

---

---

# ***Public Hearing***

before

## ASSEMBLY STATE GOVERNMENT

### ASSEMBLY CONCURRENT RESOLUTION NO. 1

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

---

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

**DATE:** November 8, 2004  
2:00 p.m.

#### **MEMBERS OF COMMITTEE PRESENT:**

Assemblyman Alfred E. Steele, Chair  
Assemblyman Mims Hackett Jr., Vice Chair  
Assemblyman Jack Connors  
Assemblyman Joseph Azzolina



#### **ALSO PRESENT:**

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

Kay Henderson  
*Assembly Majority  
Committee Aide*

Mary C. Beaumont  
*Assembly Republican  
Committee Aide*

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

---

---



## TABLE OF CONTENTS

	<b><u>Page</u></b>
John T. Tomicki Executive Director League of American Families	1
rs: 1-10	

**ASSEMBLYMAN ALFRED E. STEELE, (Chair):** The State Government meeting now will come to order.

Our roll call.

MS. ESPENSHADE (Committee Aide): Assemblyman Carroll is absent.

Assemblyman Azzolina.

ASSEMBLYMAN AZZOLINA: Here.

MS. ESPENSHADE: Assemblyman Connors.

ASSEMBLYMAN CONNERS: Here.

MS. ESPENSHADE: Vice Chairman Hackett.

ASSEMBLYMAN HACKETT: Here.

MS. ESPENSHADE: Chairman Steele.

ASSEMBLYMAN STEELE: Here.

At this time, we'll be open for the public hearing.

MS. ESPENSHADE: This public hearing is held to comply with the constitutional requirement that there will be a public hearing on the amendment. So we will be hearing testimony on Assembly Concurrent Resolution No. 1, establishing an Office of Lieutenant Governor.

ASSEMBLYMAN STEELE: John, please.

John represents the League of American Families.

**JOHN T. TOMICKI:** Good afternoon, Mr. Chairman.

ASSEMBLYMAN STEELE: Good afternoon.

MR. TOMICKI: Thank you so much for having us come up and testify.

I'm the Executive Director of the League of American Families. We represent about 100,000 households in the State of New Jersey.

The question of having a lieutenant governorship, as we can see by almost the absence of a crowd, is not on everybody's front burner, as to an issue. Yet, it should be, because our State, as you know, has had a history, now, where we've had acting governors, under various administrations, stepping up. And sometimes during the hiatus in the Constitution, when the new governor is sworn in, it was like a seven days here, or a six days there.

But what you have before you -- even though our organization has testified in opposition to the bill, but now we want to firmly put on record, at the constitutionally required hearing-- Number one, the best way to do it, and the most efficient way, we think, is to still have the senate president step up and become the governor, not an acting governor. That would solve a lot of difficulties. It would also solve a cost factor.

But, apparently, it is the desire of the political forces here in Trenton not to offer that type of amendment to the public. What we have before us is ACR 1. When you read the text of ACR 1, it becomes very apparent that the nominees for governor -- of each political party that exists in Jersey -- will pick his or her lieutenant governor's position. This becomes backdoor deals again.

We are in a crisis in this State, in the sense of, there's been a lack of confidence in the government because of the scandals in the administration. I don't want to finger-point. I don't think that's the purpose of today's hearing. Today's hearing is constitutionally required. But when the nominees for the party will begin to pick, you're no longer allowing the people, the voters to pick.

So even though you've now released it from Committee, it is ready for floor action, this just becomes a constitutionally required public hearing. I wish the public would be more involved. Maybe it's the last presidential election cycle that has a lot of the public exhausted from knowing what's happening to the process in their government.

But our organization will have to take the issue, as you will, to the public, if you move forward. What you're doing is, you're setting up a situation that is ripe with power politics. Whether you're reading the *Asbury Park Press*, whether you're reading the *Star-Ledger*, you see that there's a lot of backdoor, power politics that's going on. And I think the public wants to feel more assured that their government is more open and more transparent. And this has got nothing to do with Republicans or Democrats. It has to do more with building up the confidence in the government itself and in the public officials.

So we would urge those of you who have already voted to release it from Committee to rethink your position, if and when the Speaker and the Senate President puts it up for a vote -- and to say, "Wait a minute. We think we should rethink the process." There's still plenty of time, because it cannot go up until next year's election, depending on the number of people that vote for it, either in the Assembly or the Senate. But we wish to make the point that when you now say that the nominees for the party will decide who their lieutenant governor -- you're allowing for and creating a condition that will be ripe with backdoor politics.

And, also -- although we are not a constitutional lawyer -- when you read the language-- For the first time, maybe you've got language in there that allows different political parties to nominate individuals. And so you might

have a situation, as you read it-- If the nominee of each party were, for instance -- and I'll just take the political party-- Let's assume the Republican nominee designates Al Steele to be lieutenant governor.

ASSEMBLYMAN STEELE: Go ahead and tell them. (laughter)

MR. TOMICKI: And let us say that the Democrats say, "Gee, Al is a good guy. And we're going to nominate him, also, because we're not looking at party, we're looking at the integrity of the individual." Well, based upon what you've now said, what happens there? Well, they have to run conjointly, which is another point.

So I think there should be independent -- we think that there should be independent candidates in primaries of all political parties. There should be an independent election in the fall. And let the people decide.

And you might, for instance-- Now, let's make another example. Let's assume the Republicans -- the Democrats nominate Al Steele for governor, and the Conservatives nominate Al Steele for governor, and the Liberal party nominates Al Steele for governor. As you currently read this amendment, do we now total those three votes together for the first time? Unsettled questions.

I, therefore, think it requires redrafting, more to open the process so that there will be no longer a concern that there are backdoor deals. Now, even this constitutional amendment was a matter of discussion between various political interests.

I think it's well-overdue time that people from both political parties in the State stand up and say, "We wish to be transparent. We want to instill, back in the public, confidence in the fact that we're going to keep the process open."

I think -- knowing you, particularly, Mr. Chairman and other members of the Committee, I know that that's what's in your hearts. So let your hearts control and not the power politics of the back room.

ASSEMBLYMAN STEELE: Thank you very much, Mr. Tomicki. I'm certainly glad you came today.

Thank you, John.

Okay, Vice Chair.

ASSEMBLYMAN HACKETT: Thank you, Mr. Chairman.

And I'd like to thank John for coming up today just to give that information that's so critically needed.

These hearings -- the purpose of these hearings is, basically, to make sure that we're able to come to an understanding as to where we are and the conditions as to what we have without a lieutenant governor -- understanding that there are eight states without a lieutenant governor. There are 42 states with a lieutenant governor, and, of course, there are 24 states where they elect lieutenant governors on a ticket. And I think that's all well and good.

And we try, in New Jersey, to find the best possible avenue and to realize-- In 1947, we had a Constitutional Convention. And they had a tremendous opportunity to bring this to fruition, to have the type of government that everybody wanted at that time. But for some reason, here we are now, 57 years later-- And why is it we haven't acted in all these years? And this current Legislature, in their infinite wisdom, through careful research, listening to persons within our great state, with conditions that have happened in the past two years -- I think that -- the past three years--

I think that this sets the tone as to, we have to do something. And we're doing this in such a way -- testimony. Now, the testimonies that you've given-- All of these types of situations are incorporated. And to the bill, probably, that we'll be introducing-- And we want to thank you, and this is how the process works.

I don't think there's any type of legislation with this voluminous type of situation that would not be incorporated. And once it is incorporated -- and hopefully it will be fine-tuned, not by the 120 legislators in our great state, but more importantly by the millions of citizens who have this particular type of concern and this particular type of interest.

So I'm just thankful that you are able to testify. And anyone else who would like to testify, and any of the members of the Legislature who would like to testify -- this will incorporate for a better bill.

It's not written in stone, but, of course, what you said today is a possibility -- that that may be part of what we'll be voting upon.

So, last but not least, I just would like to thank all of you in this room, and outside of this room, for just giving your input so that we can make this a better bill, and everyone -- the majority of the persons in our great state will really appreciate it.

Thank you, Mr. Chairman, for giving me the opportunity.

ASSEMBLYMAN STEELE: Thank you, Mr. Vice Chair.

ASSEMBLYMAN AZZOLINA: Mr. Chairman.

ASSEMBLYMAN STEELE: Surely.

ASSEMBLYMAN AZZOLINA: Our previous speaker is not all wrong.

This is the only thing on the table here today. What I've been reading is that most of the major papers in the state (indiscernible) lieutenant governor. I think the majority of the people in the State of New Jersey want a lieutenant governor. I'm not sure if the public really understands what the lieutenant governor is all about.

This process is, as I said, the only one on the table. This is not a very strong lieutenant governor. This process is a very weak lieutenant governor. And, yesterday, I had the -- I was listening to NJN interview Senator Codey, and he doesn't seem to be for this legislation. He thinks the -- and I hope I'm correct in the way I say it -- that he thinks that the senate president is the proper procedure, because the senate president-- He didn't say this part, but I think the senate president is a much stronger individual. He's been around a lot longer, knows legislation better. But his feeling is that if a situation -- like occurred now, whether it's 30 days or more -- that the senate president should resign as senate president. I guess he stays in the Senate, and would be the acting governor. That's not a bad idea either, but that's not on the table today.

ASSEMBLYMAN STEELE: True.

ASSEMBLYMAN AZZOLINA: And we've discussed different proposals, and this is the one on the table.

I have mixed emotions. I'm going to vote to release this, today. How I'll vote on the floor, I'm not sure yet. But, generally, I will support what the public wants in something like this. And I still may say my feelings like I did today -- what I think is wrong with it. It doesn't make it right because we're doing this today. I think there's a stronger and better way, as the gentleman said, having different individuals run for lieutenant governor from whatever

party, and then the people have the say of who the lieutenant governor is. And this way, it's still going to be the party bosses, or whoever, however they select -- or whether the governor's going to have the big input to select the lieutenant governor.

All these other states -- because they have it, doesn't make it right. Because I think a lot of lieutenant governors, in many states, are weak, and weaker than the senate president would be. But the-- You could end up with a very weak lieutenant governor. That's my concern.

Thank you very much, Mr. Chairman.

ASSEMBLYMAN STEELE: Sure. Thank you.

Anyone else wish to speak?

Jack? (no response)

Let me say that, actually, this hearing today allowed the process to continue. This may not be the end of the product, but it allowed the process to continue. And at that time, we can determine the will of the people. And I believe that I've stated, as Chair of State Government, that we want to bring forth that that's good for the State of New Jersey. The people have said that they want a lieutenant governor. And we're doing the business of the people. And I believe that the people will make the choice. And, hopefully, if things are not as good as we think they are, it's our responsibility to make it better. But a good bill could be made better today. This is a good process in the right direction to make the product that, we believe, will be good for the State of New Jersey.

ASSEMBLYMAN AZZOLINA: Mr. Chairman, you're not saying that we can change the bill in any way. This is a hearing on the bill the way it came out of Committee before.

ASSEMBLYMAN STEELE: You've got that right.

ASSEMBLYMAN AZZOLINA: In other words, today we can't make any changes to the bill. Am I right?

ASSEMBLYMAN STEELE: Everything you said is right.

ASSEMBLYMAN AZZOLINA: Okay. Thank you.

ASSEMBLYMAN STEELE: And, no, I did not say that.

ASSEMBLYMAN AZZOLINA: It was just to clarify it.

ASSEMBLYMAN STEELE: Okay, I think you must have caught one of those hang words.

But, today, we go forward with this hearing, which would allow the process to continue. And I'm saying that--

I was only referencing-- You said that the Senate President said-- And I was saying, you know, obviously, what takes place on this side, what takes place on the other side -- the two shall meet. And that would determine what will happen in the end. That was the essence of what I was projecting.

ASSEMBLYMAN AZZOLINA: I'd like to ask another question.

If the Senate disagrees with this idea, and they want to change it, are they permitted to change it, and it comes back again?

ASSEMBLYMAN STEELE: Yes, we've never had any authority over the Senate changing their minds. I mean, obviously, that would be a lot of power for us. But they're going to-- The Senate is going to decide. We're going to operate in the house that we're in, which is the people's house.

ASSEMBLYMAN AZZOLINA: Thank you.

ASSEMBLYMAN HACKETT: And, also, Mr. Chairman--

ASSEMBLYMAN STEELE: Mr. Vice Chair.

ASSEMBLYMAN HACKETT: Just one quick comment.

I believe that the last time we were here, we did have several measures that were before this house -- approximately eight. And I believe that these changes, now, are incorporated into the bill that we have today.

And, in addition, as you mentioned, the Senate President, which I know fairly well-- It just so happens we're from the same district. I think that once it gets there-- And we do have our minds set here. And I think that this will be -- this is how good government works. Give them an opportunity, like we've been given an opportunity.

Thank you very much.

ASSEMBLYMAN STEELE: Seeing no other speakers, we're going to offer a motion to close the hearing.

ASSEMBLYMAN HACKETT: So moved.

ASSEMBLYMAN CONNERS: Second.

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

Roll call.

MS. ESPENSHADE: You don't need a roll call.

ASSEMBLYMAN STEELE: Okay, the hearing is closed.

**(HEARING CONCLUDED)**