

PUBLIC HEARING

before

ASSEMBLY COMMITTEE ON AGING

on

ASSEMBLY CONCURRENT RESOLUTION 32

(Proposes an Amendment to the Constitution to Increase
the Principal Departments of the Executive Branch of
Government to 21 Creating a Department Which Has
Jurisdiction Over Programs for Senior Citizens)

Held:
May 24, 1984
Room 308
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Thomas H. Paterniti, Chairman
Assemblyman Anthony P. Vainieri, Vice Chairman

ALSO PRESENT:

Norma Svedosh, Research Assistant
Office of Legislative Services
Aide, Assembly Committee on Aging

New Jersey State Library

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ASSEMBLY CONCURRENT RESOLUTION No. 32

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Assemblyman PATERNITI

A CONCURRENT RESOLUTION proposing to amend Article V, Section IV, paragraph 1 of the Constitution of the State of New Jersey.

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

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

PROPOSED AMENDMENT

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

4 1. All executive and administrative offices, departments, and
5 instrumentalities of the State government, including the offices of
6 Secretary of State and Attorney General, and their respective
7 functions, powers and duties, shall be allocated by law among and
8 within not more than **[twenty]** ²¹ principal departments, in such
9 manner as to group the same according to major purposes so far
10 as practicable, *and shall include a department which has juris-*
11 *diction over programs for senior citizens. The Legislature shall*
12 *enact legislation defining this jurisdiction.* Temporary commissions
13 for special purposes may, however, be established by law and such
14 commissions need not be allocated within a principal department.

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 three months after the 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 three
8 months prior to the 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.

Matter printed in italics thus is new matter.

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

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

6 a. 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 b. In every municipality the following question:

		<p>INCREASING PRINCIPAL DEPARTMENTS OF THE STATE GOVERNMENT</p> <p>Shall the amendment, agreed to by the Legislature, to amend Article V, Section IV, paragraph 1 of the New Jersey Constitution increasing to 21 the number of principal departments in the Executive Branch of the State government and creating a department which has jurisdiction over programs for senior citizens, be approved?</p>
	Yes.	
		<p>INTERPRETIVE STATEMENT</p> <p>This amendment to the Constitution, if approved, would increase from 20 to 21 the number of principal departments in the Executive Branch of the State government and would create a department which has jurisdiction over programs for senior citizens.</p>
	No.	

STATEMENT

The purpose of this proposed amendment to the Constitution is to increase from 20 to 21 the number of principal departments in the Executive Branch of the State government and to create a department which has jurisdiction over programs for senior citizens. This concurrent resolution is a companion measure to Assembly Bill No. 540 of 1984.

ASSEMBLY COMMITTEE ON AGING
STATEMENT TO
ASSEMBLY CONCURRENT RESOLUTION No. 32

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1984

This concurrent resolution proposes to amend the Constitution by increasing from 20 to 21 the number of principal departments in the Executive Branch of the State government. The resolution creates a department which has jurisdiction over programs for senior citizens. It is a companion measure to Assembly Bill No. 540 which establishes the Department of Aging.

ASSEMBLYMAN THOMAS H. PATERNITI (Chairman): Good morning, ladies and gentlemen. I am pleased to welcome all of you to a public hearing, conducted by the Assembly Committee on Aging. My name is Thomas Paterniti, and I am the Chairman of the Committee.

Before we start, I would to take this opportunity to introduce the members of our Committee that are present. To my right is Anthony Vainieri, our Vice Chairman. We have had a call from John Bennett and Edward Gill, and they will not be able to make it today. David Schwartz will try to be here, if he can possibly make it.

I would also like to mention that if you have any written testimony, or if you wish to be placed on our witness list, please contact our staff aide, Norma Svedosh, who is seated to my right.

We are holding this public hearing on ACR-32, which is a Concurrent Resolution, amending the State Constitution by increasing the number of principal departments in the Executive Branch of the State Government to include a Department having jurisdiction over senior citizens.

The purpose of amending the Constitution to increase the number of departments is to allow for the creation of a Department of Aging. I have introduced companion legislation which establishes a Department of Aging, so that the programs and services for senior citizens in our State can be more effectively coordinated. Under A-540, the Division of Aging, the New Jersey State Commission on Aging, and the Office of the Ombudsman for the Institutionalized elderly will be combined in the newly-created Department on Aging.

The Legislature has recognized the importance of our senior citizens when it created the Assembly and Senate Committees on Aging, and now it is time to take effective action on behalf of our State's senior citizens and form an Executive level Department of Aging to effectively serve the senior citizens of New Jersey.

I would like to ask witnesses to keep their testimony as brief as possible. Anyone wishing to present written testimony for the public record may do so.

MEMBER OF AUDIENCE: May I ask you a question?

ASSEMBLYMAN PATERNITI: Yes, sir.

MEMBER OF AUDIENCE: Do you have quorum? Is this a Committee meeting?

ASSEMBLYMAN PATERNITI: No, this is not a Committee meeting; it is a public hearing. With a public hearing you do not have to have a quorum as long as the Chairman is here.

MEMBER OF AUDIENCE: It can't be an official meeting that way.

ASSEMBLYMAN PATERNITI: It is a public hearing. According to the mechanics of a Constitutional Amendment, this is exactly the way it is held. In fact, all you really need is the Chairman.

ASSEMBLYMAN VAINIERI: That's all you need.

ASSEMBLYMAN PATERNITI: That's all. Okay?

Our first witness is Victor Volpe.

VICTOR VOLPE: Mr. Chairman and members of the Committee: We didn't have the bill, so our group had a round robin discussion on this.

ASSEMBLYMAN PATERNITI: You know, it was available; all you had to do was call.

MR. VOLPE: I realize that. I called the Bill Room for it. We used to get a bill. If you called, you got a bill in two days. Now, there is no way you are going to get it in two days. We can't seem to get a bill, unless we make a special trip to Trenton and personally pick one up. The young lady here gave me a copy of the bill (indicating Committee Aide, Norma Svedosh) so this is the first time I read the bill.

We went on the general philosophy that we were creating another department -- another bureaucracy -- and we felt there were a lot of agencies in the State that served the senior citizens, some wisely, and some not so wisely.

We oppose it on the simple basis that--

ASSEMBLYMAN PATERNITI: Which group is this?

MR. VOLPE: This is the Grey Panthers of New Jersey. We are the second largest organization in New Jersey.

We feel there is no accountability here. When a legislator votes for something, he puts his career on the line, because you can get back at him through your vote. But, when you have an office, such

as this, there is no possible way you can get to these people. In fact, they make a problem much harder to solve; whereas, if I can come to you, a legislator, and speak to you, you have your fingers on the pulse of the people in your district and we get a better response. So, therefore, we oppose this on that basis.

There are other questions also. We have Offices on Aging in the counties. We have a State Office on Aging. There are various committees set up in different districts that are handling the problems of the aged. It seems there is a plethora of groups trying to do something for senior citizens, and it seems to me that when you do that you push the senior citizen further and further away from the solution to a problem.

ASSEMBLYMAN PATERNITI: I don't think you have a clear picture of what we are trying to do. We are trying to do exactly the opposite; we are trying to get something centrally located. In the first place, the reason why both the Committees on Aging in the Assembly and in the Senate were created was because all the problems of seniors -- or any legislation for seniors -- were dispersed amongst a whole series of departments. We tried to put them under one committee so that your voice would be heard, and that is exactly what has happened.

We have the same problem with the State, with 20 departments; a lot of your problems are being dispersed to various agencies, and we are trying to centralize that so we can expedite any problems you have. In fact, yours is probably the only resistance I have heard. We have had public hearings throughout the State on this. Last year alone, over 60 groups came before us, and the majority of them all spoke of wanting to have their own Department on Aging. We had the same input from witnesses this past year. So, this is the first time I have heard of any particular senior citizen group opposing having their own department. In fact, they have wanted this for many, many years.

We have finally been able to address this problem because we have these two Committees in both Houses.

MR. VOLPE: Well, you put your finger right on the problem we discussed, Mr. Chairman, in the sense that some group, or groups, will

make a decision with reference to senior citizens. Now, the senior citizen will have to go to that group, or to that office. That is what we want to eliminate. We want to come directly to you, because you are the head of the Committee on Aging. We want to bring our problems to you. As a legislator, you can act, and act effectively; whereas, with the new department, there is no guarantee we can get action from them. We can get an answer from a legislator because of the accountability the legislator has.

I realize if this was put on the ballot, and people went to vote on it, they would say: "Well, we are not going to vote against the senior citizen." They would say, "Yes, give them that office." But, it really wouldn't help us one bit.

ASSEMBLYMAN PATERNITI: No. It really doesn't change the picture. If you have a problem, or if there is any senior citizen legislation, it still has to go through the Legislature. It is not going to change that.

MR. VOLPE: That's who we want to go to.

ASSEMBLYMAN PATERNITI: In fact, for example, if a senior citizen has a problem and he goes to one of the Executive branches right now, he may have to go from one to another, to another. It is just centralized, in one location. But, any legislation, or any role that the Legislature presently plays will continue. We will still continue to play the same role; this just expedites things so that you people don't get a run-around. The senior citizen will know exactly where to go.

You know, there are about 83 different agencies that handle senior citizen problems in this State. In fact, you have a brochure on it. You have to go to the Banking Committee, the Fishing Committee, and God knows what committee; and, we are trying to eliminate that because the seniors get frustrated. Even the legislators get frustrated today, because they are trying to figure out exactly how they are going to address a problem. This is just being done to centralize everything so that if the seniors have a problem, we will have people there who are experts, and whose deep concern will be strictly for the senior citizen.

MR. VOLPE: Let me see if I can give you an example of the ineffectiveness of having a bureau which is not accountable to the public. For example, we were just given a utility increase of over five percent -- an average of over five percent -- on our monthly bill by the Public Utility Commission. Now, years ago, we told our people to write to the Public Utility Commission and to the Governor, but the increases just kept coming, as sure as God made apples. Every year they come back and get an increase. The problem with that rests with the Legislature because the Public Utility Commission is an arm, it is an extension of the Legislature, and you have delegated to them the right to put a tariff on me. I want to come to you. I don't want to go to the Public Utility Commission. I want to come to you and tell you, "You fight my problem." Do you see?

ASSEMBLYMAN PATERNITI: There are two branches of government: The Executive Branch and the Legislative Branch. After we pass a law, if we feel the Governor does not administer that legislation properly, we can always introduce legislation to change that law.

MR. VOLPE: Right.

ASSEMBLYMAN PATERNITI: I think he has been working effectively. You are talking about the Public Utilities Commission. Whether it is our State, or any state, that is the practice. Every time someone has to have an increase, he cannot go back to the Assembly, because we are not the experts. The Governor has appointed experts in that particular field, and that is how they come to a final determination.

MR. VOLPE: Well, let's take your answer two ways. According to you, I would still -- if we had this office -- have to go to this office, which would be ineffective; it would not be able to do anything to help me. And, the only person who could help me would be a legislator, in the sense that the legislature can set up a review committee to check what the Public Utility Commission is doing.

Yesterday, we heard a member of the Public Utility Commission get on T.V. and say that we are going to face increases in telephone rates. He is telling the telephone company, "Come back next year and you will get another increase," -- and the year after, and the year

after that. He mentioned, "for the next five years." Now, we don't believe that is true, because we have information that the telephone rates shouldn't have been raised.

ASSEMBLYMAN PATERNITI: That has nothing to do with the department.

MR. VOLPE: I think it has a lot to do with it. I disagree with you wholeheartedly on that, because it would send me to a place to find a solution to my problem--

ASSEMBLYMAN PATERNITI: (interrupting) It will find you a solution much faster.

MR. VOLPE: I would go to a department that will say to me, "Well, I don't know; there is nothing we can do. We are circumscribed as to what we can do, and that is as far as we can go."

ASSEMBLYMAN PATERNITI: The reason why all the senior citizen groups want this particular 21st department is to solve their problems faster. They felt that over the years they have been pushed aside; they weren't considered first-class citizens.

MR. VOLPE: Pushed aside by whom -- by the committees and these groups, not by the Legislature.

ASSEMBLYMAN PATERNITI: By the way it is structured. That is why the Legislature wants them to have their own department.

MR. VOLPE: They have been pushed aside by the very committees and groups-- You are trying to set another one up, don't you see? You never pushed the people away, did you?

ASSEMBLYMAN PATERNITI: No. Years ago, they said they felt they were too small and insignificant. Today, they are a viable force. They make up a large percentage of our total population, and they have to be recognized. That is exactly what we are doing; we are recognizing the needs of the senior citizens.

MR. VOLPE: Well, you know, Mr. Paterniti, there is a feeling in New Jersey that the senior citizens in New Jersey-- There is an aura that we have gained a lot of good breaks. Just recently, the Chase Econometrics Group in New York made a survey regarding where the best place for a senior citizen to move would be. New Jersey ranked 38th. The first state was Utah. You see? Then you went down the list, and they gave the reasons why.

We have a prescription drug program; we have a tax rebate program; we have a lot of things, but the fact remains that there are other questions that should come up, and they are not being addressed.

ASSEMBLYMAN PATERNITI: The real reason why you need this particular department is, first of all, if something has to go through the legislative process, before you can address a problem it is going to take years; whereas, with an Executive department it is going to take a very short time. If one has to introduce legislation, it could go from one term to another term, and it is just not going to happen. That is why the Constitution is constructed in that way, so we can expedite problems, or anything that comes up.

MR. VOLPE: I will give you one example, and then I will keep quiet, because you are firmly for it, and our people are firmly against it.

Some years back, they claimed the prescription drug program was going to bankrupt the State. So, the Democratic organization in New Jersey wanted to put it back on deductibles -- the thing we fought for years to take it off of. If you remember this, Byrne, the Administration, and the Office on Aging favored that deductible, and we had a fight on that issue. I went to a Republican Subcommittee, and at that time Cliff Snedeker headed the Committee. We went there and presented all our facts and figures to Cliff, and he told us that the only concession they would make would be to go from a dollar to two dollars. That's what saved us from going to the deductible. Do you see what I mean? We took advantage of the political forces at the time.

We felt that at this time it would be to the advantage of the Republicans to force the Democrats to eat what they had made into law, and it worked out pretty good. Today, we still have a two dollar prescription drug program. If it has been for the Democrats, we would be paying more. You see, that is the advantage we have when we deal with a legislator, because you are accountable to the people for your actions. These other people will not be.

ASSEMBLYMAN PATERNITI: All I know about the pharmaceutical program is that I am the one who was responsible for increasing your pharmaceutical from 12 to 15.

MR. VOLPE: Yes, that part is fine; I understand that.

ASSEMBLYMAN PATERNITI: That's right. It cost us, the first year, another \$12 million.

MR. VOLPE: Go back a few years and you will remember that your Party--

ASSEMBLYMAN PATERNITI: I wasn't in the Legislature at that time.

MR. VOLPE: Well, they wanted to put us back on deductibles.

ASSEMBLYMAN PATERNITI: When I came here, in my first term I increased the amount from 12 to 15 -- from 9 to 12, to 12 to 15.

MR. VOLPE: That's true. I understand that. I am not mentioning you personally. I said the Party and the organization. We would have been on deductibles right now if we didn't have that political ploy to use. Thank you very much, Mr. Chairman.

ASSEMBLYMAN PATERNITI: You are welcome. Do we have any other witnesses? Is there anyone in the audience who would like to come before this Committee? (affirmative response) Will you please give us your name?

JEROME D. deLaSILVERN: My name is DeLaSilvern, and I am from Cumberland County. I came here by chance. I was in the Governor's office on business. Assemblyman, there is something here that a lot of people are missing -- the commonality of problems between the aging and those people with -- I don't like the word disability -- limitations. As the gentleman said, so rightly, there are many different bureaus, departments, and everything else in government.

Now, I have given this a lot of forethought, and perhaps the Lord just put me here for this particular moment in time. I believe there should be an advisory council, or a review board, concerning anything pertaining to the aging or to people with limitations. It should then be referred on through the proper channels, rather than having it come from a half dozen different directions, such as buckshot does, and very often missing the central target.

I have no more than that to say.

ASSEMBLYMAN PATERNITI: Thank you very much.

ASSEMBLYMAN VAINIERI: Mr. Chairman, I think the gentleman's point corroborates your statement -- that we need a central office on aging. We do have 20 departments already. I think the Department of Aging would be the one responsible for the seniors problems, but in the long run the Legislature would make the final decision anyway.

As it is now, we have so many different committees going in the State that I don't think too much is being done for senior citizens. I think the Chairman's concern is to establish the Department of Aging in order to facilitate these matters, and expedite any concerns that arise on the part of senior citizens.

MR. deLaSilvern: The most effective program that I have seen -- and I have done quite a bit of research into this, and it is not in my county either -- is the program for the aging in Atlantic County. They work with a very small budget and their program is more than just effective, because they are able to combine the utilitarian forces of both agencies into one; thereby, getting a more complete picture, and knowing just where the shortfalls lie.

Now, they have an advisory council, or board of directors -- whichever you want to call it -- made up of 51 percent of people who are either in the senior citizen group, or people with limitations. You notice, I hate the word disabled, because the only time I consider someone to be disabled is when they lose their mental awareness and their ability to communicate. Other than that, we all have limitations.

By having everything channeled through this one group, who are experts in their own areas, things are weighed out, reassessed, and then passed on if they are worthy.

ASSEMBLYMAN PATERNITI: That is exactly what this department will do.

MR. deLaSILVERN: Yes, but you are referring particularly to the Office of Aging.

ASSEMBLYMAN PATERNITI: Yes.

MR. deLaSILVERN: Which is wrong.

ASSEMBLYMAN PATERNITI: My original bill had the Office of Aging and Disabled. The Committee, last year, amended it. We had

testimony come down, and they wanted it separate. My original bill to create the 21st department, would have included the senior citizens and the disabled. If you read the legislation, that is exactly how it was worded. In fact, when I reintroduced the bill -- it was introduced this past year -- in Committee they heard a lot of testimony that it should be separate, and that is why we had to separate it.

MR. deLaSILVERN: Now, if you will note, of the 1,000 bills up -- those that have gone through the Register and Committee -- there are only ten referring to people with disabilities -- I used the word this time -- which is wrong. Because, as we get older we each develop little problems.

You know 12-1/2 percent of our population in the State of New Jersey has some limitation or another. That is 12-1/2 percent; that is a large group.

As I said before regarding the commonality of problems, this should go through a group who would sift out those things that should be addressed, and those things which should be discarded -- or referred back. You can have another dozen private little committees referring up to them, but there should be a clearing house, rather than everything coming from different directions, aiming for the same target and nine times out of ten missing it.

I thank you very much for your time.

ASSEMBLYMAN PATERNITI: Thank you. Is there anyone here who would like to testify, and who has not as yet spoken?

MR. VOLPE: You know, Mr. Chairman, a good illustration of that is a very serious one, and that is all the people who were thrown off of Social Security by a department of the government, because the government wanted to cut costs.

ASSEMBLYMAN PATERNITI: That's Federal; that is not State.

MR. VOLPE: The principle is the same. They just threw these people off, and the only way they got back on was when their Congressmen were reached, and they stopped it.

ASSEMBLYMAN PATERNITI: They are the people you had to reach. In fact, we passed resolutions here on the State level, asking Congress to rethink their position, to change their minds and leave

Social Security as it was. But, that was a Federal problem, not a State problem -- although in this State we did have a deep concern to protect the people of the State.

MR. VOLPE: That's the point I am making. You had to go to an elected representative to get action, because he has accountability; the others do not.

ASSEMBLYMAN PATERNITI: Is there anyone else who would like to speak? (no response) If not, I will now close this hearing. Thank you for coming today.

(Hearing Concluded)

