

# Article IV, Section VI, paragraph 4

New Jersey Constitution  
LEGISLATIVE HISTORY CHECKLIST  
Compiled by the NJ State Law Library

**New Jersey Constitution: Article IV, Section VI, paragraph 4**

(Proposes an amendment to Article IV, Section VI, paragraph 4 of the Constitution vesting power in the Legislature to insure continuity of State, County, and local governmental operations in periods of emergency resulting from disasters caused by enemy attack.)

**BILL NO:** Senate Concurrent Resolution 11

**SPONSOR:** Senators Ozzard and Ridolfi

**DATE INTRODUCED:** January 30, 1961

**COMMITTEE:** **ASSEMBLY:** ---

**SENATE:** Judiciary  
Revision and Amendment of Laws

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:** **ASSEMBLY:** June 2, 1961

**SENATE:** May 22, 1961

**FILED:** June 5, 1961

**DATE OF ADOPTION:** November 7, 1961

**EFFECTIVE:** December 7, 1961

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Introduced version of bill enacted) Yes

**SPONSOR'S STATEMENT:** No

**COMMITTEE STATEMENT:** **ASSEMBLY:** No

**SENATE:** No

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

(continued)

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

**REPORTS:** No  
**HEARINGS:** Yes  
**NEWSPAPER ARTICLES:** Yes

**OTHER:**

Journal of the One Hundred and Seventeenth Senate of the State of New Jersey, (1961)  
Pages 101, 351, 352, 354, 429, 437, 455, 578. Yes

Minutes of Votes and Proceedings of the One Hundred and Eighty-Fifth General Assembly of the State of New Jersey (1961)  
Pages 544, 782, 783, 870, 871, and 1133. Yes

Election results – 1,001,972 to 223,336 - as published in the Manual of the Legislature of New Jersey, 1961 Yes

“The New Jersey State Constitution,”  
Second Edition, by Robert F. Williams, pp. 71-72. Yes

**HEARING (see attached):**

“Public Hearing before the New Jersey Legislature, Senate Committee on Revision and Amendment of Laws, on Senate Concurrent Resolution No. 11 – proposing to amend Article IV, Section VI of the Constitution – re continuity of governmental operations in period of emergency resulting from disasters caused by enemy attack.”  
Held on May 8, 1961.  
Library call number: 974.90 c583, 1961a  
Available online at <https://dspace.njstatelib.org/handle/10929/79432>

**NEWSPAPER ARTICLES:**

“Constitutional Amendment Legislative Power to Insure Continuity of Government During Emergencies”,  
Trenton Evening Times, August 30, 1961 p. 47.

“Fair Games Referendum Bill Is Signed,”  
Trenton Evening Times, August 31, 1961, page 5.

“Legion Backs Amendment,”  
Trenton Evening Times, October 16, 1861, page 3.

“Institutions, Green Acres Bonds, City Reform Up To Voters Nov. 7,”  
Trenton Evening Times, November 1, 1961, p. 44.

LAW/RWH

SENATE CONCURRENT RESOLUTION No. 11

STATE OF NEW JERSEY

INTRODUCED JANUARY 30, 1961

By Senators OZZARD and RIDOLFI

Referred to Committee on Judiciary

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

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

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

PROPOSED AMENDMENT

3 Amend Article IV, Section VI of the Constitution by adding thereto  
4 section 4 as follows:

5 4. The Legislature, in order to insure continuity of State, county and  
6 local governmental operations in periods of emergency resulting from dis-  
7 asters caused by enemy attack, shall have the power and the immediate and  
8 continuing duty by legislation (1) to provide, prior to the occurrence of the  
9 emergency, for prompt and temporary succession to the powers and duties of  
10 public offices, of whatever nature and whether filled by election or appoint-  
11 ment, the incumbents of which may become unavailable for carrying on the  
12 powers and duties of such offices, and (2) to adopt such other measures as  
13 may be necessary and proper for insuring the continuity of governmental  
14 operations. In the exercise of the powers hereby conferred the Legislature  
15 shall in all respects conform to the requirements of this Constitution ex-  
16 cept to the extent that in the judgment of the Legislature to do so would be  
17 impracticable or would admit of undue delay.

1     2. When this proposed amendment to the Constitution is finally agreed  
 2 to, pursuant to Article IX, paragraph 1 of the Constitution, it shall be sub-  
 3 mitted to the people at the next general election occurring more than 3  
 4 months after such final agreement and shall be published at least once in at  
 5 least 1 newspaper of each county designated by the President of the Senate  
 6 and the Speaker of the General Assembly and the Secretary of State, not less  
 7 than 3 months prior to said general election.

1     3 This proposed amendment to the Constitution shall be submitted to  
 2 the people at said election in the following manner and form:

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

5     1. In every municipality in which voting machines are not used, a legend  
 6 which shall immediately precede the question, as follows:

7     If you favor the proposition printed below make a cross (X), plus (+)  
 8 or check (✓) in the square opposite the word "Yes." If you are opposed  
 9 thereto make a cross (X), plus (+) or check (✓) in the square opposite the  
 10 word "No."

11    2. In every municipality the following question:

	Yes.	Shall the amendment of Article IV, Section VI of the Constitution, agreed to by the Legislature, vesting power in the Legislature to insure continuity of State, county and local governmental operations in periods of emergency resulting from disasters caused by enemy attack be adopted?
	No.	

NOTATIONS

**SJR 9 Waddington, Connery, Weber, Ridolfi, Lynch, Grossi, Kelly, Haines, Cowgill** Apr 24—Creates a 14 member bipartisan Advisory Commission to study the Local Personal Property Tax, 2 Senate, 2 Assembly and 10 appointed by the Governor from specified groups, to serve until July 1, 1962  
 May 1—Passed Senate under emergency resolution  
 June 2—Passed in Assembly  
 Aug 11—Approved, Chapter JR 8 (Membership Sens Waddington, Jones, Assemblymen Matthews, Bowkley)

**SJR 10 Waddington, Fox** May 1—Requests the Commission on State Tax Policy to study the effects of local property taxes upon slum clearance, requires a report no later than the 1st week in July 1962  
 May 1—Judiciary Com

**SJR 11 Crane, Fox, Ridolfi, Hillery, Jones, Cowgill, Waddington, Ozzard, Haines, Sandman, Grossi, Dumont, Farley, Lynch, Connery, Weber, Lance, Mathis, Harper, Stout, Kelly** Nov 20—Directs the State Treasurer to investigate the need, desirability and feasibility of acquiring property in the Borough of Princeton to protect, expand and enhance the Governor's official residence  
 Nov 20—Passed Senate under emergency resolution  
 Nov 20—Received in Assembly  
 Nov 20—No reference, 2nd reading

**Senate Concurrent Resolutions**

**SCR 1 Crane, Stout** Jan 16—Proposes an amendment to Article IV, Section III, paragraph 1, of the State Constitution, to require the Secretary of State to apportion the members of the General Assembly among the several counties by the method of "Equal Proportions" on or before February 15, 1963, and within 30 days after the publication of each subsequent decennial census  
 Jan 16—Judiciary Com  
 Jan 23—Reported, 2nd reading  
 Jan 23—Recommitted  
 Jan 23—State, Co & Mun Gov't Com  
 Feb 11—Public hearing held  
 Apr 24—Passed in Senate  
 May 1—Received in Assembly  
 May 1—Rev & Amend of Laws Com  
 May 1—Reported, 2nd reading  
 May 15—Lost in Assembly

**SCR 2 Connery, Grossi** Jan 16—Proposes an amendment to Article VIII of the State Constitution by addition of Section V to provide that no law imposing any tax to provide revenue for the State, of a kind or character not now imposed by the Legislature, except by a vote of two-thirds of all the members of each House  
 Jan 16—Judiciary Com

**SCR 3 Waddington, Ridolfi** Jan 16—Requests the Department of Institutions and Agencies to study the statutes of the State to determine what changes are necessary to take full advantage of new federal program of medical assistance for the aged, requires a report on or before January 9, 1962  
 Jan 16—Inst, Pub Health & Welf Com

**SCR 4 Dumont, Crane, Waddington, Lynch, Jones** Jan 16—Reconstitutes and continues the commission created by SCR 25, 1957, reconstituted by SCR 3, 1958, SCR 4, 1959, SCR 16, 1960, to study ways and means to eliminate taxation on earnings of New Jersey residents who work in the other States  
 Jan 16—Judiciary Com  
 Jan 30—Reported, 2nd reading  
 Feb 6—Passed in Senate  
 Feb 14—Received in Assembly  
 Feb 14—No reference

**SCR 5 Dumont, Jones** Jan 16—Recreates the law enforcement council as originally created by C 253, L 1952, defines and continues its functions, powers and duties  
 Jan 16—Judiciary Com  
 Jan 23—Reported, 2nd reading

NOTATIONS

**SCR 6 Dumont, Crane, Waddington** Jan 16—Reconstitutes and continues with the same members the Legislative Commission created under SCR 2, 1960 to investigate the administration and rate structure of the Hospital Service Plan of New Jersey  
 Jan 16—Business Affairs Com  
 Jan 23—Reported, 2nd reading  
 Jan 30—Passed in Senate  
 Feb 6—Received in Assembly  
 Feb 6—Business Affairs Com

**SCR 7 Waddington** Jan 16—Proposes an amendment to Article V, Section I, paragraph 5, of the State Constitution so as to eliminate the prohibition against a Governor serving more than 2 successive terms  
 Jan 16—Judiciary Com.

**SCR 8 Lance** Jan 16—Memorializes Congress to enact legislation to insure that payments received by railroad corporations under contracts made with a state or a political subdivision thereof, to provide essential passenger service shall be excluded from Federal taxation  
 Jan 16—Fed & Interstate Rel Com  
 Apr 24—Reported, 2nd reading  
 Apr 24—Passed in Senate  
 May 1—Received in Assembly  
 May 1—Fed & Interstate Rel Com  
 May 15—Reported  
 Nov 20—Recommitted

**SCR 9 Stout, Dumont** Jan 16—Reconstitutes the commission created pursuant to SCR 22, 1958 and reconstituted by SCR 11, 1959 to study and report to the Legislature as to the ability of bus operators of this State to continue to render safe and adequate intrastate bus service to the public under private ownership  
 Jan 30—Passed in Senate  
 Mar 20—Passed in Assembly  
 Mar 22—Filed

**SCR 10 Connery** Jan 23—Proposes an amendment to Article VIII, Sec 1, para 3 of the State Constitution to extend the \$500 veterans' tax exemption to the parents of veterans who have died on active duty in time of war or national emergency  
 Jan 23—Judiciary Com

**SCR 11 Ozzard, Ridolfi** Jan 30—Proposes an amendment to Article IV Section VI of the Constitution vesting power in the Legislature to insure continuity of State, County and local governmental operations in periods of emergency resulting from disasters caused by enemy attack  
 May 22—Passed in Senate  
 June 2—Passed Assembly under emergency resolution  
 June 5—Filed

**SCR 12 Jones** Jan 30—Reconstitutes the Commission created by SCR 28, 1960 to study the purchase of alcoholic beverages by minors  
 Jan 30—Passed in Senate  
 Feb 6—Received in Assembly  
 Feb 6—Inst, Pub Health & Welf Com  
 May 15—Reported  
 Nov 20—Recommitted

**SCR 13 Dumont** Feb 6—Requests the Commission on State Tax Policy to undertake a comprehensive study of the existing State and local tax structure, of new tax programs and methods for financing State and local government and the impact of the various taxing and financing programs upon the residents, business and industry of the State, requires a report on or before February 1, 1962  
 Feb 6—State, Co & Mun Gov't Com

**SCR 14 Grossi** Feb 6—Reconstitutes and continues the Commission to make a survey of the operation of welfare and relief laws in the various municipalities, which was created by SCR 25, 1959 and reconstituted under SCR 5, 1960  
 Feb 6—Inst, Pub Health & Welf Com

**SCR 15 Fox, Dumont, Jones** Mar 13—Memorializes the US Dept of State to take a firm position against Arab interference in the affairs of American citizens, and businessmen and to abstain from any cooperation with Arab League boycott activities  
 Mar 13—Fed & Interstate Rel Com

# JOURNAL

OF THE

## One Hundred and Seventeenth Senate

OF THE

STATE OF NEW JERSEY

BEING THE

One Hundred and Eighty-fifth Session  
of the Legislature



1961

## Senate Concurrent Resolutions

---

<i>No</i>	<i>Page</i>
1	51, 73, 74, 316, 318
2	51
3	51
4	51, 112, 115, 142
5	52, 73, 74
6	52, 73, 111
7	55
8	62, 306, 308, 309
9	55, 73, 112, 218
10	66
11	101, 351, 352, 354, 429, 437, 455, 578
12	110
13	121
14	121
15	180
16	180
17	293, 320
18	737, 740

Mr. Fox, on leave, introduced

Senate Bill No 62, entitled "An act concerning investments by fiduciaries, and amending section 3A 15-20 of the New Jersey Statutes,"

Which was read for the first time by its title, ordered to have a second reading, and referred to the Committee on Business Affairs

Mr Ozzard, on leave, introduced

Senate Bill No 63, entitled "An act concerning workmen's compensation, and supplementing chapter 15 of Title 34 of the Revised Statutes,"

Which was read for the first time by its title, ordered to have a second reading, and referred to the Committee on Labor and Industrial Relations.

Mr Ozzard, on leave, introduced

Senate Bill No 64, entitled "An act concerning highways in relation to contracts and specifications for types of material and construction and supplementing chapter 2 of Title 27 of the Revised Statutes,"

Which was read for the first time by its title, ordered to have a second reading, and referred to the Committee on Highways, Transportation and Public Utilities

Messrs Ozzard and Ridolfi, on leave, introduced

Senate Concurrent Resolution No 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI of the Constitution of the State of New Jersey,"

Which was read for the first time by its title, ordered to have a second reading, and referred to the Committee on Judiciary.

Mr. Harper, on leave, introduced

Senate Joint Resolution No 6, entitled "A joint resolution to declare the week of March 5 through 11, 1961 as 'Save Your Vision Week' dedicated to the theme, 'See More Years,' and for a proclamation thereof by the Governor,"

Which was read for the first time by its title and given no reference.

Was read for the first time by its title, ordered to have a second reading, and referred to the Committee on Judiciary.

Assembly Bill No 281, entitled "An act concerning housing for the people of the State and making appropriations therefor and supplementing Title 55 of the Revised Statutes,"

Was read for the first time by its title, ordered to have a second reading, and referred to the Committee on Judiciary

Assembly Bill No 515, entitled "An act concerning alcoholic beverages and supplementing Title 33 of the Revised Statutes,"

Was read for the first time by its title, ordered to have a second reading, and referred to the Committee on Business Affairs

And

Assembly Bill No 536, entitled "An act concerning public records and their examination by citizens of this State, providing certain exceptions to the right to examine public records, and conferring jurisdiction upon the Superior Court in respect thereto,"

Was read for the first time by its title, ordered to have a second reading, and referred to the Committee on Business Affairs

Mr Jones, Chairman of the Committee on Judiciary, reported

Senate Concurrent Resolution No 11,

Favorably, without amendment.

Signed—Walter H Jones, Frank S Farley, Richard R Stout, Joseph W Cowgill, John A Lynch

Senate Concurrent Resolution No. 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI of the Constitution of the State of New Jersey,"

Was taken up, read a second time, considered by sections, agreed to and ordered to have a third reading.

Mr Ozzard offered the following resolution, which was read and adopted

*Resolved*, That printed copies of Senate Concurrent Resolution No 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI of the Constitution of the State of New Jersey," be placed upon the desks of the members of this House forthwith, and that a record of the placing thereof be made in the Journal of the Senate and that the Secretary of the Senate forward to the General Assembly 60 copies of Senate Concurrent Resolution No 11, with the request that they be placed upon the desks of the members of that House in open meeting forthwith

The Secretary then caused to be placed a printed copy of Senate Concurrent Resolution No 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI of the Constitution of the State of New Jersey," upon the desk of each member of the Senate and the placing thereof is hereby noted in the Journal accordingly

Mr Ozzard offered the following resolution, which was read and adopted:

*Resolved*, That Senate Concurrent Resolution No 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI of the Constitution of the State of New Jersey," referred to the Revision and Amendment of Laws Committee, be subject to a public hearing thereon before said committee in the Senate Chamber, in the State House, in Trenton, New Jersey, on Monday, May 8, 1961, at 11 00 o'clock A M, and that it make written report thereof to the Senate

Mr Dumont, Acting Chairman of the Committee on Education, reported

Senate Bill No 152,

Favorably, without amendment

Signed—Wayne Dumont, Jr, Wesley L Lance, George B Harper, Robert H Weber, Anthony J Grossi

Mr Dumont, Chairman of the Committee on Public Safety, Defense and Veterans Affairs, reported

Senate Bill No 158,

Favorably, without amendment

*Be It Resolved* by the Senate by the vote of three-fourths of all of its members, signified by yeas and nays entered on the Journal of the Senate, that

Senate Bill No 178, entitled "An act concerning the Protestant Episcopal Church and amending sections 16·12-1, 16·12-10 and 16 12-15 of the Revised Statutes,"

is an emergency measure and may proceed forthwith from second to third reading.

In the affirmative were—

Messrs. Connery, Cowgill, Dumont, Farley, Fox, Grossi, Harper, Hillery (President), Jones, Kelly, Lance, Lynch, Ozzard, Sandman, Stout, Waddington, Weber—17

In the negative—None

Senate Bill No 178, entitled "An act concerning the Protestant Episcopal Church and amending sections 16 12-1, 16·12-10 and 16 12-15 of the Revised Statutes,"

Was taken up and read a third time

Upon the question, "Shall this Senate bill pass?" it was decided as follows:

In the affirmative were—

Messrs Connery, Cowgill, Dumont, Farley, Fox, Grossi, Haines, Harper, Hillery (President), Jones, Kelly, Lance, Lynch, Ozzard, Sandman, Stout, Waddington, Weber—18.

In the negative—None.

The following message was received from the General Assembly by the hands of its Clerk:

	STATE OF NEW JERSEY,	}
	GENERAL ASSEMBLY CHAMBER,	
<i>Mr President</i>	May 1, 1961	

I am directed by the General Assembly to inform the Senate that a printed copy of

Senate Concurrent Resolution No 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI of the Constitution of the State of New Jersey,"

Senate Bill No 192, Senate Concurrent Resolution No 11  
(Hearing held on May 8, 1961),

Both favorably, without amendment

Signed—Wesley L Lance, Wayne Dumont, Jr, Donal C.  
Fox

Mr Lance, Chairman of the Committee on Revision and  
Amendment of Laws, reported

Senate Bill No. 7,

Favorably, with amendment

Signed—Wesley L Lance, George B Harper, Donal C  
Fox

The following committee amendment to Senate Bill No. 7  
was read, and, upon the motion of Mr Lance, the committee  
amendment was adopted

Amend page 1, section 1, line 9, after "interest" insert  
"in advance"

Senate Bill No 192, entitled "An act to repeal section  
21 of 'An act to create the office of an Amusement Games  
Control Commissioner, defining his powers and duties,  
authorizing the commissioner to investigate, supervise and  
enforce the administration of the Amusement Games Li-  
censing Law and to make and promulgate such rules and  
regulations governing such administration to enforce the  
same,' approved June 16, 1959 (P. L. 1959, c 108),"

Senate Concurrent Resolution No 11, entitled "A con-  
current resolution proposing to amend Article IV, Section  
VI of the Constitution of the State of New Jersey,"

Senate Bill No 7, entitled "An act relating to financing  
the purchase of certain motor vehicles secured by a pur-  
chase money chattel mortgage and supplementing Title 17  
of the Revised Statutes,"

As amended,

Were each severally taken up, read a second time, con-  
sidered by sections, agreed to, and ordered to have a third  
reading

MONDAY, May 22, 1961

At 2 00 o'clock P M (Eastern Daylight-Saving Time) the Senate met

The session was opened with prayer by the Reverend W. Neal Raver

Under the direction of the President, the Secretary called the Senate, when the following Senators appeared and answered the call:

Messrs Connery, Cowgill, Dumont, Farley, Fox, Grossi, Haines, Harper, Hillery (President), Jones, Kelly, Lance, Lynch, Mathis, Ozzard, Ridolfi, Sandman, Stout, Waddington, Weber—20

On motion of Mr Jones, the Journal of the previous session was approved and its further reading was dispensed with

Mr Sandman, Chairman of the Committee on Printed Bills, reported

Senate Bill No 7, with Senate committee amendment; Senate Bill No 8, with Senate committee amendment, Senate Bill No 147, with Senate committee amendment, Senate Bill No 152, with Senate committee amendment, Senate Bills Nos 156, 188, 192, 195, 201, and Senate Concurrent Resolution No 11,

Correctly printed

Signed—Charles W Sandman, Jr

Mr Hillery offered the following resolution, which was read and adopted.

*Resolved*, That the President of the Senate extend a cordial welcome to the students of the Eighth Grade of the Holy Spirit School, Pequannock Township, Morris County, and to Sister Josephine, principal, and Sister Johanna, Eighth Grade teacher, who are visiting in the Senate today; and

*Be It Further Resolved*, That the President of the Senate extend the privileges of the floor to Mr Larry Lawrence, class president

the public service in this State fixed in accordance with the population classification or number of inhabitants of any county or municipality, in cases in which said population classification or number of inhabitants has been or is changed by reason of the promulgation of any Federal census so that said population classification or number of inhabitants is no longer applicable thereto,"

ERNEST T SCHEIDEMANN,  
*Clerk of the General Assembly.*

Senate Concurrent Resolution No 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI of the Constitution of the State of New Jersey,"

Was taken up and read a third time

Upon the question, "Shall this resolution pass?" it was decided as follows

In the affirmative were—

Messrs Connery, Cowgill, Dumont, Farley, Fox, Grossi, Harper, Hillery (President), Jones, Kelly, Lance, Lynch, Ozzard, Sandman, Stout, Waddington, Weber—17.

In the negative—None.

Assembly Bill No 535, entitled "An act concerning Rutgers, the State University, and supplementing chapter 37 of Title 2A of the New Jersey Statutes,"

Was taken up and read a third time

Upon the question, "Shall this Assembly bill pass?" it was decided as follows.

In the affirmative were—

Messrs Connery, Cowgill, Dumont, Farley, Fox, Grossi, Hames, Harper, Hillery (President), Jones, Kelly, Lance, Lynch, Ozzard, Sandman, Stout, Waddington, Weber—18.

In the negative—None.

Assembly Bill No 220, entitled "An act to amend the New York-New Jersey Transportation Agency Compact, approved May 4, 1959 (P. L. 1959, c 24),"

STATE OF NEW JERSEY,  
 GENERAL ASSEMBLY CHAMBER, }  
*Mr President* June 2, 1961 }

I am directed by the General Assembly to inform the Senate that the General Assembly has passed the following bill

Senate Bill No 206, entitled "An act to incorporate water districts heretofore set off and designated in townships under an act entitled 'An act to enable municipalities of this State to create and establish water districts, to construct, operate and maintain water systems within the districts, and to provide for the payment of the cost thereof,' approved March 26, 1928 (P L 1928, c 90), and acts amendatory thereof or supplemental thereto, including an act entitled 'An act to provide for the election of commissioners in water districts and defining their powers and duties,' approved June 25, 1951 (P L 1951, c 280),"

ERNEST T SCHEIDEMANN,  
*Clerk of the General Assembly*

STATE OF NEW JERSEY,  
 GENERAL ASSEMBLY CHAMBER, }  
*Mr President* June 2, 1961 }

I am directed by the General Assembly to inform the Senate that the General Assembly has passed the following resolution.

Senate Concurrent Resolution No 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI of the Constitution of the State of New Jersey,"

ERNEST T SCHEIDEMANN,  
*Clerk of the General Assembly*

STATE OF NEW JERSEY,  
 GENERAL ASSEMBLY CHAMBER, }  
*Mr President* June 2, 1961 }

I am directed by the General Assembly to inform the Senate that the General Assembly has passed the following bill

Senate Bill No 41, entitled "A supplement to 'An act making appropriations for the support of the State Govern-

**MINUTES**  
OF THE  
**VOTES AND PROCEEDINGS**  
OF THE  
**ONE HUNDRED AND EIGHTY-FIFTH**  
**GENERAL ASSEMBLY**  
OF THE  
**STATE OF NEW JERSEY**



1961

# Senate Concurrent Resolutions

---

Concurrent Resolution No 1, entitled "A concurrent resolution proposing to amend Article IV, Section III, paragraph 1 of the Constitution of the State of New Jersey"—114, 528, 571, 574, 659

No 4, entitled "A concurrent resolution providing for the reconstitution and continuation of the Legislative Commission constituted under Senate Concurrent Resolution No 25 of the 1957 Session of the Legislature and reconstituted under Senate Concurrent Resolution No 3 of the 1958 Session, Senate Concurrent Resolution No 4 of the 1959 Session and Senate Concurrent Resolution No 16 of the 1960 Session to study ways and means of eliminating certain taxation of the earnings of certain New Jersey residents who work in other States"—244

No 6, entitled "A concurrent resolution providing for the reconstitution and continuation of the Legislative Commission constituted under Senate Concurrent Resolution No 2 of the 1960 Session of the Legislature to investigate the administration and rate structure of the Hospital Service Plan of New Jersey, and providing for the powers and duties of said commission"—183, 184

No 8, entitled "A concurrent resolution memorializing the Congress of the United States to enact legislation to insure that payments received by railroad corporations under contracts made with a State or a political subdivision thereof to provide essential passenger service shall be excluded from Federal taxation"—523, 524, 672

No 9, entitled "A concurrent resolution reconstituting the commission created pursuant to Senate Concurrent Resolution No 22 of the 1958 Session of the Legislature and reconstituted pursuant to Senate Concurrent Resolution No 11 of the 1959 Session and Senate Concurrent Resolution No 20 of the 1960 Session to study and report to the Legislature as to the ability of bus operators of this State to continue to render safe and adequate intrastate bus service to the public under private ownership"—183, 184, 312, 345

No 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI of the Constitution of the State of New Jersey"—544, 782, 783, 870

No 12, entitled "A concurrent resolution providing for the reconstitution of the legislative commission constituted under Senate Concurrent Resolution No 28 of 1960 Session of the Legislature to study the purchase of alcoholic beverages by minors"—185, 641

No 17, entitled "A concurrent resolution memorializing the Federal Communications Commission in relation to the retention of TV Channel 13 within New Jersey and creating a joint legislative committee to assist in such retention"—486, 487, 577

STATE OF NEW JERSEY,  
SENATE CHAMBER,  
May 1, 1961

*Mr Speaker* }

I am directed by the Senate to forward to the General Assembly the attached 60 copies of Senate Concurrent Resolution No 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI, of the Constitution of the State of New Jersey," with the request that they be placed upon the desks of the members of the General Assembly in open meeting forthwith

HENRY H. PATTERSON,  
*Secretary of the Senate*

Messrs Panaro and Bateman offered the following resolution, which was read by the Clerk and adopted

*Resolved*, That printed copies of Senate Concurrent Resolution No 11, entitled, "A concurrent resolution proposing to amend Article IV, Section VI, of the Constitution of the State of New Jersey," be placed upon the desks of the members of this House forthwith, and that a record of the placing thereof be made in the Minutes of the General Assembly and that the Clerk of the General Assembly certify such placing and the date thereof to the Secretary of the Senate

The Clerk then caused to be placed a printed copy of Senate Concurrent Resolution No 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI, of the Constitution of the State of New Jersey," upon the desk of each member of the Assembly and the placing thereof was noted in the Minutes accordingly

Mr. Davis moved that the General Assembly recess for ten minutes

Which motion was adopted

The General Assembly reconvened at 6 05 o'clock P. M.

Upon calling the roll, the following members appeared and answered to their names

Messrs Barkalow, Bate, Bateman, Beadleston, Biber, Bowkley, Brady, Brown, Crabel, D'Aloia (Speaker), Davis, Deamer, Doren, Evans, Everett,

Senate Bill No 192, entitled "An act to repeal section 21 of 'An act to create the office of an Amusement Games Control Commissioner, defining his powers and duties, authorizing the commissioner to investigate, supervise and enforce the administration of the Amusement Games Licensing Law and to make and promulgate such rules and regulations governing such administration to enforce the same,' approved June 16, 1959 (P L 1959, c 108),"

Senate Bill No 201, entitled "An act relating to marketing of agricultural commodities, granting rule-making authority to the State Department of Agriculture upon affirmative vote of those directly affected, authorizing the establishment of quality standards, research, educational and promotional programs; providing for the levying of assessments to finance the marketing program and providing penalties for violations, and supplementing chapter 10 of Title 4 of the Revised Statutes,"

And

Senate Concurrent Resolution No 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI of the Constitution of the State of New Jersey,"

In which the concurrence of the General Assembly is requested

HENRY H PATTERSON,  
*Secretary of the Senate*

The Senate message was then taken up, and

Senate Bill No 157, entitled "An act providing for the payment of pensions to certain county officers in counties of the first class,"

Referred to Committee on State, County and Municipal Government

Senate Bill No 167, entitled "An act concerning taxation and supplementing chapter 5 of Title 54 of the Revised Statutes,"

Referred to Committee on State, County and Municipal Government

Senate Bill No 189, entitled "An act concerning the drug manufacturing and wholesale drug businesses, amending section 23 3-1 of the Revised Statutes, supplementing sub-

title 1 of Title 24 of the Revised Statutes and making an appropriation therefor,"

Without reference

Senate Bill No 195, entitled "An act concerning motor vehicles, and amending sections 39 3-24 and 39 3-84 of the Revised Statutes and repealing section 1 of P L 1941, c 31,"

Referred to Committee on Highways, Transportation and Public Utilities

Senate Bill No 192, entitled "An act to repeal section 21 of 'An act to create the office of an Amusement Games Control Commissioner, defining his powers and duties, authorizing the commissioner to investigate, supervise and enforce the administration of the Amusement Games Licensing Law and to make and promulgate such rules and regulations governing such administration to enforce the same,' approved June 16, 1959 (P L 1959, c 108),"

Referred to Committee on Revision and Amendment of Laws

Senate Bill No 201, entitled "An act relating to marketing of agricultural commodities, granting rule-making authority to the State Department of Agriculture upon affirmative vote of those directly affected, authorizing the establishment of quality standards; research, educational and promotional programs; providing for the levying of assessments to finance the marketing program and providing penalties for violations, and supplementing chapter 10 of Title 4 of the Revised Statutes,"

Referred to Committee on Agriculture, Conservation and Economic Development

And

Senate Concurrent Resolution No 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI of the Constitution of the State of New Jersey,"

Referred to Committee on Judiciary

Were read for the first time by the titles, and referred to committees as indicated

870 MINUTES OF THE GENERAL ASSEMBLY

---

Mr. Biber, Chairman of the Committee on Judiciary, reported

Senate Concurrent Resolution No 11,

Favorably, without amendment

Senate Concurrent Resolution No 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI of the Constitution of the State of New Jersey,"

Was taken up, read a second time, considered by sections, agreed to and ordered to have a third reading

Mr Farrington offered the following resolution, which was read by the Clerk and adopted by the following vote

Pursuant to paragraph 6 of Section IV of Article IV of the Constitution, the General Assembly does resolve that Senate Concurrent Resolution No 11 is an emergency measure and that it proceed forthwith from second to third reading.

In the affirmative were—

Messrs. Barkalow, Bate, Bateman, Beadleston, Biber, Bowkley, Brady, Brown, Crabel, Davis, Deamer, Doren, Farrington, Flynn, Franklin, Frederick, Halpin, Hauser, Higgins, Hughes, Keegan, Kijewski, Koenig, Kordja, Kraut, LaMorte, Laufer, Lindeman, Maraziti, Martin, McGowan, Minotty, Musto, Panaro, Rutherford, Sabello, Sarcone, Savino, Smith, Stamler, Stiles, Sweeney, Tanzman, Tate, Volpe, Wegner, Werner—47

In the negative—None

Senate Concurrent Resolution No. 11, entitled "A concurrent resolution proposing to amend Article IV, Section VI of the Constitution of the State of New Jersey,"

By emergency resolution,

Was taken up, and, on motion of Mr Panaro, was read a third time by its title, and passed by the following vote

In the affirmative were—

Messrs. Barkalow, Bate, Bateman, Beadleston, Biber, Bowkley, Brady, Brown, Crabel, Deamer, Doren, Farrington, Franklin, Frederick, Halpin, Higgins,

Hughes, Keegan, Kijewski, Koeng, Kordja, Kraut, LaMorte, Laufer, Lindeman, Maraziti, Martin, McGowan, Minotty, Musto, Panaro, Rutherford, Sarcone, Smith, Stamler, Stiles, Sweeney, Tanzman, Tate, Volpe, Wegner, Werner—42

In the negative—None.

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the General Assembly has passed the same, without amendment

Senate Joint Resolution No 9, entitled "A joint resolution creating an Advisory Commission on the Local Personal Property Tax,"

Was taken up, and, on motion of Mr Wegner, was read a third time by its title, and passed by the following vote:

In the affirmative were—

Messrs Barkalow, Bate, Beadleston, Biber, Bowkley, Brady, Brown, Crabel, Deamer, Doren, Farrington, Flynn, Franklin, Frederick, Halpin, Higgins, Hughes, Keegan, Kijewski, Koeng, Kordja, LaMorte, Laufer, Lindeman, Maraziti, Martin, McGowan, Minotty, Musto, Rutherford, Sabello, Sarcone, Savino, Smith, Stamler, Stiles, Sweeney, Tanzman, Tate, Volpe, Wegner—41.

In the negative—None

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the General Assembly has passed the same, without amendment

Assembly Bill No 62, entitled "An act to eliminate deductions from pensions payable to certain retired policemen and firemen and amending section 43 16-5 of the Revised Statutes,"

Was taken up, and, on motion of Mr Wegner, was read a third time by its title, and passed by the following vote:

In the affirmative were—

Messrs. Bateman, Biber, Brady, Brown, Deamer, Doren, Farrington, Flynn, Franklin, Frederick, Halpin,

---

---

AMENDMENTS TO THE  
1947 CONSTITUTION

---

---

(937)

AMENDMENTS—1947 CONSTITUTION 943

PROPOSED AMENDMENT ADOPTED

Amend Article VIII, Section I, of the Constitution by adding a new paragraph to be numbered 4, to read as follows:

4. The Legislature may, from time to time, enact laws granting exemption from taxation on the real property of any citizen and resident of this State of the age of 65 or more years residing in a dwelling house owned by him which is a constituent part of such real property but no such exemption shall be in excess of \$800 00 in the assessed valuation of such property and such exemption shall be restricted to owners having an income not in excess of \$5,000 00 per year. Any such exemption when so granted by law shall be granted so that it will not be in addition to any other exemption to which the said citizen and resident may be entitled.

Adopted November 8, 1960.

---

PROPOSED AMENDMENT ADOPTED

Amend Article IV, Section VI of the Constitution by adding thereto section 4 as follows:

4 The Legislature, in order to insure continuity of State, county and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate and continuing duty by legislation (1) to provide, prior to the occurrence of the emergency, for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures

944 AMENDMENTS—1947 CONSTITUTION

as may be necessary and proper for insuring the continuity of governmental operations. In the exercise of the powers hereby conferred the Legislature shall in all respects conform to the requirements of this Constitution except to the extent that in the judgment of the Legislature to do so would be impractical or would admit of undue delay.

Adopted November 7, 1961.

PUBLIC HEARING

before

*New Jersey, Legislature,*

SENATE COMMITTEE ON REVISION AND AMENDMENT  
OF LAWS.

on

Senate Concurrent Resolution No. 11 -  
proposing to amend Article IV, Section VI of  
the Constitution - re continuity of governmental  
operations in periods of emergency resulting  
from disasters caused by enemy attack.

PROPERTY OF  
RECEIVED  
JUN 5 1961  
Division of State Library  
Archives and History  
TRENTON

Held:  
Senate Chamber  
State House  
Trenton, New Jersey  
May 8, 1961

MEMBER OF COMMITTEE PRESENT:

Senator Wesley L. Lance (The Chairman)

\* \* \* \*

974.90

C583

1961a

*copy 3*

SENATOR WESLEY L. LANCE (THE CHAIRMAN): This is a public hearing on a proposed Constitutional amendment, Senate Concurrent Resolution No. 11, vesting power in the Legislature to insure continuity of state, county and local governmental operations in periods of emergency resulting from disasters caused by enemy attack.

Are there any objections to this Constitutional amendment? [No response] Hearing none, I declare the hearing closed.

---

The following letters and statement were submitted after the hearing was closed and the Chairman requested that they be incorporated in the record:

STATE OF NEW JERSEY  
DEPARTMENT OF DEFENSE  
Trenton 10, New Jersey

May 9, 1961

Senator Wesley Lance  
Trenton, New Jersey

Dear Senator:

I wish to be on record in complete favor of Senate Concurrent Resolution No. 11 and hope it will pass this session, so that it can be placed on the ballot for this general election in November.

With the present dangerous conditions in the world, it is essential that the proposed amendment be adopted now so that New Jersey will be able to get ready to cope with the situation by adoption of this measure for continuity of government.

I am attaching hereto a statement from Charles P. Howard, Continuity of Government Consultant from the Northeastern Region of the Office of Civil and Defense Mobilization in which he discusses the various aspects of the problem.

In addition, I am enclosing "A Special Report on Continuity of Government" which indicates other state legislative approvals and a partial list of organizations that have endorsed and supported this program.

Very sincerely,  
/s/ Thomas S. Dignan  
Acting Director of Civil Defense and Disaster Control."

Statement in support of Senate Concurrent Resolution No. 11, proposing to amend the Constitution for the State of New Jersey to make possible legislation authorizing continuity of government in the event of atomic disaster. Statement made by Charles P. Howard, Consultant for Region One, Office of Civil and Defense Mobilization, former Commissioner of Administration and Finance of Massachusetts and former Colonel of Military Government in General Eisenhower's headquarters, Field Marshall Alexander's headquarters and General Clark's headquarters in Austria.

The proposed amendment was adopted at the polls in 1960 in twelve states by overwhelming majorities, including 97% in favor in Maine and 93% in favor in New Hampshire. In 1961 it has been signed by the Governors in seven more states and is presently before eleven additional legislatures.

The purpose of the amendment is to permit later enactment of legislation to authorize the appointment for every state, county and municipal elective office, and for each important administrative office, of a list of qualified temporary officials to fill the vacancies, which will be created in an atomic disaster.

If an atomic disaster occurs, those who have voted to support this amendment will consider that it was the most important vote they ever cast.

Nothing except properly elected and properly constituted civil government can serve the people of New Jersey adequately. Such officials represent the people in the spirit of our democratic government. They have legal power to act. They know local conditions and can handle them with greater effectiveness than any temporary group assembled in an emergency. With such officials ready to take over instantly, there is no time gap before the government can function.

It has been suggested that in a disaster there will be Martial Law which will handle the situation. Martial Law may be necessary, but if it is necessary, it should be terminated at the earliest possible moment. In Martial Law the very lives of the citizens depend on the whim of the military command. It is a dictatorship. Furthermore, the army is not equipped to handle civil government nor can it do this effectively. The military government officers are few. It is a principle of military government that the military government officers should not try to operate the government themselves because they are so few. They must appoint civilians to all posts in the government and then supervise and direct those civilians. The civilian officials have to be picked up by the military government as best they can. Such pickups usually know little about the problems or methods of civil government and do not operate effectively.

It has been argued also that legislation for continuity of government is unnecessary as we will never have an atomic attack. However, at this very moment the Department of Defense has many planes of the Strategic Air Force in the air 24 hours a day armed with atomic warheads, ready to reply to an attack. The Department of Defense assumes that we may have such an attack in any moment and is spending millions of dollars monthly to guard against it. How then can we safely assume that we will never have an atomic attack? The only sound course is to be ready for it. Furthermore, the cost of providing for continuity of Civil Government will be negligible.

It is almost impossible for anyone to realize the complete chaos that can occur after an atomic attack. The conditions in Germany and Austria immediately after the surrender were not as bad as they will be if we have such an attack, but they were similar. There was almost no food. There was no milk for the children. In Austria the head of our division of Public Health reported that unless we got milk immediately, no child under 10 years of age would be alive the next spring. There was no transportation whatsoever except an occasional farmer's cart, no gasoline, no coal, no electricity, no gas, no radio, no material to repair the damaged buildings. The water supplies were contaminated. Worst of all, there was no state or county or municipal government. There was complete paralysis. Military Government had to pick up whomever it could find to fill the posts in state, county and local governments, and put them to work to try to remedy the appalling conditions.

With legislation to provide for continuity of the state, county and municipal governments, New Jersey will be ready, so far as it can be, for the situation after an atomic attack. Without it, there will be an interval of chaos, followed by an ineffective attempt to deal with the situation. The difference between having continuing state, county and municipal governments may well mean the difference between the loss or the saving of the lives of thousands of citizens of New Jersey.

A SPECIAL REPORT ON  
CONTINUITY OF GOVERNMENT

The continuity of government legislative program consists of a proposed constitutional amendment and four acts. These measures appear on pages 29-52 of Suggested State Legislation Program for 1959 of The Council of State Governments.

The constitutional amendment authorizes the legislature to provide for lines of succession and such other measures as may be necessary to insure the post-attack continuance of civil government. The four acts cover the following seven objectives:

1. Chief Executive Succession
2. Other Executive Succession
3. Legislative Succession
4. Judicial Succession
5. Relocation of State Governments
6. Relocation of Local Governments
7. Succession of Local Government Officials

The chart on the facing pages of this report reflects the State legislative approvals of the constitutional amendment and the seven objectives listed above as of April 20, 1961.

In seventeen States where constitutional amendments dealing with continuity of government have been voted on by the electorate they have been ratified by outstanding majorities. The legislatures of ten other States have approved constitutional amendments for submission to the voters.

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF CIVIL AND DEFENSE MOBILIZATION  
APRIL 1961

ENTRIES IN COLUMNS (2) THROUGH (9) INDICATE STATE LEGISLATIVE APPROVALS

STATES (1)	CONSTITUTIONAL AMENDMENT (2)	CHIEF EXECUTIVE SUCCESSION (3)	OTHER EXECUTIVE SUCCESSION (4)	LEGISLATIVE SUCCESSION (5)	JUDICIAL SUCCESSION (6)	STATE GOV'T RELOCATION (7)	LOCAL GOV'T RELOCATION (8)	LOCAL GOV'T SUCCESSION (9)
ALABAMA								
ALASKA		ALASKA						
ARIZONA	ARIZONA							
ARKANSAS		ARKANSAS	ARKANSAS	ARKANSAS	ARKANSAS	ARKANSAS	ARKANSAS	ARKANSAS
CALIFORNIA	<u>CALIFORNIA</u>	CALIFORNIA	CALIFORNIA	CALIFORNIA		CALIFORNIA	CALIFORNIA	CALIFORNIA
COLORADO								
CONNECTICUT	CONNECTICUT*							
DELAWARE	DELAWARE							
FLORIDA		FLORIDA				FLORIDA		FLORIDA
GEORGIA			GEORGIA			GEORGIA		GEORGIA
HAWAII						HAWAII	HAWAII	
IDAHO	<u>IDAHO</u>							
ILLINOIS						ILLINOIS	ILLINOIS	ILLINOIS
INDIANA						INDIANA	INDIANA	
IOWA		IOWA	IOWA	IOWA	IOWA	IOWA	IOWA	IOWA
KANSAS	<u>KANSAS</u>	KANSAS	KANSAS		KANSAS	KANSAS	KANSAS	KANSAS
KENTUCKY								
LOUISIANA								
MAINE	<u>MAINE</u>	MAINE	MAINE	MAINE	MAINE	MAINE	MAINE	MAINE
MARYLAND	<u>MARYLAND*</u>	MARYLAND						
MASSACHUSETTS								
MICHIGAN	<u>MICHIGAN</u>	MICHIGAN	MICHIGAN				MICHIGAN	MICHIGAN
MINNESOTA	<u>MINNESOTA</u>	MINNESOTA	MINNESOTA	MINNESOTA	MINNESOTA	MINNESOTA	MINNESOTA	MINNESOTA
MISSISSIPPI							MISSISSIPPI	
MISSOURI	<u>MISSOURI</u>					MISSOURI		
MONTANA		MONTANA				MONTANA		
NEBRASKA	<u>NEBRASKA</u>	NEBRASKA	NEBRASKA	NEBRASKA	NEBRASKA	NEBRASKA	NEBRASKA	NEBRASKA
NEVADA	<u>NEVADA</u>							
NEW HAMPSHIRE	<u>NEW HAMPSHIRE</u>	NEW HAMPSHIRE	NEW HAMPSHIRE	NEW HAMPSHIRE	NEW HAMPSHIRE	NEW HAMPSHIRE	NEW HAMPSHIRE	NEW HAMPSHIRE
NEW JERSEY								
NEW MEXICO	<u>NEW MEXICO</u>	NEW MEXICO	NEW MEXICO	NEW MEXICO	NEW MEXICO	NEW MEXICO	NEW MEXICO	NEW MEXICO
NEW YORK	<u>NEW YORK</u>	NEW YORK						
NORTH CAROLINA			NORTH CAROLINA				NORTH CAROLINA	NORTH CAROLINA
NORTH DAKOTA	<u>NORTH DAKOTA</u>	NORTH DAKOTA	NORTH DAKOTA	NORTH DAKOTA	NORTH DAKOTA	NORTH DAKOTA	NORTH DAKOTA	NORTH DAKOTA
OHIO								
OKLAHOMA		OKLAHOMA	OKLAHOMA	OKLAHOMA	OKLAHOMA			OKLAHOMA
OREGON	<u>OREGON</u>	OREGON	OREGON	OREGON		OREGON	OREGON	OREGON
PENNSYLVANIA		PENNSYLVANIA	PENNSYLVANIA	PENNSYLVANIA	PENNSYLVANIA	PENNSYLVANIA	PENNSYLVANIA	PENNSYLVANIA
RHODE ISLAND	<u>RHODE ISLAND</u>							
SOUTH CAROLINA	<u>SOUTH CAROLINA</u>							
SOUTH DAKOTA	<u>SOUTH DAKOTA</u>		SOUTH DAKOTA	SOUTH DAKOTA		SOUTH DAKOTA	SOUTH DAKOTA	SOUTH DAKOTA
TENNESSEE							TENNESSEE	TENNESSEE
TEXAS		TEXAS						
UTAH	<u>UTAH</u>	UTAH	UTAH	UTAH	UTAH	UTAH		UTAH
VERMONT		VERMONT	VERMONT		VERMONT	VERMONT		VERMONT
VIRGINIA	<u>VIRGINIA**</u>	VIRGINIA						
WASHINGTON	<u>WASHINGTON</u>							
WEST VIRGINIA	<u>WEST VIRGINIA</u>	WEST VIRGINIA	WEST VIRGINIA	WEST VIRGINIA	WEST VIRGINIA		WEST VIRGINIA	WEST VIRGINIA
WISCONSIN	<u>WISCONSIN</u>					WISCONSIN	WISCONSIN	WISCONSIN
WYOMING	<u>WYOMING***</u>	WYOMING						

Amendments in underlined States in Column 2 have been ratified by the voters

\* Covers Chief Executive Succession only

\*\* Covers only legislative quorum requirements and special legislative powers during an emergency.

\*\*\*Permits Governor to convene legislature at place other than seat of government in event of war or grave emergency

These groups have endorsed and supported this continuity of government legislative program:

The Governors' Conference

The Conference of Chief Justices

The Council of State Governments

The National Association of County Officials

The American Municipal Association

The United States Conference of Mayors

The National Association of State and Territorial Civil Defense Directors

The United States Civil Defense Council

The AFL-CIO

The American Bar Association

The American Legion

AMVETS

The Veterans of Foreign Wars

The Jewish War Vets

The Marine Corps League

The Loyal Order of Moose

Kiwanis International

OCDM BC 11099



**State of New Jersey**  
**DEPARTMENT OF LAW AND PUBLIC SAFETY**

VID D FURMAN  
ATTORNEY GENERAL

DIVISION OF LAW  
STATE HOUSE ANNEX  
TRENTON 25

DAVID M SATZ, JR  
FIRST ASSISTANT ATTORNEY GENERAL  
THEODORE I BOTTER  
ASSISTANT ATTORNEY GENERAL

May 18, 1961

The Honorable Wesley L. Lance, Senator  
Chairman, Committee on Revision and Amendment of Laws  
c/o Miss Jane Brown  
Room 330  
State House, Trenton, New Jersey

Dear Senator Lance:

Re: Statement for the Record on SCR-11

Dear Senator Lance:

As Chairman of the Emergency Civil Government Commission, I have been requested to place on the record the views of the Commission in support of SCR-11. This was occasioned by the fact that at the publicly announced and scheduled hearing for May 8, 1961 no one appeared in opposition to the proposed constitutional amendment contained in the resolution. For the record, it should be noted that members of the Commission were present to testify in addition to representatives of the Office of Civilian Defense Mobilization, who came from Washington, D. C. and Massachusetts to express interest in the proposed constitutional amendment. I relate the presence of these individuals only to make it known to any one, should a question arise, that these persons were to present views and pertinent information about the proposal.

I am enclosing herewith for introduction into the record a copy of the report which has been duly distributed among members of the Legislature in accordance with the law. As is stated therein, the report was the result of much work by Committee members with a great deal of assistance of material and data that had been formulated by the Office of Civilian Defense Mobilization. While the report speaks for itself, the views of the Commission and of the Office of Civilian Defense Mobilization may be summarized as follows:

Absence of democratic forms of government under extraordinary conditions is considered to be an evil which has to be prevented and Senate Concurrent Resolution No. 11 is a primary step in establishing a preventive.

The realistic outlook of conditions resulting from nuclear attack could not be minimized. An enemy attack would probably be massive. The resulting destruction would prevent any orderly civilian administration of government by federal personnel. The alternative would be Martial Law by the military. Even that might not be possible if chaotic circumstances were such to prohibit even its operation. Anarchal conditions, naturally, would be intolerable.

In view of these dangers it is imperative that this basic proposed constitutional amendment be adopted to permit the Legislature to provide in advance appropriate statutory machinery to operate automatically upon the occurrence of an enemy nuclear attack. A good, sound beginning is embodied in the above mentioned resolution.

I trust that this letter, together with the Commission report, is satisfactory to you. If there is anything further you desire, please do not hesitate to call upon us.

Sincerely yours,



David M. Satz, Jr.  
Chairman, Emergency Civil Government  
Commission

s;p  
enc.

Note: The report referred to above is not incorporated in the record due to its length, but is on file with the Committee.



*Richard J. Hughes*

STATE OF NEW JERSEY

---

MANUAL

OF THE

Legislature of New Jersey

One Hundred and Eighty-Sixth Session

1962



BY AUTHORITY OF THE LEGISLATURE

---

J. JOSEPH GRIBBINS  
EDITOR AND PUBLISHER

---

Copyright 1962 by  
J. JOSEPH GRIBBINS  
589 Bellevue Ave.,

TRENTON, N. J.

J328  
m297  
c3  
repl

- 1953—Constitutional amendment—to extend veterans tax exemption to veterans' widows.  
Pursuant to ACR 29, 1953.  
Approved: November 3, 1953; 1,041,071 to 193,547.
- 1954—\$25,000,000 bond issue—to establish State medical-dental school.  
Pursuant to c. 214, L. 1954.  
Rejected: November 2, 1954; 565,878 to 718,020.
- 1955—\$100,000,000 bond issue—to establish and develop public water supply.  
Pursuant to c. 218, L. 1955.  
Rejected: November 8, 1955; 384,125 to 622,936.
- 1956—Constitutional amendment—to increase sheriff's terms of office, 3 to 5 years.  
Pursuant to ACR 20, 1956.  
Rejected: November 6, 1956; 541,714 to 991,617.
- 1956—Constitutional amendment—real and personal property assessment; municipal determination of assessed to true value.  
Pursuant to ACR 36, 1956.  
Rejected: November 6, 1956; 591,077 to 941,579.
- 1957—Constitutional amendment—to decrease voters' State and county residence requirements.  
Pursuant to SCR 11, 1957.  
Approved: November 5, 1957; 680,592 to 341,044.
- 1958—\$45,850,000 bond issue—to establish and develop public water supply.  
Pursuant to c. 35, L. 1958.  
Approved: November 4, 1958; 922,876 to 298,780.
- 1958—Constitutional amendment—to permit investment of State school fund moneys.  
Pursuant to SCR 16, 1958.  
Approved: November 4, 1958; 807,864 to 309,308.
- 1959—\$66,800,000 bond issue—higher education.  
Pursuant to c. 10, 1959.  
Approved: November 3, 1959; 904,706 to 713,929.
- 1959—Adoption of Amusement Games Licensing Law.  
Pursuant to c. 109, L. 1959.  
Approved November 3, 1959; 917,291 to 630,800.
- 1959—\$430,000,000 bond issue—to place State's credit behind Turnpike Authority bonds; Turnpike surplus to be used for public transportation purposes.  
Pursuant to c. 154, L. 1959.  
Rejected: November 3, 1959; 877,196 to 646,664.
- 1960—Providing an \$800 tax exemption for home owners over 65 whose annual income is less than \$5,000.  
Pursuant to SCR 12, 1960.  
Approved: November 8, 1960; 1,368,262 to 376,939.

- 1961—\$40,000,000 bond issue—to finance construction of State mental, charitable, reformatory and penal institutions.  
Pursuant to c. 73, P. L. 1961.  
Approved November 7, 1961; 890,616 to 394,600.
- 1961—\$60,000,000 bond issue—to provide for public acquisition of lands for recreation and conservation purposes. Green Acres Bond issue.  
Pursuant to c. 45, P. L. 1961.  
Approved November 7, 1961; 742,396 to 507,879.
- 1961—Amends Article 4, Section 6, of State Constitution vesting power in Legislature to provide for emergency government in event of disaster by enemy attack.  
Pursuant to SCR 11, 1961.  
Approved November 7, 1961; 1,001,972 to 223,336.
- 1961—Extends Amusement Games Licensing Law to Agricultural Fairs.  
Pursuant to c. 103, P. L. 1961.  
Approved November 7, 1961; 768,372 to 445,816.



THE NEW JERSEY TERCENTENARY

1664 - 1964

FOR THREE CENTURIES

PEOPLE . . . PURPOSE . . . PROGRESS

# The New Jersey State Constitution

Second Edition

Robert F. Williams

New Jersey State Library

THE OXFORD COMMENTARIES ON THE STATE  
CONSTITUTIONS OF THE UNITED STATES  
*G. Alan Tarr, Series Editor*

**OXFORD**  
UNIVERSITY PRESS

NJ  
KFN  
2201  
1947  
AG  
W55  
2012  
C.3

**OXFORD**  
UNIVERSITY PRESS

*Oxford University Press, Inc., publishes works that further Oxford University's objective of excellence in research, scholarship, and education.*

Oxford New York  
Auckland Cape Town Dar es Salaam Hong Kong Karachi Kuala Lumpur Madrid Melbourne  
Mexico City Nairobi New Delhi Shanghai Taipei Toronto

With offices in  
Argentina Austria Brazil Chile Czech Republic France Greece Guatemala Hungary Italy  
Japan Poland Portugal Singapore South Korea Switzerland Thailand Turkey Ukraine  
Vietnam

Copyright © 2012 by Oxford University Press, Inc.

Published by Oxford University Press, Inc  
198 Madison Avenue, New York, New York 10016

Oxford is a registered trademark of Oxford University Press  
Oxford University Press is a registered trademark of Oxford University Press, Inc.

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of Oxford University Press, Inc.

---

Library of Congress Cataloging-in-Publication Data

Williams, Robert F (Robert Forrest), 1945-  
The New Jersey State Constitution / Robert F Williams —2nd ed  
p cm.  
Includes bibliographical references and index.  
ISBN 978-0-19-977827-0 ((hardback) · alk. paper)  
1 New Jersey Constitution (1947) 2 Constitutions—New Jersey  
3 Constitutional law—New Jersey 4. Constitutional history—New Jersey I Title.  
KFN22011947 A6 W55 2012  
342 74902'9—dc23

2012003179

---

**Note to Readers**

This publication is designed to provide accurate and authoritative information in regard to the subject matter covered. It is based upon sources believed to be accurate and reliable and is intended to be current as of the time it was written. It is sold with the understanding that the publisher is not engaged in rendering legal, accounting, or other professional services. If legal advice or other expert assistance is required, the services of a competent professional person should be sought. Also, to confirm that the information has not been affected or changed by recent developments, traditional legal research techniques should be used, including checking primary sources where appropriate.

*(Based on the Declaration of Principles jointly adopted by a Committee of the American Bar Association and a Committee of Publishers and Associations.)*

You may order this or any other Oxford University Press publication by  
visiting the Oxford University Press website at [www.oup.com](http://www.oup.com)

This paragraph, which is concerned only with takings of property (condemnation, or the power of eminent domain) by the government, was made much more specific by the 1947 constitution. It clearly authorizes the taking of an interest in land that is less than fee simple (complete title); the taking of an interest in land that abuts that which has been taken for a public use (referred to as excess condemnation). The Supreme Court recognized that the power of eminent domain is inherent in the legislative branch and that therefore the state constitutional provisions do not grant this power but merely operate to limit it (*Abbott v. Beth Israel Cemetery Association*). This paragraph also clearly recognizes that the legislature may delegate its power of eminent domain to state agencies and local governments, and its specific listing of illustrative purposes for takings constitutes a presumptive recognition that those purposes are public uses (*Aviation Services, Inc. v. Board of Adjustment of Hanover Township*).

As indicated earlier, in the discussion of Article I, paragraph 20, the power of eminent domain is subject to complex statutory procedures, and the notions of “taking,” “use,” and “just compensation” have been the source of much litigation.<sup>95</sup>

#### *Emergency Powers*

4. The Legislature, in order to insure continuity of State, county and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate and continuing duty by legislation (1) to provide, prior to the occurrence of the emergency, for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and (2) to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations. In the exercise of the powers hereby conferred the Legislature shall in all respects conform to the requirements of this Constitution except to the extent that in the judgment of the Legislature to do so would be impracticable or would admit of undue delay.

This paragraph had no predecessor in the earlier constitutions. It was added by amendment in 1961, as part of a wave of similar provisions, to provide mechanisms for continuing governmental operation “in periods of emergency resulting from disasters caused by enemy attack” and reflects, in important respects, the concerns of the 1950s and 1960s about nuclear attack. It specifies the legislature as the branch to formulate plans ahead of time to deal with such a disaster and permits, under the prescribed circumstances, the legislature to act without following the constitution. The legislature has implemented the provision through various statutes in Title 52 of the New Jersey Statutes Annotated.

<sup>95</sup> See John M. Payne, *A Survey of New Jersey Eminent Domain Law*, 30 RUTGERS L. REV. 1111 (1977).

A commentator concluded that New Jersey's, as well as many other states' provisions, are seriously out of date for modern times.<sup>96</sup>

This paragraph has not been the subject of judicial interpretation.

#### Section VII. Laws Prohibited; Form of Laws

##### *No Legislative Divorce*

1. No divorce shall be granted by the Legislature.

This provision was added as Article IV, Section 7, paragraph 1, in the 1844 constitution. It ensures that divorce is dealt with by general laws that apply the same rules to everyone rather than on a case-by-case basis by the legislature. A major criticism had been the amount of time the legislature spent on individual divorce bills and the extent to which these bills interfered with, and influenced, other legislative matters. The provision has not been the subject of significant judicial interpretation.

##### *Laws Authorizing Gambling Prohibited; Exceptions*

2. No gambling of any kind shall be authorized by the Legislature unless the specific kind, restrictions and control thereof have been heretofore submitted to, and authorized by a majority of the votes cast by, the people at a special election or shall hereafter be submitted to, and authorized by a majority of the votes cast thereon by, the legally qualified voters of the State voting at a general election, except that, without any such submission or authorization:

A. It shall be lawful for bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid or rescue squads to conduct, under such restrictions and control as shall from time to time be prescribed by the Legislature by law, games of chance of, and restricted to, the selling of rights to participate, the awarding of prizes, in the specific kind of game of chance sometimes known as bingo or lotto, played with cards bearing numbers or other designations, 5 or more in one line, the holder covering numbers as objects, similarly numbered, are drawn from a receptacle and the game being won by the person who first covers a previously designated arrangement of numbers on such a card, when the entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, religious or public-spirited uses, and in the case of senior citizen associations or clubs to the support of such organizations, in any municipality, in which a majority of the qualified voters, voting thereon, at a general or special election as the submission thereof shall be prescribed by the Legislature by law, shall authorize the conduct of such games of chance therein;

B. It shall be lawful for the Legislature to authorize, by law, bona fide veterans, charitable, educational, religious or fraternal organizations, civic and service clubs, senior citizen associations or clubs, volunteer fire companies and first-aid

<sup>96</sup>Eric R. Daleo, *State Constitutions and Legislative Continuity in a 9/11 World: Surviving an "Enemy Attack,"* 58 DEPAUL L. REV. 919 (2009).