senator Sarcone.

MR. SARCONE: Mr. President, I move that the Convention adjourn until next Thursday, April 14, at 11 o'clock.

PRESIDENT: Is there a second to that motion?

The Chair recognizes Senator Crabiel.

MR. CRABIEL: I second the motion.

PRESIDENT: The motion to adjourn has been duly made and seconded.

All those in favor signify by saying "Aye."

(Chorus of "Ayes")

Those opposed, "No."

(Silence)

The motion is carried.

(The session adjourned at 12:05 P. M.)