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PUBLIC HEARING

before

ASSEMBLY STATE GOVERNMENT COMMITTEE

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY CONCURRENT RESOLUTION NOS. 106 and 24

(Proposes constitutional amendment to change terms of
members of the Senate and the General Assembly)

December 1, 1988
Room 368
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Robert J. Martin, Chairman
Assemblywoman Marion Crecco, Vice Chairman
Assemblyman William E. Schluter
Assemblyman Anthony J. "Skip" Cimino

ALSO PRESENT:

Assemblyman Jimmy Zangari
District 28

Donald S. Margeson
Office of Legislative Services
Aide, Assembly State Government Committee

* * * * *

Hearing Recorded and Transcribed by
Office of Legislative Services
Public Information Office
Hearing Unit
State House Annex
CN 068
Trenton, New Jersey 08625

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ROBERT J. MARTIN
CHAIRMAN
MARION CRECCO
VICE-CHAIRMAN
WILLIAM E. SCHLUTER
JOSEPH CHARLES, JR.
ANTHONY J. CIMINO

New Jersey State Legislature
ASSEMBLY STATE GOVERNMENT COMMITTEE
STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
(609) 292-9106

November 22, 1988

TO: MEMBERS OF THE COMMITTEE
FROM: ASSEMBLYMAN ROBERT J. MARTIN, CHAIRMAN
SUBJECT: PUBLIC HEARING and COMMITTEE MEETING -
December 1, 1988

(Address comments and questions to
Donald S. Margeson, Committee Aide (609) 292-9106)

I. PUBLIC HEARING

The Assembly State Government Committee will hold a public hearing on Thursday, December 1, 1988 at 9:15 A.M. in Room 368 of the State House Annex in Trenton, concerning the following legislation:

ACR 106/24 Acs Proposes constitutional amendment to change terms of Martin, Cooper members of the Senate and the General Assembly.

This public hearing has been ordered by the General Assembly under Rule 143 of the Rules of the General Assembly and in compliance with the requirements of Article IX, paragraph 1 of the State Constitution, concerning proposed constitutional amendments.

* * * * *

II. COMMITTEE MEETING

Immediately following the conclusion of the public hearing announced above, the Committee will hold a meeting to consider the following bills:

A-52 Albohn	Provides for automatic cost-of-living adjustments for members of the Senate and General Assembly.
A-682 Mazur	Makes length of service, rather than age, criterion for selecting county election board chairman and secretary when board is deadlocked.



ROBERT J. MARTIN
CHAIRMAN
MARION CRECCO
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New Jersey State Legislature
ASSEMBLY STATE GOVERNMENT COMMITTEE
STATE HOUSE ANNEX, CN-068
TRENTON, NEW JERSEY 08625
(609) 292-9106

November 28, 1988

TO: MEMBERS OF THE COMMITTEE

FROM: ASSEMBLYMAN ROBERT J. MARTIN, CHAIRMAN

SUBJECT: SUPPLEMENTAL AGENDA and Time Change
PUBLIC HEARING and COMMITTEE MEETING -
Thursday, December 1, 1988

(Address comments and questions to
Donald S. Margeson, Committee Aide (609) 292-9106)

The Assembly State Government Committee public hearing and committee meeting, previously scheduled for **Thursday, December 1, 1988** in **Room 368** of the State House Annex in Trenton, will commence at **10:00 A.M.**, rather than at 9:15 A.M. as originally announced. At the committee meeting, the committee will, in addition to the legislation identified in the original November 22 notice of its proceedings, consider the following bill:

A-1923	Extends PFRS coverage to chief identification officers
Miller	in county sheriff's office.

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY CONCURRENT RESOLUTION Nos. 106 and 24

STATE OF NEW JERSEY

ADOPTED OCTOBER 20, 1988

Sponsored by Assemblyman MARTIN
and Assemblywoman COOPER

1 A **CONCURRENT RESOLUTION** proposing to amend Article IV,
Section II, paragraphs 1, 2, 3, and 4, and Article IV, Section III,
3 paragraph 1 of the Constitution of the State of New Jersey.

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

7 1. The following proposed amendment of the Constitution is
hereby agreed to:

9

PROPOSED AMENDMENT

11 a. Amend Article IV, Section II, paragraph 1 to read as follows:

13 1. The Senate shall be composed of forty senators [apportioned
among Senate districts] with one elected to each legislative
15 district which shall be as nearly equal as may be according to the
number of their inhabitants as reported in the last preceding
17 decennial census of the United States and according to the
method of equal proportions. Each [Senate] legislative district
shall be composed, wherever practicable, of one single county,
19 and, if not so practicable, of two or more contiguous whole
counties. The legislative districts shall be as nearly compact as
21 possible, and in no event shall each such district contain less than
eighty per cent nor more than one hundred twenty per cent of
23 one-fortieth of the total number of inhabitants of the State as
reported in the last preceding decennial census of the United
25 States. Unless necessary to meet the foregoing requirements, no
county or municipality shall be divided among legislative districts
27 unless it shall contain more than one-fortieth of the total number
of inhabitants of the State, and no county or municipality shall be
29 divided among a number of legislative districts larger than one
plus the whole number obtained by dividing the number of
31 inhabitants in the county or municipality by one-fortieth of the
total number of inhabitants of the State.

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

Matter underlined thus is new matter.

1 (cf: Article IV, Section II, paragraph 1, amended effective
December 8, 1966)

3 b. Amend Article IV, Section II, paragraph 2 to read as follows:

5 2. [Each senator shall be elected by the legally qualified voters
of the Senate district, except that if the Senate district is
7 composed of two or more counties and two senators are
apportioned to the district, one senator shall be elected by the
legally qualified voters of each Assembly district. Each senator
9 shall be elected for a term beginning at noon of the second
Tuesday in January next following his election and ending at noon
11 of the second Tuesday in January four years thereafter, except
that each senator, to be elected for a term beginning in January
13 of the second year following the year in which a decennial census
of the United States is taken, shall be elected for a term of two
15 years.] In the year following the year in which a decennial census
of the United States is taken, one half of the members of the
17 Senate, who shall be considered the first half of the members of
the Senate, shall be elected by the legally qualified voters of the
19 legislative districts for a term beginning at noon of the second
Tuesday in January next following their election and ending at
21 noon of the second Tuesday in January four years thereafter, and
one half of the members of the Senate, who shall be considered
23 the second half of the members of the Senate, shall be elected by
the legally qualified voters of the legislative districts for a term
25 beginning at noon of the second Tuesday in January next
following their election and ending at noon of the second Tuesday
27 six years thereafter. In the fifth year following the year in which
a decennial census of the United States is taken, the first half of
29 the members of the Senate shall be elected by the legally
qualified voters of the legislative districts for a term beginning
31 at noon of the second Tuesday in January next following their
election and ending at noon of the second Tuesday in January six
33 years thereafter. In the seventh year following the year in which
a decennial census of the United States is taken, the second half
35 of the members of the Senate shall be elected by the legally
qualified voters of the legislative districts for a term beginning
37 at noon of the second Tuesday in January next following their
election and ending at noon of the second Tuesday four years
39 thereafter. Within five days after new legislative districts

1 have been established, numbered and certified by the
2 Apportionment Commission during each year following the year
3 in which a decennial census of the United States is taken, the
4 Secretary of State shall select by random drawing whether the
5 members of an odd-numbered legislative district or an
6 even-numbered legislative district shall constitute the first half
7 of the members of the Senate for the purpose of terms of office.
8 If members of odd-numbered legislative districts are selected to
9 constitute the first half of the members of the Senate, then all
10 members who represent even-numbered legislative districts shall
11 be considered the second half of the members of the Senate for
12 the purpose of terms of office. If members of even-numbered
13 legislative districts are selected to constitute the first half of the
14 members of the Senate, then all members of the Senate who
15 represent odd-numbered legislative districts shall be considered
16 the second half of the Senate for the purpose of terms of office.
17 (cf: Article IV, Section II, paragraph 2, amended effective
December 8, 1966)

18 c. Amend Article IV, Section II, paragraph 3 to read as follows:
19 3. The General Assembly shall be composed of eighty members
20 with two members elected from each legislative district. [Each
21 Senate district to which only one senator is apportioned shall
22 constitute an Assembly district. Each of the remaining Senate
23 districts shall be divided into Assembly districts equal in number
24 to the number of senators apportioned to the Senate district. The
25 Assembly districts shall be composed of contiguous territory, as
26 nearly compact and equal in the number of their inhabitants as
27 possible. and in no event shall each such district contain less than
28 eighty per cent nor more than one hundred twenty per cent of
29 one-fortieth of the total number of inhabitants of the State as
30 reported in the last preceeding decennial census of the United
31 States. Unless necessary to meet the foregoing requirements, no
32 county or municipality shall be divided among Assembly districts
33 unless it shall contain more than one-fortieth of the total number
34 of inhabitants of the State, and no county or municipality shall be
35 divided among a number of Assembly districts larger than one
36 plus the whole number obtained by dividing the number of
37 inhabitants in the county or municipality by one-fortieth of the
38 total number of inhabitants of the State.]
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1 (cf: Article IV, Section II, paragraph 3, amended effective
December 8, 1966)

3 d. Amend Article IV, Section II, paragraph 4 to read as follows:

4. [Two members of the General Assembly shall be elected by
5 the legally qualified voters of each Assembly district for terms
6 beginning at noon of the second Tuesday in January next
7 following their election and ending at noon of the second Tuesday
8 in January two.] In the year following the year in which a
9 decennial census of the United States is taken and in the seventh
10 year following the year in which the a decennial census of the
11 United States is taken, two members of the General Assembly
12 shall be elected by the legally qualified voters of each legislative
13 district for terms beginning at noon of the second Tuesday in
14 January next following their election and ending at noon of the
15 second Tuesday in January four years thereafter. In the fifth
16 year following the year in which a decennial census of the United
17 States is taken, two members of the General Assembly shall be
18 elected by the legally qualified voters of each legislative district
19 for terms beginning at noon of the second Tuesday in January
20 next following their election and ending at noon of the second
21 Tuesday in January two year thereafter.

(cf: Article IV, Section II, paragraph 4, amended effective
23 December 8, 1966)

24 e. Amend Article IV, Section III, paragraph 1 to read as
25 follows:

1. After the next and every subsequent decennial census of the
27 United States, the [Senate districts and Assembly] legislative
28 districts shall be established, and the senators and members of
29 the General Assembly shall be apportioned among them, by an
30 Apportionment Commission consisting of ten members, five to be
31 appointed by the chairman of the State committee of each of the
32 two political parties whose candidates for Governor receive the
33 largest number of votes at the most recent gubernatorial
34 election. Each State chairman, in making such appointments,
35 shall give due consideration to the representation of the various
36 geographical areas of the State. Appointments to the Commission
37 shall be made on or before November 15 of the year in which such
38 census is taken and shall be certified by the Secretary of State on
39 or before December 1 of that year. The Commission, by a

1 majority of the whole number of its members, shall certify the
establishment of [Senate and Assembly] legislative districts and
3 the apportionment of senators and members of the General
Assembly to the Secretary of State within one month of the
5 receipt by the Governor of the official decennial census of the
United States for New Jersey, or on or before February 1 of the
7 year following the year in which the census is taken, whichever
date is later.

9 (cf: Article IV, Section III, paragraph 1, amended December 8,
1966)

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

19 3. This proposed amendment to the Constitution shall be
submitted to the people at that election in the following manner
21 and form:

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

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

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

b. In every municipality the following question:

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	YES.	<p>CONSTITUTIONAL AMENDMENT CHANGING THE TERMS OF MEMBERS OF THE SENATE AND THE GENERAL ASSEMBLY</p> <p>Shall the amendment of Article IV, Section II, paragraphs 1, 2, 3, and 4 and Article IV, Section III, paragraph 1 of the New Jersey Constitution, agreed to by the Legislature, to change the terms of one half of the members of the State Senate to terms of four years and six years every decade and the other half to terms of six years and four years every decade, and to change the terms of members of the General Assembly to two four-year terms separated by a two-year term beginning in the sixth year following a decennial U.S. census, be approved?</p>
	NO.	<p>INTERPRETIVE STATEMENT</p> <p>Approval of this amendment would mean: a) the terms of members of the Senate would change from the current two four-year terms following a two-year term at the beginning of every decade to an arrangement whereby half the members of the Senate would serve a four-year term followed by a six-year term and the other half would serve a six-year term followed by a four-year term; and b) the terms of members of the General Assembly would change from five two-year terms every decade to two four-year terms separated by a two-year term beginning in the sixth year following the taking of the decennial census of the United States.</p>

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SCHEDULE

This constitutional amendment shall, if approved, be applicable to elections held for the Senate and the General Assembly in 1991 and thereafter.

LEGISLATURE

Elections

Proposes constitutional amendment to change terms of members of the Senate and the General Assembly.

ASSEMBLY STATE GOVERNMENT COMMITTEE
STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY CONCURRENT RESOLUTION Nos. 106 and 24

STATE OF NEW JERSEY

DATED: OCTOBER 20, 1988

The Assembly State Government Committee reports favorably an Assembly Committee Substitute for Assembly Concurrent Resolution Nos. 106 and 24.

This substitute concurrent resolution proposes an amendment to the State Constitution to revise the terms of members of the Legislature.

Under the proposed amendment, members of the Senate would be elected twice in each decade, rather than three times as under current law. The amendment provides that, just as at present, all senators are to be elected in the year following the year in which a federal decennial census is taken. The terms of half of the members elected in that election would be for four years, and the terms of the other half would be for six years. An election would be held in the fifth year following the census year to fill the seats of the members initially elected to four-year terms, and the terms of those elected at this election would be for six years. An election would be held in the seventh year following the census year to fill the seats of the members initially elected to six-year terms, and the terms of those elected at this election would be for four years. The determination of which members would be elected, in the initial post-census election, to four-year terms and which members to six-year terms would be made by the Secretary of State: the Secretary is required under the proposal, by random drawing in each post-census year, to designate either odd-numbered or even-numbered districts to be those from which senators would be elected in that year for four-year terms.

The proposed amendment would also revise the terms of members of the General Assembly. Instead of serving for two-year terms as at present, Assembly members would be elected for four-year terms in the first and seventh years following the census year and for two-year terms in the fifth year following the census year.

The proposed amendment also makes editorial changes in the constitutional provisions regarding the establishment of legislative districts.

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mjz: 1-5

ASSEMBLYMAN ROBERT J. MARTIN (Chairman): At this time, we will have our public hearing on ACR 106, with a Committee substitute as far as combining the bills that were originally proposed by myself and Dolores Cooper, the Assemblywoman from Atlantic County. This bill was heard by Committee. It was favorably released. It is required, since it involves the State Constitution, to have a public hearing prior to any action by the General Assembly.

This bill is far-reaching, in that it would change the terms of the Legislature, both the Assembly and the State Senate. Essentially what it would require, would be that the Assembly, within a 10-year period, would have three terms -- a four-year term, a two-year term, and then a four-year term. And the State Senators would have two terms within a 10-year period. Half of the Senators would run first for a six-year term, and then a four-year term. And the other Senators would run first for a four-year term, and then a six-year term. The choice would be decided by a random sample, which would be done just prior to the first term. So it would be unclear, at least until shortly before the actual seeking of the term, as to whether the Senators would be running for a four-year term or a six-year term, it being our thinking that most people would prefer to run for a longer period of time.

We have discussed this at some length. At this point, I open it up to any persons here who would like to speak on ACR-106. Marie Curtis, League of Women Voters of New Jersey?

M A R I E C U R T I S: Thank you, Mr. Chairman.

ASSEMBLYMAN MARTIN: Good morning.

MS. CURTIS: Good morning. I am Marie Curtis, Legislative Vice President of the League of Women Voters of New Jersey. We are here to support the constitutional amendment that is proposed before us today.

Once again, this Committee is proposing modifications in an area that the League has long held an interest in. While

it is not exactly as we would propose it, the move toward staggered terms and longer Assembly terms is in keeping with long-held League positions.

Specifically, our membership studied this branch of government and its functions very extensively in the early 1970s. Every two years since then, our membership has reviewed and voted for continued support of our positions. Staggered terms, such as are proposed for Senate members within a given decade under this amendment, seem very sensible to us. It provides for continuity in government and for a measure of stability as well. It might even lessen somewhat -- this might be reaching for it -- the power of incumbency, since the electorate need have no fear that all experience would be lost if the challengers were elected in a given year. You would have some stability there.

Furthermore, longer terms for the Assembly specifically are high on the League's recommendation list. It was hoped, however, that longer terms in this body would allow for staggered terms, as well. Primarily, however, it would ease the burden "financial and otherwise" -- that's a direct quote from our membership position -- which occurs with frequent campaigning. The current focus on campaign financing in this Legislature highlights our concern. This measure might, in fact, be considered a "back door" method of alleviating some of that burden -- the continual fund raising, etc.

In addition, longer terms might provide an incentive to encourage a greater number of qualified men and women to run for the Legislature. Certainly, once elected, members could serve more effectively if the frequency of campaigning were less, providing less interruption to the legislative process as a whole.

Finally, we wish to state that the League also favors single-member districts for the Assembly as well. We realize

that this concept is not part of the measure here before us today, but it is an integral part of our position on legislative reform.

We thank you for the opportunity to appear here today and share our concerns. If you have any questions--

ASSEMBLYMAN MARTIN: I could probably, as the sponsor of basically the scheme that is before you-- I philosophically agree with almost every one of your positions. This bill was created, I think, to try -- and I think you can understand this -- to generate as much support as we could. There is some resistance among Assembly members to cutting back on geographical areas.

MS. CURTIS: Yeah.

ASSEMBLYMAN MARTIN: There is a practical consideration that if we attempted to stagger the Assembly terms and had them whereby they were not seeking election at the same time as the Senators-- There is some resistance from Senators who feel that that would give other persons an open shot at their Senate seat. I mean, there is a lot of--

MS. CURTIS: Yeah, yeah, I understand.

ASSEMBLYMAN MARTIN: --practical politics that we try to avoid. It is not because it is necessarily the best, but I think it is significantly better than the present system. The single-member districts, I think, have a lot of merit. This bill was designed because, among other reasons -- as you suggested -- it is incredibly expensive and time-consuming to have two-year Assembly terms, unlike most municipalities, if not all of them in the State, as I think about it. These are the shortest terms in the State for elected officials. Most council members or township committee members run for either four-year terms or three-year terms. This two-year cycle is not only expensive, but I think that anyone who has been here for a while can get a sense that our attention is frequently drawn away from good government -- if you will forgive the

words -- toward political necessity, especially in a State where there is competition between parties as keen as it is in New Jersey. You sense in the Assembly, with a 41 to 39 majority/minority, that a lot of attention is given to political interplay, especially when you have elections every two years.

I appreciate your support. I hope that maybe it will at least get on the drawing board for some consideration by the Assembly and the Senate. If not in this manner, then we would be willing to look at some other alternatives. Thank you.

MS. CURTIS: We would be very happy to work with you, if this doesn't fly. If there is anything we can do, we would be very happy to assist you.

ASSEMBLYMAN MARTIN: Thank you. Is there anyone else who wishes to speak on the ACR? Yes?

R A Y K A L A I N I K A S: My name is Ray Kalainikas. I am from Dover Township in Ocean County.

I support the concept of the bill because I think basically -- and again, this is something that I have said before -- that putting people in and out of office hasn't really given the people that much control over their own government. It's time-consuming and it is cost-consuming to have elections more frequently.

I would like to see-- It does not make any difference who is in the position, whether it be an Assemblyman or a Senator. I think the way people are going to control their government is to be able to be in the position where they can make decisions issues, and that involved I&R. So, I am not concerned about extending the length of office. The think it cuts back again on cost. This is why basically I would support what you are doing, because I think essentially the impetus of control by the people will have to be in terms of I&R. The push is going to have to be in that direction, where people will have the right to vote on issues, not just candidates,

because voting on candidates has given us very little control over our own government.

Government over the last 200 years has essentially taken more and more control of our lives, and more and more control of our incomes. Simply putting people in and out of office has not changed that very much.

So, it does not bother me if you want to extend the time of office. I am more concerned about controlling the issues, and that involves I&R. That is the reason I would support this bill.

ASSEMBLYMAN MARTIN: Thank you, sir. Is there anyone else who wishes to speak on the constitutional amendment? (affirmative response from audience) Good morning.

H E L E N M I A N U L L I: Good morning. My name is Helen Mianulli. I represent The Committee for the People's Right to Vote. I am not prepared to testify today, but I would request that I be permitted to present written testimony.

ASSEMBLYMAN MARTIN: The committee you represent is?

MS. MIANULLI: The People's Right to Vote.

ASSEMBLYMAN MARTIN: Sure. We will make a note of it, and will allow that written statement to be put on the record, so that when this is before the full Assembly for their consideration, your comments will be available to them.

MS. MIANULLI: Shall I give you my full name?

ASSEMBLYMAN MARTIN: You are going to have to give the court reporter the information, so she can then include that testimony in the record.

MS. MIANULLI: All right. Thank you.

ASSEMBLYMAN MARTIN: Anyone else? (no response) Seeing none, we close the public hearing at this time. The bill, presumably, will be moved forward for the attention of the full Assembly.

(HEARING CONCLUDED)

