
Public Hearing

before

ASSEMBLY STATE GOVERNMENT COMMITTEE

Assembly Concurrent Resolution No. 100

*(Proposes constitutional amendment to establish
Office of Lieutenant Governor and revise gubernatorial succession)*

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

DATE: February 14, 2005
2:00 p.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Alfred E. Steele, Chair
Assemblyman Mims Hackett Jr., Vice Chair
Assemblyman Jack Connors
Assemblyman Michael Patrick Carroll
Assemblyman Guy R. Gregg



ALSO PRESENT:

Pamela H. Espenshade
*Office of Legislative Services
Committee Aide*

Kay Henderson
*Assembly Majority
Committee Aide*

Dana Conrad
*Assembly Republican
Committee Aide*

*Hearing Recorded and Transcribed by
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ASSEMBLYMAN ALFRED E. STEELE (Chair): The State Government meeting will now come to order.

Roll call?

MS. ESPENSHADE (Committee Aide): Assemblyman Gregg?

ASSEMBLYMAN GREGG: Here.

MS. ESPENSHADE: Assemblyman Carroll?

ASSEMBLYMAN CARROLL: Here.

MS. ESPENSHADE: Assemblyman Conners?

ASSEMBLYMAN CONNERS: Here.

MS. ESPENSHADE: Vice Chairman Hackett?

ASSEMBLYMAN HACKETT: Here.

MS. ESPENSHADE: Chairman Steele?

ASSEMBLYMAN STEELE: Here.

We'll begin with the ACR-100.

MS. ESPENSHADE: We're holding a public hearing pursuant to the constitutional requirements, and the Assembly Concurrent Resolution No. 100 proposes an amendment to the New Jersey Constitution to establish the Office of Lieutenant Governor and revise gubernatorial succession. Under the proposed amendment, the lieutenant governor will serve a four-year term concurrent with the term of the governor. Each candidate nominated for governor will select a candidate for lieutenant governor and they will be elected as joint candidates in the following general election. The first lieutenant governor will be elected at the general election in 2009.

ASSEMBLYMAN STEELE: We have testimony -- the League of American Families, John Tomicki, Candace Straight.

Welcome to both of you and, certainly, ladies will go first.

JOHN T. TOMICKI: Especially on Valentine's Day.

CANDACE STRAIGHT: Thank you, Mr. Tomicki; thank you, Mr. Chairman, members of the Committee. I greatly appreciate this opportunity to speak with you today on behalf of this very important topic. I congratulate you and your other colleagues in the Assembly for passing a bill establishing the Office of Lieutenant Governor, or to allowing the voters to vote on that issue come this November. But I oppose the bill as it's currently constituted. And that's what I'd like to discuss today.

I think there are a few important issues that need to be addressed. One is separation of powers. And you all recognized that over the last five years we've had two instances where we've had the same person serve as president of the Senate and the acting governor. This bill does not address that, as far as I am concerned, as fast as it should. I think the bill should take effect sooner than 2009, and I would urge your colleagues in the Senate to consider that when they take up the bill.

We would have a situation, potentially, in the next few years where we don't cure that separation of powers issue. It needs to be addressed urgently, and it needs, I believe, as the bill was originally constituted by the speaker of the Assembly, to allow the individual who won the governorship this year to select a lieutenant governor. I think that is a much better way to do it, and then they would serve concurrently.

The second issue that I'd like to address today is an issue of empowering voters in New Jersey. The bill, as it's currently constituted, says that the winner of the primary gets to select their Lieutenant Governor. I

believe it was within 30 days after the primary election. I think a far better model would be if each candidate for governor would select a running mate, and they would run in the primary together. It would accomplish two important things in my view. Number one, it would empower the voters of the State of New Jersey, whether they're voting in the Democratic primary or the Republican primary, or if there is an independent candidate for governor. It would allow those voters to decide the team they want to represent them, come the Fall.

I think that would be a very important change that would also accomplish another thing. As you all probably know, New Jersey ranks 50th out of 50 states in the number of women in the State Legislature, in Congress, and in voter participation. We have a system, unfortunately, that is evolved in this country -- and it's not unique to New Jersey -- where we have many seats that are not competitive, be they be for Congress or be they for the State Legislature.

I want to improve opportunities for members of the minority community to run for election, women to run for election. And I believe by having the lieutenant governor run with the gubernatorial candidate of their own party in a primary, that will bring more opportunities for individuals to run for office -- which I think would be good for democracy, and it would give opportunities to voters to select those people, instead of having party bosses.

I'm working with a few coalitions. We are getting together now to try to come to the Senate to present our views. But I just wanted to thank you for giving me an opportunity today to represent the WISH List, which stands for Women In the Senate and House, to present our views.

Thank you very much.

ASSEMBLYMAN STEELE: Thank you very much.

MR. TOMICKI: Good afternoon, Mr. Chairman, members of the Committee. My name is John Tomicki. I'm the Executive Director of the League of American Families. And I would like to thank the Chairman for pulling us up as a panel, because many times Candy Straight and I, on policy matters, we sometimes differ. But here we are, in effect, standing together to say -- at least from our League of American Families, which does represent 100,000 households in New Jersey -- we wish the process were different. If there really is a crisis on separation of powers, then deal with it immediately and directly.

I was listening to the Chairwoman of the State Democratic Committee saying we've got to resolve this crisis. While postponing all actions until the year 2010 is not, to me, a prudent dealing with a crisis of separation of powers. We would wish you would have sought the route on a cost-saving basis, allow the senate president to step up and become the governor and give up the Senate presidency. Apparently there is not the political will in this Legislature to do that. But you're placing many of us in a position of having to oppose this amendment should it actually get to the voters. It may not, as we currently see it, see the supermajority.

But we agree with Candace Straight in what she is saying in the separation of powers. You're postponing the problem. So that we believe if you-- You cannot amend -- this is the public hearing. We testified before. We'll still try to work over in the Senate side, so that you would actually propose an amendment for the public to vote on this November which would

have whoever becomes the elected governor -- would have -- within 30 days, name that lieutenant governor. Thereafter, we agree in opening up the process. As she and I have dialogued with her group, we would prefer, in the primaries, the subsequent primaries in 2009, in effect, to be able to run independently. Well, apparently, we will make the accommodation. But you should have the candidates running together as governor and lieutenant governor in their primary, and governor and lieutenant governor in the general election.

The public has the right to know, "Yes. Will it increase more participation? Yes. Will it open it up?" As a personal aside, I happen to, obviously, be married and have four daughters. So I have to darn well be gender blind. And by the way, most of my daughters -- three of them out of the four -- already have black belts, and all of them know how to change tires and mostly use the cell phones. Because I believe, as you know, Pastor Steele, I'm also a Deacon in an African-American church. So I'm gender blind and color blind, and I agree with Martin Luther King -- said, "We're going to look at the content of our character. That politics should be the theater of virtue." And so therefore, if we're really sincere about solving this problem of separation of powers, do it now. Come back to the drawing boards. There is still ample time, and then we will work with you. As Candy Straight has testified, we will work together to get the supermajority. But right now, you're not going to have it, and it's just not (indiscernible) fair. If we have had a crisis, the Constitution has worked okay. But if we have a crisis and the public is saying, "We think we would like to have some other organized method. We don't think we should have a Senate president also serving as the acting

governor.” No disrespect to Acting Governor Codey, because he’s a good man. Just might disagree with us on some policies, but he’s a good man. He has no guile.

Let us move, and therefore, you cannot do anything today but hear the public hearing. But hear our cry. Hear the vote of the public that says, “Let us have a process that we know who and what we’re voting for.” No more hidden government.

Thank you so much.

ASSEMBLYMAN STEELE: Thank you very much.

ASSEMBLYMAN CARROLL: Mr. Chairman, one quick question, if I may?

ASSEMBLYMAN STEELE: Sure, a question.

ASSEMBLYMAN CARROLL: To either one of you, or both, assuming it’s this way or the highway, is this bill better than what exists now?

MS. STRAIGHT: I think that since-- On the issue of separation of powers, the problem that I really have with the bill this way is that it doesn’t take effect until 2009. So we could come back next year and put it on the ballot next year and try to correct what I think is wrong with it. So I would oppose this bill. It’s not going to take effect until 2009 or 2010.

MR. TOMICKI: Assemblyman Carroll, we would concur in that. The law is to serve as a teacher. The Constitution is how we conduct ourselves, and we think it’s not a good method. No, I don’t buy a pig in a poke and say, “Isn’t this the best that we can do?” No, here is where you stand for good solid principle. You do not accommodate. This is not an issue of whether or not we’re going to change, or dot an *I* or cross a *T*.

And I'm glad you went to the question, because you have another problem. Your problem is grammatical. It's on Paragraph 2, on Line 36 of the prepared bill. Because when you say, "and a resident of this state seven years next before election." Well, because you had to drop the word *his* out -- which it should be gender neutral -- but it grammatically now makes no sense at all. I don't know what election you're talking about. So rather than being a little bit politically true, Assemblyman, and waiting until it got on the floor and say, "Well, you got a grammatical error. Therefore, the Constitution isn't clear, it's vague, and I don't know what the Supreme Court of the State of New Jersey is going to do with it," I suggest again, go back to the drawing board and at least correct the grammar.

ASSEMBLYMAN CARROLL: Thank you.

MS. STRAIGHT: Thank you.

ASSEMBLYMAN STEELE: Thank you very much, both of you, for your testimony.

Now we'll hear from the New Jersey State Chamber of Commerce. Mike will come at this time.

Welcome, Mike.

MICHAEL E G E N T O N: Thank you, Chairman.

Chairman, thank you for the opportunity to allow the New Jersey State Chamber of Commerce to express our views. I was before this Committee when you had the bill up before, so I won't take too long. I know you have a packed house.

What I've provided to you, Chairman and the rest of the Committee, was two pieces from two of our Board of Directors on the State

Chamber of Commerce. The first piece is from Aldonna Ambler. She is a board member at the State Chamber. She's president of AMBLER Growth Strategy Consultants. She's chaired the New Jersey delegation to the White House Conference on Small Business; and a past-president of the New Jersey Association of Women Business Owners.

The other piece I wanted to take a moment to focus on comes from Peter Coccoziello. Peter is the President and CEO of the Advance Realty Group and is also Chairman of the New Jersey Chamber of Commerce's Government Reform Initiative, which we unveiled last month. It's initiatives on several areas: economic development, education, environment, health care, and of course, government reform.

Peter did an op-ed piece for *The Star-Ledger*. I won't read the whole thing, but I will take a component out from it that focuses on a recommendation: "As in the case with other lieutenant governors, New Jersey's version would be responsible for a lot more than just waiting to become governor. Ours would serve the people well by overseeing the state's economic activities, which would assist with the efforts to stimulate economic growth -- something our state really needs. Our lieutenant governor could be a one-stop ambassador to business in charge of bringing out-of-state companies to New Jersey and making sure the companies already here have the necessary (*sic*) tools to succeed and want to stay. Government reform is not about creating more bureaucracy but putting our dollars where it makes the most sense."

That's our recommendation, sort of, to have a flag bearer for the business community in the Executive Branch, Chairman. And there's other recommendations within the piece that our board member, Peter Coccoziello--

And I won't take the time -- only to say that we're supportive of the creation of Lieutenant Governor. And as I said before, we will be before this Committee on several other government reform initiatives as more come about.

Thank you, Chairman.

ASSEMBLYMAN STEELE: Thank you.

Any questions? (no response)

Thank you very much.

MR. EGENTON: Thank you.

ASSEMBLYMAN STEELE: Is there anyone else to testify on this hearing on this bill? (no response)

Okay, at this time, we're going to close the hearing.

(HEARING CONCLUDED)