

P U B L I C H E A R I N G

before

SENATE JUDICIARY COMMITTEE

on

FOLLOWING SENATE CONCURRENT RESOLUTIONS FOR
AMENDMENT OF THE NEW JERSEY CONSTITUTION:

- SCR 23 - Stagger terms of Senators
- SCR 24 - Increase salaries of Senate President
 and Assembly Speaker
- SCR 30 & 48 - Create office of Lieutenant Governor

Held:
March 24, 1972
Assembly Chamber
State House
Trenton, New Jersey

MEMBER OF COMMITTEE PRESENT:

Senator Joseph C. Woodcock, Jr.
(Chairman)

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SENATOR JOSEPH C. WOODCOCK, JR. (Chairman): If everyone will take a seat, I think we can begin with the public hearing scheduled for 10 o'clock.

This public hearing is on Senate Concurrent Resolution 23, Senate Concurrent Resolution 24, Senate Concurrent Resolution 30 and Senate Concurrent Resolution 48, proposing amendments to the State Constitution. This hearing is being held by the Senate Judiciary Committee by direction of the Senate and in accordance with the procedure for consideration of proposed amendments to the Constitution, as directed by the Constitution and Rules of the Senate.

Now our first witness will be the Senate President, Raymond H. Bateman of Somerset County.

R A Y M O N D H. B A T E M A N: Senator Woodcock, good morning. I am here to testify on Senate Concurrent Resolution No. 48, which is the proposed Constitutional Amendment which would create a Lieutenant Governor for the State of New Jersey, which Resolution is sponsored by Senator Musto and myself.

This is really the second public hearing held on this subject. There was a thorough public hearing held in 1967 when Senator Musto had previously sponsored, and he has sponsored for a number of years, this proposal for the State of New Jersey. It's my opinion that the time has come for New Jersey to face the problem, for us to give the voters this Constitutional Amendment for their action because there is an overwhelming need in New Jersey for a Lieutenant Governor for administrative and for public duties that, as I say, are overwhelming in nature on the Governor of this State.

There has always been a need for a proper succession to the Governor, quite aside from the real need that now exists for help in administrative and public duties. The succession problem, thankfully, has never arisen but we've always had the possibility of a person succeeding to the governorship who would be of the opposite political party and of the opposite political set of standards or beliefs of

the Governor. And we've had a number of classic situations in New Jersey. In the 1967 hearing there was a good deal of testimony about what would happen if then Governor Hughes had been succeeded, if something had happened, by one of the number of Senate Presidents who were of the opposite political party who had been elected from small constituencies and who would have succeeded to the governorship although they didn't necessarily represent what the public had elected as governor.

Senate Concurrent Resolution 48 sets up the modern type of Lieutenant Governor. As a matter of fact, there are only a few states in the Nation which have the kinds of provisions that are embodied in this Resolution. The Governor and the Lieutenant Governor are elected on the same ticket. The Lieutenant Governor - and this is one of the major differences - is not a legislative officer, he would not be the presiding officer of the Senate, and that's, in my mind, as it should be.

In this proposal, the Lieutenant Governor is given duties by the Governor and he ~~also can be given powers~~ by statute. This also is a fundamental difference. The Lieutenant Governor, under this operation, would not be an ornament, he would be an effective working officer of the Executive branch of government with duties assigned both by the Governor and by the Legislature. And, of course, the Lieutenant Governor succeeds the Governor in the event of death or illness or absence from the State.

In the United States today there are 40 Lieutenant Governors; 10 states do not have them. The most recent Lieutenant Governor addition was in the State of Florida. SCR 48 is patterned very similarly to the Florida one.

We're the largest population state, by far, in the United States that does not have a Lieutenant Governor. Most of the other 9 states are relatively small states that don't have the kinds of pressures and the kinds of awesome responsibilities that the office of Governor has

in the State of New Jersey.

Interestingly, in 37 of the states of the Nation that have Lieutenant Governors, the Lieutenant Governor presides over the Senate. To me, that's a fundamental fallacy just as it's a fallacy for the President of the Senate to be the Acting Governor in the absence of the Governor. One is a legislative officer and one is an executive officer, and the mixing of the two makes little sense to me.

In 11 of the 40 states, and almost all the new offices of Lieutenant Governor, the Governor and the Lieutenant Governor are elected on the same ticket, and these are modeled, of course, after the election of the President and the Vice President, and it seems to me that this is really the proper way to get from the political parties their choice for both and send them through the elective process.

We flirted with this in the past. Senator Musto has been a powerful force to bring this to a head in New Jersey. I think that it would be a great mistake if we did not put this to the public this November. I think it would be a great handicap to the next Governor of New Jersey, elected in 1973, if he does not have a Lieutenant Governor. I think the development of the Legislature, the increasing time burdens of the Legislature which makes literally full-time leaderships in both houses, just points out the impracticality of the President of the Senate, or, in his absence, the Speaker of the House sitting in the Governor's office. In the last two years, I have been in this posture a number of times and it's not the right way for a big, busy state, with the kinds of problems that we have, to operate.

The Governor has indicated publicly that he needs this kind of help. I believe that the public in New Jersey needs to have an alter ego to the Governor, a Lieutenant Governor, from the point of view of communication. In a

state of over 7 million people, with the kinds of demands by people who want to see the Governor or have the Governor appear at important functions, these demands just absolutely overwhelm the office of the Governor to the point that he can only take a fraction of them.

I am sure that one of the major assignments of a Lieutenant Governor will be to handle public functions that are important from a communications point of view, from the point of view that the members of the public want to get the feeling that they can't communicate with the office of the Governor, that they can communicate in a real way.

The Lieutenant Governor proposition has reached its time in New Jersey, and I would urge the Senate Judiciary Committee to recommend it favorably to the Senate, and I would hope that we could get it through with the necessary three-fifths vote in both Houses this year so that it can be put to the public for its final action this November.

If you have any questions, Senator, I'll be glad to answer them.

SENATOR WOODCOCK: Just one with respect to the duties of a Lieutenant Governor.

As I read the proposition, this would be really making a Lieutenant Governor the Executive Assistant to the Governor. Is that so?

SENATOR BATEMAN: Yes. Section 10 of the bill is deliberately designed in the language which says in part: "The Lieutenant Governor, together with the heads of the principal departments, shall be a member of the Governor's cabinet; he shall be the executive assistant to the Governor and shall perform such duties of the office of Governor as the Governor may and shall delegate to him and such other duties as shall be provided by law." That language is written deliberately to give wide powers to the Lieutenant Governor, to dispel any notions that this is a ceremonial type job. And it's probably the strongest section of any constitutional enabling language of any of the 40

that exist, and it was done purposely.

SENATOR WOODCOCK: Then we would have an on-going executive here in the State in the absence of the Governor, whether he be out of the State on business or he be taken ill or be incapacitated in another fashion.

SENATOR BATEMAN: Yes.

SENATOR WOODCOCK: As I understand it, that would be the situation. And also, I gather from reading the proposal, we would have the advantage of a man not only sitting in the office but informed and actively participating in the day to day business of the office.

SENATOR BATEMAN: I spent some time in Boston in December and had the opportunity to discuss a lot of this with the new Lieutenant Governor in Massachusetts, Don Dwight. He gave me actually a statement that the Governor of Massachusetts had just put out which listed special responsibilities in the area of education, consumer affairs, manpower and economic development, that he was assigning to the Lieutenant Governor. And this is the kind of thing that I would expect and hope that a Governor would do for his Lieutenant Governor.

Yes, I think he would be a day to day, very, very important part of the Executive Branch of Government.

SENATOR WOODCOCK: I have no other questions, Mr. President, except, if you would like to speak to any of the other propositions that we have on today, I would be happy to hear you.

SENATOR BATEMAN: I favor them and I think Senator Beadleston, the Majority Leader, is here and is going to speak specifically to them, and I am sure that I would just duplicate the things that he will say, so I will defer to the Majority Leader.

SENATOR WOODCOCK: Thank you, Mr. President.

I think now we will have the Majority Leader, Alfred N. Beadleston, speak to the other propositions - that would be the increased salary for the offices of the

Senate and Assembly, and for the creation of staggered terms for the Senators.

A L F R E D N. B E A D L E S T O N: Thank you very much, Mr. Chairman.

These two resolutions, Senate Concurrent Resolution No. 23 and Senate Concurrent Resolution No. 24, both of which are sponsored by me and Senator Musto, - and they amend the Constitution of our State - stem from recommendations contained in a report of a committee, of which I was Chairman and of which Mr. Musto was Vice Chairman, that recently reported on procedures of and improvements for the operating procedures of the Legislature, many of which, I might add, have been implemented and which I think are not only working very successfully but have received wide public approval. I am hopeful that they will all be enacted in both Houses within the very near future, those that have not been.

These two recommendations are important, in the opinion of our Committee, and Senate Concurrent Resolution No. 23 would provide for staggering the terms in the State Senate.

Some consideration was given, thorough consideration, I might add, to staggered terms in the General Assembly. It was not favorably recommended for the very simple reason that the Assembly terms are for two years, and to stagger them would mean that one-half of the General Assembly would be running in even-numbered years.

Now, as you know, one of the successes of the election process in New Jersey for the Governor and for the members of the Legislature is that we submit to the electorate those people for office in years when there are no national elections for President, United States Senator or Congressman, with the thought that national issues could very well, and in many other states have, influence the outcome of elections for state office when they really should have no influence whatsoever. To stagger the terms of the Assembly would bring half of them running in years of national

elections and could have an adverse effect on the basic concept where we determine that our statewide offices should run in odd-numbered years to avoid just that circumstance.

The recommendation contained in Senate Concurrent Resolution No. 23 - while the language is somewhat difficult to follow, as is often the case in amendments to the Constitution in order for them to be legally correct, - gets down to the fact that half of the Senate would run so as to continue in office and overlap when the second half was running.

We discussed two aspects of this. One, when it should go into effect and whether or not any pending law suits should have any effect upon it whatsoever. We felt that it should not go into effect until after the next census, as I think is clear, and the question would arise, why then do we bother with it now. Well, I think the answer is twofold. We bother with it now while the weight of the recent report is behind the recommendation and, while we could expect that it might come up again later on, we know that when reports are filed they generally gather dust unless someone interested in the report is around to see that it is pushed to fruition.

Secondly, I think it is important to do this well in advance so that it doesn't appear that any of the incumbents are trying to feather their own nests, so to speak, and that the public can look at it without thinking that it's a self-serving document.

The argument as to the pending law suits on the constitutionality of the presently constituted Legislature I don't think has any bearing for the simple reason that however the court may rule on the present constitutional question of multi and single member districts, there can very well be the situation, in some other year, in some other census, whereby a combination of single and multi districts is the only way that you can solve the problem to

the satisfaction of all concerned. So that there is a high likelihood, in my opinion, that while you might get a different decision this year than is maybe in our present Constitution, the next time around it may be entirely different. Who knows what the mathematics are going to be or what the population setup is going to be and what that horrible monster, the computer, might come up with.

So that the Committee feels, and the sponsors feel, that this is something that should be submitted now. And I think the main purpose is to assure that in the future there is some continuity of experienced Legislators. We saw in the last election, and we've seen it in other elections, a tremendous turnover in the number of Legislators. Those who quite for reasons of their own, we're trying to cure with other recommendations in our Report that are not proper to be brought up here before this hearing. But at least we found that the very core of experienced Legislators, very fortunately, remained, but they could well have not, either at their own volition or the whim of the public. And this is the only House, the Senate, where, because of the length of the terms, two years, four years and four years, with the balance of 4, 4 and 2, as recommended here, you could get any continuity, and we think that's important. And I think the legislation that's pending before this Legislature this year, with so many constitutional questions - be it death penalty, be it abortion, be it congressional redistricting, be it the Legislature itself - shows that we are in times where serious minds have to consider serious questions. And the purpose here, to restate it, is to have a central core of members of the Legislature who will be at least around during the changing tide of elections.

Now, if you wish, I will go ahead and talk on the other one or I will answer questions on this one.

SENATOR WOODCOCK: Well, I think perhaps if we just stay with this one for the moment.

The mechanics of how you determine who will be running for the two year term, let's say in the first election in November of 1981, how would that be determined?

SENATOR BEADLESTON: Well, that would be provided by legislation to implement this. And in the last time around that this occurred it was pretty much done by the drawing of lots. However, you will notice here that in this recommendation we have stated in the very last part of the first page: "provided that, as nearly as may be, 1/2 of the Senators to be elected from each Senate District entitled to more than one Senator shall be so chosen to serve for terms of 2 years." In other words, you would have to have, shall I say, two lotteries, one to be sure that where you have multi representation they would have to draw which of the seats would come on the 4-4-2 and which of the seats on the 2-4-4. And having made that original lottery drawing, shall I say, there would be a second lottery to divide it up on the 4-4-2 - 2-4-4 basis. It would have to be done that way because in every case you would have a different setup after each census, in all probability. You wouldn't want to have it all the northern Senators or all the southern Senators or all the eastern Senators or all the western Senators. The mechanics would have to be established by legislation.

SENATOR WOODCOCK: Well, I'm just thinking now, I don't know of any even-member districts. Bergen has 5, Essex has 5, Monmouth has 3, Passaic has 3, Union has 3.

SENATOR BEADLESTON: Right.

SENATOR WOODCOCK: Now, if we were going to draw lots with respect to those, how does that division come about?

SENATOR BEADLESTON: Well, you would have to have in one case 2 and 1; in the other one, 1 and 2; then 3 and 2; and try to work it out. You would have to have a selective lottery. I discussed this with our research people and they said the mechanics of it could be very simply worked out so that you would have as near to within one or two

Senators an absolute half.

SENATOR WOODCOCK: I'm just wondering, for instance, if we were to draw and the bulk of the members from the counties that I've mentioned - Monmouth, Passaic, Essex and Bergen, - were to fall into one group, then, of course, we would still run into the problem in those multi member districts where the bulk of them would all be up in one particular year and we would still have the problem of electing a greater percentage of them from let's say the northern end of the State.

SENATOR BEADLESTON: I think that the lottery, shall I say, or the drawing aspects of it could be very simply worked out so that that wouldn't occur. Of course, you wouldn't use the name of a specific Senator, you'd say in the case of Bergen there would be three and two, without naming individuals. It would be up to the individual to find out where he wanted to run and what year.

I can't see that it would be a difficult matter to have a drawing arranged by law because you could, if necessary, appoint a commission, or whatever, to conduct the drawing. It could be established by law.

SENATOR WOODCOCK: But that would all, in any event, be part of legislation that would be passed as a result of this, and that's merely working out the mechanics of how it's going to be done.

SENATOR BEADLESTON: Yes. And our research people tell me the mechanics are simple. It was done once before here in the State when we had to have a division. I think after the last Constitution. I can't remember the exact time.

SENATOR WOODCOCK: And, of course, if we go to single member districts, then that problem disappears.

SENATOR BEADLESTON: If you go to that, there is no problem, but the language remains here in case you need it. One never knows what, in the wisdom of our courts, we will have from time to time.

SENATOR WOODCOCK: All right, Senator, if you want to continue with this or if you want to address yourself to Senate Concurrent Resolution No. 24.

SENATOR BEADLESTON: Yes, thank you, Mr. Chairman.

In our Report we dealt with the question of compensation of members but we dealt also with the compensation of the leadership. Now, as you know, under the present Constitution the members of the Senate and of the Assembly get a fixed salary and they are not allowed any other emoluments or expenses. We dealt with the subject of expenses and we came up very much opposed to any changes in the law on the question of expenses.

We have watched what has happened in other states and I don't think I have to mention the state; when I mention the word "lulu", I think it's pretty well known. It's a very dangerous door to open because expenses can be meals, it can be travel, it can be per diem, it can be automobiles with chauffeurs, it can be a great many things. And I don't think this State would abuse it but other states have. And so we ran away from that suggestion just as fast as we could.

We then considered whether or not the additional compensation of a third for the President and the Speaker, which is now provided, was adequate. We did not feel that it was if you wanted to take into consideration not only the amount of time that they spent at the job but what others do as well. Now we considered whether or not there should be additional compensation for Chairmen of committees, particularly certain committees, such as the Appropriations Committee, and again we said no. We said no for the very simple reason that in many cases it depends on the individual and it depends on the type of legislation that would come in in any one year. I've served on the Appropriations Committee and I was the Vice Chairman of it at one time, the Joint Appropriations Committee; I was Chairman of the

Appropriations Committee in this House of Assembly when I served here, and one year we didn't have to do much; the next year we were overburdened; the third year we had just an average year. So that it would vary according to the circumstances.

In addition, some years I have seen bills come in that have dealt with county and municipal government to the extent that it was perhaps 70 or 80% of the legislative flow; the next year not so much. So that I don't think you can really start dealing with compensation for chairmen and make any sense. We considered it and we discarded it.

But we do know, as Senate President Bateman testified when speaking on Senate Concurrent Resolution 48, just a few minutes ago, that the work of the President and the Speaker and the Leaders of both parties, at least let's say the Majority and Minority Leaders and Assistant Majority Leader, is absolutely overwhelming. I don't know how those who are actively employed elsewhere can really do much except just take care of the bare necessities. And they must do it and I know that they do do it at tremendous sacrifice.

If we are to maintain what we call a citizen legislature - and I hope we always will - as against the full time political hack - we must recognize the fact that to do so we are going to have to better compensate those who are devoting 60, 75 and 80% of their time to that function.

So that we suggested in this Senate Concurrent Resolution No. 24 to amend the New Jersey Constitution that the compensation of the Senate President and the Speaker of the General Assembly be increased from one-third to read "not in excess of one-half", which would give the Legislature some latitude; and that the Leaders not to exceed four in each House that are Leaders of the Majority and Minority. And, of course, this again would have to be

spelled out because you do have a problem right now in the Assembly as to what's Majority and what's Minority, but I think the general term is well understood; that they will receive up to one-third additional compensation - not one-third but "up to one-third", leaving us the necessary latitude from time to time, as the load dictates, to by law implement this phase of the recommendation.

SENATOR WOODCOCK: Thank you, Senator Beadleston.

I have no questions with respect to that but I would like to invite you to sit up here, if you want to, sir.

SENATOR BEADLESTON: Well, I know you're lonely but I am not a member of the Committee.

SENATOR WOODCOCK: We will move on then and I will call Senator Bate.

Good morning, Senator Bate. In an effort to save time, I think we might have you address yourself to any of the Senate Concurrent Resolutions that are open for hearing here rather than have you come back as we take them up. So if you want to begin with the creation of the office of Lieutenant Governor or staggered terms or salaries, feel free to hit them as you see them.

W I L L I A M J. B A T E: Thank you, Mr. Chairman.

The subject of Lieutenant Governor reminds one of Mark Twain's observations about the weather. Everyone is constantly talking about it, but virtually no one is doing anything about it. The exception has been the lonely voice of the dean of the Legislature, the Honorable William V. Musto, Senator from Hudson County.

Five years ago Senator Musto spoke on this same subject in these same chambers before the Senate Committee on State, County and Municipal Government. The Chairman then was the Senator from Bergen County, the Honorable Jeremiah F. O'Connor. Many opinions were aired, but few solutions were offered. Today we appear before another distinguished Senator from Bergen County, the Honorable Joseph C. Woodcock, Jr. Perhaps at last we are ready to do something about the matter of a Lieutenant Governor.

Senate Concurrent Resolution 48 has bi-partisan sponsorship. Our knowledgeable Senate President, the Honorable Raymond H. Bateman, is the prime sponsor. I call Senator Bateman knowledgeable because in the course of his three record-breaking consecutive terms as Senate President he has spent in excess of 40 days as Acting Governor and knows first hand the day to day function and burdens of that office.

The argument has been advanced that members of the Senate are reluctant to support a resolution establishing the office of Lieutenant Governor because at some future date they

might be giving up the honor of serving as Acting Governor. Such a suggestion is unworthy of the entire Senate membership as it is constituted today. Our first concern is how can the forty of us best serve New Jersey.

While government must never assume the cold posture of the computer, there is always a place for sound business practice in the administration of governmental affairs. Many large corporations have found it necessary to institute the position of Chairman of the Board and Chief Executive Officer. To a large extent this is applicable to the President of the United States. Under Presidents Kennedy, Johnson and Nixon, the duties of the Vice Presidency have been expanded to include areas where the President has felt the need for special emphasis and where added assistance is designed to further the interests of his programs.

Reducing this concept to a state level, the Governor is both the Chairman of the Board, which is colloquially called his cabinet, and he is the Chief Executive Officer of the State. Under present circumstances, however, he is denied an alter ego, who as his constitutional assistant, can provide the necessary emphasis and the day to day administrative assistance that can lead to doing a substantially better job.

New Jersey now has a population that surpasses seven million. No man, regardless of political affiliation, can meet all the daily demands of the office of Governor without additional executive assistance.

By instituting the office of Lieutenant Governor we can increase the efficiency of the executive branch and assure the smooth transition of power should, for whatever reason, the elected governor vacate the office.

The Lieutenant Governor will be exclusively a member of the executive branch of government and will not be the presiding officer of the State Senate. The Senate will continue to elect one of its own members to that position.

In nearly every other regard, the procedure described in the resolution for the combined election of the Governor and Lieutenant Governor is essentially the same as in electing the President and Vice President of the United States. We know the procedure works. Despite the great shock and heavy burden of sorrow thrust upon the nation by the death of President Kennedy, the entire world marvelled at the transition and continuity of our form of government. We are entitled to enjoy this same safeguard in our New Jersey government, should the need arise.

There are some who oppose the creation of the office of Lieutenant Governor because the Constitutional Convention of 1947 rejected the idea. To these doubters I say that in a quarter of a century since then, the world has changed and so have the needs of the United States and New Jersey. Our state takes great pride in the knowledge that one of its sons has in very recent years walked upon the surface of the moon.

Let us give the people of New Jersey the opportunity to amend our Constitution and thereby institute the office of Lieutenant Governor. Let us get in step with the times in which we now live so that we can look forward to a New Jersey government which is better equipped to meet its responsibilities.

That is the only concurrent resolution upon which I wish to speak. I merely might add with respect to the concurrent resolution on staggered terms, it is merely a matter of personal preference. I do favor the concurrent resolution but my personal preference is for the staggered terms for the Senators to begin in this decade rather than the next.

SENATOR WOODCOCK: Thank you very much, Senator Bate, for your remarks. I would say that I agree with your observation that the last reason for not having a Lieutenant Governor is that someone may act in the capacity of Acting Governor. I think your observation is quite correct that that is no reason to block progress. I want to thank you for taking time out to come down here this morning to give testimony on this

important matter.

SENATOR BATE: Thank you, Senator.

SENATOR WOODCOCK: Senator Maraziti, please.

J O S E P H J. M A R A Z I T I: Mr. Chairman, I appear in support of the senate concurrent resolution providing for the submission of the question of Lieutenant Governor to the people of the State of New Jersey. I support the resolution and I urge the Committee to favorably report the resolution.

I have heard legislators and officials from time to time make the statement that they are opposed to the position of Lieutenant Governor because it is not necessary. I disagree with this argument. I think this argument perhaps was valid 10, 15 or 20 years ago. But all of us who have served in the Legislature and have participated in government on the State level and have had involvement with the Executive Branch of government know that the responsibilities and the duties of the Governor during the last ten years have increased tremendously. And we know that State government in many aspects has become in effect a full-time job. Involvement has been brought about by more participation in the activities of the Federal government. The State has become more involved with the activities of counties and municipalities. We have taken on more of the responsibilities of the counties and the municipalities. We have embarked upon major programs that weren't thought of 10 or 15 years ago.

So we have now a Chief Executive that is considerably overworked. As an administrator, he needs an assistant. He needs an assistant in the ordinary course of State business if you do not have a crisis or an emergency. And we know from time to time we do have emergencies that arise in the State of New Jersey which require almost a total involvement of the Governor for a period of time. During this time, he has no one to turn to to carry on the routine operations of State government.

I think it would be a fine thing if he did have someone

to whom he could turn over additional duties when an emergency arose. He should have someone that is deeply involved in the operation of the Administrative Branch of government, that meets with the Cabinet, that knows the operations of the various Cabinet offices and departments, so he can carry on. You don't have that now. True, the President of the Senate acts as Acting Governor during times of absence of the Governor and occasions of that sort. But you know and I know that it is only a standby operation. He certainly does not want to infringe upon the prerogatives of the Governor. Perhaps the opportunity is there to sign into law some legislation that the Senators may have been interested in, but he doesn't do it. In effect, he is not really acting as Governor; he is acting as a standby administrator. He doesn't have the information and the knowledge required to really assist the Governor and take the place of the Governor in the absence of the Governor. Now this is true in the responsibilities of the Governor as Chief Executive and administrator.

We also know that the Governor of the State of New Jersey, as are many Governors, is in great demand throughout the State. They are called upon to appear at many public functions and many quasi-public functions and this is as it should be because the Governor represents all the people of the State of New Jersey. It is impossible for the Governor under the present setup to meet all these responsibilities. So I think in this particular instance also it would be of great value for the Governor to have, in effect, an assistant.

I sense, and I have sensed during the last several years, considerable support for such an office among the people of the State of New Jersey. As I understand it, Mr. Chairman, this concurrent resolution calls for submission of the proposal to the people of the State of New Jersey for an amendment to the Constitution. And I think the people of the State should have the opportunity to vote on this and determine whether or not we should create the office of Lieutenant Governor.

For that reason and the reasons that I have previously stated, I urge the Committee to favorably report the resolution.

SENATOR WOODCOCK: Thank you very much, Senator Maraziti, for taking time out to come down to address the Committee on this very important subject of Lieutenant Governor. I would just like to say, sir, if you would like to address yourself to the other two proposals that we have before the Committee this morning for public hearing, I would be happy to hear from you.

SENATOR MARAZITI: Very simply, Mr. Chairman, thank you for the opportunity. I concur in the arguments that have been presented by Senator Beadleston in regard to these proposals.

SENATOR WOODCOCK: Thank you very much, Senator.

Is Mr. S. Elliott Mayo here?

S. E L L I O T T M A Y O: Mr. Chairman and distinguished members of the Senate Judiciary Committee, my name is Elliott Mayo and I am councilman in the Borough of Metuchen. I am here today representing the Middlesex County Council of Republican Elected Officials, of which I am currently the President, and also the Middlesex County Republican Organization.

We favor the creation of the office of Lieutenant Governor in New Jersey and I would like to read into the record a resolution which was unanimously adopted by our group on March 11, 1972:

"Whereas, New Jersey is a heavily urbanized, large industrial state with significant unresolved problems on all levels of government, and

"Whereas, the Governor of the State of New Jersey faces enormous burdens in managing the responsibilities of his office, and

"Whereas, virtually all other heavily populated states have incorporated the office of Lieutenant Governor into their constitutional structures, and

"Whereas the Middlesex County Council of Republican Elected Officials believes that improved communications

between the Governor's Office and elected local officials throughout New Jersey would serve the public interest, and

"Whereas, the pressure of the Governor's daily schedule and the ceremonial burdens of the Governor's Office are an impediment to the establishment of a strong line of communications between the two levels of government, and

"Whereas, a Lieutenant Governor could serve effectively as the Governor's 'ambassador at large', and

"Whereas, the creation of the office of Lieutenant Governor would improve the structure and responsiveness of the state government," particularly at the municipal and county levels,

"Therefore, be it resolved that the Middlesex County Council of Republican Elected Officials does hereby call upon the legislature to place upon the ballot in 1972, a constitutional referendum providing for the establishment of the office of Lieutenant Governor in New Jersey, and

"Be it further resolved that copies of this resolution be circulated to the Governor, the President of the Senate, the Speaker of the General Assembly and the legislators serving Middlesex County."

That is the resolution which our group endorsed and that resolution also has the strong support of our Republican Party Chairman, Harry Richardson, Jr.,

We feel that the establishment of the office of Lieutenant Governor in New Jersey is a vital and necessary reform which should receive priority consideration during this session of the legislature.

I would just like to personally add that in my observations of various state governments, our Constitution provides for a strong Governor's position with many powers and responsibilities and it would seem appropriate to have along with

this structure, the assistance that he seemingly would obviously need, that of the post of Lieutenant Governor.

As a municipal official, we call upon the Governor as the executive head many, many times and when I think of our 567 municipalities and the many councilmen, etc. that there are, I almost think that we should probably have many Lieutenant Governors to handle the position, but we should certainly have one. Thank you very much.

SENATOR WOODCOCK: Thank you, Councilman Mayo. I would just like to say, sir, that you and your organization are to be congratulated for taking time out to come down here to Trenton to express your views on a matter which I consider to be of great importance to the government here in the State of New Jersey. I do think it was enlightening to hear that local government is interested in hearing from the Governor and the fact that the Lieutenant Governor, the creation of that office, would aid in bringing the message to the local communities, because I think too often when we get here in Trenton, we forget that there are people back there in local government that not only want to hear but want to participate in State government. Thank you again, sir.

MR. MAYO: Thank you. That is exactly our sentiment.

SENATOR WOODCOCK: Joel Jacobson is not here, I don't believe. Is there a representative from the UAW present that wishes to be heard on the proposition SCR 48?

Hearing none, Mrs, Levine, if you would like to be heard with respect to SCR 24, we will hear you next.

A N N E. L E V I N E: I think I gave the Committee members copies of our testimony yesterday. I don't know that it is necessary to read it into the record right now.

SENATOR WOODCOCK: If you would like to make a copy available to the stenographers, they will make that part of the record. Then you can address whatever remarks you have.

(Statement of Mrs. Levine can be found on page 24.)

MRS. LEVINE: I would just like to stress that we do favor the increased compensation for the legislative leaders as proposed in the amendment.

We did make some further remarks which Senator Beadleston also addressed himself to, I believe. As the Commission to Study the Legislature knew, we had favored expense accounts for legislators and the permissive legislation permitting further increased compensation for some committee chairmen. I think some of Senator Beadleston's arguments for giving the increased allowance to party leadership - I guess that's the way we should refer to it - because they did in fact spend more time also can apply to permissive language in the Constitution allowing additional compensation to be set up by statute for possibly other committee chairmen and allowing for reimbursement of other expenses by legislators. This would permit tailoring of compensation or reimbursement for expenses to actual time spent or actual expenses laid out and I think would be consistent with our other recommendations.

We were very pleased to see that in the language raising the salaries, it is flexible, so that you are not always compelled to give as much as a half more or a third more to these leaders. In the event that legislative salaries ever get to a full-time or nearly full-time level, it would not be perhaps considered desirable to have quite such a differentiation between the leadership and other legislators.

That's all I have to say on SCR 24. I should add that we prepared a fiscal note on this. I didn't see one attached to the bill. If the salaries are raised to the maximum permissible, it would amount to an additional expense of only \$36,664.

SENATOR WOODCOCK: Mrs. Levine, I can assure you that before the bill is reported out, we will have the appropriate fiscal note attached to it.

MRS. LEVINE: I am sure you are going to be asked.

SENATOR WOODCOCK: I am certain we will be too.

MRS. LEVINE: I will be glad to answer any questions

you may have.

SENATOR WOODCOCK: I really have no questions. Just let me say that I am very happy you are down here today and certainly anyone that is informed with respect to what is going on in New Jersey knows that the League of Women Voters has been in the forefront of calling for legislative reforms to improve the legislative process here in the State of New Jersey. I think that while as legislators sometimes we don't resent the prodding, we feel it. I do think that again you should be congratulated and your organization should be congratulated for the efforts put forward, because I think you have been helpful to the State government in calling for the kind of reforms that you have been calling for.

MR. LEVINE: Well, we feel a responsibility not only to call for reform, but to support reforms when the Legislature proposes them. I know it is difficult to ask for pay raises for legislators and for leadership and you may take a lot of criticism from the public for this. This is where we feel we can do a service by lending our support where we think it is needed.

SENATOR WOODCOCK: Thank you very much, Mrs. Levine.

Is there anyone else wishing to be heard on SCR 48 which creates the office of Lieutenant Governor? (No response.) Is there anyone present that wants to be heard on SCR 24, which would increase the salaries of certain legislative offices? (No response.) Anyone wishing to be heard on SCR 23, which would create staggered terms for Senators beginning in the year 1982? (No response.)

Hearing none and seeing no one that wishes to be heard, I will close the hearing. The hearing is adjourned.

(Hearing concluded.)

- - - -



LEAGUE OF WOMEN VOTERS OF NEW JERSEY

460 BLOOMFIELD AVENUE, MONTCLAIR, NEW JERSEY 07042 TELEPHONE 746-1465 AREA CODE 201

TESTIMONY OF THE LEAGUE OF WOMEN VOTERS OF NEW JERSEY BEFORE THE SENATE JUDICIARY COMMITTEE ON SCR 24

March 24, 1972

I am Ann E. Levine, a director of the League of Women Voters of New Jersey. The League of Women Voters of New Jersey supports increased compensation for legislative leaders. We believe they do in fact spend, and should spend, more time on legislative work than other legislators. We testified to this effect at a Joint Appropriations Committee hearing on March 25, 1970; in a letter to all legislators on April 22, 1971; and in a statement submitted to the Commission to study the Legislature (the Beadleston Commission) on October 14, 1971.

The present proposal before you, SCR 24, amends the New Jersey Constitution to permit an increase from $1/3$ to $1/2$ of a regular member's salary in the additional allowance for the presiding officers and to allow the majority and minority leadership in each house to receive up to $1/3$ more. We believe this flexibility--in using the wording "not in excess of $1/2$ ", and "not in excess of $1/3$ " -- to be good. In the event that legislative salaries are ever increased to a level permitting full-time legislative service, it is probable that a lesser differentiation between leadership and rank-and-file salaries would be considered desirable.

We wonder, however, if the number of those receiving additional salary increments could be enlarged to include such others as the chairmen of the Appropriations Committees, and or other committees, from time to time, if their jobs become more time-consuming. Presumably this will happen as the

committee system becomes stronger in the Legislature. We would suggest constitutional language permitting, but not requiring this, leaving it to future legislatures to decide when and if such payments are merited.

In addition, the League believes that as long as this particular section and paragraph of the constitution is being amended, that language prohibiting expense accounts for legislators should be removed. The League favors expense allowances on a reimbursement-for-actual-expense basis. We would hope that language permitting this could be inserted into this proposed amendment.

There is one last point we hope you will consider. The apportionment of the New Jersey Legislature is currently under consideration by the New Jersey Supreme Court. Those attending the hearings have gotten a clear impression that their forthcoming decision may well involve calling for further argument on those provisions of the New Jersey constitution involving apportionment. You are involved today in hearings on two amendments to the Legislative article and one to the Executive article. You may wish to delay moving these resolutions forward until it becomes clear what other revisions may be necessary in the near future.

SENATE CONCURRENT RESOLUTION No. 23

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1972 SESSION

By Senators BEADLESTON and MUSTO

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

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

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

PROPOSED AMENDMENT

3 Amend Article IV, Section II, paragraph 2, to read as follows:
4 2. Each Senator shall be elected by the legally qualified voters
5 of the Senate district, except that if the Senate district is com-
6 posed of two or more counties and two Senators are apportioned
7 to the district, one Senator shall be elected by the legally quali-
8 fied voters of each Assembly district. Each Senator shall be
9 elected for a term beginning at noon of the second Tuesday in
10 January next following his election and ending at noon of the
11 second Tuesday in January 4 years thereafter, except that [each
12 Senator], *beginning with the election of the Senators for terms*
13 *beginning in January, 1982, 1/2 of the Senators to be elected for*
14 *[a term] terms beginning in January of the second year following*
15 *the year in which a decennial census of the United States is taken[,]*
16 *and all of the Senators to be elected for terms beginning in January*
17 *of the year in which a decennial census of the United States is*
18 *taken shall be elected for [a term] terms of 2 years. The Senators to*
19 *serve for terms of 2 years beginning in January of the second year*
20 *following the year in which a decennial census of the United States*
21 *is taken shall be chosen by lot as provided by law; provided that, as*
22 *nearly as may be, 1/2 of the senators to be elected from each Senate*
23 *district entitled to more than one Senator shall be so chosen to serve*
24 *for terms of 2 years.*

is not enacted and is intended to be omitted in the law.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill

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

1 3. This proposed amendment to the Constitution shall be sub-
 2 mitted to the people at said election in the following manner and
 3 form:

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

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

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

12 2. In every municipality the following question:

	Yes.	AMENDMENT TO CONSTITUTION AUTHORIZATION FOR STAGGERED TERMS— STATE SENATE
	No.	Shall the amendment of Article IV, Section II, paragraph 2, of the Con- stitution, agreed to by the Legislature providing for the staggering of terms of the members of the State Senate, begin- ning in 1982, be adopted?

STATEMENT

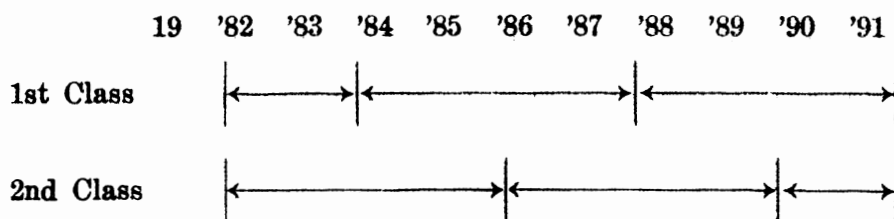
The present constitutional provision governing the terms of the members of the Senate provides that all 40 Senators shall serve for concurrent terms of 2 years, 4 years and 4 years during each decade following each Federal census. This provision was proposed by the Constitutional Convention of 1966 and adopted by the people that same year. Prior to that time, the members of the Senate were elected in two classes for staggered terms. The convention abandoned the staggered terms because of the anticipated need to redraw Senate districts after each Federal decennial census. There is, however, no need to abandon staggered terms *within* each decade.

The Commission to Study the Legislature recommended, in its December 6, 1971, report such intra-decade staggering of Senate terms beginning either with the 1974 Legislature or with the 1982

Legislature—the first Legislature after the taking of the next Federal decennial census.

Inauguration of staggered terms in 1974 would mean that $\frac{1}{2}$ of the Senators would serve for *three* two-year terms during the ten-year period from 1972 through 1981, while the other half would serve for only *one* two-year term during that same decade. This is not equitable. If, however, staggered terms are staggered after the next Federal decennial census, the terms of all Senators will be equal; e.g. during the decade 1982–1991, $\frac{1}{2}$ will have 2-4-4-year terms and the other half will have 4-4-2-year terms, as follows:

PROPOSED STAGGERED TERMS



This proposed constitutional amendment would provide for staggered terms beginning in 1982, with the classes of Senators to be chosen by lot and, as nearly as may be, with one-half of the Senators from each Senate district assigned to each class.

SENATE CONCURRENT RESOLUTION No. 24

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1972 SESSION

By Senators BEADLESTON and MUSTO

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

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

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

PROPOSED AMENDMENT

3 Amend Article IV, Section IV, paragraph 7, to read as follows:
4 7. Members of the Senate and General Assembly shall receive
5 annually, during the term for which they shall have been elected
6 and while they shall hold their office, such compensation as shall,
7 from time to time, be fixed by law and no other allowance or
8 emolument, directly or indirectly, for any purpose whatever. The
9 President of the Senate and the Speaker of the General Assembly,
10 each by virtue of his office, shall receive an additional allowance,
11 **[equal to 1/3]** *not in excess of 1/2* of his compensation as a member
12 *as shall, from time to time, be fixed by law. Members, not in excess*
13 *of four in each House, selected as the leaders of the majority and*
14 *minority members, each by virtue of his position, shall receive, an*
15 *additional allowance, not in excess of 1/3 of his compensation as a*
16 *member as shall, from time to time, be fixed by law.*

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

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

1 3. This proposed amendment to the Constitution shall be sub-
 2 mitted to the people at said election in the following manner and
 3 form:

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

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

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

12 2. In every municipality the following question.

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

SENATE JUDICIARY COMMITTEE
STATEMENT TO
SENATE CONCURRENT RESOLUTION No. 24

STATE OF NEW JERSEY

DATED: JANUARY 31, 1972

The present compensation for the President of the Senate and Speaker of the General Assembly is one-third more than that of the other members of the Legislature.

In the Report of the Commission to Study the Legislature it was recommended that the Senate President and Assembly Speaker be given additional compensation which would amount to up to one-half of the basic salary. The commission also suggested that four additional leaders in each house should receive an additional one-third over the basic salary.

These suggestions were made because of the extra work and time the commission found were involved in the handling of these positions. The commission felt that this work should be compensated.

This concurrent resolution would place a constitutional amendment on the ballot at the next general election which would make such changes.

The amendment as proposed provides that the four leaders of each house who will receive additional compensation of one-third over the basic salary will be chosen by the majority and minority parties.

SENATE CONCURRENT RESOLUTION No. 30

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1972 SESSION

By Senators BATEMAN and MUSTO

A CONCURRENT RESOLUTION to amend Article V of the Constitution of the State of New Jersey to create the office of Lieutenant Governor and to provide for his election.

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

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

PROPOSED AMENDMENT

3 Amend Article V, Section I, paragraphs 2, 3, 4, 5, 6, 7, 9 and 10,
4 and adding a new paragraph 10a. as follows:

5 2. The Governor *and Lieutenant Governor* shall be not less than
6 30 years of age, and shall have been for at least 20 years **[a citizen]**
7 *citizens* of the United States, and **[a resident]** *residents* of this
8 State 7 years next before **[his]** *their* election, unless **[he]** *they or*
9 *either of them* shall have been absent during that time on the public
10 business of the United States or of this State.

11 3. No member of Congress or person holding any office or posi-
12 tion, of profit, under this State or the United States shall be
13 Governor *or Lieutenant Governor*. If the Governor *or Lieutenant*
14 *Governor* or person administering the office of Governor shall
15 accept any other office or position, of profit, under this State or the
16 United States, his office of Governor *or Lieutenant Governor* shall
17 thereby be vacated. No Governor *or Lieutenant Governor* shall be
18 elected by the Legislature to any office during the term for which
19 he shall have been elected Governor *or Lieutenant Governor*.

20 4. The Governor *and Lieutenant Governor* shall be elected by
21 the legally qualified voters of this State *at the same time. The*
22 *Lieutenant Governor shall be elected for the first time at the*
23 *general election to be held in 1973. The Governor and Lieutenant*
24 *Governor shall be chosen jointly by the casting by each voter of a*

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

25 *single vote applicable to both offices and the Legislature, by law,*
 26 *shall provide for making such choice in such manner. The [person]*
 27 *persons receiving the greatest number of votes cast jointly for*
 28 *Governor and Lieutenant Governor shall be [the Governor;]*
 29 *elected, but if the total number of two or more such joint votes*
 30 *applicable to the offices of Governor and Lieutenant Governor shall*
 31 *be equal and greatest, [in votes] one of [them] such pair of joint*
 32 *candidates for Governor and Lieutenant Governor shall be elected*
 33 *[Governor] by the vote of a majority of all the members of both*
 34 *houses in joint meeting at the regular legislative session next fol-*
 35 *lowing the election for Governor and Lieutenant Governor by the*
 36 *people. Contested elections for the [office] offices of Governor and*
 37 *Lieutenant Governor shall be determined in such manner as may be*
 38 *provided by law.*

39 5. The term of office of the Governor *and Lieutenant Governor*
 40 *shall be 4 years, respectively, beginning at noon of the third Tues-*
 41 *day next following [his] their election, and ending at noon of the*
 42 *third Tuesday in January 4 years thereafter. No person who has*
 43 *been elected Governor for two successive terms, including an un-*
 44 *expired term, shall again be eligible for that office until the third*
 45 *Tuesday in January of the fourth year following the expiration of*
 46 *his second successive term.*

47 6. In the event of a vacancy in the office of Governor resulting
 48 *from the failure of the Governor-elect to qualify or from the death,*
 49 *resignation or removal of a Governor in office, or the death of a*
 50 *Governor-elect, or from any other cause, the functions, powers,*
 51 *duties and emoluments of the office shall devolve upon the Lieu-*
 52 *tenant Governor for the term for which he was elected, and in the*
 53 *event of his death, resignation or removal, upon the President of*
 54 *the Senate, for the time being, and in the event of his death, resigna-*
 55 *tion or removal, then upon the Speaker of the General Assembly,*
 56 *for the time being; and in the event of his death, resignation or*
 57 *removal, then upon such officers and in such order of succession as*
 58 *may be provided by law; until a new Governor shall be elected and*
 59 *qualify.*

60 7. In the event [of the failure of the Governor-elect to qualify,
 61 or] of the absence from the State of a Governor in office, or his
 62 inability to discharge the duties of his office, or his impeachment,
 63 the functions, powers, duties and emoluments of the office shall
 64 devolve upon *the Lieutenant Governor for the period of such ab-*
 65 *sence, inability, or impeachment, and in the event of the death,*
 66 *resignation, removal, absence, inability or impeachment of the*
 67 *Lieutenant Governor, then upon the President of the Senate, for the*

68 time being; and in the event of his death, resignation, removal,
69 absence, inability or impeachment, then upon the Speaker of the
70 General Assembly, for the time being; and in the event of his death,
71 resignation, removal, absence, inability or impeachment, then upon
72 such officers and in such order of succession as may be provided by
73 law; until the Governor-elect shall qualify, or the Governor in
74 office shall return to the State, or shall no longer be unable to
75 discharge the duties of the office, or shall be acquitted, as the case
76 may be, or until a new Governor shall be elected and qualify.

77 9. In the event of a vacancy in the office of Governor *and Lieu-*
78 *tenant Governor*, a Governor *and Lieutenant Governor* shall be
79 elected to fill the unexpired **[term]** *terms* at the general election
80 next succeeding the **[vacancy]** *vacancies*, unless the **[vacancy]**
81 *vacancies* shall occur within 60 days immediately preceding a gen-
82 eral election, in which case **[he]** *they* shall be elected at the second
83 succeeding general election; but no election to fill **[an]** unexpired
84 **[term]** *terms* shall be held in any year in which a Governor is to be
85 elected for a full term. A Governor *and Lieutenant Governor*
86 elected for **[an]** unexpired **[term]** *terms* shall assume **[his office]**
87 *their offices* immediately upon **[his]** *their* election.

88 10. The Governor *and Lieutenant Governor* shall receive for
89 **[his]** *their* services **[a salary]** *salaries*, which shall be neither in-
90 creased nor diminished during the period for which **[he]** *they* shall
91 have been elected.

92 10. a. *The Lieutenant Governor, together with the heads of the*
93 *principal departments, shall be a member of the Governor's cabinet;*
94 *he shall be the executive assistant to the Governor and shall per-*
95 *form such duties of the office of Governor as the Governor may and*
96 *shall delegate to him and such other duties as shall be provided by*
97 *law.*

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

1 3. This proposed amendment to the Constitution shall be sub-
2 mitted to the people at said election in the following manner and
3 form:

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

- 6 1. In every municipality in which voting machines are not used,
 7 a legend which shall immediately precede the question as follows:
 8 If you favor the proposition printed below make a cross (×),
 9 plus (+) or check (✓) in the square opposite the word "Yes." If
 10 you are opposed thereto make a cross (×), plus (+) or check (✓)
 11 in the square opposite the word "No."
 12 2. In every municipality the following question:

	Yes.	<p style="text-align: center;">CONSTITUTIONAL AMENDMENT— LIEUTENANT GOVERNOR</p> <p>Shall the amendment of the Constitution, agreed to by the Legislature establishing the office of Lieutenant Governor and providing for the term of office, election, succession, salary, qualifications and duties of such office, be adopted?</p>
	No.	

SENATE JUDICIARY COMMITTEE
STATEMENT TO
SENATE CONCURRENT RESOLUTION No. 30

STATE OF NEW JERSEY

DATED: JANUARY 31, 1972

New Jersey has no Lieutenant Governor. A constitutional amendment is required in order to have a Lieutenant Governor. This concurrent resolution would place the question of whether to create the office of Lieutenant Governor on the ballot at the next general election.

The requirements for the office will be the same as those for Governor. Both will be elected at the same time, chosen by a single vote. If the Governor-elect fails to qualify, or on the Governor's death, removal or resignation, the Lieutenant Governor will assume the office for his elected term. The order of succession after the Lieutenant Governor remains the same as it is now. If the Governor is absent from the State or suffers a disability the office will be filled by the Lieutenant Governor for as long as required.

Vacancies would have to occur in both the Governor's office and the Lieutenant Governor's office for a special election to be held to fill the offices.

The Lieutenant Governor will be a member of the Governor's cabinet and will be the "executive assistant" to the Governor.

SENATE CONCURRENT RESOLUTION No. 48

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 7, 1972

By Senators BATEMAN and MUSTO

Referred to Committee on Judiciary

A CONCURRENT RESOLUTION to amend Articles IV and V of the Constitution of the State of New Jersey to create the office of Lieutenant Governor and to provide for his election.

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

1 1. The following proposed amendments of the Constitution of
2 New Jersey are agreed to:

PROPOSED AMENDMENTS

3 Amend Article IV, Section V, paragraph 1 to read as follows:

4 1. No member of the Senate or General Assembly, during the
5 term for which he shall have been elected, shall be nominated,
6 elected or appointed to any State civil office or position, of profit,
7 which shall have been created by law, or the emoluments whereof
8 shall have been increased by law, during such term. The provisions
9 of this paragraph shall not prohibit the election of any person as
10 Governor, *Lieutenant Governor* or as a member of the Senate or
11 General Assembly.

12 Amend Article V, Section I, paragraphs 2, 3, 4, 5, 6, 7, 9, and 10,
13 and adding a new paragraph 10a. as follows:

14 2. The Governor and *Lieutenant Governor* shall be not less than
15 30 years of age, and shall have been for at least 20 years **[a citizen]**
16 *citizens* of the United States, and **[a resident]** *residents* of this
17 State 7 years next before **[his]** *their election*, unless **[he]** *they or*
18 *either of them* shall have been absent during that time on the public
19 business of the United States or of this State.

20 3. No member of Congress or person holding any office or posi-
21 tion, of profit, under this State or the United States shall be
22 Governor or *Lieutenant Governor*. If the Governor or *Lieutenant*
23 *Governor* or person administering the office of Governor shall
24 accept any other office or position, of profit, under this State or the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

25 United States, his office of Governor *or Lieutenant Governor* shall
 26 thereby be vacated. No Governor *or Lieutenant Governor* shall be
 27 elected by the Legislature to any office during the term for which
 28 he shall have been elected Governor *or Lieutenant Governor*.

29 4. The Governor *and Lieutenant Governor* shall be elected by
 30 the legally qualified voters of this State *at the same time. The*
 31 *Lieutenant Governor shall be elected for the first time at the*
 32 *general election to be held in 1973. The Governor and Lieutenant*
 33 *Governor shall be chosen jointly by the casting by each voter of a*
 34 *single vote applicable to both offices and the Legislature, by law,*
 35 *shall provide for making such choice in such manner.* The [person]
 36 persons receiving the greatest number of votes cast jointly for
 37 Governor *and Lieutenant Governor* shall be [the Governor:]
 38 elected, but if the total number of two or more such joint votes
 39 applicable to the offices of Governor *and Lieutenant Governor* shall
 40 be equal and greatest, [in votes] one of [them] such pair of joint
 41 candidates for Governor *and Lieutenant Governor* shall be elected
 42 [Governor] by the vote of a majority of all the members of both
 43 houses in joint meeting at the regular legislative session next fol-
 44 lowing the election for Governor *and Lieutenant Governor* by the
 45 people. Contested elections for the [office] offices of Governor *and*
 46 *Lieutenant Governor* shall be determined in such manner as may be
 47 provided by law.

48 5. The term of office of the Governor *and Lieutenant Governor*
 49 shall be 4 years, *respectively*, beginning at noon of the third Tues-
 50 day following [his] *their* election, and ending at noon of the
 51 third Tuesday in January 4 years thereafter. No person who has
 52 been elected Governor for two successive terms, including an un-
 53 expired term, shall again be eligible for that office until the third
 54 Tuesday in January of the fourth year following the expiration of
 55 his second successive term.

56 6. In the event of a vacancy in the office of Governor resulting
 57 from the *failure of the Governor-elect to qualify or from the death,*
 58 *resignation or removal of a Governor in office, or the death of a*
 59 *Governor-elect, or from any other cause, the functions, powers,*
 60 *duties and emoluments of the office shall devolve upon the Lieu-*
 61 *tenant Governor for the term for which he was elected, and in the*
 62 *event of his death, resignation or removal, upon the President of*
 63 *the Senate, for the time being, and in the event of his death, resigna-*
 64 *tion or removal, then upon the Speaker of the General Assembly,*
 65 *for the time being; and in the event of his death, resignation or*
 66 *removal, then upon such officers and in such order of succession as*
 67 *may be provided by law; until a new Governor shall be elected and*
 68 *qualify.*

69 7. In the event ~~of the failure of the Governor-elect to qualify,~~
 70 ~~or~~ of the absence from the State of a Governor in office, or his
 71 inability to discharge the duties of his office, or his impeachment,
 72 the functions, powers, duties and emoluments of the office shall
 73 devolve upon *the Lieutenant Governor for the period of such ab-*
 74 *sence, inability, or impeachment, and in the event of the death,*
 75 *resignation, removal, absence, inability or impeachment of the*
 76 *Lieutenant Governor, then upon the President of the Senate, for the*
 77 *time being; and in the event of his death, resignation, removal,*
 78 *absence, inability or impeachment, then upon the Speaker of the*
 79 *General Assembly, for the time being; and in the event of his death,*
 80 *resignation, removal, absence, inability or impeachment, then upon*
 81 *such officers and in such order of succession as may be provided by*
 82 *law; until the Governor-elect shall qualify, or the Governor in*
 83 *office shall return to the State, or shall no longer be unable to*
 84 *discharge the duties of the office, or shall be acquitted, as the case*
 85 *may be, or until a new Governor shall be elected and qualify.*

86 9. In the event of a vacancy in the office of Governor *and Lieu-*
 87 *tenant Governor*, a Governor *and Lieutenant Governor* shall be
 88 elected to fill the unexpired ~~term~~ *terms* at the general election
 89 next succeeding the ~~vacancy~~ *vacancies*, unless the ~~vacancy~~
 90 *vacancies* shall occur within 60 days immediately preceding a gen-
 91 eral election, in which case ~~he~~ *they* shall be elected at the second
 92 succeeding general election; but no election to fill ~~an~~ unexpired
 93 ~~term~~ *terms* shall be held in any year in which a Governor is to be
 94 elected for a full term. A Governor *and Lieutenant Governor*
 95 elected for ~~an~~ unexpired ~~term~~ *terms* shall assume ~~this office~~
 96 *their offices* immediately upon ~~this~~ *their* election.

97 10. The Governor *and Lieutenant Governor* shall receive for
 98 ~~this~~ *their* services ~~a salary~~ *salaries*, which shall be neither in-
 99 creased nor diminished during the period for which ~~he~~ *they* shall
 100 have been elected.

101 10. a. *The Lieutenant Governor, together with the heads of the*
 102 *principal departments, shall be a member of the Governor's cabinet;*
 103 *he shall be the executive assistant to the Governor and shall per-*
 104 *form such duties of the office of Governor as the Governor may and*
 105 *shall delegate to him and such other duties as shall be provided by*
 106 *law.*

1 2. When this proposed amendment to the Constitution is finally
 2 agreed to, pursuant to Article IX, paragraph 1 of the Constitution,
 3 it shall be submitted to the people at the next general election oc-
 4 curring more than 3 months after such final agreement and shall be
 5 published at least once in at least one newspaper of each county

6 designated by the President of the Senate and the Speaker of the
7 General Assembly and the Secretary of State, not less than 3 months
8 prior to said general election.

1 3. This proposed amendment to the Constitution shall be sub-
2 mitted to the people at said election in the following manner and
3 form:

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

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

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

12 2. In every municipality the following question:

	Yes.	<p style="text-align: center;">CONSTITUTIONAL AMENDMENT— LIEUTENANT GOVERNOR</p> <p>Shall the amendment of the Constitu- tion, agreed to by the Legislature estab- lishing the office of Lieutenant Governor and providing for the term of office, elec- tion, succession, salary, qualifications and duties of such office, be adopted?</p>
	No.	

NJTA

NEW JERSEY TAXPAYERS ASSOCIATION INC. • 104 NORTH BROAD STREET • TRENTON, N.J. 08608 • TELEPHONE: AREA CODE 609-394-3116

March 30, 1972

STATEMENT OF
NEW JERSEY TAXPAYERS ASSOCIATION, INC.
BY
FRANK W. HAINES, EXECUTIVE DIRECTOR
RE
SENATE CONCURRENT RESOLUTIONS 30 AND 48
CONSTITUTIONAL AMENDMENTS TO CREATE THE OFFICE OF LIEUTENANT GOVERNOR

The New Jersey Taxpayers Association supports the general objective of legislative reform as a means of improving the Legislature's operations. Reform can also contribute to improvement of the public image of the Legislature.

Public understanding is essential if referenda on constitutional amendments to provide higher salaries for legislative leaders and to create a new position of Lieutenant Governor are to be successful. In submitting this statement, we wish to make it clear that the New Jersey Taxpayers Association has no position on either Senate Concurrent Resolution 30 or 48 to create the office of Lieutenant Governor.

More Supporting Evidence Needed

We suggest that much more information than was presented at the public hearing on March 24 will have to be provided voters before they can be expected to endorse the amendments. The total concept of the position of Lieutenant Governor should be described in as much detail as possible. We suggest that legislation which would be necessary for implementation of the amendment be introduced as soon as possible to reflect the role which sponsors have in mind for this major new political officer.

We recognize that New Jersey is one of only eight states without the office of Lieutenant Governor--Arizona, Maine, New Hampshire, Oregon, Utah, West Virginia, Wyoming, and New Jersey. The State has been fortunate in having only four situations in its entire history that required the President of the Senate to assume the office of governor other than on a temporary acting Governor basis.

Strong Points of SCR No. 30 and 48

NJTA's analysis of provisions of the two Senate Concurrent Resolutions, aside from the question of need for the office of lieutenant governor, indicates several desirable features patterned from recent developments in other states

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which avoid weaknesses in earlier provisions of other state constitutions. These features include:

1. The office of Lieutenant Governor would be wholly and exclusively in the executive branch, not partially in the executive branch performing duties assigned by the Governor, and partially in the legislative branch serving as presiding officer of the State Senate.
2. The 4-year term of office would coincide with that of the Governor.
3. Election of the Governor and Lieutenant Governor would be by joint vote of the people, thus assuring that the Lieutenant Governor would be of the same political party as the Governor.
4. The Lieutenant Governor would serve as executive assistant to the Governor and as a member of the Governor's Cabinet. Duties would be as delegated by the Governor or as set forth in law.
5. The Lieutenant Governor would succeed the Governor temporarily if the Governor is absent from the State, unable to serve, or is impeached; and would succeed permanently if the Governor failed to qualify, died, resigned or was removed from office.

Unanswered Questions

The concurrent resolutions cause questions which NJTA suggests need answering before the Constitutional amendments are placed on the ballot.

Specifically, why is a Lieutenant Governor needed in New Jersey which has a relatively small number of executive departments compared with other states?

What specific duties are conceived for the office of Lieutenant Governor?

Will the office be considered to be full-time?

What is the contemplated salary for the office?

What staff aides will the Lieutenant Governor need and what are the estimated total additional costs of the office?

NJTA Suggestion

In addition to supporting detail about the office of Lieutenant Governor which it considers desirable for the information of voters, the New Jersey Taxpayers Association suggests consideration of the following administrative relationship in developing the duties of the office:

Since the proposed amendment would make the Lieutenant Governor a cabinet officer, he could be assigned to head the Department of State -- the executive department which today is the smallest in appropriations and in number of employees. This concept is not new since it was developed both in Alaska and in Hawaii in their original constitutions. In New Jersey, over the past two decades, the head of the Department of State has served as political aide to the Governor.

In 1969 the report of the New Jersey Commission on State Administrative and Professional Compensation recommended a salary of \$27,000 for the Secretary of State since it considered the position to be part-time. However, the salary of the Secretary of State was fixed at \$38,000 by the Legislature. That salary Commission added a special recommendation that the State undertake a study on the advisability of creating the post of Lieutenant Governor on the basis that one of the more persistent observations made before the Commission was need for a Lieutenant Governor, and demands upon the Governor's person and time had risen sharply in recent years. NJTA is not aware that such a study has been made.

In the Report of the Governor's Management Commission (1970), was a proposal to restructure the State Government organization to reduce the number of executive departments from 17 to 5, and retain the office of Secretary of State as a principal department head in the chief executive's office with the Governor's counsel. The Report stated "the Secretary of State would function, in effect, as a Lieutenant Governor and would also serve as a political advisor to the Governor."

For the above reasons, it would appear logical for the Lieutenant Governor to be assigned responsibility for administering the Department of State. This suggestion is made with the idea that the office might be more acceptable to the voters if it were demonstrated that they were not being asked to approve a new additional high salaried position on the State Government payroll.

If the suggestion of using the Lieutenant Governor to head that department were approved, amendments would be needed to Senate Concurrent Resolution No. 48, and further amendments would be necessary in Article V, section 4, particularly paragraphs 2 and 3 of the Constitution.

JUN 27 1985



