
Public Hearing

before

ASSEMBLY STATE GOVERNMENT COMMITTEE

Assembly Bill No. 127

“Increases membership of Executive Commission on Ethical Standards to fifteen through addition of eight public members”

Assembly Bill No. 2212

“Increases membership of Executive Commission on Ethical Standards to nine through addition of two public members”

Assembly Bill No. 3296

“Establishes the ‘Sexual Harassment Awareness and Respect for Everyone Fund’ to support grants for sexual harassment training”

Assembly Bill No. 3297

“Clarifies duty of the AG to defend certain State employees in cases of sexual harassment”

Assembly Concurrent Resolution No. 138 (1R)

“Proposes a constitutional amendment to prohibit the Acting Governor from granting clemency”

Assembly Concurrent Resolution No. 157

“Requests the State Commission of Investigation to conduct an investigation into the payment of State funds to settle a lawsuit against Garabed Haytaian”

Assembly Resolution No. 243

“Declares February 2003 as ‘Black History Month’ in New Jersey”

Assembly Resolution No. 247

“Declares February 2003 as ‘Black History Month’ in the State”

LOCATION: Committee Room 15
State House Annex
Trenton, New Jersey

DATE: February 13, 2003
2:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Alfred E. Steele, Chairman
Assemblyman Mims Hackett Jr., Vice-Chairman
Assemblywoman Linda R. Greenstein
Assemblyman Nicholas Asselta



ALSO PRESENT:

Frank J. Parisi	Victoria Bostic	Mark E. Hobbie
Pamela H. Espenshade	Assembly Majority	Assembly Republican
Office of Legislative Services	Committee Aide	Committee Aide

Hearing Recorded and Transcribed by
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TABLE OF CONTENTS

	<u>Page</u>
Assemblywoman Loretta Weinberg Legislative District No. 37	5
Assemblywoman Nilsa Cruz-Perez Legislative District No. 5	9
Linna Selby Outreach Chair Warren County Republican Committee	10
Elizabeth Volz President National Organization for Women State of New Jersey	13
Assemblywoman Mary T. Previte Legislative District No. 8	22

hw: 1-24

ASSEMBLYMAN ALFRED E. STEELE (Chairman): The State Government Committee meeting will now come to order.

Roll call.

We're going to do the public hearing first, and just for the record, for those who may have an interest in Bill No. A-127, it is being held.

MR. PARISI (Committee Aide): Assemblyman Asselta. (No response) Assemblywoman Greenstein.

ASSEMBLYWOMAN GREENSTEIN: Here.

MR. PARISI: Vice Chairman Hackett.

ASSEMBLYMAN HACKETT: Here.

MR. PARISI: Chairman Steele.

ASSEMBLYMAN STEELE: Here.

We'll do the public hearing at this time.

MR. PARISI: Okay, ACR-138, first reprint, proposes a constitutional amendment that would prohibit an official serving as acting governor from granting clemency, except that such an official would retain the power to issue a temporary reprieve of a death penalty; thus, an acting governor could postpone an execution temporarily. Any reprieve so granted would expire 30 days after the sitting governor resumes the office, or the next duly elected governor assumes office, as the case may be.

Under ACR-138, as introduced originally, an official serving as acting governor would not be permitted to exercise any of the clemency powers of the governor.

ASSEMBLYMAN STEELE: This time is open for testimony, if there is anyone who desires to testify.

Seeing no testimony, we will close the hearing. If someone comes later, we certainly will reopen it, but at this time, we'll close, and proceed with the agenda.

Roll call for the meeting.

MR. PARISI: Assemblyman Asselta. (No response)
Assemblywoman Greenstein.

ASSEMBLYWOMAN GREENSTEIN: Yes.

MR. PARISI: Vice-Chairman Hackett.

ASSEMBLYMAN HACKETT: Here, yes.

MR. PARISI: Chairman Steele.

ASSEMBLYMAN STEELE: Here.

Our first bill will be A-2212 and S-1423.

MR. PARISI: Under Assembly Bill 2212, deals with the Executive Commission on Ethical Standards. At present, it is composed of seven members appointed by the governor, from State officers and employees serving in the executive branch. The bill, A-2212, would increase the membership of the Commission to nine, by providing for the appointment of two public members.

The public members would be appointed by the governor for four-year terms, except that the term of initial appointees would be staggered in order to ensure continuity of membership.

No more than one of the public members would be of the same political party. A public member would not be permitted to be a State officer or employee, or special State officer or employee, except by reason of the member's service on the Commission.

A public member could be reappointed to subsequent terms on the Commission. Until all of the public members have been appointed and qualified, only public members who have already qualified will be counted for the purpose of establishing a quorum for the conduct of the Commission's business.

Assembly Bill 2212 is the same as Senate Bill No. 1443.

ASSEMBLYMAN STEELE: There is no one signed up to speak on the bill at this time. We'll entertain a motion.

ASSEMBLYMAN HACKETT: So moved.

ASSEMBLYWOMAN GREENSTEIN: Second.

ASSEMBLYMAN STEELE: There's a motion and a second. Roll call.

MR. PARISI: Okay, on Assembly Bill 2212, as referred to Committee, Assemblyman Asselta is not here.

Assemblywoman Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Yes.

MR. PARISI: Vice-Chairman Hackett?

ASSEMBLYMAN HACKETT: Yes.

MR. PARISI: Chairman Steele?

ASSEMBLYMAN STEELE: Yes.

On the Senate version, motion?

ASSEMBLYMAN HACKETT: Motion.

ASSEMBLYWOMAN GREENSTEIN: Second.

ASSEMBLYMAN STEELE: Roll call.

MR. PARISI: On Senate Bill 1443, which is identical to Assembly Bill 2212, Assemblyman Asselta is not here.

Assemblywoman Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Yes.

MR. PARISI: Vice-Chairman Hackett?

ASSEMBLYMAN HACKETT: Yes.

MR. PARISI: Chairman Steele?

ASSEMBLYMAN STEELE: Yes.

The bill is reported out of Committee.

The next bill will be AR-243 and AR-247.

MR. PARISI: There is a Committee substitute for these two bills. I have prepared it based upon the existing bills. I will read the statement. It will read:

“Assembly Committee Substitute for Assembly Resolution No. 247 and 243: This Committee Substitute declares February 2003 as Black History Month in New Jersey, and urges all citizens to participate appropriately in this observance with suitable activities and programs.”

ASSEMBLYMAN STEELE: A motion on the substitute?

ASSEMBLYMAN HACKETT: Motion.

ASSEMBLYWOMAN GREENSTEIN: Second.

ASSEMBLYMAN STEELE: Roll call.

MR. PARISI: On the motion -- this will be a motion to substitute. On the motion to substitute each bill individually, that's AR-247 and AR-243, to become Assembly Committee Substitute for 247 and 243, Assemblyman Asselta is not here.

Assemblywoman Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Yes.

MR. PARISI: Vice-Chairman Hackett?

ASSEMBLYMAN HACKETT: Yes.

MR. PARISI: Chairman Steele?

ASSEMBLYMAN STEELE: Yes.

The bill is reported out.

The next bill will be A-3296.

MS. ESPENSHADE (Committee Aide): Assembly Bill 3296 establishes, in the Department of the Treasury, the Sexual Harassment Awareness and Respect for Everyone Fund, into which the State Treasurer will deposit all moneys paid to the State in restitution of State payments of damages or settlement moneys to victims of sexual harassment committed or alleged to have been committed by an officer or employee of the State.

The bill directs that the moneys in the fund will be appropriated annually to support training programs for public employees, employees of nonprofit corporations, in recognition of the presence and prevention of sexual harassment in the workplace.

ASSEMBLYMAN STEELE: Welcome, Assemblywoman.

ASSEMBLYWOMAN LORETTA WEINBERG: Thank you, Mr. Chairman. With your permission, I would like to discuss this package of bills together, if I may, 3296, which the staffer just announced, sets up a special fund, which we hope that some money outstanding that I feel is owed to the taxpayers of New Jersey would be paid back.

A-3297 clarifies the duty of the Attorney General's office to investigate sexual harassment suits to determine whether they have merit, and to not lend to the -- do not lend the State to the defense, if, in fact, the case is determined to have merit.

And the third requests the State Commission of Investigation to investigate the payment of funds that were made back in 1997 to settle a lawsuit against then Republican State Chair, former Speaker of the Assembly, Chuck Haytaian.

And I have with me my co-prime sponsor on this series of bills, Nilsa Cruz-Perez. My other co-prime sponsor, Gordon Johnson, is out of state and was not available to come down today.

But we thank you for posting these three bills.

With the new publicity that emanated from the introduction of these bills, I have received telephone calls, e-mails, letters from a variety of women in the State of New Jersey -- a bipartisan variety of women. To those who think that sexual harassment is a liberal issue, I would like to point out to this Committee -- and I'm sure there's nobody on this Committee that I would have to explain it to -- that sexual harassment is a conservative issue, a liberal issue, a Republican issue, and a Democratic issue. It's a women's issue, generally, although, I will admit, it sometimes occurs in the reverse.

And I would like to start out, if I may, Mr. Chairman, by reading an e-mail that I received this past Friday, from a woman by the name of Nina Fleischman. (Phonetic) And if I have your permission, I would like to read it. It's not too lengthy.

ASSEMBLYMAN STEELE: Surely, go right ahead.

ASSEMBLYWOMAN WEINBERG: It says, "Thank you for the recent legislation you sponsored regarding sexual harassment in the Legislature. Obviously, I cannot comment on the specifics of my case," she says, "but I will say that I was threatened many times that I could never afford to protect myself, as the legal resources the other party in my situation had were extensive, although I did remind the other party, several times, that the citizens of New Jersey should not have to pay to defend his wrongdoing.

"I agree that those who abuse power should be held personally accountable for their actions."

And that, ladies and gentlemen, are what these three bills are about.

And I go on reading: "Many issues, such as sexual harassment and race discrimination, are given a lot of lip service. But in the real world, they are too often swept under the carpet, and those of us who are victims are often threatened and shamed into keeping silent.

"I, personally, have been humbled by the kindness and support many have offered me, and remain forever grateful to those who had the fortitude to stand by me during this difficult time in my life. Some, like yourself, have given me strength and hope without even realizing it.

"It is through the efforts of those with your courage and insight that we can truly gain equality for all, and end discrimination of any kind. In order for goodness to prevail throughout the world, it is important for everyone to stand on equal footing so that we can begin to truly understand each nationality, gender, religion brings its own unique perspective, and we should rejoice in our differences.

“As a result of my unfortunate circumstances, I am even more committed to make a positive difference in the world when the storm has passed. I am truly indebted and impressed by those legislators that continually strive toward creating positive social change.

“Again, you have my sincere appreciation and respect for addressing a very real problem that exists in New Jersey.”

And she gave us the name and telephone number of her attorney, if we wished to confer with him.

I also received an e-mail from somebody who is very -- from a woman -- who is very active in Republican politics. And I note that, at probably some cost to herself, she has decided to come here this afternoon and testify on her own behalf, and I'm sure she will follow us.

What these bills are about is that the State should not be using its enormous resources, its ability to hire outside attorneys, use inside attorneys, to defend somebody who is accused of sexual harassment, when there was no investigation of the case. That is what happened in the Haytaian case. The Attorney General at the time claimed that he had no time to investigate the case before he authorized a settlement of \$347,000 of taxpayer money.

So we are here today because the person who is most involved in that case has decided to come back into public life. So we are here today, if these bills are released and go before the full Assembly, to ask him, first of all, to return the money -- the taxpayers' money.

We are here today to make sure this doesn't happen again, in the future, so that the Attorney General will not be able to defend somebody in a sexual harassment suit without first investigating what happened.

And that's what these bills attempt to do, and I appreciate the Chairperson posting them. I know that this is a difficult subject. But I will tell you that there are not many women that I talk to -- and, again, this is not a liberal issue. This is a conservative issue, a moderate issue, a Democrat and a Republican issue. It's a women's issue, and it's an issue in which women all over the State of New Jersey are interested, and we want to see this Legislature right the wrong.

Thank you, Mr. Chairman.

ASSEMBLYWOMAN NILSA CRUZ - PEREZ: Mr. Chairman, thank you so much, members of the Committee. Thank you very much.

I just want to echo what Assemblywoman Loretta Weinberg just expressed. Taxpayers should not be paying for someone else's wrongdoing. There are a lot of women who feel frightened in their environment, and that should not be allowed in the State of New Jersey. Neither, the taxpayers should be paying for someone who was accused. This is unfair.

This practice will put training in position to let people know what is sexual harassment. Something that you probably think is okay, probably is not okay -- that is sexual harassment, and we don't have to tolerate it. We come here to do a job, not be harassed by anyone. And the bill -- what the bill will do is, the taxpayer will not be responsible if you are the responsible person.

Thank you, Mr. Chairman, members of the Committee.

ASSEMBLYMAN STEELE: Thank both of you.

We have testimony from Ms. Selby.

Welcome.

L I N N A S E L B Y: Hi. My name is Linna Selby. I live in Blirstown, New Jersey, in Warren County. I am the Outreach Chair of the Warren County Republican Committee. I would like to thank the members of this Committee for expeditiously moving these bills along.

These bills are not Democratic. They are not Republican. They are bipartisan bills about sexual harassment. Sexual harassment, in my opinion, primarily affects women, and it does, as you said, occasionally affect men.

Sexual harassment is degrading and humiliating to the victim. It is devastating to a career. I know, because I was a sexual harassment victim in the workplace. When I was 20 years old, I was working full time. I was going to college full time, and I was working part time on weekends. In my full-time employment -- at that time I was trying to map out a life for myself. In my full-time employment, I had a boss who would grab me and pull me down into his lap, who pawed me, who explained to me, in great vivid detail, what he would like to do with me. He spoke frequently about his sexual conquests. And I took it, and I took it, and I took it.

At the age of 20 -- and this was over 20 years ago -- my only choice, because I did not know about sexual harassment, was to quit. I lost a job because of my boss's behavior. I quit because of his behavior.

I immediately went to the Federal Employment Commission, seeking another job, because I did not have grants. I did not have scholarships, and I needed money to survive. It was there that the man that I worked with said -- the employment counselor said, "You are due unemployment benefits." And I was shocked.

I had no idea. I just needed another job to survive. I did receive unemployment benefits for a while, until I got the next job. And to the company's credit, when the Federal election -- I'm messing this up.

ASSEMBLYMAN STEELE: Take your time.

MS. SELBY: When the Employment Commission filed, to the company's credit, they fired my boss. That does not often happen.

I do not believe that women file sexual harassment lawsuits frivolously. And I do not believe it for three reasons. If you report, your reputation is damaged. If you endure, you are emotionally damaged. If you quit, your career is damaged. The result of all three actions put women on an unequal footing with men.

To remark on the bills, I am in full agreement with Assembly Bill 3297 and 3296. I believe that the Attorney General should be required to investigate. I do not believe taxpayer money should be spent on men or women who violate another person. That is wrong.

The Fund that would be established is totally appropriate. Any moneys that are returned should be spent on education to try to prevent this in the workplace.

In respect to Assembly Concurrent Resolution 157, which is an investigation into the settlement of the lawsuit, I believe that that should be required, and here's why: Today, Chuck Haytaian is running for Assembly. He is proudly proclaiming that his lawsuit, in one county -- in Hunterdon -- he is proclaiming -- and I have an e-mail -- that his lawsuit was dismissed. I have never known anything that is settled to be dismissed. That is technical terms, and the taxpayers paid almost \$345,000 due to his actions. It should have

been investigated seven years ago, but it wasn't. It was swept under the rug, and it was quickly taken care of.

I am appalled at the Republican leadership in our county politics there. They have encouraged Mr. Haytaian to run. In my opinion, and I have been vociferous about this, anyone with a settled sexual harassment lawsuit should not run for public office. They are not capable of representing the women of our district.

I have spoken in detail about this to my chairman. My chairman, Walter Orcutt, has decided that he will continue to pursue this. I have spoken out, to my damage. I have been told, because I have been vocal about Mr. Haytaian running, that, "You had a bright future in Warren County. You have no future now."

I have been told, "I have things planned for you, things that you are not going to like." I have also been told, "You will not be on County Committee next year."

I will stand up for women in Warren County. I'm not intimidated by his threats of any political aspirations that I may have. I was threatened because I voiced my opinion about someone, with a sexual harassment suit that was settled, running.

I do -- I've already told you -- I do believe that people with that kind of baggage should not run. It is a travesty, and it is a greater travesty when taxpayer money is spent on it. If Chuck was not guilty, he should have fought it.

In business, it's fought. Any self-respecting man would do that if he was not guilty, especially a politician who stands to lose greatly by reputation damage.

To conclude on this, these bills need to be approved. The laws protecting women from sexual harassment are meaningless if those in authority are not held accountable. Inaction tells harassers that they are safe from real consequences. I am asking you today to let the women of New Jersey know that sexual harassment is not something that belongs in the back rooms of the capitol, hidden from view. It is important and -- I would like for you to know that it is an important issue that you, the Legislature, take very seriously. Please support these bills for the welfare of all sexual harassment victims and the taxpayers of New Jersey.

ASSEMBLYMAN STEELE: Thank you very much.

Our next testimony will come from Elizabeth Volz.

Elizabeth, please come forward.

ELIZABETH VOLZ: Thank you, Mr. Chairman.

ASSEMBLYMAN STEELE: Thank you. Welcome.

MS. VOLZ: Thanks. Thank you for your time. I won't take up a whole lot of it. I just want to be very clear, the National Organization for Women of the State of New Jersey supports all three of these pieces of legislation.

I want to be very clear about why. There are a couple of issues that I want to bring up, and I promise to be brief.

The first one is the State of New Jersey, and this building, is a role model for the employees around the state. And if there is a problem in this

building for employees, it is in the best interest of the State government to get to the bottom and to find the answer of the problem. It is in the best interest of the State to clear its good name -- if there is a problem, to fix it.

These pieces of legislation step in the right direction towards finding solutions to these problems, which exist in virtually every workplace in the state, at one time or the other. The point is for the State to find out when there is a real problem and to address it. And if there isn't a real problem, the State and the individual involved have the opportunity to clear their good name. There is an interest in getting to the bottom of these cases that goes beyond the individuals involved.

There is another issue, and this may be the primary issue. The taxpayers of the State of New Jersey -- remember, women are 50 percent of our population. We are also 50 percent of your taxpayers. The taxpayers of the State of New Jersey should not pay for the defense of someone who is guilty of sexual harassment. The Attorney General ought to have the opportunity to investigate the merits of the case and decide whether or not State dollars will be spent in the defense of someone who is accused of sexual harassment. If there isn't any merit in the case, that person deserves defense from the Attorney General. If there is merit, there is no reason that I, as a taxpayer, should be footing the bill for the defense of someone, where sexual harassment is clearly an issue.

I really appreciate you hearing me today. I understand that many of you expected my position to be what it is -- our organization's position to be what it is -- but I want us to be clearly on record in support of all three of these pieces of legislation.

Thank you.

ASSEMBLYMAN STEELE: Thank you very much.

Are there any questions?

ASSEMBLYMAN ASSELTA: Yes, I'd like to open up, a little bit, questioning on the representative from NOW.

Since your testimony really was -- it seems like, to me, the emphasis was placed on taxpayers' dollars that were wasted in this particular settlement, which I think we're all concerned about, why did you wait six years to bring that to light -- as an organization?

MS. VOLZ: Well -- I don't -- first of all, I've been president for three years. It's been an issue all the time that I've been president. I've been asked to comment on it. We've discussed it. It is important to understand that sexual harassment has been an issue that we've dealt with from the top down and the bottom up for a very long time. There has been legislation on the issue of sexual harassment that we've supported in the past. This legislation offers a new opportunity to save taxpayers' money and get to the bottom of some of these cases, and we'll continue to support any legislation that addresses sexual harassment in the workplace. We've done it -- the history of our organization, and we'll continue to do it.

ASSEMBLYMAN ASSELTA: So --

ASSEMBLYWOMAN WEINBERG: Mr. Chairman, may I just add something to that?

ASSEMBLYMAN STEELE: Surely.

ASSEMBLYWOMAN WEINBERG: We tried to call attention to this six years ago. Actually, at great peril to my legislative career, when I was

told that I was never going to get a bill posted for the following year because I called so much attention to this. So there are all kinds of threats that were made around this.

ASSEMBLYMAN ASSELTA: So there was a piece of legislation pushed forth at that time? I don't know?

ASSEMBLYWOMAN WEINBERG: Yes, I did, actually.

ASSEMBLYMAN ASSELTA: Did you propose something?

ASSEMBLYWOMAN WEINBERG: But if I may -- and this is from my county newspaper, *The Record*, October 11, 1997. It talked about a letter that then Attorney General, Debbie Poritz, wrote to Mr. Chuck Haytaian, and she informed him that her office would make no decision on whether to pick up the tab to defend his case until, "after the litigation has been concluded, and the entire record of the matter is complete." The letter said the State may decline to pay if, "during the course of litigation, we are persuaded that the employee acted beyond the scope of employment or committed a crime or actions that were the result of willful misconduct, actual fraud, or actual malice." That was from Debbie Poritz.

Then, Mr. Verniero, who then became Attorney General said, in July, when this case was settled, that the Attorney General's office never investigated the allegation against Haytaian, saying there was not enough time.

So, at the time, we kept saying nobody should be defended until somebody investigates the merit of this case.

And I believe, Elizabeth, it was probably -- you know, it was before your time as president, but NOW was standing next to me and then,

Assemblywoman Barbara Buono, each time we held a press conference on this issue.

So we asked for investigations at the time. Since that same person, who has never been investigated, by the Attorney General's own words, has come forth to put his name to again run as a member of this Legislature, we felt that the time was right now to remind people what took place, and what we should be doing to correct it, because now we have a different leadership, and, hopefully, we will see these bills move.

HEARING REPORTER: Mr. Chairman?

ASSEMBLYMAN STEELE: Surely.

HEARING REPORTER: I'm sorry, the two Assemblywomen are not miked.

ASSEMBLYMAN STEELE: Okay.

HEARING REPORTER: If they speak, they won't be on the record.

ASSEMBLYMAN STEELE: Okay. Thank you for that insight. We'll make sure that -- right.

ASSEMBLYWOMAN CRUZ-PEREZ: Mr. Chairman, if I might, I just wanted --

ASSEMBLYMAN STEELE: Just a minute. She needs to get you connected.

ASSEMBLYWOMAN CRUZ-PEREZ: If I might, I just wanted to tell Assemblyman Asselta that when this incident happened six years ago, the women's caucus, meaning Republicans and Democrats, got together and, out of our own expenses and pocket, we had training. She's the chairwoman of the

caucus, and we have training, and we talk about it, and we had a strong position against this happening ever again. Because this is something that took everybody by surprise. It shouldn't be happening here at the State House. It shouldn't be happening here in the State capitol. And we did, at the caucus -- took action in terms of raising concern and taking training that was paid out of our own pockets.

ASSEMBLYMAN ASSELTA: Okay. Through the Chairman, I just want to establish some history here, for my own edification, because six years ago was a long time ago.

A-3296 is a great bill. And I just want to make a couple of quick comments on a great bill --

ASSEMBLYMAN STEELE: Go right ahead.

ASSEMBLYMAN ASSELTA: -- Sexual Harassment Awareness and Respect for Everyone Fund is a great bill, Assemblywoman.

The second bill, 3297, I just have a question about the defense of the Attorney General on certain state employee cases. Has there been any reach-out or opinion from any of the State labor unions, like CWA or AFSCME, on this particular bill? Because it obviously affects every State employee, not just a certain segment. I'm just curious as to their position on this, and the sole judgment of the Attorney General would determine whether that particular State employee will be represented in court, correct, by the State?

ASSEMBLYWOMAN WEINBERG: Well, yes. And the law already requires that, in essence, the way I understand it. And I think I read you quotes from then Attorney General Debbie Poritz's letter that says,

defendant employee who is acting within the scope of their employment, but, if during the course of litigation, we are persuaded that the employee acted beyond the scope of employment or that there was willful misconduct, etc., then defense is not necessary, and somebody can, actually, ask for the money back. I believe that's already in the law.

What went on in this case is that it was not enforced, because, according to Attorney General Verniero, we had to get this case settled, if I remember correctly, Friday, July 3 -- something like that, right before the 4th of July weekend. So he, "had no time to investigate." But he did have time to authorize \$347,000 of taxpayers' money.

So the short answer is, no. The employee unions have not weighed in, and I -- but I am sure that they would agree that anybody that is acting within their scope of employment should be defended.

ASSEMBLYMAN ASSELTA: Well, through the Chair, can I ask you to reach out to them to get an opinion clarification, before this gets to a full floor vote?

ASSEMBLYWOMAN WEINBERG: Absolutely.

ASSEMBLYMAN ASSELTA: I just want to be comfortable with their positioning on being represented on that issue.

ASSEMBLYWOMAN WEINBERG: Yes, I think that's a good point.

ASSEMBLYMAN ASSELTA: And I think they're very important in this process.

Thank you.

ASSEMBLYMAN STEELE: Thank you, Assemblyman.

Assemblywoman, Linda.

ASSEMBLYWOMAN GREENSTEIN: Hi. It seems to be a very good set of bills. The letter that you had from Deborah Poritz talked about what would happen during a trial. I know this from having worked at the Attorney General's office, that there are standards. I don't remember all the details of the statute, but I know that there are standards about when an attorney is provided. Usually, as the trial goes on, they determine, you know, what kind of evidence there is.

Do you know, offhand, if there is anything there if a settlement takes place? In other words, in a settlement, much of this would not come out. And I'm wondering what's happened in other cases that the State has had to make a decision about defending when there's been a settlement.

ASSEMBLYWOMAN WEINBERG: Well, I do know of -- there were two cases in which I was involved, as an elected official. The first is the one -- I was a member of the Council in Teaneck, and there was a sexual harassment case against somebody in one of our departments. And the attorney came to us -- our attorney came to us and said, "I investigated" -- and this happened to be a case against an atmosphere, rather than a single individual -- "and, in fact, the plaintiff is correct, and we should settle it." And we did, and we cured, at least at that point, the atmosphere that was created.

The second case involved my service on the Legislative Services Commission, in which an employee of the Office of Legislative Services was accused, and the investigation pointed up that there were grounds for the accusation. And the employee was punished. He was given a reduction in salary to cover any legal expenses that had been put forth.

So those are two cases with which I am personally familiar. And, again, to quote from Debbie Poritz's letter, it says that -- it's during the course of litigation, as you pointed out Assemblywoman, that they determine this. So that they usually don't determine whether to pick up the legal fees until after the case is set.

In this case -- and that's why we're asking for this money back, and we're asking for an investigation. That \$347,000 was paid with absolutely no investigation. And, you know, I know what I went through, and it wasn't -- you know, didn't affect my personal life -- so I didn't get a bill posted for a year. But somebody like Ms. Selby, who really put herself forth-- She's active in Republican politics. She's come forth and shared with you a personal story of what happened to her in her work life. And then has shared with you a story that, because she stood up for the women that she represents and the women in the State of New Jersey, she is being threatened. I think that is completely inappropriate. And I think, if this Legislature takes a stand on these kinds of bills, everybody will be duly warned that we are not going to accept this as an atmosphere.

And I know -- I'm of an age, when I was younger, in the work force, we thought that came with the paycheck. I mean, it was just sort of routine, and you learned evasive techniques, for want of a better description.

Well, thanks to the young women of today, and of my daughter's generation, women don't have to learn evasive techniques. They deserve a better work place.

ASSEMBLYWOMAN GREENSTEIN: Absolutely. I just find it hard to believe that the Attorney General of that time took these steps without,

in a sense, covering his tracks, by writing up how the determination was made. Because there has to be a series of steps taken to decide whether counsel is going to be provided. And it sounds like, in this case, that clearly wasn't done, from what I'm hearing.

ASSEMBLYWOMAN WEINBERG: According to his own words, it was not done.

ASSEMBLYMAN STEELE: Let me acknowledge Assemblywoman Previte. We're certainly glad to have you present.

A S S E M B L Y W O M A N M A R Y T. P R E V I T E: I am in support of men and women who need protection from this kind of behavior.

HEARING REPORTER: Mr. Chairman.

ASSEMBLYMAN STEELE: Okay. Thank you very much.

And I caught you. You said that was not recorded, okay, but that sort of echoed the room already.

Seeing no other testimony, certainly we will move these bills forward.

ASSEMBLYWOMAN GREENSTEIN: I'll move the bill.

ASSEMBLYMAN HACKETT: Second.

ASSEMBLYMAN STEELE: We'll do three separate bills.

ASSEMBLYWOMAN GREENSTEIN: I'm sorry. Which one are we doing first?

ASSEMBLYMAN STEELE: We're doing the first bill, 3296.

MS. ESPENSHADE To release Assembly Bill 3296, as referred to the Committee: Assemblyman Asselta?

ASSEMBLYMAN ASSELTA: Yes.

MS. ESPENSHADE Assemblywoman Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Yes.

MS. ESPENSHADE Vice-Chairman Hackett?

ASSEMBLYMAN HACKETT: Yes.

MS. ESPENSHADE And Chairman Steele?

ASSEMBLYMAN STEELE: Yes.

Motion on Bill No. 3297?

ASSEMBLYMAN HACKETT: So moved.

ASSEMBLYWOMAN GREENSTEIN: Second.

ASSEMBLYMAN STEELE: Roll call.

MS. ESPENSHADE To release Assembly Bill 3297: Assemblyman
Asselta?

ASSEMBLYMAN ASSELTA: Yes.

MS. ESPENSHADE Assemblywoman Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Yes.

MS. ESPENSHADE Vice-Chairman Hackett?

ASSEMBLYMAN HACKETT: Yes.

MS. ESPENSHADE Chairman Steele?

ASSEMBLYMAN STEELE: Yes.

The bill is reported out. ACR-157, motion?

ASSEMBLYMAN HACKETT: Motion.

ASSEMBLYWOMAN GREENSTEIN: Second.

ASSEMBLYMAN STEELE: Roll call.

MS. ESPENSHADE To release Assembly Concurrent Resolution
157: Assemblyman Asselta?

ASSEMBLYMAN ASSELTA: Yes.

MS. ESPENSHADE Assemblywoman Greenstein?

ASSEMBLYWOMAN GREENSTEIN: Yes.

MS. ESPENSHADE Vice-Chairman Hackett?

ASSEMBLYMAN HACKETT: Yes.

MS. ESPENSHADE Chairman Steele?

ASSEMBLYMAN STEELE: Yes.

The bill is reported out.

Thank you very much.

ASSEMBLYWOMAN WEINBERG: Thank you, Mr. Chairman,
and thank you for your bipartisan support of this bipartisan issue.

ASSEMBLYMAN STEELE: Certainly, absolutely. We are
included in this process.

The meeting is adjourned.

(PUBLIC HEARING CONCLUDED)