Article IV, Section V, Paragraph 1; Article V, Section I, Paragraphs 1-10; Section IV, Paragraphs 2-4; Article XI, Section VII, Paragraph 1
New Jersey Constitution

LEGISLATIVE HISTORY CHECKLIST

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(Establishes Office of Lieutenant Governor and revises gubernatorial succession)

New Jersey Constitution: Article IV, Section V, Paragraph 1; Article V, Section I, Paragraphs 1-10; Section IV, Paragraphs 2-4; Article XI, Section VII, Paragraph 1

BILL NO: ACR100/SCR2

SPONSOR: Sires, Watson Coleman, Greenstein, Turner, McNamara, Conners, Stack, Conaway, Eagler, Chivukula, Vitale, Karcher, Buono

DATE INTRODUCED: 1/10/2005

COMMITTEE: **Assembly:** Assembly State Government Committee, Assembly Appropriations Committee

Senate: Senate State Government Committee

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** 2/25/2005

SENATE: 3/21/2005

FILED WITH SECRETARY OF STATE: N/A

DATE OF ADOPTION: 11/8/2005

EFFECTIVE: 12/8/2005

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (Introduced bill enacted) Yes

SPONSOR'S STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY**: Yes

SENATE: Yes

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

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

974.90 Public hearing before Assembly State Government Committee : Assembly concurrent resolution no. C758 100 (proposes a constitutional amendment to establish Office of Lieutenant Governor and revise 2005 gubernatorial succession)

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ASSEMBLY CONCURRENT RESOLUTION No. 100

STATE OF NEW JERSEY

211th LEGISLATURE

INTRODUCED JANUARY 10, 2005

Sponsored by:
Assemblyman ALBIO SIRES
District 33 (Hudson)
Assemblywoman BONNIE WATSON COLEMAN
District 15 (Mercer)
Assemblywoman LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

Co-Sponsored by:
Assemblymen Conners, Stack, Conaway, Eagler, Chivukula, Senators Turner, McNamara, Vitale, Karcher and Buono

SYNOPSIS

Proposes constitutional amendment to establish Office of Lieutenant Governor and revise gubernatorial succession.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 3/22/2005)

A CONCURRENT RESOLUTION proposing to amend Articles II, IV, V and XI of the Constitution of the State of New Jersey.

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

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

PROPOSED AMENDMENT

a. Amend Article II, Section I, paragraph 1 to read as follows:

1. General elections shall be held annually on the first Tuesday after the first Monday in November; but the time of holding such elections may be altered by law. The Governor, Lieutenant Governor, and members of the Legislature shall be chosen at general elections. Local elective officers shall be chosen at general elections or at such other times as shall be provided by law.

(cf: Art.II, Sec.I, para.1)

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

1. No member of the Senate or General Assembly, during the term for which **[**he**]** the member shall have been elected, shall be nominated, elected or appointed to any State civil office or position, of profit, which shall have been created by law, or the emoluments whereof shall have been increased by law, during such term. The provisions of this paragraph shall not prohibit the election of any person as Governor, as Lieutenant Governor, or as a member of the Senate or General Assembly.

(cf: Art.IV, Sec.V, para.1)

c. Amend Article V, Section I, paragraphs 2, 3, 4, 5, 6, 7, 8, 9, and 10 to read as follows:

2. The Governor shall be not less than thirty years of age, and shall have been for at least twenty years a citizen of the United States, and a resident of this State seven years next before **[**his**]** election, unless **[**he**]** the Governor shall have been absent during that time on the public business of the United States or of this State. A person shall be eligible for the office of Lieutenant Governor only if eligible under this Constitution for the office of Governor.

(cf: Art.V, Sec.I, para.2)

3. No member of Congress or person holding any office or position, of profit, under this State or the United States shall be

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Governor or Lieutenant Governor. If the Governor or Lieutenant Governor or person administering the office of Governor shall accept any other office or position, of profit, under this State or the United States, **[**his**]** the office of Governor or Lieutenant Governor, as the case may be, shall thereby be vacated. No Governor or Lieutenant Governor shall be elected by the Legislature to any office during the term for which **[**he**]** the person shall have been elected Governor or Lieutenant Governor.

(cf: Art.V, Sec.I, para.3)

4. The Governor and Lieutenant Governor shall be elected conjointly and for concurrent terms by the legally qualified voters of this State, and the manner of election shall require each voter to cast a single vote for both offices. The candidate of each political party for election to the office of Lieutenant Governor shall be selected by the candidate of that party nominated for election to the office of Governor. The selection of the candidate for election to the office of Lieutenant Governor shall be made within 30 days following the nomination of the candidate for election to the office of Governor. A person shall not seek election to both offices simultaneously. The **[**person**]** joint candidates receiving the greatest number of votes shall be **[**the Governor**]** elected; but if two or more joint candidacies shall be equal and greatest in votes, one **[**of them**]** set of joint candidates shall be elected **[**Governor**]** by the vote of a majority of all the members of both houses in joint meeting at the regular legislative session next following the election for Governor and Lieutenant Governor by the people. Contested elections for the **[**office**]** offices of Governor and Lieutenant Governor shall be determined in such manner as may be provided by law.

(cf: Art.V, Sec.I, para.4)

5. The term of office of the Governor and of the Lieutenant Governor shall be four years, beginning at noon of the third Tuesday in January next following **[**his**]** their election, and ending at noon of the third Tuesday in January four years thereafter. No person who has been elected Governor for two successive terms, including an unexpired term, shall again be eligible for that office until the third Tuesday in January of the fourth year following the expiration of **[**his**]** the second successive term.

(cf: Art.V, Sec.I, para.5)

6. In the event of a vacancy in the office of Governor resulting from the death, resignation or removal of a Governor in office, or the death of a Governor-elect, or from any other cause, the **[**functions, powers, duties and emoluments of the office shall devolve upon the President of the Senate, for the time being, and in the event of his death, resignation or removal, then upon the Speaker of the General Assembly, for the time being; and in the event of his death, resignation

or removal, then upon such officers and in such order of succession as may be provided by law;] Lieutenant Governor shall become Governor, until a new Governor [shall be] is elected and [qualify] qualifies.

In the event of simultaneous vacancies in both the offices of Governor and Lieutenant Governor resulting from any cause, the President of the Senate shall become Governor until a new Governor or Lieutenant Governor is elected and qualifies. In the event that there is a vacancy in the office of Senate President, or the Senate President declines to become Governor, then the Speaker of the General Assembly shall become Governor until a new Governor or Lieutenant Governor is elected and qualifies. In the event that there is a vacancy in the office of Speaker of the General Assembly, or if the Speaker declines to become Governor, then the functions, powers, duties and emoluments of the office shall devolve for the time being upon such officers and in the order of succession as may be provided by law, until a new Governor or Lieutenant Governor is elected and qualifies.

(cf: Art.V, Sec.I, para.6)

7. In the event of the failure of the Governor-elect to qualify, or of the absence from the State of a Governor in office, or [his] the Governor's inability to discharge the duties of [his] the office, or [his] the Governor's impeachment, the functions, powers, duties and emoluments of the office shall devolve upon the [President of the Senate, for the time being; and in the event of his death, resignation, removal, absence, inability or impeachment, then upon the Speaker of the General Assembly, for the time being; and in the event of his death, resignation, removal, absence, inability or impeachment, then upon such officers and in such order of succession as may be provided by law;] Lieutenant Governor, until the Governor-elect [shall qualify] qualifies, or the Governor in office [shall return] returns to the State, or [shall] is no longer [be] unable to discharge the duties of the office, or [shall be] is acquitted, as the case may be, or until a new Governor [shall be] is elected and [qualify] qualifies. In the event that the Lieutenant Governor in office is absent from the State, or is unable to discharge the duties of the office, or is impeached, or if the Lieutenant Governor-elect fails to qualify, or if there is a vacancy in the office of Lieutenant Governor, the functions, powers, duties, and emoluments of the office of Governor shall devolve upon the President of the Senate. In the event there is a vacancy in the office of the President of the Senate, or of the Senate President's absence from the State, inability to discharge the duties of the office, or impeachment, then such functions, powers, duties, and emoluments shall devolve upon the Speaker of the General Assembly. In the event there is a vacancy in the office of Speaker of the General Assembly, or of the Speaker's absence from the State, inability to discharge the duties of

the office, or impeachment, then such functions, powers, duties, and emoluments shall devolve upon such officers and in the order of succession as may be provided by law. The functions, powers, duties, and emoluments of the office of Governor shall devolve upon the President of the Senate, the Speaker of the General Assembly or another officer, as the case may be, until the Governor-elect or Lieutenant Governor-elect qualifies, or the Governor or Lieutenant Governor in office returns to the State, or is no longer unable to discharge the duties of the office, or is acquitted, or until a new Lieutenant Governor is appointed, as the case may be, or a new Governor or Lieutenant Governor is elected and qualifies.

(cf: Art.V, Sec.I, para.7)

8. Whenever a Governor-elect or Lieutenant Governor-elect shall have failed to qualify within six months after the beginning of **[**his**]** the term of office, or whenever for a period of six months a Governor or Lieutenant Governor in office, or person administering the office, shall have remained continuously absent from the State, or shall have been continuously unable to discharge the duties of **[**his**]** the office by reason of mental or physical disability, the office shall be deemed vacant. Such vacancy shall be determined by the Supreme Court upon presentment to it of a concurrent resolution declaring the ground of the vacancy, adopted by a vote of two-thirds of all the members of each house of the Legislature, and upon notice, hearing before the Court and proof of the existence of the vacancy.

(cf: Art.V, Sec.I, para.8)

9. **[**In the event of a vacancy in the office of Governor, a Governor shall be elected to fill the unexpired term at the general election next succeeding the vacancy, unless the vacancy shall occur within sixty days immediately preceding a general election, in which case he shall be elected at the second succeeding general election; but no election to fill an unexpired term shall be held in any year in which a Governor is to be elected for a full term. A Governor elected for an unexpired term shall assume his office immediately upon his election.**]**

In the event of a vacancy in the office of Lieutenant Governor resulting from the death, resignation or removal of a Lieutenant Governor in office or the death of a Lieutenant Governor-elect or from any other cause, the Governor shall appoint a Lieutenant Governor within forty-five days of the occurrence of the vacancy to fill the unexpired term.

If a Lieutenant Governor becomes Governor, or in the event of simultaneous vacancies in the offices of Governor and Lieutenant Governor, a Governor and a Lieutenant Governor shall be elected to fill the unexpired terms of both offices at the next general election, unless the assumption of the office of Governor by the Lieutenant Governor, or the vacancies, as the case may be, occur within sixty days immediately preceding a general election, in which case they shall

be elected at the second succeeding general election. No election to fill the unexpired terms shall be held in any year in which a Governor and Lieutenant Governor are to be elected for full terms. A Governor and Lieutenant Governor elected for unexpired terms shall assume their offices immediately upon their election.
(cf: Art.V, Sec.I, para.9)

10. a. The Governor and the Lieutenant Governor shall each receive for [his] services a salary, which shall be neither increased nor diminished during the period for which [he] the Governor or Lieutenant Governor shall have been elected or appointed.

b. The Governor shall appoint the Lieutenant Governor to serve as the head of a principal department or other executive or administrative agency of State government, or delegate to the Lieutenant Governor duties of the office of Governor, or both. The Governor shall not appoint the Lieutenant Governor to serve as Attorney General. The Lieutenant Governor shall in addition perform such other duties as may be provided by law.
(cf: Art.V, Sec.I, para.10)

d. Amend Article V, Section IV, paragraphs 2, 3 and 4 to read as follows:

2. Each principal department shall be under the supervision of the Governor. The head of each principal department shall be a single executive unless otherwise provided by law. Such single executives shall be nominated and appointed by the Governor, with the advice and consent of the Senate, to serve at the pleasure of the Governor during [his] the Governor's term of office and until the appointment and qualification of their successors, except as herein otherwise provided with respect to the Secretary of State and the Attorney General. The Governor may appoint the Lieutenant Governor to serve as the head of a principal department, without the advice and consent of the Senate, and to serve at the pleasure of the Governor during the Governor's term of office.
(cf: Art.V, Sec.IV, para.2)

3. The Secretary of State and the Attorney General shall be nominated and appointed by the Governor with the advice and consent of the Senate to serve during the term of office of the Governor, except the Governor may appoint the Lieutenant Governor to serve as Secretary of State without the advice and consent of the Senate.
(cf: Art.V, Sec.IV, para.3)

4. Whenever a board, commission or other body shall be the head of a principal department, the members thereof shall be nominated and appointed by the Governor with the advice and consent of the Senate, and may be removed in the manner provided by law. The Governor may appoint the Lieutenant Governor thereto without the advice and consent of the Senate. Such a board, commission or other body may

appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the Governor. Any principal executive officer so appointed shall be removable by the Governor, upon notice and an opportunity to be heard.
(cf: Art.V, Sec.IV, para.4)

e. Amend Article XI by the addition of a new Section VII to read as follows:

In the event of a vacancy in the office of Governor resulting from the death, resignation or removal of a Governor in office, or the death of a Governor-elect, or from any other cause, occurring prior to noon on January 19, 2010, the President of the Senate shall become Governor until a new Governor or Lieutenant Governor is elected and qualifies, and in the event of the Senate President's death, resignation or removal prior to becoming Governor, or if the Senate President declines to become Governor, then the Speaker of the General Assembly shall become Governor until a new Governor or Lieutenant Governor is elected and qualifies, and in the event of the Speaker's death, resignation or removal prior to becoming Governor, or if the Speaker declines to become Governor, then the functions, powers, duties and emoluments of the office shall devolve for the time being upon such officers and in such order of succession as may be provided by law until a new Governor or Lieutenant Governor is elected and qualifies. When the President or Speaker becomes Governor pursuant to this section, the President's or Speaker's seat in the Legislature and leadership position shall become vacant.

In the event of a vacancy in the office of Governor occurring prior to noon on January 19, 2010, a Governor shall be elected to fill the unexpired term at the general election next succeeding the vacancy, unless the vacancy shall occur within sixty days immediately preceding a general election, in which case the Governor shall be elected at the second succeeding general election; but no election to fill an unexpired term shall be held in calendar year 2009. A Governor elected for an unexpired term shall assume office immediately upon election.

Until noon on January 19, 2010, in the event of the failure of the Governor-elect to qualify, or of the absence from the State of a Governor in office, or the Governor's inability to discharge the duties of the office, or the Governor's impeachment, the functions, powers, duties and emoluments of the office shall devolve upon the President of the Senate, for the time being; and in the event of the Senate President's death, resignation, removal, absence, inability or impeachment, then upon the Speaker of the General Assembly, for the time being; and in the event of the Speaker's death, resignation, removal, absence, inability or impeachment, then upon such officers and in such order of succession as may be provided by law; until the Governor-elect qualifies, or the Governor in office returns to the

State, or is no longer unable to discharge the duties of the office, or is acquitted, as the case may be, or until a new Governor or Lieutenant Governor is elected and qualifies.

If the President of the Senate is to become Governor or acting Governor pursuant to this section but the Senate has elected more than one President, only one of whom is of the same political party as the Governor, the President who is of that same political party shall become Governor or acting Governor, as appropriate.

If the Speaker of the General Assembly is to become Governor or acting Governor pursuant to this section but the General Assembly has elected more than one Speaker, only one of whom is of the same political party as the Governor, the Speaker who is of that same political party shall become Governor or acting Governor, as appropriate.

2. When this proposed amendment to the Constitution is finally agreed to pursuant to Article IX, paragraph 1 of the Constitution, it shall be submitted to the people at the next general election occurring more than three months after the final agreement and shall be published at least once in at least one newspaper of each county designated by the President of the Senate, the Speaker of the General Assembly and the Attorney General, not less than three months prior to the general election.

3. This proposed amendment to the Constitution shall be submitted to the people at that election in the following manner and form:

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

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

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

b. In every municipality the following question:

	YES	CONSTITUTIONAL AMENDMENT TO ESTABLISH THE OFFICE OF LIEUTENANT GOVERNOR Shall the amendment of Articles II, IV, V and XI of the Constitution, agreed to by the Legislature, establishing the office of Lieutenant Governor, and providing for the term, election, succession, salary, qualifications, and duties of the office, and for an interim succession to be employed in the event of a vacancy in the office of the Governor before the election of the first Lieutenant Governor, be adopted?
	NO	INTERPRETIVE STATEMENT Approval of this amendment would establish the office of Lieutenant Governor. Candidates for the offices of Governor and Lieutenant Governor would be elected as joint candidates in the general election. The Lieutenant Governor would serve as acting Governor during brief periods when the Governor is absent from the State or unable to serve and would become Governor in the event of a vacancy in the office of Governor. The Lieutenant Governor would perform other duties as assigned by the Governor or by law. The first Lieutenant Governor would be elected at the general election held in 2009. In the event of a permanent vacancy in the office of the Governor occurring before the inauguration date of the first Lieutenant Governor, the President of the Senate, followed by the Speaker of the General Assembly, would become Governor, rather than acting Governor. A vacancy would be created in the Legislature if the Senate President or Assembly Speaker becomes Governor, to be filled in the manner currently provided by the Constitution.

SCHEDULE

This constitutional amendment shall become part of the New Jersey Constitution at noon on January 17, 2006 or upon approval by the

voters if approval occurs after January 17, 2006, and the first election of a Lieutenant Governor shall be held at the general election held in calendar year 2009.

STATEMENT

This concurrent resolution proposes a constitutional amendment to establish the Office of Lieutenant Governor and revise gubernatorial succession. The Lieutenant Governor would serve a four-year term concurrent with the term of the Governor. Like the Governor, the Lieutenant Governor would have to be at least 30 years of age, a citizen of the United States for at least 20 years and a resident of the State for at least seven years leading up to the election (unless he or she was absent during that time on the public business of the United States or the State). In addition, the Lieutenant Governor would be subject to the prohibitions against dual office holding that currently apply to the Governor. Under the current language of the constitution, no person holding any paid public position under the State or the United States, including but not limited to political subdivisions of the State (counties, municipalities, school districts or fire districts) or any agency or instrumentality of the State or a political subdivision of the State (independent State or local authorities, for example) or any bi-state agency to which New Jersey is a party, can be Governor, and if the Governor accepts any such office or position, the office of Governor is thereby vacated.

Each candidate nominated for Governor would select a candidate for Lieutenant Governor and they would be elected as joint candidates in the following general election. The first Lieutenant Governor would be elected at the general election in 2009.

The Lieutenant Governor would serve as acting Governor during brief periods when the Governor is absent from the State or unable to serve and would become Governor in the event of a vacancy in the office of Governor. In the event of simultaneous vacancies in both the office of Governor and Lieutenant Governor, or in the event of a permanent vacancy in the office of Governor occurring before the inauguration date of the first Lieutenant Governor (January 19, 2010) the Senate President would become Governor until a new Governor and Lieutenant Governor are elected and qualify. If there is no Senate President or the Senate President declines, the Speaker of the General Assembly will become Governor. In these events, the Senate President, or the Speaker as the case may be, will resign from the Legislature and a legislative vacancy will exist to be filled as provided currently in the Constitution.

The Governor could appoint the Lieutenant Governor to serve as the head of a State department or agency and the advice and consent

of the Senate would not be required for such an appointment. The Lieutenant Governor would also perform other duties as assigned by the Governor or by statute.

ASSEMBLY STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY CONCURRENT RESOLUTION No. 100

STATE OF NEW JERSEY

DATED: JANUARY 13, 2005

The Assembly State Government Committee reports favorably Assembly Concurrent Resolution No. 100.

This concurrent resolution proposes a constitutional amendment to establish the Office of Lieutenant Governor and revise gubernatorial succession. The Lieutenant Governor would serve a four-year term concurrent with the term of the Governor. Each candidate nominated for Governor would select a candidate for Lieutenant Governor and they would be elected as joint candidates in the following general election. The first Lieutenant Governor would be elected at the general election in 2009.

The resolution provides that, like the Governor, the Lieutenant Governor would have to be at least 30 years of age, a citizen of the United States for at least 20 years and a resident of the State for at least seven years leading up to the election (unless he or she was absent during that time on the public business of the United States or the State). In addition, the Lieutenant Governor would be subject to the prohibitions against holding two offices that apply to the Governor. The New Jersey Constitution currently provides that no person holding any paid public position under the State or the United States, including but not limited to political subdivisions of the State (counties, municipalities, school districts, authorities or fire districts) or any agency or instrumentality of the State or any bi-state agency to which New Jersey is a party, can be Governor; if the Governor accepts any such office or position, the office of Governor is thereby vacated.

The Lieutenant Governor would serve as acting Governor during brief periods when the Governor is absent from the State or unable to serve and would become Governor in the event of a vacancy in the office of Governor. In the event of simultaneous vacancies in both the office of Governor and Lieutenant Governor, or in the event of a permanent vacancy in the office of Governor occurring before the inauguration date of the first Lieutenant Governor (January 19, 2010), the Senate President would become Governor until a new Governor and Lieutenant Governor are elected and qualify. If there is no Senate President or the Senate President declines, the Speaker of the General Assembly will become Governor. When the Senate President or the Speaker, as the case may be, becomes Governor, the President's or Speaker's seat in the Legislature and leadership position will become vacant, to be filled as provided currently in the Constitution.

The Governor could appoint, without the advice and consent of the Senate, the Lieutenant Governor to serve as the head of a State department or agency but not as Attorney General. The Lieutenant Governor would also perform other duties as assigned by the Governor or by statute.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY CONCURRENT RESOLUTION No. 100

STATE OF NEW JERSEY

DATED: JANUARY 24, 2005

The Assembly Appropriations Committee reports favorably Assembly Concurrent Resolution No. 100.

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.

This amendment to the Constitution provides that, like the Governor, the Lieutenant Governor will have to be at least 30 years of age, a citizen of the United States for at least 20 years and a resident of the State for at least seven years leading up to the election (unless he or she was absent during that time on the public business of the United States or the State). In addition, the Lieutenant Governor will be subject to the prohibitions against holding two offices that apply to the Governor. The New Jersey Constitution currently provides that no person holding any paid public position under the State or the United States, including but not limited to political subdivisions of the State (counties, municipalities, school districts, authorities or fire districts) or any agency or instrumentality of the State or any bi-state agency to which New Jersey is a party, can be Governor; if the Governor accepts any such office or position, the office of Governor is thereby vacated.

The Lieutenant Governor will serve as acting Governor during brief periods when the Governor is absent from the State or unable to serve and will become Governor in the event of a vacancy in the office of Governor. In the event of simultaneous vacancies in both the office of Governor and Lieutenant Governor, or in the event of a permanent vacancy in the office of Governor occurring before the inauguration date of the first Lieutenant Governor (January 19, 2010), the Senate President will become Governor until a new Governor and Lieutenant Governor are elected and qualify. If there is no Senate President or the Senate President declines, the Speaker of the General Assembly will become Governor. When the Senate President or the Speaker, as the case may be, becomes Governor, the President's or Speaker's seat

in the Legislature and leadership position will become vacant, to be filled as provided currently in the Constitution.

This amendment to the Constitution requires the Governor to appoint the Lieutenant Governor, without the advice and consent of the Senate, as the head of a State department or agency (but not as Attorney General), or to delegate gubernatorial duties to the Lieutenant Governor, or to do both. The Lieutenant Governor would also perform other duties as assigned by statute.

FISCAL IMPACT:

The Office of Management and Budget (OMB) estimated in relation to a similar concurrent resolution establishing an Office of Lieutenant Governor that there would be no fiscal impact. However, OMB noted that other states in the northeast have costs ranging from $450,000 to $800,000 for an Office of Lieutenant Governor with staffing of five to seven employees. The Office of Legislative Services notes that should the Governor decide, or subsequent statutes provide, for salary and staffing for the office of Lieutenant Governor that would be separate from that of the head of a State department or agency to which the Lieutenant Governor might be appointed as provided for by this concurrent resolution, there would be budgetary impact. However, those subsequent actions and their fiscal impact are not known at this time.

SENATE STATE GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY CONCURRENT RESOLUTION No. 100

STATE OF NEW JERSEY

DATED: MARCH 7, 2005

The Senate State Government Committee reports without recommendation Assembly Concurrent Resolution No. 100.

This concurrent resolution proposes a constitutional amendment to establish the Office of Lieutenant Governor and revise gubernatorial succession. The Lieutenant Governor would serve a four-year term concurrent with the term of the Governor. Each candidate nominated for Governor would select a candidate for Lieutenant Governor and they would be elected as joint candidates in the following general election. The first Lieutenant Governor would be elected at the general election in 2009.

The resolution provides that, like the Governor, the Lieutenant Governor would have to be at least 30 years of age, a citizen of the United States for at least 20 years and a resident of the State for at least seven years leading up to the election (unless he or she was absent during that time on the public business of the United States or the State). In addition, the Lieutenant Governor would be subject to the prohibitions against holding two offices that apply to the Governor. The New Jersey Constitution currently provides that no person holding any paid public position under the State or the United States, including but not limited to political subdivisions of the State (counties, municipalities, school districts, authorities or fire districts) or any agency or instrumentality of the State or any bi-state agency to which New Jersey is a party, can be Governor; if the Governor accepts any such office or position, the office of Governor is thereby vacated.

The Lieutenant Governor would serve as acting Governor during brief periods when the Governor is absent from the State or unable to serve and would become Governor in the event of a vacancy in the office of Governor. In the event of simultaneous vacancies in both the office of Governor and Lieutenant Governor, or in the event of a permanent vacancy in the office of Governor occurring before the inauguration date of the first Lieutenant Governor (January 19, 2010), the Senate President would become Governor until a new Governor and Lieutenant Governor are elected and qualify. If there is no Senate President or the Senate President declines, the Speaker of the General Assembly will become Governor. When the Senate President or the Speaker, as the case may be, becomes Governor, the President's or Speaker's seat in the Legislature and leadership position will become

vacant, to be filled as provided currently in the Constitution.

The Governor could appoint, without the advice and consent of the Senate, the Lieutenant Governor to serve as the head of a State department or agency but not as Attorney General. The Lieutenant Governor would also perform other duties as assigned by the Governor or by statute.

This bill is identical to Senate Concurrent Resolution No. 2 (1R).

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY CONCURRENT RESOLUTION
No. 100
STATE OF NEW JERSEY
211th LEGISLATURE

DATED: FEBRUARY 18, 2005

SUMMARY

Synopsis: Proposes constitutional amendment to establish Office of Lieutenant Governor and revise gubernatorial succession.

Type of Impact: None.

Agencies Affected: Office of the Lieutenant Governor.

Office of Legislative Services Estimate

Fiscal Impact	Year 1	Year 2	Year 3
State Cost	None	None	None

- This Concurrent Resolution proposes to amend the State constitution to establish the position of Lieutenant Governor.
- Requires the Lieutenant Governor to receive a salary for services performed, but also permits the Governor to appoint the Lieutenant Governor to serve as the head of a department or agency, which should offset some costs that may be incurred.

BILL DESCRIPTION

Assembly Concurrent Resolution No. 100 of 2005 proposes a constitutional amendment to establish the Office of Lieutenant Governor and revise gubernatorial succession. The Lieutenant Governor would serve a four-year term concurrent with the term of Governor. The first Lieutenant Governor would be elected at the general election in 2009. This concurrent resolution permits the Governor to appoint the Lieutenant Governor to service as the head of a State department or agency or to perform other duties as assigned by the Governor, or both.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

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OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services estimates that this concurrent resolution may have no fiscal impact. However, the Office of Legislative Services notes that a survey of northeastern states (Connecticut, Delaware, Pennsylvania and New York) indicates that costs of a Lieutenant Governor's office range from $450,000 to $800,000 with staffing ranges from five to seven employees. These costs do not include any election costs that may be incurred on the local level, such as ballot changes and other related election costs.

The Office of Legislative Services further notes that should the Governor decide, or should subsequent statutes provide for the establishment of a salary and staff for the Lieutenant Governor, separate from that of the head of the principal department to which the Lieutenant Governor may be appointed, there would be a budgetary impact. Such impact, however, would follow from subsequent actions and not necessarily from the constitutional amendment.

Section:	*State Government*
Analyst:	*James F. Vari* *Senior Fiscal Analyst*
Approved:	*David J. Rosen* *Legislative Budget and Finance Officer*

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.