

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

before

ASSEMBLY JUDICIARY COMMITTEE

on

Assembly Concurrent Resolution No. 87 -
proposing an amendment to Article IV,
Section II, paragraph 4, to provide for
3 staggered terms of 4, 4 and 2 years
within each decade for members of the
General Assembly.

Held:
June 8, 1970
Assembly Chamber
State House
Trenton, New Jersey

Members of Committee present:

Assemblyman Peter W. Thomas [Chairman]

Assemblyman James Cafiero

Assemblyman Joseph J. Higgins

Assemblyman Paul Policastro

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Assemblyman William M. Crane	1

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ASSEMBLYMAN PETER W. THOMAS [Chairman]: This is a public hearing that has been called on ACR 87. Let the record show that the following members of the Judiciary Committee are here: Mr. Thomas, Chairman; Mr. Policastro, Mr. Higgins and Mr. Cafiero.

The sponsor of the bill is here. Mr. Evers, do you have a statement for us?

J O H N A. E V E R S: Yes, Mr. Chairman. I submitted a written statement to the Committee which I assume will be made part of the record.

ASSEMBLYMAN THOMAS: Yes, we will make it a part of the record.

[Written statement submitted by Assemblyman Evers can be found starting on page 10 of this transcript.]

In addition to the statement, do you have anything to say?

ASSEMBLYMAN EVERS: In view of the shortness of time and in view of the fact I have submitted a statement which I think speaks for itself, I will rely upon that statement and simply attempt to answer any questions you may have.

ASSEMBLYMAN THOMAS: Does any member of the Committee have anything they want to ask Mr. Evers? [No response.]

Is there anybody else who wishes to appear as a witness. Assemblyman Crane.

W I L L I A M M. C R A N E: Good morning, gentlemen. I am Assemblyman William Crane from Bergen County. I want to appear here generally in favor of ACR 87 with a few

reservations.

ACR 87, as you well know, sets up a four-year term for members of the Assembly which, of course, is identical with the Senate term and that bothers me a little bit. Perhaps we ought to be thinking about the whole picture and maybe we ought to be thinking about extending the Senate term beyond the four years that we are talking about here.

Of course, the real difficulty is coming up to the ten-year period when the census is taken and everything has to equal ten. My original thought was to make the Assembly terms three years, but then you have either a three, three, four or three, three, three, one or something like that. But I just don't believe the Senate terms and the Assembly terms ought to be identical. Then you lose the reason and the rationale for having a bi-cameral legislature.

The idea of the bill to elect half the Assembly at a time so we will have some continuity is certainly good. I think most of us recall 1968 when a lot of us came in here, some 50 odd new members, and most of us complete greenhorns. We did have a few problems in getting started. Nevertheless, we did get started. I think the idea of selecting members on an alternate basis so that only half will be elected at a time is an excellent idea and I would commend it to the Committee.

You probably know that there is a difficulty here constitutionally as to passing this, gentlemen, because of

the fact as I understand our State Constitution, you have to have a copy of the bill 20 days in advance on the desks of the members and you also have to have action by the Legislature, both Houses, 3 months before the referendum which, of course, is in November. Since this is apparently the last session until we come back in September, it looks as though we are out of time for this year. I don't know whether the Committee has considered that - I am sure they have - but that is another practical limitation.

That is about all I have unless the Committee has any questions.

ASSEMBLYMAN THOMAS: Does anybody have any question they would like to ask Mr. Crane? [No response.]

Mr. Evers, do you have any comment that you would like to make now?

ASSEMBLYMAN EVERS: What Mr. Crane says is correct. Constitutionally we cannot act upon this measure until June 29th, the way I calculate it, and we must act upon it prior to August 3rd which is three months prior to Election Day. It is a practical problem. There is no question about it. It would mean that both Houses of the Legislature would have to come back to Trenton for one more day. I submit it is a small price to pay in view of the importance of this question. We have done it before and I think we can do it again.

ASSEMBLYMAN POLICASTRO: Wouldn't the same thing apply to the Senate - they would have to have a copy of

this bill on their desks?

ASSEMBLYMAN EVERS: That is correct. Copies will be distributed to both Houses today.

ASSEMBLYMAN HIGGINS: Assemblyman, I arrived at the tail end of Assemblyman Crane's testimony. But on or before the 29th we have to have a meeting, is that it, to consider the matter further, or what must be done between now and that date?

ASSEMBLYMAN EVERS: Nothing can be done between now and that date because 20 days must elapse from the date of the public hearing before a vote can be taken on this measure.

ASSEMBLYMAN HIGGINS: I see. So 20 days from today, the 8th of June, any day thereafter but before that August deadline --

ASSEMBLYMAN EVERS: Before three months prior to Election Day, which I calculate to be August 3rd.

ASSEMBLYMAN HIGGINS: And have you had a consensus from the membership of both Houses as to how they feel about this measure?

ASSEMBLYMAN EVERS: This measure has 36 co-sponsors itself, which I think speaks for the Assembly.

ASSEMBLYMAN HIGGINS: So that there would be a consensus relative to its importance to come back between the 29th of June and that August date?

ASSEMBLYMAN EVERS: I would hope so, sir.

ASSEMBLYMAN HIGGIN: Probably in both Houses from

your examination and conversation with the people involved?

ASSEMBLYMAN EVERS: I spoke with perhaps a dozen Senators and all of them were not opposed to this measure. None of them, however, would commit themselves to returning.

ASSEMBLYMAN HIGGINS: I might say, Assemblyman, in answer to that area involved that I too have talked to a number of Senators who have indicated their support for the measure, as a member of this Committee and a member of this House. I am, as you know, a sponsor of the bill and think that it is sufficiently important that we should come back after the 29th of June but before the August deadline to consider it. And I want to compliment you as the sponsor of the measure.

ASSEMBLYMAN EVERS: Thank you.

ASSEMBLYMAN THOMAS: Was this resolution placed on the desks of the Assemblymen at our last convening date?

ASSEMBLYMAN EVERS: It couldn't be. As I understand, the resolution could only be placed upon the desks after the public hearing.

ASSEMBLYMAN THOMAS: That is not my understanding.

ASSEMBLYMAN EVERS: That was the way it was explained to me, sir.

ASSEMBLYMAN THOMAS: It is my understanding that there must be 20 days elapse between the time you put it on the desks and third and final reading and that within that 20-day period, you can hold your public hearing. So if we had put these on the desks the last meeting, we could

have voted on it today.

ASSEMBLYMAN EVERS: There were two reasons why. Number one, it was explained to me that a public hearing had to be held first. Secondly, the Senate had a very brief session on May 14th. I think they were gone by two o'clock and we weren't prepared prior to that time to place it on the desks.

ASSEMBLYMAN THOMAS: Does anybody else have any questions they would like to ask?

Is there anybody else who would like to testify?

ASSEMBLYMAN HIGGINS: Just one other thought - Assemblyman, as I recall, didn't we in this House have this on our desks the last meeting, the resolution in question? As a matter of fact, I am pretty sure we did. I specifically recall having talked to you that day and that you were going to put it on each Senator's desk and I know that we had it on our desks on the last day. I forget what date that was.

ASSEMBLYMAN EVERS: It would have been May 14th. I don't recall. The matter was left in the Clerk of the Assembly's hands. To the best of my knowledge, they were not distributed.

ASSEMBLYMAN HIGGINS: But the Clerk of the General Assembly would know whether they were distributed in this House as well as the Senate; is that right, sir?

ASSEMBLYMAN EVERS: Yes, sir.

ASSEMBLYMAN THOMAS: Would you as the prime sponsor

of this bill check on that? Because I am quite sure it was on our desks on the 14th, but it would have to have also been on the desks of the Senate. If it was, then we can vote on this today.

ASSEMBLYMAN EVERS: Certainly I will check.

ASSEMBLYMAN THOMAS: Because we will report it out of committee if that is the case.

ASSEMBLYMAN CAFIERO: Mr. Chairman, if it had been placed on our desks, we could vote on it. It doesn't have to be on both desks, does it?

ASSEMBLYMAN THOMAS: It has to be on both.

MR. ALITO: As I understand the Constitution, a printed copy has to be placed on the desks of the members of both Houses. You can't have a final vote in the House of origin until 20 days after the placing of copies on the desks of all of the members of both Houses. Sometime during that 20-day period, a public hearing must be held. Now if you had placed copies of this resolution on the desks of all the members of the Assembly and the Senate the last time you were here and having held the public hearing this morning, you could then vote on this resolution today.

ASSEMBLYMAN POLICASTRO: What about the Senate - do they have to have a public hearing?

ASSEMBLYMAN THOMAS: No.

ASSEMBLYMAN HIGGINS: So if Assemblyman Evers checks and his check shows that it was placed on the desks of the members of both Houses, it can possibly be voted on. If

not, it would have to wait until such time as that mandate was filled.

MR. ALITO: I am almost certain it was placed on the desks. Otherwise, you would not be holding the public hearing. This public hearing would be null unless you had already placed it on the desks. Otherwise, you are going to have to hold another public hearing.

ASSEMBLYMAN EVERS: I believe, Mr. Alito, we would be satisfying the constitutional requirements if we held a public hearing and distributed it on the desks of each member of each House simultaneously - in other words, if we did that today. If in fact copies of the resolution were not distributed in each House on May 14th, we could do that today.

ASSEMBLYMAN POLICASTRO: If it hasn't been done.

MR. ALITO: You couldn't vote on it today.

ASSEMBLYMAN EVERS: But we could not vote on it today and that is why I submit that it will be necessary for us to return.

ASSEMBLYMAN HIGGINS: Unless, Assemblyman, the copies were placed on the desks of both Houses on May 14th. Then it could possibly be voted on.

ASSEMBLYMAN EVERS: That's correct. To the best of my knowledge, they were not. I will be very happy to check and report to the Chairman.

ASSEMBLYMAN THOMAS: Good. Thank you. Is there anybody else who wants to appear to testify? If not, I will

declare this hearing recessed until a later time today,
which time will be announced on the floor of the Assembly.

(Hearing recessed)

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ASSEMBLYMAN THOMAS: It is now 1:50 P. M. Let the record show we have reconvened the recessed public hearing of the Judiciary Committee on ACR 87 in order to give any other persons an opportunity to testify if they wanted to do so. Let the record further show that I made an announcement here, asking whether anybody else wished to testify and hearing no response I now adjourn the public hearing of the Judiciary Committee on ACR 87.

(Hearing concluded)

STATEMENT OF ASSEMBLYMAN JOHN F. EVERS,
AT PUBLIC HEARING RE ACR 87, JUDICIARY COMMITTEE,
MONDAY JUNE 8, 1970

Mr. Chairman, members of the Judiciary Committee, I am John F. Evers, a member of the General Assembly representing District 14, Passaic County, as its at large representative. I come before you today to speak in favor of Assembly Concurrent Resolution 87, which resolution I sponsored and which has been co-sponsored by 36 other Assemblymen. Incidentally I am confident that I could have obtained an additional 36 Assemblymen as co-sponsors had I seen fit to do so. The purpose of this resolution is to lengthen as well as stagger the terms of office of the members of the General Assembly.

At the outset, because I can well appreciate the lack of time and the pressure of other business which too often hinders us from doing those things which we would like to do, I wish to express my sincere thanks for the time and interest which you are devoting to this subject this morning. Under the circumstances I assure you that I will be as brief as possible.

ACR 87 would present to the people of New Jersey, at the next general election, the opportunity to determine whether or not the members of the Assembly shall continue to stand for election every other year or whether the constitution shall be amended so that the terms will be increased and the times of election staggered. Specifically, if approved by the people, ACR 87 would provide, in accordance with the plan adopted at the 1966 Constitutional Convention, for an election of the full house every ten years, i.e., immediately after each federal census so as to redraw the district lines in accordance with the shifting

and increasing population base. This we must do, and rightfully so, in order to observe the mandate of the Supreme Court with regard to the one man - one vote concept. The change would come about during the interim ten year period in which instead of electing 80 men from 40 districts every two years or to, in effect, have 400 separate campaigns and 400 separate elections, we would elect one-half of the house for terms of two, four and four years and the other half for terms of four, four and two years. True, during that ten year period we would still have an election every other year, but only one-half of the house membership would be elected at a time.

No matter how you read this bill Gentlemen, and no matter how some others may try to read other things into it, that is the crux of the whole question. Every two years we would vote for 40, instead of 80, assemblymen.

Now of course, I could be accused of oversimplifying the question if I allowed it to rest there. I recognize that ACR 87 presents other questions, some of which are strictly political, others theoretical and still others which are practical, turning to the latter category first, to those demanding practical consideration, let me say this - in order to get this question on the ballot, and if it is going to be presented to the voters, it must be presented this November because this is the year of the federal census - it will be necessary for both houses to return to Trenton for one more session during the summer. The reason for this is because the rules provide that at least 20 days shall expire from the time that the bill is considered at a public hearing and copies are distributed to each member, before it can be voted upon. This will be accomplished today, which means that

we could not vote upon the resolution until at least June 29th. Furthermore, because where amendments to the constitution are concerned, the proposed question must be published in a newspaper in each county at least three months prior to election day, it also means that we must return some time prior to August 2nd.

As I said Gentlemen, these are strictly practical considerations; practical because they would require 120 people to travel to Trenton for an extra session, one more than they had anticipated. A small price to pay, I respectfully submit, for the passage of a resolution which will allow our people to answer a question of major importance this fall. I trust, I am sure, that this Committee's deliberations will not be influenced by that fact.

I said that this bill is of major importance, and it is. Earlier in my statement, I expressed my appreciation to you for taking the time from your busy day to participate in this hearing. To many of the members of the house, I am sure their presence here, for either the public hearing or for strictly legislative business, creates a distinct hardship. That shouldn't be, to my way of thinking, but on the other hand because we are aware of the situation when we stand for election, and because no one forces us to run for office, our presence is voluntary and therefore, perhaps, even laudible. But we cannot dismiss the question at that point, because our total obligation to the seven million people of New Jersey does not permit us to do so. This Committee does not have a right to think that it has fulfilled its obligations, particularly as one of the more important Committees in our system, simply because some of its members showed up this morning and made conversation with one of the other members of

the legislature. And yet if you feel that way, I can't find fault with you, nor with myself, because that happens to be the nature of our setup in Trenton today. The very fact that this meeting has been scheduled one hour before the commencement of a legislative session supports exactly the point I am attempting to make.

Something has to be done to correct the handicaps under which this most important body operates. Where do we start, how do we go about it, who should initiate the change? Apparently, in 1967, the legislature which was then controlled by what is today the minority party, agreed with this concept and decided to do something about it by authorizing the construction of a new State House which would have included many expanded facilities for the legislature; larger chambers, committee meeting rooms, rooms for our staff, additional room for members of the legislative research commission, a ready reference library and many other accommodations. For reasons best known to governors, Governors Hughes, Cahill and candidate and former Governor Meynor, the plans are still on the shelf.

Throughout the years, past legislatures have seen fit to increase the salaries paid to the legislators so that in 30 years the salary has come from \$500 annually to \$10,000 annually. Other legislatures, in past years, have seen fit to employ full time staff, such as the Sam Alitos and the Bill Lannings, to handle the research and drafting of bills. Again, in 1968, the legislature saw fit to increase the salaries for their own personal aides to assist them in their legislative duties, so that now each legislator controls the payment of \$4,500 each year for assistants.

There have been many other changes made during the recent past also; today we have telegraph and telephone privileges; each party has its own conference room and in the majority party conference room, each member even has a chair and part of a table to call his own; there is even a microphone for the leader to use and coffee if you get there early enough; parking spaces also; even committee meeting rooms instead of using the mens room; and last but not least we are all aware that we have now doubled our sessions each week.

Gentlemen, I am not being facetious in mentioning these improvements because in the few years that I have been here, I have come to appreciate them and they have helped too. But, let's look at the whole picture, what are we trying to accomplish? That question of course is rhetorical. We are trying to improve our facilities in order to do a better job for our constituents, but we are only kidding ourselves because we are not going to accomplish our objectives by these methods.

Over 100 years ago the terms of the lower house of the legislature - the so called popular house - were established at two years. At that time, and I have not researched these points so therefore I only rely upon my recollection of New Jersey's history, I believe the lower house consisted of 60 members and the Senate, 21 members, all of whom were elected at large. What I do know as fact however, is that the problems which the legislature considered during those years were most inconsequential; as a matter of fact they were miniscule compared with those with which today's legislature is faced. I would be wasting your valuable time if, at this point, I attempted to point out these changes and I am sure that common sense alone will remind you

that whereas not too long ago our predecessors occupied themselves with establishing speed limits for horse and buggies, today we are now considering super highways, jet ports and many other matters of importance including a budget approaching two billion dollars as these problems affect seven million people. What it all amounts to is that we are now at the point where we can no longer hope to, and the people should no longer expect us to, attempt to solve 1970 problems with 1870 tools. As I see it, it makes no difference whether we have new soft red leather chairs in a brand new State House or not, because if we are to act as true legislators instead of reacting like puppets, the question has to be whether or not we are disposed now to do something about it. And if we are so disposed, we should start at the beginning. Query - what is the beginning?

Do any of you know of a State Senator who, upon completion of his term as a Senator, has sought election to the Assembly? I know of none. Yet, on the other hand, there are any number of assemblymen who have sought election to the upper house. Why is this so? Aside from the so called senatorial courtesy privileges, (which I think is nothing more than a lot of garbage and represents nothing more than ego satisfying play-time), there is only one difference between the upper and lower houses; that is, the length of the term of office. Because of our bicameral setup, nothing becomes law without the say so of both houses. The pay is the same, the privileges equal, it requires no more talent, brains or fortitude to become a senator or an assemblyman. And yet - there exists that one difference - two year terms versus four year terms and that is the reason, and the primary reason, why assemblymen seek to become senators.

Underlying that reason is the obvious fact that a senator, because of a longer term, has more freedom of action and thought and as a result is better equipped, or at least should be, to do a better job for the people whom he serves.

What is the justification for the difference in the terms? Tradition, or because other states have two year terms for the members of the lower house, or because Congressmen have two year terms; what it amounts to is that the main argument is because it has always been that way, so why change now. So what - are these reasons to resist change? It has been this blind resistance to changing conditions that has given rise to many of our major problems today. For not too much longer can we permit ourselves the luxury of a comfortable status quo arrangement.

The only argument that I even consider worthwhile against ACR 87 is that by an election of the full 80 member body every other year, the house is supposedly more responsive to the people. That argument in the 1870's, may have been a worthy one, but today, because of the magnitude of our problems, we can no longer calculate responsiveness as being equal to doing what is necessary to get re-elected every other year. In 1970, and in the years to come, our main goal, our only goal, should be to do those things necessary to resolve our problems once and for all. You don't do this through reactionary methods. You don't do this by thinking of the next election - you do it by thinking of the next generation. And yet you can't do it under these circumstances because human nature prevents one from doing it - if

your every legislative thought is dictated by how many votes you may win or lose in the next election by the next switch of your voting machine.

Gentlemen, it makes me ill to read in the papers that ACR 87 represents the Assembly's answer to SCR 49. Nothing could be further from the truth, I have no argument with the senators - I am not being subjective in my approach to this question. I have stood for election, sometimes successfully and sometimes not, sometimes for two years and sometimes for five years, in five out of the past seven years from local ward councilman to the office of Congress. There is no personal argument - there is no axe to grind. My only concern is that I, that all of us, at least be given the opportunity to try to do our best.

In 1966, as a delegate to the Constitutional Convention, I had the privilege of serving as a member of the Committee on Reapportionment. In that capacity I took part in many discussions concerning the one man - one vote (responsiveness) concept. Many ideas were tried on for size. It was out of that Committee that we finally developed the 40 - 80, two member district, idea. With that idea in mind that because the smaller districts for the assemblymen would put us in closer touch with out people, the subject of longer terms was often discussed but, unfortunately as is too often the case in such matters, it was decided not to rock the boat and as a result no action was taken. In spite of that head in the sand approach however, I have not discarded the idea and as a result introduced ACR 87.

I am positive that we would not be defeating the purpose of the drafters of our Constitution or of the drafters of any

amendments to the Constitution by adopting this resolution. I am equally sure that we will not deviate from the Court's mandate and above all that we would not be shortchanging our people. To the contrary, by changing the terms of the Assembly, we will provide for continuity of office, we will allow the necessary time for good leadership to develop, we will give the cream sufficient time to come to the top, in short we will be able to behave with an eye open to the future needs of our constituents instead of trying to figure out what will be more popular so that we can possibly get today's headlines for tomorrow's election.

The need has never been greater than now to provide for security and continuity for our legislature. Undoubtedly a reporter could have a picnic with that line and it is just as true that the assemblymen will take a great deal of heat if they see fit to pass this resolution. But then, doesn't anything and everything worthwhile generate heat?

Gentlemen, these are the reasons why I, and at least 36 other assemblymen, have proposed this measure. I have contacted legislators from other states which have two year terms for the members of the lower house and to my question why, I have received answers such as (1) tradition calls for it, (2) because it has always been that way, (3) the people don't want to change, (4) some day perhaps, but not right now.

No answer had any substance and whatever the objections, I submit that they are all offset by the fact that a longer term will make a better legislator, which will make for a better legislature, which in turn will benefit all the people. Isn't that what its all about? I ask only that the people be permitted

the opportunity to express their will on this question.

Thank you.

Respectfully submitted,

JOHN F. EVERS

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