VETO MESSAGES

OF

HON. WILLIAM T. CAHILL

Governor of New Jersey

SUBMITTED TO THE SENATE AND THE GENERAL ASSEMBLY OF THE STATE OF NEW JERSEY

1970—1971

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Senate 576, 622, 655, 2341

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 14, 1970.

ASSEMBLY BILL No. 78

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 78, with my objections, for reconsideration.

This bill would permit licensed retail dealers in firearms and their registered employees to carry weapons without permit during the course of their normal business while traveling to and from their place of business and other places for the purpose of actual sale, demonstration, exhibition, or delivery, in connection with a sale, provided any such weapon is unloaded and wrapped in a case, box, or other container.

The basic concept of this legislation is sound, since retail dealers of firearms must be licensed and meet the requirements of standards and qualifications prescribed by the Superintendent of State Police pursuant to Section 2A:151–24 of the New Jersey Statutes. Further, no such license shall be granted to a person who does not qualify for a permit to purchase firearms under Section 2A:151–33. With these safeguards, there exists no need to require such licensed dealers to further obtain permits to carry firearms in those situations set forth in the bill.

The bill as drafted, however, could be construed as permitting the sale of firearms outside of the registered place of business, contrary to Section 2A:151–24(a) of the New Jersey Statutes. Accordingly, I herewith return Assembly Bill No. 78 for reconsideration and with the recommendation that it be amended as follows:

Page 3, Section 1, Line 75: Delete "actual sale,".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 14, 1970.

ASSEMBLY BILL No. 105

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 105, with my recommendations for reconsideration.

Assembly Bill No. 105 provides that the parents or guardian of any infant who shall injure any property of a railroad, street railway, traction railway or autobus public utility shall be liable for damages in the amount of the injury to a limit of $1,000.00, to be collected by the public utility in any court of competent jurisdiction, together with costs of suit. The sponsor of this bill has indicated that its purpose is to combat the serious problem of vandalism which besets the various public transportation utilities.

I agree with the intention of the sponsor, however, I feel the bill goes too far in certain respects. As drafted, it would subject parents or guardians to liability for any damage to those public utilities caused by an infant, whether intentionally or unintentionally. I would limit liability to damage caused intentionally.

Further, the liability would attach even though the infant were no longer under the custody or control of the parents or guardian. I would exclude those situations where there was no custody or control. Since this bill provides for vicarious liability without fault, I would place the responsibility therefor on parents who may be more to blame for a child's conduct than guardians. While parental indifference and failure to supervise the activities of children is one of the major causes of juvenile delinquency and resultant vandalism, I do not feel that it is fair to place the same responsibility upon guardians who can only attempt to take the place of natural parents.

Accordingly, I herewith return Assembly Bill No. 105 for reconsideration and recommend that it be amended as follows:

On Page 1, section 1, line 1: After "parents" delete "or guardian".

On Page 1, section 1, line 1: After "shall" insert "maliciously or willfully".

On Page 1, section 1, after line 5: Insert the following new section:

"2. This act shall not apply to parents whose parental custody and control of such infant has been removed by court order, decree, judgment, military service, or marriage of such infant."

On Page 1, section 2, line 1: Delete "2." and insert "3.".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 14, 1970.

ASSEMBLY BILL No. 284 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 284, with my objections, for reconsideration.

This bill would supplement Title 23 of the Revised Statutes and provide for the licensing of private ponds that are stocked and maintained at the expense of the operator and are not runways for fish. The bill also would provide that persons angling in said private ponds would not be required to have a fishing license.

I am generally in favor of the purpose of the bill, however, the language should be corrected to carry out what I am sure is the true intent. The penalty provisions of this bill are limited to "any licensee," whereas the failure to obtain a license, to observe tagging requirements, and to comply in other respects with the provisions of the bill would also appear to be violations. In addition, the maximum violation is barely above the prescribed license fee, and this would tend to hinder voluntary compliance. A private pond operator might be tempted to delay compliance until after the first violation since the cost of the first vio-

lation would in all probability be less than the cost of the license. A more adequate discretionary penalty would appear appropriate.

I return the bill with the recommendation that the language be corrected as follows:

1. Page 3, Section 10: Delete the word "licensee" in line 1 and insert the word "person" in lieu thereof.

2. Page 3, Section 10: Delete "$200" in line 3 and insert "$1,000."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 8, 1970.

ASSEMBLY BILL No. 439

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 439, with my objections, for reconsideration.

Assembly Bill No. 439 would provide for the funding of the county offices on aging by the State in an amount equal to one-half of the annual expenses of each office or $20,000.00, whichever is less. The county offices on aging provide centers for dispensation of advice and assistance to the agent concerning housing, health, nutrition and other personal needs. The offices were initially funded for a three-year cycle under Title III of the federal Older American Act. As that funding expires I believe that it is incumbent upon us at the State level to encourage the continuity of this critically important service by financially aiding in its maintenance at a level commensurate with county interests.

Unfortunately, Assembly Bill No. 439 passed the Legislature on June 22, just eight days before July 1, set forth in the bill as the date on or before which the State Treasurer

must make payments upon certificate of the Commissioner of the Department of Community Affairs and warrant of the Director of the Division of Budget and Accounting. In order to allow for the proper implementation of this law and to permit counties to anticipate the receipt of these funds in their 1971 budgets, I am suggesting certain changes which I believe will provide the necessary clarification.

Accordingly, I herewith return Assembly Bill No. 439 for reconsideration and recommend that it be amended as follows:

Page 3, Section 6, Line 10: Delete "July 1" and insert "December 31".

Page 3, Section 6, Line 10: After the word "of" and before the word "calendar" delete the word "the" and insert "each".

Page 3, Section 6, Line 11: After the word "year" delete "for which State aid hereunder is appropriated" and insert ". This payment shall constitute reimbursement to the county for the State aid portion of the annual expense of each county office on aging during the year in which the payment is made.".

Page 3, Section 8, Line 1: Delete "immediately" and insert "January 1, 1971".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 7, 1970.

ASSEMBLY BILL No. 525

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 525, with my objections, for reconsideration.

This bill provides that any person who engages in the practice of medicine or surgery in this State without first having obtained a license therefor shall be guilty of a misdemeanor. It further provides that anyone who engages in the practice of medicine or surgery in this State contrary to the provisions of this article (Title 45, Article I, Practice of Medicine and Surgery in General) shall be guilty of a misdemeanor. While I agree with the penalty provisions for the practice of medicine or surgery without a license, the provision pertaining to violation of the cited article is much too broad. That article contains many provisions, among which are the following: doctors who fail to display their name properly, doctors who advertise fraudulently, those who are adjudged insane, and also those who are found to be habitual users of intoxicants.

It is not appropriate to apply the same penalty provision to these other situations which I have indicated. Sections R. S. 45:9–16 and R. S. 45:9–22 provide for the suspension and revocation of licenses and the assessment of penalties for violation of provision of the article. It is my feeling these sections are adequate.

The sponsor of the bill has indicated that his prime concern is to provide that those who engage in the practice of medicine or surgery in the State without first having obtained a license therefor shall be guilty of a misdemeanor. I concur that the bill should be limited to this particular situation.

For these reasons, I herewith return Assembly Bill No. 525 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Lines 4-5: After "article" delete "or contrary to any of the provisions of this article".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 14, 1970.

ASSEMBLY BILL No. 720

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 720, for reconsideration.

Assembly Bill No. 720 would implement the recommendations of the Commission on State Administrative and Professional Compensation in respect to the salaries of the Judiciary and certain other administrative and professional positions in the Judicial Branch. Funds more than sufficient to cover the cost of the salary increases provided for in Assembly Bill No. 720, both to the State and to the counties, will be available from increased court fees provided for by Assembly Bill No. 983 which has passed both Houses of the Legislature and which I intend to approve upon final approval of Assembly Bill No. 720. In order to apply the increased revenue to be derived from court fees pursuant to Assembly Bill No. 983 to the purposes of Assembly Bill No. 720, a technical amendment is necessary to include in Assembly Bill No. 720 a specific appropriation of funds.

I am also taking the opportunity in this message to correct a technical defect in Assembly Bill No. 720 resulting from the fact that the bill purports to supplement another act when such is not the case.

Accordingly, I herewith return Assembly Bill No. 720 without my approval and respectfully recommend the following changes:

1. Page 2, Section 5, Line 1: Omit "the" insert "this"; omit "to which this act is a supplement".

2. Page 2, Section 5, Line 3: Omit "the" insert "this"; omit "to which this act is a supplement".

3. Page 2, Section 6, Line 3: Omit "an" insert "this".

4. Page 2, Section 6, Lines 3-4: Omit "appropriating funds required to implement this act".

5. Page 2, Section 7, Lines 1-2: Omit in their entirety and insert in lieu thereof "7. There is hereby appropriated to the Judiciary the sum of $750,000 to carry out the purposes of this act for the period ending June 30, 1971.".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 17, 1970.

ASSEMBLY BILL No. 727 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 727, with my recommendations for reconsideration.

Assembly Bill No. 727 (OCR) would provide that a sheriff's officer who has served for three or more years under a temporary appointment prior to March 9, 1970, may be admitted to a civil service examination for permanent appointment to the position of sheriff's officer regardless of the fact that his age exceeds the maximum fixed by the Civil Service Commission for candidates for such position. I am advised by the sponsor that this bill was intended to make permanent the appointment of these officers some of whom have served under temporary appointment for periods of ten and twenty years. The bill, as drafted, fails to achieve its intended purpose. It would merely permit these officers to take the appropriate civil service examination. It does not provide for a permanent appointment upon passage of the examination.

I agree that these sheriff's officers who have performed capably over a three-year period and who have gained valuable experience over that time should be given added consideration. This is especially true in light of the difficulty experienced throughout the State in attracting and retaining law enforcement personnel. As a prerequisite to

making such temporary appointments permanent, however, I would require that these appointees pass an appropriate examination to be conducted by the Civil Service Department. Further, since the Revised Civil Service Rules define "temporary appointment" in the case of local service (other than State) to be for a period of not more than four months, I recommend that the appointments in question be identified as "temporary or provisional appointments." Provisional is defined to mean appointments to a permanent position pending the regular appointment of an eligible from a special reemployment, regular reemployment or employment list. This will avoid any possible misinterpretation of the use of the term "temporary." I would also designate the Civil Service "Department," rather than the "Commission" to conduct the examination.

Accordingly, I am returning Assembly Bill No. 727 (OCR) for reconsideration with the recommendation that it be amended as follows:

1. *Page 1, Section 1, Line 2*: After "temporary" insert "or provisional".

2. *Page 1, Section 1, Line 5*: After "Service" delete "Commission"; insert "Department".

3. *Page 1, Section 1, Line 6*: Insert a new section 2 as follows:

"2. Upon passing said examination, which shall be conducted by the Civil Service Department within thirty days of the effective date of this act, such sheriff's officers so employed on a temporary or provisional basis for three or more years prior to March 9, 1970, shall be placed in the classified service of the Civil Service, with permanent status effective as of March 10, 1970."

4. *Page 1, Section 2, Line 1*: Delete "2." and insert "3.".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT
December 14, 1970

ASSEMBLY BILL No. 832 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 832 (OCR), with my objections, for reconsideration.

This bill would permit constables of the county district court in second class counties having a population between 375,000 and 400,000 to be appointed permanently to the classified service as sergeants-at-arms without examination.

A recent change in the Rules Governing the Courts of the State of New Jersey regarding service of process has resulted in a threatened loss of employment to many constables who have dutifully served in county district courts, some for many years. I am sure that the revisers of the Rules of Court did not intend that these men, who have through service gained the expertise that only experience can give, should summarily be prohibited from performing their previous duties. I agree with the proposal that since sergeants-at-arms are now required to perform a substantial portion of the duties previously handled by constables, those constables who are presently employed in that capacity should be, at the discretion of the judge or presiding judge of the county district court, eligible for appointment to the classified service as sergeants-at-arms without examination.

I do, however, feel that since this bill is permissive in nature, its effect should be statewide rather than restricted to second class counties with a specified population. It would also be contrary to the principles of civil service law to allow to be appointed as sergeants-at-arms without examination constables who might not have the experience of those men presently serving.

Therefore, I return the bill with the recommendation that the language be corrected as follows:

Page 1, section 1, lines 7–11: after "prescribe,", delete in its entirety and insert in lieu thereof: "except that constables of the county district court who were employed in that

capacity prior to January 1, 1971 shall, upon passage of this act, be eligible for permanent appointment to the classified service as sergeants-at-arms without examination."

Page 2, section 2, line 1: delete "January 1, 1970" and insert "immediately."

Respectfully,

/s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 7, 1970.

ASSEMBLY BILL No. 1202 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1202 (OCR), with my objections, for reconsideration.

This bill would extend the provisions of the "Local Emergency Aid Act of 1969" (P. L. 1969, c. 94) until January 1, 1975.

I am aware that within the past years several New Jersey municipalities have incurred unusual expenses in connection with civil disturbances. However, the moneys appropriated pursuant to this act are limited; therefore, extended commitment of these funds should not be made.

I return the bill with the recommendation that the following change be made:

Page 1, Section 1, Line 5: Delete "1975" and insert "1971".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 8, 1970.

ASSEMBLY BILL No. 1238

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1238, with my objections, for reconsideration.

Assembly Bill No. 1238 would amend sections 48:3–7 and 48:3–10 of the Revised Statutes and would require any public utility seeking approval of the Board of Public Utility Commissioners of certain transactions, including sale or lease of property or the transfer of stock, to furnish guarantees to insure that pension and certain other employee benefits would be satisfied as they become due.

The bill is intended to cover an imminent situation wherein certain vested employee benefits might be in jeopardy upon the proposed sale of a large public utility with a pension plan which is not funded, and which represents a liability of approximately $70 million dollars. The present employees of the utility are concerned that the new management may not assume this large liability, or may not have the financial means to meet this obligation, which is considered part of compensation for past services by the employees involved. In many instances, the loss of such retirement benefits may mean the difference between retirement plans already made and an uncertain future. I am, therefore, sympathetic to and do support the objectives of the bill.

However, there are several reasons why I cannot approve the bill in its present form.

With respect to applications under R. S. 48:3–7 and R. S. 48:3–10, the Board of Public Utility Commissioners now has authority to require safe, adequate and proper service as provided for in R. S. 48:2–23. Since failure to protect pension and other employee benefits would have a detrimental effect upon employer-employee relations, thereby adversely affecting service through the threat of strikes and deterioration of employee morale, it is my opinion that the Board of Public Utility Commissioners could now require adequate safeguards to accomplish the purpose of this bill.

However, my concern arises because the proposed bill in amending R. S. 48:3–7 and R. S. 48:3–10 covers all utilities and makes no distinction between the sale of all the property or substantially all the property of a utility and the sale of small amounts of property, for example, the sale of a single bus, or a single piece of equipment.

Since this bill would apply to all utilities and involve the function of the Board of Public Utility Commissioners, it must be remembered that the Board is charged with protecting the overall public interest. A small public utility may be faced with additional burdens in satisfying the requirements of the bill as written, even though it does not appear to have been the intent of this particular legislation to apply the requirements to such instances.

Another feature of the bill which might further complicate the processing of applications to the Board of Public Utility Commissioners under the statutory requirements at a time when the Board is seeking means to simplify and expedite these proceedings would be the possible injection of the Board directly into negotiations between labor and management. This might occur at times when no applications have even been submitted under the cited statutes since it refers to various proposed transactions.

Accordingly, I herewith return Assembly Bill No. 1238 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 7: After "by" omit "the" and insert "a".

Page 1, Section 1, Line 7: After "lease," omit "mortgage".

Page 1, Section 1, Line 8: Omit "or encumbrance".

Page 1, Section 1, Line 8: After "of" insert "all or substantially all of".

Page 1, Section 1, Line 9: Omit "any part thereof or".

Page 1, Section 1, Lines 10 and 11: Omit "appears that any employee of the public utility or a wholly owned subsidiary thereof may be adversely affected" and insert in lieu thereof: "is clear that the public utility or a wholly owned subsidiary thereof will be unable to fulfill its legal obligations to any employees thereof,".

Page 2, Section 1, Line 16: After "disposition" omit "furnishes a good and sufficient guaranty to insure" and insert in lieu thereof "takes such steps as the Board finds will be sufficient to provide".

Page 3, Section 2, Line 23: After "it", omit "appears that any employee of the public utility or a wholly owned subsidiary thereof may be adversely affected" and insert in lieu thereof "is clear that the public utility or a wholly owned subsidiary thereof will be unable to fulfill its legal obligations to any employees thereof,".

Page 3, Section 2, Line 28: After "authorization" omit "furnishes a good and sufficient guaranty to insure" and insert in lieu thereof "takes such steps as the Board finds will be sufficient to provide".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 5, 1970.

SENATE BILL NO. 534

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 534, with my objections, for reconsideration.

Senate Bill No. 534 amends section 40:151–1 of the Revised Statutes and would require that any persons desiring to form a volunteer fire company shall first present an application to the Board of Fire Commissioners who shall then determine whether the proposed company is in the best interest of the fire district.

I am in favor of the concept of this bill since it would encourage the orderly growth of fire prevention activity within a district, thereby avoiding jurisdictional disputes

and duplication of efforts. Before signing into law bills passed by the Legislature, it is my duty to review each bill carefully so that the public may be protected against unanticipated effects which might otherwise occur. The accumulation of necessary information for the review of Senate Bill No. 534 brought us perilously close to June 30, 1970, set forth in the bill as the final date for submission to the respective Boards of Fire Commissioners of applications for approval by volunteer fire companies presently in existence but not recognized by said Boards. It is my opinion that a period of 90 days should be allowed for those unrecognized volunteer fire companies to make application for approval to their respective Boards of Fire Commissioners.

Accordingly, I herewith return Senate Bill No. 534 for reconsideration and recommend that it be amended as follows:

Page 2, Section 1, Lines 30-31: After the word "aforesaid", delete "by June 30, 1970" and insert "within 90 days after the effective date of this act".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 12, 1970.

SENATE BILL No. 535

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 535, with my objections, for reconsideration.

This bill would amend and supplement the "Local Emergency Aid Act of 1969," P. L. 1969, c. 94, to define "emergency" as used in the act to mean any unusual conditions caused by civil disturbance whereby the safety of the public is endangered or imperiled, and to give the State House

Commission power to implement the distribution of the Fund.

I am in favor of the purpose of the bill, however, the language should be corrected to carry out what I am sure is the true intent.

I return the bill with the recommendation that the language be corrected as follows:

1. *Page 2, Section 4*: After subsection "(b)" add subsection "(c) In the event that the total of eligible requests for reimbursement exceeds the total amount of the fund, the State House Commission shall prorate and distribute the fund on the basis of the total of all eligible requests received."

2. *Page 2, Section 6, Line 5:* After "January 1, 1969" delete "." and add "prior to January 1, 1970."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 8, 1970.

SENATE BILL NO. 547

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 547, for reconsideration.

Senate Bill No. 547 would authorize counties to finance construction or acquisition of solid waste ("garbage") disposal facilities within their boundaries. It refers throughout to certain functions of the State Department of Health and the Commissioner thereof. However, with the approval of Chapter 33, Laws of 1970 on April 22, 1970, the functions of the State Department of Health regarding solid waste disposal were transferred to the Department of Environmental Protection. Also, Chapter 39 of the Laws of 1970, approved

May 6, 1970, placed certain additional functions relating to solid waste in the Department of Environmental Protection. Both the aforementioned laws use the term "solid waste", which included "garbage" as that term is used in Senate Bill No. 547. Certain amendments, therefore, are required to make Senate Bill No. 547 compatible with Chapters 33 and 39 of the Laws of 1970.

In addition, Section 4 (5) of Senate Bill No. 547 would authorize acquisition by eminent domain of "lands under water and riparian rights." This language is so broad that it might be construed to conflict with the provisions of titles 12 and 13 which specifically deal with this subject and even allow condemnation of governmentally owned lands. This would be a situation the Legislature probably did not intend, but which could present troublesome problems in view of the present provisions of Section 15 of this bill regarding inconsistent other acts. This language should be narrowed to make it clear that land owned by other governmental units is not included.

Technical amendments are necessary to include in Senate Bill No. 547 references to the appropriate State Department and Commissioner charged with the responsibility for supervision of solid waste disposal facilities. I am also taking the opportunity in this message to correct certain other technical defects.

Accordingly, I herewith return Senate Bill No. 547 without my approval and respectfully recommend the following changes:

1. Page 1, in the Title, Line 1: Omit "garbage" insert "solid waste".

2. Page 1, in the Preamble, Line 3: Omit "garbage" insert "solid waste".

3. Page 1, in the Preamble, Line 8: Omit "Health" insert "Environmental Protection".

4. Page 1, in the Preamble, Line 9: Omit "garbage" insert "solid waste".

5. Page 1, in the Preamble, Line 14: Omit "garbage" insert "solid waste".

6. Page 1, in the Preamble, Line 19: Omit "garbage" insert "solid waste".

7. Page 2, in the Preamble, Line 26: Omit "garbage" insert "solid waste".

8. Page 2, in the Preamble, Line 29: Omit "garbage" insert "solid waste".

9. Page 2, Section 1, Line 2: Omit "Garbage" insert "Solid Waste".

10. Page 2, Section 2, Line 4: Omit "garbage" insert "solid waste".

11. Page 2, Section 3, Line 8: Omit "garbage" insert "solid waste".

12. Page 2, Section 3, Line 13: Omit "garbage and refuse matter" insert "solid waste".

13. Page 2, Section 3, Line 16: Omit "garbage and refuse matter" insert "solid waste".

14. Page 2, Section 3, Line 21: Omit "garbage" insert "solid waste".

15. Page 3, Section 3, Line 42: Omit "garbage" insert "solid waste".

16. Page 3, Section 3, Line 44: Omit "word 'garbage' " insert "term 'solid waste' ".

17. Page 3, Section 3, Line 50: Omit "Health" insert "Environmental Protection".

18. Page 3, Section 4, Line 7: Insert after "county, and" "in accordance with applicable law, rules, regulations or orders,".

19. Page 3, Section 4, Line 8: Omit "garbage" insert "solid waste".

20. Page 3, Section 4, Line 10: Omit "garbage" insert "solid waste".

21. Page 4, Section 4, Line 21: Omit "garbage" insert "solid waste".

22. Page 4, Section 4, Lines 32 through 33: Omit "including lands under water and riparian rights," insert "within the county, other than that owned by any governmental unit or political subdivision thereof without its express consent,".

23. Page 4, Section 4, Line 53: Omit "garbage" insert "solid waste".

24. Page 4, Section 4, Line 54: Omit "garbage" insert "solid waste".

25. Page 4, Section 4, Line 55: Omit "garbage" insert "solid waste".

26. Page 5, Section 5, Line 4: Omit "health" insert "Environmental Protection".

27. Page 5, Section 5, Line 8: Omit "garbage" insert "solid waste".

28. Page 5, Section 5, Line 10: Omit "garbage" insert "solid waste".

29. Page 5, Section 5, Line 12: After "health" insert "safety, and welfare".

30. Page 6, Section 6, Line 4: Omit "garbage" insert "solid waste".

31. Page 6, Section 6, Line 10: Omit "garbage" insert "solid waste".

32. Page 6, Section 6, Line 15: Omit "garbage" insert "solid waste".

33. Page 6, Section 7, Line 3: Omit "garbage" insert "solid waste".

34. Page 6, Section 7, Line 6: Omit "garbage" insert "solid waste".

35. Page 6, Section 7, Line 7: Omit "garbage" insert "solid waste".

36. Page 6, Section 7, Line 11: Omit "garbage" insert "solid waste".

37. Page 6, Section 7, Line 12: Omit "garbage" insert "solid waste".

38. Page 6, Section 7, Line 13: Omit "garbage" insert "solid waste".

39. Page 6, Section 8, Line 1: Omit "garbage" insert "solid waste".

40. Page 6, Section 8, Line 3: Omit "garbage" insert "solid waste".

41. Page 8, Section 10, Line 8: Omit "garbage" insert "solid waste".

42. Page 8, Section 10, Line 9: Omit "garbage" insert "solid waste".

43. Page 8, Section 10, Line 18: Omit "garbage" insert "solid waste".

44. Page 8, Section 20, Line 20: Omit "garbage" insert "solid waste".

45. Page 8, Section 10, Line 21: Omit "garbage" insert "solid waste".

46. Page 9, Section 13, Line 1: Omit "garbage" insert "solid waste".

47. Page 9, Section 13, Line 8: Omit "garbage" insert "solid waste".

48. Page 10, Section 15, Line 4: Omit "garbage" insert "solid waste".

49. Page 10, Section 15: Omit Lines 7 through 9.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 11, 1970.

SENATE BILL No. 684

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 684, with my objections, for reconsideration.

This bill would amend and supplement the "Municipal Planning Act (1953)," to provide protection for a developer or builder during his period of tentative approval when a legal action is pending which prevents him from proceeding with the project or development.

I am in favor of the purpose of the bill, however, the language should be corrected so that the bill does not have a broader effect than intended.

I return the bill with the recommendation that the language be corrected as follows:

Section 1, Line 1: After the word "that" delete the word "any" and insert the word "a".

Section 1, Lines 1 and 2: After the word "any" delete the words "political subdivision, party or other

entity'' and insert the words ''state agency, political subdivision or other party, to protect the public health and welfare''.

Respectfully,

[SEAL] /s/ RAYMOND H. BATEMAN,
Attest: *Acting Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 17, 1970.

SENATE BILL NO. 764

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 764, with my objections, for reconsideration.

Senate Bill No. 764 authorizes the appointment of special police by educational institutions and repeals sections 15:11–16 through 15:11–20, inclusive, of the Revised Statutes. This bill would replace an outdated provision of existing law which allows for appointment of special police by educational institutions. R. S. 15:11–17 grants to special police appointed thereunder full police power with regard to criminal cases occurring anywhere throughout the county in which such institution of learning is located but does not provide any training requirement to insure that appointees will be prepared to properly exercise such extensive powers.

Even though Senate Bill No. 764 is a considerable stride toward improvement of the present law, I believe that certain changes, while not altering the substance of the bill as passed by the Legislature, will more effectively define jurisdictional responsibilities which are so important during the critical period which law enforcement is facing today. With regard to applications, they should be submitted to and approved by the local chief of police when the institution is located wholly within one municipality and such municipality has an organized full-time police department. This insures more effective cooperation between the municipality and the educational institution.

The power of special police to enforce laws regulating traffic and the operation of motor vehicles should be restricted by the boundaries of the campus unless the local chief of police should agree to extend such power throughout the municipality. Special police appointed pursuant to this bill have sufficient responsibility within the boundaries of the campus where they are employed. While in some instances it may be desirable for them to render assistance to municipal police in connection with traffic control outside campus boundaries, this should be done only at the request of the local police chief.

Moreover, there seems to be no reason why the authorization to employ special police should be limited to institutions of higher education.

Accordingly, I herewith return Senate Bill No. 764 for reconsideration and recommend that it be amended as follows:

Page 1, Title: After "by" insert "educational"; omit "of higher education".

Page 1, Section 1, Line 1: After "education" insert ", academy, school or other institution of learning".

Page 1, Section 1, Line 3: Omit "of higher education".

Page 1, Section 2, Line 1: Following this line, insert "chief of police of the municipality in which the institution is located, except that where the municipality does not have an organized full-time police department or where the institution is located within more than one municipality, application shall be made to the".

Page 1, Section 2, Line 2: After "The" insert "chief of police or the "; after "superintendent" insert ", as the case may be,".

Page 1, Section 2, Line 3: Omit "anqd" insert "and".

Page 1, Section 2, Line 5: After "by the" insert "chief of police or the".

Page 1, Section 2, Line 6: Omit "of higher education".

Page 1, Section 2, Line 10: Omit "of higher education".

Page 1, Section 4, Line 3: Omit "of higher education".

Page 2, Section 5, Line 4: Omit "of higher education".

Page 2, Section 6, Line 4: Omit "of higher education"; after "located" insert "and with the concurrence of the chiefs of police of such municipalities".

Page 2, Section 6, Line 6: Omit "The police" insert "Such policemen".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 17, 1970.

SENATE BILL NO. 792

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 792, with my objections, for reconsideration.

Senate Bill No. 792 would provide a special charter for the town of Hackettstown in the County of Warren. I note that the mayor and council of the town of Hackettstown have duly petitioned the Legislature pursuant to the provisions of section 1 of Chapter 199 of the Laws of 1948, as amended, and in accordance with the requirements of Article IV, Section VII, Paragraph 10 of the Constitution of 1947. I have no objection to the adoption of a new form of government for Hackettstown if the majority of the voters of that municipality are in favor thereof. However, in the proposed charter there exists a conflict between the mayor and the council with regard to personnel. The mayor is empowered to appoint all personnel with the advice and consent of the council, yet only the council can remove personnel. The new form of government selected by Hackettstown is that of Strong Mayor-Council, and therefore, it would be ap-

propriate to consolidate the appointment and removal power in the mayor, acting with the advice and consent of the council.

I am also suggesting some minor changes to correct technical and printing errors as well as a subsection defining the powers of the mayor and council with regard to appointment and removal of personnel so that there might be no inconsistency with the provisions of Title 11 of the New Jersey Statutes where applicable.

Accordingly, I herewith return Senate Bill No. 792 for reconsideration and recommend that it be amended as follows:

Page 4, Section 3.1, Line 7: After the word "may", delete " :".

Page 4, Article 3.1, Line 8: Delete "(1) Require", and insert in lieu thereof "require".

Page 4, Article 3.1, Line 12: After the word "ment", delete ";" and insert in lieu thereof ".".

Page 4, Article 3.1: Delete lines 13 through 15.

Page 6, Article 4.1, Line 51: After subsection (g), insert "(h) The mayor shall have the power to remove all officers and employees with cause and with the advice and consent of the council."

After the new subsection "(h)" insert "(i) No action taken by the mayor pursuant to subsections (g) and (h) of Article 4.1 shall be taken in a manner inconsistent with the provisions of Title 11 of the New Jersey Statutes, where applicable."

Page 6, Article 4.1, Line 52: Delete "(h)" and insert in lieu thereof "(j)".

Page 6, Article 4.1, Line 57: After the word "designated", delete the word "by" and insert in lieu thereof the word "as".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 14, 1970.

ASSEMBLY BILL No. 5

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 5, without my approval.

This bill would authorize a pension of three-fourths salary for a former sergeant-at-arms of the Superior Court who is 80 or more years of age and has been employed for a period of 30 years in a county of the sixth class.

I have been advised by the Sponsor of the bill that, unfortunately, the person to be benefited by this bill has recently passed away.

There is, therefore, no need for further consideration of Assembly Bill No. 5.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 17, 1970.

SENATE BILL No. 743

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 743, without my approval, for the following reasons:

This bill would permit the Commissioner of Insurance to grant insurance agent's licenses to chartered property and casualty underwriters and chartered life underwriters without examination.

These same provisions were contained in Assembly Bill No. 1038, which I signed into law on July 1, 1970, as P. L. 1970, c. 126. In view of such action, there is no need for further consideration of Senate Bill No. 743.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 29, 1970.

SENATE BILL NO. 801

To the Senate:

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 801 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

On page 5:

"612-100. CONSTRUCTION OF STATE HIGHWAY SYSTEM

"Brookfield Construction Company, 521 Fifth Avenue, New York, N. Y., c/o Thomas C. Mitchell, 11 Patton Drive, East Brunswick, N. J., for losses incurred in the construction of Route 80, section 5-S, Bergen County, N. J., to be paid from funds appropriated for the construction of State Highway System	$213,937.64	
Plus Interest at 3%	6,418.13	
Total		$220,355.77"

"P. T. & L. Construction Co., 500 Route 17, Paramus, N. J. for liquidated damages in the construction of Route 80, section 4-G in the County of Bergen-Passaic, to be paid from funds appropriated for the Construction of State Highway System	$110,360.64	
Plus Interest at 3%	3,310.82	
Total		$113,671.46"
"State Paving and Construction Company for Rickert Nurseries, Landscape Division, c/o George H. Bohlinger, Esquire, 28 W. State Street, Trenton, New Jersey, for losses incurred by Rickert Nurseries, Landscape Division in landscaping Route 29 (Freeway), Trenton, N. J., to be paid from funds appropriated for the Construction of State Highway System	$13,900.05	
Plus Interest at 3%	417.00	
Total		$14,317.05"
"Yonkers Contracting Co., Inc., 969 Midland Avenue, Yonkers, N. Y., for liquidated damages in the construction of Route 80, section 1-B and 2-L, to be paid from funds appropriated for the construction of State Highway System	$73,224.80	
Plus Interest at 3%	2,196.74	
Total		$75,421.54"

These items are deleted in their entirety.

Senate Bill No. 801 is a supplemental appropriations bill for the fiscal year ending June 30, 1970. The bill includes authorization for the payment of certain claims filed against

the State of New Jersey. Among these claims are four claims against the State arising from contracts relating to the construction of the State Highway System. These four claims have been contested by the Department of Transportation and have, in the past, been vetoed by former Governor Hughes. I have decided, for the reasons stated herein, to delete entirely the four claims set forth above from Senate Bill No. 801 which I have signed today.

On January 14, 1969 former Governor Hughes disapproved certain contested claims, the payment of which would have been authorized by Senate Bill No. 892 (1968). The basis for disapproving the claims was the failure of the claims procedure to meet a minimum standard of equitable due process for both the claimants and the State. Again on June 27, 1969 Governor Hughes refused to approve certain contested claims set forth in Senate Bill No. 813 (1969) for essentially the same reasons expressed in his veto message of January 14, 1969. The four contested claims which I have disapproved were among those disapproved by the former Governor.

In his veto messages, the former Governor urged the Legislature to undertake reforms in the claims procedure "to insure adequate and equitable consideration of contested claims by the Legislature and by the Governor." I share this concern for some degree of equitable due process in the disposition of claims against the State, not only to insure fair treatment to the claimants but also to preclude any doubt as to the impartiality and objectivity of the disposition of claims from the State's point of view.

The situation with respect to these claims is no different that that presented to the former Governor. These claims were not heard *de novo* by the sub-committee after their disapproval in June 1969. Essentially, the sub-committee relied on the records that had been made before the prior sub-committee, which records are subject to the infirmities enumerated by the former Governor. Thus I am in no different or better position to conclude that these claims should be approved. This action is taken by me without prejudice to the claimants since it is not based on an evaluation of the merits of the claims. Indeed, such an evaluation is not possible on the records presented to me.

Earlier this year the Supreme Court of New Jersey rendered a decision establishing the right of claimants to seek

a judicial determination of contract claims against the State. *P. T. & L. Construction Co.* v. *Commissioner of Transportation, 55 N. J. 341 (1970).* The Legislature wisely recognized that the State would need time to prepare for the impact of this decision, which has added a new dimension to the Law. Accordingly, the Legislature enacted, and I approved, Chapter 98 of the Laws of 1970, which precludes any person from instituting suit against the State for a cause of action accruing prior to July 1, 1971. During this interim period, however, persons having claims against the State must submit them to the Legislature's claims subcommittee. This includes the same four claimants whose claims I have disapproved today. Therefore, the need for revamping the claims procedure has not abated by virtue of the ruling of the Supreme Court and I urge the Legislature to provide a procedure for these and other claimants which guarantees fair adjudication to both the claimants and the State.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL No. 25

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 25, with my objections, for reconsideration.

This bill would provide immunity for motion picture projectionists from penalties in connection with the showing of indecent or obscene motion pictures, provided the projectionist has no financial interest in the motion picture theater wherein he is so employed, other than his wages.

The statement affixed to the bill indicates that it "is intended to protect the motion picture projectionist who does

not have any discretion concerning the films he projects and protects him from arrest for merely performing his job." The bill, as drafted, does not accomplish this expressed intention. As drafted, it would grant immunity in situations where the projectionist does have decision-making responsibility or authority with respect to the selection of motion pictures shown.

In my opinion, immunity from these penalties should only be granted if the projectionist:

1. Has no financial interest in the motion picture theater, and

2. Has no decision-making authority or responsibility with respect to the selection of the motion picture shown.

For this reason, I herewith return Assembly Bill No. 25 for reconsideration and recommend that it be amended as follows:

On Page 1, Section 1, Line 7: After "owed" insert "and has no decision-making authority or responsibility with respect to the selection of the motion picture show which is exhibited."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL NO. 65

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 65, with my objections, for reconsideration.

This bill would make it unlawful for any person to purchase or have assigned to him the wages, salary, compensation or pay of any other person and would make such an

assignment or purchase unenforceable. Violation of the act would be punishable as a misdemeanor.

It is recognized that wage and other assignments are a constant source of annoyance and irritation to employee and employer alike; their use often results in inequitable economic duress on the employee. It is further recognized that the practice should be abolished.

This bill as drafted, however, presents some problems. It fails to eliminate from its application certain circumstances under which assignments of compensation are necessary for the orderly transfer and sale of businesses or assets. Assembly Bill No. 65 also fails to prohibit specifically the actual withholding of compensation from the employee by the employer and does not provide for a return of compensation wrongfully withheld or paid; in addition it lacks a definition of the word "person."

Accordingly I am returning Assembly Bill No. 65 for reconsideration, with the recommendation that it be amended as follows:

On page 1, section 1, line 1, after "to" insert "withhold or pay to another or."

On page 1, section 1, line 2, after "him" insert ", other than by order of court."

On page 1, section 1, line 4, delete "other person" and insert "employee."

On page 1, section 1, line 6, insert section number "2."

On page 1, section 1, line 6, delete "section" and insert "Act".

On page 1, section 1, after line 7, insert new sections 3 and 4 as follows:

"3. Any person withholding, paying or receiving any salary, wages, commissions, or other compensation for services performed in violation of this Act, shall be liable to the employee for the amount thereof."

"4. The term 'person' as used in this act shall include any natural person or his legal representative, partnership, corporation, company, trust, business entity or association, or any agent, employee, salesman, partner, officer, director, member, stockholder, or associate acting on behalf thereof."

On page 1, section 1, line 8, insert number "5."

On page 1, section 2, line 1, delete "2." and insert "6."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 8, 1971.

ASSEMBLY BILL No. 77 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 77 (OCR), with my objections, for reconsideration.

Assembly Bill No. 77 (OCR) would permit a municipality to compel an owner of any real property to remove any ice or snow from any privately owned street. This proposal would be applicable to an owner of a multiple dwelling housing development containing five families or more. The concept of this bill is meritorious and provides a practical solution to the problems which exist in some municipalities during snow storms.

The legislation is intended only to apply to private streets in apartment complexes and, therefore, in order to further clarify applicability and to promote consistency in the law, I am suggesting amendments—one regarding the definition of multiple dwellings as used in this bill so that it conforms to that used in the Hotel and Multiple Dwelling Inspection Law, P. L. 1967, c. 76.

I am, therefore, returning Assembly Bill No. 77 (OCR) with the following suggestions:

Page 1, Section 1, Line 2: After "of" delete "any" and insert "certain".

Page 1, Section 1, Lines 23 and 24: After "cable" omit in its entirety and insert "only to the owner of real prop-

erty on which there has been constructed a multiple dwelling housing development containing three or more units of dwelling space which are occupied or are intended to be occupied by three or more persons who live independently of each other.''

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 148

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 148 with my objections, for reconsideration.

Assembly Bill No. 148 would increase the present 5-year statute of limitations to 10 years for all workmen's compensation claims due to occupational diseases. Over the years, the statutory period for filing workmen's compensation claims in occupational disease cases has gradually increased to its present level of 5 years. This is the first time that a 10-year proposal has passed the Legislature.

It is certainly true that certain latent diseases do not manifest themselves for several years after exposure. The present law contained in R. S. 34:15–34 presently has no time limitation on radiation claims because the subtle long-term effects of radiation exposure have been recognized. It is my belief that certain latent occupational diseases should be treated in the same category as radiation poisoning. Therefore, I recommend that the following occupational diseases be treated the same as radiation poisoning: siderosis, anthracosis, silicosis, mercury poisoning, beryllium poisoning, chrome poisoning and lead poisoning. This treatment would mean there would be no limitation on such claims, except that the same requirement would exist as to

radiation claims in that a petition would have to be filed within one year after the employee knows or ought to have known the nature of the claim disability and its relation to his employment.

Accordingly, I herewith return Assembly Bill No. 148 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 23: Delete "10" and insert "5".

Page 2, Section 1, Line 32: Delete "10-year" and insert "5-year".

Page 2, Section 1, Line 35: After "poisoning" insert ", siderosis, anthracosis, silicosis, mercury poisoning, beryllium poisoning, chrome poisoning or lead poisoning,".

Page 2, Section 1, Line 39: Delete "10-year" and insert "5-year".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 16, 1971.

ASSEMBLY BILL No. 230 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 230 [Official Copy Reprint], with my recommendations for reconsideration.

This bill requires that all used motor vehicles sold by motor vehicle dealers at retail to be registered in New Jersey shall comply with Division of Motor Vehicles inspection standards. Tires are excluded. In the event of a failure to pass inspection, the seller would be obligated to make or cause to be made the necessary repairs without

charge to correct any defects not caused by the purchaser. In lieu of this, the seller would be required to return the full purchase price. Waiver of the dealer's obligation herein may only be accomplished by a waiver contained in a separate provision of the sale agreement, which waiver must be separately signed by the purchaser.

I am completely in accord with the policy that purchasers of used cars for registration in New Jersey should receive cars capable of passing our motor vehicle inspection. This guarantee should also extend to the tires of these used cars. Under regulations recently promulgated by the Director of the Division of Motor Vehicles, pursuant to Chapter 129 of the Laws of 1970, passenger car tires are rejected in inspection if the tread depth is less than $\frac{2}{32}$ of an inch. This measurement is made at specific locations by use of a special type tread depth gauge. The average purchaser of a used automobile cannot inspect the tires with sufficient accuracy to insure that they will pass inspection. I feel this necessary protection should be extended to purchasers of used cars.

Under our new self-inspection program, owners of trucks and trailers maintain their own inspection program. These vehicles should be excluded from the application of this bill and it should be limited to passenger cars.

I would also suggest that the effective date of the bill be changed from January 1, 1971, to a date 30 days after enactment. This would provide sufficient time for compliance with the requirements of this legislation.

Accordingly, I herewith return Assembly Bill No. 230 [Official Copy Reprint] for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 2: After "used" insert "passenger".

Page 1, Section 1, Line 4: After "vehicle," delete "exclusive of tires,".

Page 1, Section 2, Line 1: After "used" insert "passenger".

Page 1, Section 2, Line 2: After "defect," delete "exclusive of tires,".

Page 1, Section 3, Line 2: After "used" insert "passenger".

Page 2, Section 6, Line 1: After "effect" delete "January 1, 1971" and insert "30 days after enactment".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 16, 1971.

ASSEMBLY BILL No. 302 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 302 OCR, with my objections, for reconsideration.

This bill would require that any school bus which had been painted chrome yellow would have to be repainted a distinctively different color when it was no longer used for transportation of children to and from school.

I agree with the intent of this bill, however, I feel some of the language used should be clarified. The definition of "school bus" in the statutes is, at best, unclear. Rather than use this term in the bill, I suggest language be substituted which would be in accord with regulations promulgated by the Department of Education. These deal with motor vehicles having a capacity of more than 16 passengers used for transporting school children. While the bill is limited to transportation of children to or from school, recent amendments to the education laws have broadened this term to include transportation to a day camp and other school connected activity. I feel the language of the bill should be similarly broadened.

Further, the bill uses the color "chrome yellow," whereas the appropriate color is "National School Bus Chrome."

Finally, the wording of the bill is unclear insofar as it would apply to the situation where one of these buses would be retained by the owner but used for purposes other than the transportation of school children. This should be cov-

ered more explicitly. Since these suggested changes are quite extensive, I recommend that the bill be completely rewritten. Accordingly, I herewith return Assembly Bill No. 302 OCR for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Lines 1-10: Delete in its entirety and insert a new Section 1 as follows:

"1. No motor vehicle with a capacity of more than 16 passengers shall be painted National School Bus Chrome, unless that vehicle is used to transport children to or from school, or a summer day camp, or any school connected activity.

Whenever any motor vehicle with a capacity of more than 16 passengers, which has been used for the transportation of children to or from school, or a summer day camp, or any school connected activity, is no longer used for these purposes, it shall be repainted a color distinctively different from National School Bus Chrome."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL NO. 434

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 434, with my objections, for reconsideration.

This bill would provide that any person who at the time of arrest for car theft or burglary of a car knowingly possesses a motor vehicle master key or similar device designed to operate a lock or start the ignition of a motor vehicle knowing the same to be adapted or designed for such purpose with intent to use such master key or device to steal said motor vehicle or to steal property therefrom is guilty of a high misdemeanor.

The penalty for a high misdemeanor is a fine of not more than $2,000 or imprisonment for not more than seven years, or both. The intent of this bill is most desirable in that it would aid in the prosecution for auto theft and would discourage the use of master keys or similar devices for such thefts. The present form of the bill, however, contains language which would unduly restrict its effectiveness. Possession of such a master key or similar device "at the time of arrest" serves no useful purpose. It may have no relationship to possession at the time the theft or burglary occurred. The terms "knowingly possesses", "knowing the same to be adapted or designed for such purpose", "with intent to use . . . for that purpose" render the bill extremely difficult to enforce and would limit its usefulness. I would recommend the bill be amended to relate possession of the master key or other similar device directly to the theft or burglary and also to avoid any reference to these specified limiting terms. In this manner, mere possession in connection with a car theft or burglary of a car would constitute the offense.

Accordingly, I herewith return Assembly Bill No. 434 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 1: After "who," delete "at the time of arrest for" and insert "commits or attempts to commit"; after "theft or" delete "for".

Page 1, Section 1, Line 2: After "car," delete "knowingly possesses" and insert "while having in his possession".

Page 1, Section 1, Lines 6-8: After "from," delete "knowing the same to be adapted or designed for such purposes, with intent to use or employ or allow the same to be used or employed for that purpose,".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 441 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 441 (OCR), with my objections, for reconsideration.

This bill would empower local boards of health to order on behalf of landlords repairs to heating equipment for any residential unit providing 24 hours have elapsed since the tenant has listed a complaint with the local board, a bona fide attempt has been made to notify the landlord of the failure of the equipment, and the outside temperature is below 51 degrees Fahrenheit.

I favor the concept of this bill; however, I note certain language ambiguities which should be corrected. Additionally, I am recommending that the proposal conform with the "Hotel and Multiple Dwelling Law."

Accordingly, I herewith return Assembly Bill No. 441 (OCR), with the following changes, for your consideration:

1. *Page 3, Section 1, Lines 100-106:* Delete in its entirety and insert "m. To require in buildings, designed to be occupied, or occupied, as residences by more than two families and when the owners have agreed to supply heat, that from October 1 of each year to the next succeeding May 1, every unit of dwelling space and every habitable room therein shall be maintained at least at 68 degrees Fahrenheit whenever the outside temperature falls below 55 degrees during daytime hours from 6 a.m. to 11 p.m. At times other than those specified interiors of units of dwelling space shall be maintained at least at 55 degrees Fahrenheit whenever the outside temperature falls below 40 degrees.

"In meeting the aforesaid standards, the owner shall not be responsible for heat loss and the consequent drop in the interior temperature arising out of action by the occupants in leaving windows or doors open to the exterior of the building. The owner shall be obligated to supply required fuel or energy and maintain the heating system in good operating condition so that it can supply heat as required herein notwithstanding any contractual provision seeking

to delegate or shift responsibility to the occupant or third person, except that the owner shall not be required to supply fuel or energy for heating purposes to any unit where the occupant thereof agrees in writing to supply heat to his own unit of dwelling space and the said unit is served by its own exclusive heating equipment for which the source of heat can be separately computed and billed."

2. *Page 4, Section 1, Line 119:* After "health" delete ";" and insert ", prior to which".

3. *Page 4, Section 1, Line 120:* After "made" insert "by the tenant".

4. *Page 4, Section 1, Line 121:* After "equipment" delete ";" and insert ", the landlord has failed to take appropriate action,".

5. *Page 4, Section 1, Line 122:* Delete "51" and insert "55".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 466

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 466, with my objections, for reconsideration.

This bill would increase the penalty for abandoning motor vehicles from the present maximum of $100 fine to a mandatory fine of not less than $100, nor more than $500. A new six month mandatory suspension of driving privileges by the Director of the Division of Motor Vehicles is also provided for this violation.

While I am acutely concerned about the serious problems caused by abandoned junk vehicles on our streets and other public and private property, I do not feel that the abandonment of a motor vehicle is the type of offense which should result in a mandatory suspension of driving privileges. This severe penalty should be limited to offenses such as driving under the influence of intoxicating liquor or while ability is impaired. In these instances, it is a proper driver improvement measure. The increase in fines provided in this bill seems to me to be ample punishment for the violation. Suspension of driving privileges should be left to the discretion of the Director.

Accordingly, I herewith return Assembly Bill No. 466 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 18: After "privilege" delete "shall" and insert "may".

Page 1, Section 1, Lines 18-19: After "suspended" insert "or revoked".

Page 1, Section 1, Line 19: After "not" delete "less than 6 months nor".

Page 1, Section 1, Line 22: After "privilege" delete "shall" and insert "may"; after "suspended" insert "or revoked".

Page 1, Section 1, Line 23: Delete "less than 2 years nor".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL No. 496 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 496 (2nd OCR), without my approval, for reconsideration.

This bill would require by legislation in all residential, commercial and public buildings the use of safety-glazed material, including tempered and laminated glass, wire glass or rigid plastic, in glass doors, sliding glass doors and adjacent fixed glazed panels which might be mistaken for means of ingress or egress, storm doors, shower doors, and tub enclosures, and in any other area where its absence would constitute a hazard as determined by the Commissioner of Labor and Industry. The bill would give total responsibility for enforcement and regulation to the Department of Labor and Industry, which presently has jurisdiction only over Worker Health and Safety but does not have responsibility for residential and public buildings or strictly office buildings. It would remove jurisdiction from other State Departments, such as Community Affairs and Education, which have expertise in the area, as well as from municipal governments. Violations of the act are made disorderly persons offenses, which are cognizable in the criminal courts.

In concept, this bill is similar to Assembly Bill No. 484 of 1969, which was vetoed by then Governor Richard Hughes on November 17, 1969.

I am certainly in accord with the concept of protecting individuals from injury and that the use of safety glazed material is desirable in the areas intended to be covered by the bill and should be encouraged. It is my belief that this bill in its present form fails to provide the flexibility and the type of protection that is needed. This bill also fails to provide for marking of the glass or material used in entrance-ways and adjacent areas to alert persons of a glass or transparent partition. I believe this deficiency should be corrected. It also may create a false sense of security. Material meeting the standards referred to in the bill will break. Thus, cuts, concussions, contusions and fractured noses are possibilities. The bill also assumes that preventive measures, such as grille work, raised kick plates and similar measures are not in use or available to minimize the possibility of injuries in existing dwellings and those constructed in the future.

Assembly Bill No. 496 (2nd OCR) has serious deficiencies in the area of enforcement and duplicates many provisions of various building codes. It fails to recognize the proper division of responsibility between the various State Departments and the expertise these departments develop in their

particular spheres of influence. For instance, the Department of Community Affairs has adopted regulations covering hotels and multiple dwellings (3 N.J.R. 147(e)) under the Hotel and Multiple Dwelling Health and Safety Law, P. L. 1967, c. 76 (N. J. S. 55:13A–1, et seq.). Under the Worker Health and Safety Act, P. L. 1965, c. 154 (N. J. S. 34:6A–1, et seq.), manufacturing and commercial establishments are subject to regulation by the Department of Labor and Industry. The State Board of Education establishes construction standards for schools and school districts (N. J. S. 18A:18–1, et seq.), and the Department of Higher Education has similar duties regarding state and county colleges. From the foregoing it can be seen that there already exists requirements for the use of safety glazed materials. I recommend that these regulations be continued under the supervision of these departments, rather than being summarily swept aside as would happen under the bill as written. Enforcement of such a law by one State Department would be extremely difficult, considering the number of existing homes and buildings, the number of potential hazardous areas, and the variety of areas involved. If local building inspectors have no enforcement powers, virtually the entire burden of enforcement would fall on the State. In my opinion local jurisdiction should be concurrent with State jurisdiction.

Presently uncovered by specific regulation, except as may be required by local building codes, are office buildings which are not part of a manufacturing building, some public buildings, and one and two-family dwellings. My recommendations would cover these areas, but under supervision of the Department of Community Affairs, rather than the Department of Labor and Industry, since Community Affairs has direct responsibility now for multiple dwellings, and one and two-family residences will primarily be affected by this legislation.

Assembly Bill No. 496 (2nd OCR) also makes it a disorderly persons offense to sell, assemble, or install glazing materials other than safety glazing material, in or for use, in any hazardous locations. Since this places the burden of enforcement on the criminal courts it appears to me undesirable. I recommend that a civil penalty be adopted which can be collected under the Penalty Enforcement Law, but which will be sufficiently severe to insure compliance. I also recommend allowing a 90-day time period for the act to take

effect to allow for sufficient preparation for implementation of the act.

I am, therefore, returning Assembly Bill No. 496 (2nd OCR) wthout my approval and recommend adoption of the following amendments:

Page 1, Title, Line 2: Delete "Labor and Industry" and insert in lieu thereof "Community Affairs".

Page 1, Section 1, Line 5: After "Z-97.1-1966" insert "and Z-97.1-1971, or the stricter thereof,".

Page 1, Section 1, Lines 6-7: Delete "Labor and Industry" and insert in lieu thereof "Community Affairs".

Page 1, Section 1, Line 13: After "buildings" insert "subject to this act,".

Page 1, Section 1, Line 21: Delete "Labor and Industry" and insert in lieu thereof "Community Affairs".

Page 2, Section 2, Lines 7-8: Delete "the fact that" and insert in lieu thereof "whether".

Page 2, Section 2, Line 8: After "meets" insert "or exceeds".

Page 2, Section 2, Line 11: Delete "Labor and Industry" and insert in lieu thereof "Community Affairs".

Page 2, Section 3, Line 1: Delete "It shall be unlawful" and insert in lieu thereof: "After the effective date of this act no person shall".

Page 2, Section 3, Line 1: Delete "to".

Page 2, Section 3, Line 4: After "location." insert a new sentence as follows: "For purposes of this section the terms 'install' or 'installed' shall not be deemed to mean or refer to the changing of storm doors or windows on existing buildings subject to this act on its effective date.".

Page 2, Section 3, after Line 4: Insert new sections 4, 5, 6 and 7 as follows:

> "4. All transparent glass doors or adjacent fixed glass panels subject to this act, and all doors or adjacent fixed glass panels which may reasonably be mistaken for a means of egress or ingress constructed of safety glazing material shall be posted, painted or otherwise marked in such a manner as to alert any person at-

tempting to pass through the doorway that such door is opened or closed, or that such adjacent fixed glass panel, is, in fact, not a door. Such doors or adjacent fixed glass panels shall be marked in accordance with rules and regulations prescribed by the Commissioner of the Department of Community Affairs.

"5. The Commissioner of the Department of Community Affairs is authorized to promulgate, amend and repeal rules and regulations necessary for the administration of this act.

"6. Any person who shall violate any provisions of this act, or any rule or regulation of the Commissioner promulgated pursuant to this act shall be subject to a penalty of not more than $200 for a first offense and not more than $2,000 for each subsequent offense. Proceedings to collect and enforce such penalties shall be summary pursuant to the State Penalty Enforcement Law (N. J. S. 2A:58–1 et seq.) in the Superior Court, County Court, county district court, or a municipal court, all of which shall have jurisdiction to enforce said Penalty Enforcement Law in connection with this act."

"7. This act shall not apply to buildings and structures which are subject to the Multiple Dwelling Health and Safety Law, P. L. 1967, c. 76 (C. 55:13A–1 et seq.); the Worker Health and Safety Act, P. L. 1965, c. 154 (C. 34:6A–1 et seq.); or Title 18, Education, and which are subject to rules and regulations promulgated thereunder establishing standards for safety glazing materials."

Page 2, Section 4, Line 1: Delete "4." and insert "8.".

Page 2, Section 5, Lines 1-6: Delete in their entirety.

Page 2, Section 6, Line 1: Delete "6." and insert "9.".

Page 2, Section 6, Line 1: After "shall" insert "not".

Page 2, Section 6, Line 2: After "hereof" insert "more stringent than the requirements of this act. This act and all rules and regulations promulgated hereunder shall be enforced by the Department of Community Affairs, by every local building inspector, and by any municipal officer charged with or responsible for the enforcement of building codes."

Page 2, Section 7, Line 1: Delete "7." and insert "10.".

Page 2, Section 7, Line 1: Delete "January 1, 1972" and insert in lieu thereof "90 days after enactment".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 504

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I hereby return Assembly Bill No. 504 with my objections, for reconsideration.

Assembly Bill No. 504 would revise the Eminent Domain Laws of New Jersey to make uniform the legal requirements for all entities and agencies having the power to condemn. The bill would increase protection to the citizen whose property is condemned. I concur in this legislation and compliment the Legislature for its passage. However, I cannot approve Assembly Bill No. 504 in its present form because among other things it does not comply with several requirements of federal law which could result in the diminution of federal-aid monies vitally needed by our highway programs. There are also some technical errors in the bill which should be eliminated to reduce confusion. Several provisions in the existing law were repealed by the bill as passed when modification rather than repeal was necessary. The desired result will be accomplished by the suggested amendments.

Accordingly, I am returning Assembly Bill No. 504 for reconsideration and recommend that it be amended as follows:

Page 3, section 4, line 1: After "effect" delete "60 days next" and insert "immediately".

Page 3, section 5, line 7: After "action." delete the remainder of line 7 through line 10.

Page 4, section 7, line 1: Delete Section 7 (a).

Page 4, section 7, line 4: Delete "(b)", insert "(a)".

Page 4, section 7, line 6: Delete "(c)", insert "(b)".

Page 4, section 7, line 6: After "of" delete "any number of" and insert "10 or less".

Page 4, section 7, line 7: After "county" delete ",".

Page 4, section 7, line 9: After "parcel." add "More than 10 parcels may be joined in one action only with leave of court."

Page 4, section 7, line 10: Delete "(d)", insert "(c)".

Page 4, section 9, line 1: After "Process." delete "Within 14 days", delete "after" and insert "After".

Page 4, section 10, line 2: After "filed" insert "and recorded".

Page 5, section 11, lines 5-6: After "determined" insert "." and delete the remainder of lines 5-6.

Page 5, section 12, line 4: After "commissioners" delete "and hearings before them hereafter referred to,".

Page 5, section 12, line 5: After "court" delete "as in other actions at law."

Page 5, section 12, line 22: After "subpœna" insert "Upon notice of at least 10 days," delete "The" and insert "the" and after "hold hearings" delete "upon".

Page 5, section 12, line 23: Delete "notice required by the rules,".

Page 5, section 12, line 25: After "hearings" delete "and", insert "shall be governed by the rules of evidence except that testimony as to comparable sales shall be considered an exception to the hearsay rule.", delete "the", insert "The".

Page 5, section 12, line 26: After "thereat" delete ", shall be governed by the rules.", insert "may be compelled by the commissioners.", after "party," insert "and at his expense,".

Page 5, section 12, line 28: After this line add a new subsection: "(d) Limited discovery. At least 15 days prior to the hearing the parties shall exchange a list of comparable

sales intended to be introduced by them setting forth as to each comparable sale the following information: name of seller and purchaser; location of property by block, lot and municipality; date of sale; the consideration; and book and page of recording. No party shall be permitted to offer testimony of any comparable sale not set forth in said list unless consented to by all other parties. There shall be no discovery on the issue of the authority to condemn except by leave of court.''

Page 6, section 12, line 29: Before ''At'' insert ''(e) Proof.''

Page 6, section 12, line 29: After ''shall'' insert ''proceed first to''.

Page 6, section 12, line 31: Delete ''(d)'' insert ''(f)''.

Page 6, section 12, line 32: After ''party'' delete ''.'' and insert '', and in addition, when requested by any party, the commissioners shall inspect two of the comparable sales testified to by said party.''

Page 6, section 12, line 37: Delete ''(e)'' insert ''(g)''.

Page 6, section 12, lines 38-39: After ''period'' delete ''fixed by the court on notice, or by stipulation of all the parties filed in the action,'' and insert ''in accordance with the rules,''.

Page 6, section 12, line 41: After ''condemnor'' insert ''.''.

Page 6, section 12, line 42: Delete ''because of the taking.''

Page 6, section 12, line 49: Delete ''(f)'' insert ''(h)''.

Page 6, section 12, line 53: Delete ''(g)'' insert ''(i)''.

Page 6, section 12, line 56: Insert line 56a ''13. Appeal.''

Page 6, section 13, line 1: Delete ''13. (a) Appeal.''

Page 6, section 13, line 1: Before ''Any party'' insert ''(a) Parties.''

Page 6, section 13, line 2: After ''through'' insert ''an''.

Page 6, section 13, lines 3-4: After ''commissioners,'' delete '','' insert ''.'' and delete ''whether or not an appeal has or may be given by the statute conferring the power of eminent domain.''

Page 6, section 13, line 6: After "such parties" delete "as", insert "who" and after "have" delete "so".

Page 6, section 13, line 8: After "to" insert "the".

Page 6, section 13, line 12: Before "A" insert "(c) Limited discovery."

Page 7, section 13, line 14: Delete "such time and in such form as shall be fixed by the rules," and insert "15 days before trial".

Page 7, section 13, line 15: Delete "has given" and insert "gives".

Page 7, section 13, line 16: Delete "proposed".

Page 7, section 13, line 17: Delete "payable by reason of the condemnation." and insert "and information relative to comparable sales as required by the rules. The information required by the rules shall be supplied as to all additional comparable sales not previously testified to before commissioners."

Page 7, section 13, line 17: Insert new subsection: "(d) Payment of amount of judgment on appeal; right to possession; lien; other remedies. The amount of the judgment on the appeal, or so much thereof as shall not have been paid, shall be paid to the parties entitled thereto or paid into court.

If possession shall not have been taken theretofore, the condemnor, upon payment as aforesaid, may notwithstanding any further appeal or other proceedings, take possession of the lands or other property for the purposes for which the same was authorized to be taken."

Page 7, section 15, line 2: After "condemnation" insert ".".

Page 7, section 15, lines 3-4: Delete lines 3 and 4.

Page 7, section 16, line 10: After "within" delete "1" insert "2".

Page 7, section 16, line 11: Delete "year" insert "years".

Page 7, section 16, lines 14-15: After "to" delete "sections 2A:16–50 to 2A:16–62 inclusive of the New Jersey Statutes." and insert "the rules."

Page 7, section 17, line 3: After "action," insert "when empowered to do so by law,".

Page 8, section 17, lines 9-11: After "authorized" insert "." and delete the remainder of lines 9-11.

Page 8, section 18, lines 3-5: Delete "either", after "court" delete "," and insert ".", and delete "or in a special interest-bearing bank account in the name of the condemnor, in trust for the benefit of the condemnees entitled thereto."

Page 9, section 19, line 8: After "process" delete "." and insert "provided however, that the court may, upon application and good cause shown, stay the taking of possession of the land or other property, or authorize possession to be taken upon prescribed conditions."

Page 9, section 19, lines 11-12: After "profits" delete "as of the date of" insert "20 days after".

Page 9, section 19, line 15: After "enter" delete "writs of assistance" and insert "an order for possession".

Page 9, section 21, line 4: After "Filing" insert "and recording".

Page 9, section 21, line 6: After "(b)" insert "Filing and", delete "Recording" and insert "recording."

Page 9, section 21, lines 6-7: After "of" delete "conveyance by the condemnee to the condemnor;" and insert "the report of commissioners and payment of the award."

Page 10, section 22, line 1: Delete "affect" insert "effect", delete "vesting of", after "and" insert "vesting of".

Page 10, section 22, line 3: Delete "affect" insert "effect", delete "vesting of", after "and" insert "vesting of".

Page 10, section 23, line 6: After "the" insert "award or".

Page 10, section 23, line 11: After "if the" insert "award or".

Page 10, section 24, line 6: Before "pay" insert "file and record the judgment and".

Page 10, section 25, line 2: Delete "3" insert "6" and after "months" delete "after the commencement of the action," and insert "from the date of appointment of commissioners,".

Page 10, section 25, line 6: Delete "40" and insert "35".

Page 11, section 26, line 2: Delete "purchase" and insert "acquisition".

Page 11, section 26, line 3: After "owner" delete ", to the".

Page 11, section 26, line 4: Delete "extent the condemnor deems fair and reasonable," after "for" insert "actual".

Page 11, section 26, line 7: After "condemnor;" insert "and".

Page 11, section 26, lines 8-9: Delete lines 8 and 9.

Page 11, section 26, line 10: Delete "(3)" insert "(2)".

Page 11, section 26, lines 14-31: Delete remainder of Section 26 in its entirety and insert the following:

"b. If the court renders final judgment that the condemnor cannot acquire the real property by condemnation or, if the condemnation action is abandoned by the condemnor, then the court shall award the owner of any right, or title to, or interest in such real property, such real property, such sum as will reimburse such owner for his reasonable costs, disbursements and expenses actually incurred, including reasonable attorney, appraisal, and engineering fees."

"c. When a plaintiff shall have brought an action to compel condemnation against a defendant having the power to condemn, the court or representative of the defendant in case of settlement shall, in its discretion, award such plaintiff his reasonable costs, disbursements, and expenses, including reasonable appraisal, attorney and engineering fees actually incurred regardless of whether the action is terminated by judgment or amicable agreement of the parties."

Page 12, section 30, line 1: Delete the section in its entirety.

Page 13, section 31, line 1: Delete "31" insert "30".

Page 13, section 31, lines 3-4: Delete "(a) date of the execution of an agreement of purchase between condemnor and condemnee;".

Page 13, section 31, line 4: Delete "(b)" insert "(a)".

Page 14, section 31, line 5: Delete "(c)" insert "(b)".

Page 14, section 31, line 6: Delete "(d)" insert "(c)".

Page 14, section 31, line 8: Delete "as delineated in section 25 herein."

Page 14, section 31, line 8: After line 8, delete "Article VII Taxes".

Page 14, section 32, line 1: Delete Article VII in its entirety.

Page 15, section 35, line 3: Delete "VIII" insert "VII".

Page 15, section 36, line 1: Delete "36" insert "31."

Page 15, section 36, line 2: Delete "per annum".

Page 15, section 37, line 1: Delete "37" insert "32."

Page 15, section 37, line 4: Delete "IX" insert "VIII".

Page 15, section 38, line 1: Delete "38" insert "33."

Page 16, section 39, line 1: Delete "39" insert "34."

Page 16, section 39, line 7: Delete "safely" and insert "reasonably".

Page 16, section 40, line 1: Delete "40" insert "35."

Page 16, section 40, line 4: Delete "on such appeal".

Page 16, section 40, line 11: After "action." insert "Nothing herein shall preclude abandonment at any time by mutual consent of the parties."

Page 16, section 41, line 1: Delete "41" insert "36."

Page 16, section 41, lines 2-3: After "abandonment" insert "." and delete "in manner, form and content fixed by the rules."

Page 16, section 42, line 1: Delete "42" insert "37."

Page 16, section 42, line 4: After line 4, delete X insert IX and insert nine new sections, as follows: 38 through 46.

"38. Blighted areas. The value of any land or other property being acquired in connection with development or redevelopment of a blighted area shall be no less than the

value as of the date of the declaration of blight by the governing body upon a report by a planning board."

"39. Housing authority or redevelopment agency; declaration of taking. Upon the institution of an action by a housing authority or redevelopment agency to fix the compensation to be paid, or at any time thereafter, a duly authorized officer or agent of the housing authority or redevelopment agency may file with the Clerk of the Superior Court a declaration of taking in the manner provided by this act."

"40. Acquisitions by State colleges; declaration of taking. Whenever a State college is authorized by law to acquire lands or rights therein, the Director of the Division of Purchase and Property may acquire such lands or right therein by gift, devise, purchase, or by condemnation in the manner provided by this act.

"41. Lands etc. needed for defense or for airports; declaration of taking. Whenever the State or any commission, official, board or body thereof or any county or municipality shall determine to acquire lands, easements, rights-of-way or other property to be used by the United States of America, the State of New Jersey or said county or municipality, for furthering national or State defense, or for developing or building airports or providing surface or aerial approaches thereto, by condemnation pursuant to this Act, and shall represent to the court that it is necessary for such purposes that the plaintiff enter into possession of the same immediately, the plaintiff may, with leave of court, file with the Clerk of the Superior Court a declaration of taking in the manner provided for by this Act."

"42. Recovery of taxes or other municipal liens or charges. The provisions of this act shall not be construed to prevent any municipality from retaining from or recovering out of any moneys paid by it into court, under this act, any sum or sums due to such municipality, for taxes or other municipal liens or charges against any property taken in condemnation."

"43. Right of owner to recover amount awarded; lien. The report of the commissioners together with the order or judgment appointing them, or a copy thereof certified by the Clerk of the court, shall be plenary evidence of the right of the owner of the land or other property taken to

recover the amount awarded with interest and costs, in the action or in an action in any court of competent jurisdiction to be instituted against the plaintiff after failure to pay the same for twenty days after the filing of the report, and shall from the time of filing the report be enforceable as a lien upon the land or property taken and any improvements thereon.''

''44. Payment of amount of judgment on appeal; right to possession; lien, other remedies. The amount of the judgment on the appeal, or so much thereof as shall not have been paid, shall be paid to the parties entitled thereto or paid into court as provided in section 34 of this act.

If possession shall not have been taken theretofore, the plaintiff, upon payment as aforesaid, may, notwithstanding any further appeal or other proceedings, take possession of the lands or other property for the purposes for which the same was authorized to be taken.

The persons entitled to receive payment of the judgment shall be entitled to the same lien as is provided in section 34 of this act for the collection of awards of commissioners and shall have such other remedies as may be appropriate for the recovery of the same.''

''45. Condemnation of public utility property by municipality; after acquired property and improvements. Where an award has been made in an action by a municipality for the condemnation of property of a public utility company and the award has been paid to the parties entitled thereto or the amount thereof paid into court, the municipality, in addition to having the right to take possession of the property so condemned, may take possession of such other property as the company has acquired, and any improvements made in its plant, since the commencement of the action, in advance of making compensation therefor, provided the municipality cannot acquire said property and improvements by agreement with the owner, either by reason of disagreement as to price, or the legal incapacity or absence of the owner, or his inability to convey valid title, or by reason of any other cause.

Upon a municipality exercising this right and entering upon and taking the after-acquired property and improvements in advance of making compensation therefor, the municipality shall apply to the commissioners therefore

appointed in the action to fix the compensation to be paid the persons interested for the after-acquired property and improvements. Thereupon the commissioners shall make a just and equitable appraisement of the value of all such after-acquired property and improvements and damages if any, in accordance with this act. Upon the making of the award the municipality shall pay the amount thereof unless an appeal is taken therefrom to the Superior Court as provided for in section 13 of this act, in which case the amount of the award shall be paid upon final determination thereof."

"46. Sidewalks; lands condemned for highways to include; condemnation of lands for sidewalks. Unless otherwise particularly specified in the resolution, map, complaint and other proceedings for the acquiring of land or rights of way, or both, for public highways in the manner set forth in this act the boundary lines of the said road and highways, or portion thereof so taken and acquired, shall include within the boundaries thereof all land necessary and desired for the locating of sidewalks or other space then needed, or thereafter to be utilized as sidewalk, and whether the same shall then or thereafter be intended to be paved for use by pedestrians as sidewalks.

All land lying outside of and adjoining the outer boundary lines of any public road or highway, the boundaries of which have been established according to law prior to April twenty-eighth, one thousand nine hundred and thirty-one, and which lands or the use thereof shall be required for the purpose of laying out, grading and constructing sidewalks for the use of pedestrians, shall be taken, acquired and occupied from and as against the rightful owner thereof, only in accordance with this act and upon paying compensation therefor, to be fixed and determined in the manner prescribed by this act.

Nothing in this section shall limit or impair or deprive any municipality or county of the right to ordain or order the grading and the construction of a paved surface for any sidewalk above referred to, and the assessing of the proportionate cost thereof, against the owner of the property thereby improved, as a local public improvement in the manner now provided by law."

"47. Where land or other property is taken or to be taken by a municipal corporation or other public body for

public improvement and payment of the compensation for the land or other property and damages is authorized by statute to be set off against or made wholly or partially in benefits to be assessed for the same improvement, the municipal corporation or other body may elect to proceed under such statute and on such election the proceeding shall not be governed by this chapter, except as provided by such statute.''

Page 16, section 43, line 1: Delete ''43'' and insert ''48''.

Page 16, section 44, line 1: Delete ''44'' and insert ''49''.

Page 16, section 44, line 3: Delete ''regulating'' and insert ''insofar as they regulate''.

Page 16, section 45, line 1: Delete ''45'' and insert ''50''.

Page 16, section 45, line 2: After ''repealed'' insert new sentence. ''This Act shall apply to every agency, authority, company, utility or any other entity having the power of eminent domain exercisable within the State of New Jersey except as exempted in Section 49 of this act.''

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 16, 1971.

ASSEMBLY BILL No. 530 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 530 [Second Official Copy Reprint], with my objections, for reconsideration.

This bill would amend existing law to provide penalties for persons giving false fire or police alarms. It would also provide for new and separate offenses and penalties where bodily injury or death results from a false alarm and where

any person tampers with or impairs public fire alarm equipment.

Conviction on a first offense of giving a false fire or police alarm would result in a mandatory minimum sentence of either a fine of $100 or imprisonment for 30 days with a maximum fine of $250 or 90 days imprisonment, or both. Subsequent convictions therefor would carry a mandatory minimum penalty of either a $250 fine or three months imprisonment with a maximum fine of $500 or six months imprisonment, or both. Where bodily injury or death results from a false fire alarm, the person giving, aiding or abetting the same would be guilty of a misdemeanor and would receive a mandatory minimum penalty of either a fine of $1,000 or imprisonment for one year with a maximum fine of $3,000 or five years imprisonment, or both. Any person tampering or interfering with or impairing any public fire alarm equipment would be guilty of a misdemeanor and would be subject to the same mandatory sentences as provided in the case of injury or death resulting from a false fire alarm.

I am completely in accord with the intent of this bill to provide stringent penalties for those who give false fire or police alarms or who tamper with or impair public fire alarm equipment, especially where injury or death result therefrom. I am troubled, however, with the mandatory sentences which are required by this bill. Insofar as they prohibit judges from exercising discretion in matters of sentencing, I must oppose them. While mandatory sentences may be appropriate in limited instances, generally, they reflect a lack of confidence in our Judiciary.

It is my recommendation that Assembly Bill No. 530 [Second Official Copy Reprint] be amended to delete all requirements for mandatory minimum sentences. This will permit the exercise of judicial discretion and result in a more reasoned administration of justice.

Accordingly, I herewith return Assembly Bill No. 530 [Second Official Copy Reprint] and recommend that it be amended as follows:

Page 1, Section 1, Line 7: Delete "less than $100.00 nor".

Page 1, Section 1, Lines 8-9: Delete "less than 30 days, or".

Page 1, Section 1, Line 11: Delete "less than 3 months nor".

Page 1, Section 1, Line 13: Delete "less than $250.00 nor".

Page 1, Section 2, Line 5: Delete "less than 1 year nor".

Page 1, Section 2, Line 6: Delete "less than $1,000.00 or".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL No. 619 (2nd OCR)—CORRECTED COPY

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 619 (2nd OCR) Corrected Copy, with my objections, for reconsideration.

This bill broadens the law providing for real property tax exemptions for veterans having service-connected permanent physical disabilities. Presently, only specifically enumerated disabilities are included.

A-619 (2nd OCR) Corrected Copy would extend the exemption to all veterans having disabilities declared by the Veterans Administration to be total or 100%, provided they do not have an income in excess of $5,000 per year.

I fully support the concept of this bill. The exemption should extend to all 100% service-incurred disabilities and not be limited to a specific few. As drafted, however, the bill does not provide the exemption for disabled veterans of the Vietnam conflict. It is my strong belief that they should be included. I urge the Legislature to amend the bill to include them.

In addition, the "$5,000 earnings test" for veterans with 100% disability is arbitrary and does not comport with the aim of the bill to broaden the area of tax exemptions for disabled veterans. It is my recommendation that the "earnings test" for these veterans be removed so that all our seriously disabled veterans will be treated equally and uniformly.

Finally, the law granting the tax exemption is limited to "permanent disability." This legislation is not specific in this regard. I recommend that the new provision be made consistent with existing law and the 100% disability pertain to a "permanent disability."

Accordingly, I herewith return Assembly Bill No. 619 (2nd OCR) Corrected Copy for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 19: After "100%" insert "permanent".

Page 2, Section 1, Lines 27-31: Delete "; provided that no exemption shall be granted hereunder to any taxpayer having an income in excess of $5,000.00 per year and claiming such exemption solely by reason of a service-connected disability declared by the United States Veterans' Administration or its successor to be a total or 100% disability,".

Page 2, Section 2, Line 3: After "1963," insert "and chapter 165 of the laws of 1965,".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 625 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 625 [Official Copy Reprint], with my objections, for reconsideration.

This bill would permit producers of agricultural commodities to determine by referendum whether their particular commodity should be governed by marketing programs pursuant to rules and regulations issued by the Secretary of Agriculture. These marketing programs would permit individual producers and others to cooperate in research, development and sales promotion programs. Expenses of administration, advertising and sales promotion would be provided by producer assessments.

This bill requires some clarification and technical changes. I am advised that it is intended to exclude from the provisions of any such marketing program those producers who do not meet such minimum volume production requirements as may be established by the Secretary of Agriculture. I have recommended language so that this intention will be expressed more clearly. In addition, in amending the bill to replace the term "marketing order" with the term "marketing program" certain inconsistencies in the interchange of these terms developed. I have recommended amendments so that these terms will be used properly and more uniformly.

Accordingly, I herewith return Assembly Bill No. 625 [Official Copy Reprint], for reconsideration and recommend that it be amended as follows:

Page 2, Section 3, Line 7: Delete "order" and insert "program".

Page 2, Section 3, Line 43: Delete "order" and insert "program".

Page 6, Section 13, Line 16: After "referendum" insert "and to delineate those producers subject to the provisions of this act".

Page 6, Section 13, Line 17: After "voting in" insert "and application of".

Page 7, Section 17, Line 4: After "shall be" delete "demed" and insert "deemed".

Page 8, Section 20, Line 20A: After "assessment and" delete "program" and insert "order".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL No. 631

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 631, with my objections, for reconsideration.

This bill provides for the installation and use of flashing blue lights on the front of motor vehicles owned by members of volunteer fire companies and the personnel of county or municipal civil defense-disaster control agencies. The use of such lights would be permitted only while the vehicle is responding to a fire or emergency call.

Insofar as this bill applies to the use of flashing blue lights by members of volunteer fire companies, I feel it accomplishes a worthwhile purpose. I note that regulations of the Division of Motor Vehicles presently permit the use of non-flashing blue lights on the personal cars of volunteer firemen when responding to fire alarms. Experience has indicated that non-flashing blue lights presently in use are not adequate to identify volunteer firemen who are responding to fire alarms.

In addition to the blue lights now permitted for volunteer firemen, flashing lights are authorized for police vehicles, ambulances, fire apparatus, wreckers and other types of service vehicles. To enlarge the authorized use of flashing lights to include county or municipal civil defense-disaster control agencies would be to permit their use by a group which is not presently authorized. While the civil defense and disaster control agencies surely and without question provide much needed service for the State in times of emergency, the added influx of permissible flashing lights may very well cause confusion at the scenes of emergencies.

It is my recommendation that Assembly Bill No. 631 be amended to limit its applicability to members of volunteer fire companies. Further, I would limit the use of such flashing lights to the situation where the vehicle is responding to a fire alarm and where the vehicle is in the custody of the volunteer fireman.

Certificates of authorization for the use of the flashing blue lights provided hereunder should be issued by the Chief Executive Officer of the volunteer fire department or company.

Accordingly I herewith return Assembly Bill No. 631 for reconsideration and recommend that it be amended as follows:

On Page 1, Section 1, Lines 2-3: after "company" delete "and any personnel of a county or municipal civil defense-disaster control agency".

On Page 1, Section 1, Line 5: after "light" delete "or lights".

On Page 1, Section 2, Line 1: before "Special" insert "The"; after "identification" delete "lights" and insert "light"; after "be" delete "operated" and insert "illuminated".

On Page 1, Section 2, Line 2: after "is" delete "being used in answering a fire or emergency call" and insert "responding to a fire alarm and is in the custody of the volunteer fireman."

On Page 1, Section 3, Line 1: Before "Special" insert "The"; after "identification" delete "lights" and insert "light".

On Page 1, Section 4, Line 1: after "than" delete "2" and insert "one"; after "identification" delete "lights" and insert "light".

On Page 1, Section 4, Line 2: after "and" delete "they" and insert "it".

On Page 1, Section 4, Line 3: after "of" delete "each" and insert "the".

On Page 1, Section 4, Line 4: before "special" insert "The"; after "identification" delete "lights" and insert "light".

On Page 1, Section 5, Lines 1-7: Delete in their entirety and insert the following: "A Certificate of Authorization for the use of a special identification light, issued by the Chief Executive Officer of the Department or Company, must be carried by the volunteer fireman while a special identification light is displayed on his vehicle."

On Page 1, Section 6, Line 1: after "display" insert "a"; after "identification" delete "lights" and insert "light".

On Page 2, Section 6, Line 3: after "identification" delete "lights" and insert "light".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 680

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 680, for reconsideration.

This bill would update and modernize the present law to take into account modern aviation conditions, including the use of helicopters. It also provides for the change in reference from the former State Aviation Commission to the Department of Transportation and the Commissioner thereof.

Although I am in accord with the general intent of this bill, I do not agree that one class of pilots, those for rotary wing aircraft, should be treated differently than other classes of pilots when the federal requirements are accepted as a basis for licensing of all other classes of pilots.

Accordingly, I herewith return Assembly Bill No. 680 for reconsideration and recommend the following changes:

1. Page 3, Section 2, Line 10: Delete ", except those pilots who have applied to and".

2. Page 3, Section 2, Lines 11-12: Delete in their entirety and insert "shall".

3. Page 3, Section 2, Line 15: After the word "certificates" insert "or licenses".

4. Page 3, Section 2, Line 19: Delete "minimum qualifications, tests and evalua-".

5. Page 3, Section 2, Lines 20-21: Delete in their entirety and insert "and requirements or minimum requirements for the use of".

6. Page 3, Section 3, Lines 5-6: Delete "except a temporary landing area for rotary wing aircraft,".

7. Page 4, Section 3, Line 11: After "aircraft" insert "approved by the Commissioner".

8. Page 4, Section 4, Lines 6-7: Delete "the licensing of pilots requesting authority to use."

9. Page 4, Section 4, Line 7: Delete "with" (spelled "iwth") and insert "for".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL NO. 702

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 702 with my objections, for reconsideration.

Assembly Bill No. 702 would amend the Advance Loan Law of 1968 in several respects, the most important of which specifically would include under the act "non-cash" advance loans which constitute bank credit card operations such as Master Charge and Bank Americard. Such credit cards are used to purchase merchandise and services from merchants who participate in the credit card program. Banks in New Jersey have been offering credit card services to their customers for some time and have done so pursuant to the provisions of the Advance Loan Law of 1968, even though such credit card operations are not specifically referred to in the act. Assembly Bill No. 702 makes it clear that credit card operations are subject to the provisions of the Advance Loan Law and, therefore, appropriate

regulation by the Department of Banking. I concur in legislation to make it clear that bank credit card systems are subject to regulation. However, I cannot approve Assembly Bill No. 702 in its present form because it would, in effect, raise the interest rate on credit card advance loan transactions from 1% to 1½% per month. I recognize that the use of credit cards is becoming more and more popular in New Jersey. The banks which operate credit card systems provide convenience and immediate availability of credit to their customers. These systems also aid the small businessman who would not otherwise be able to compete with the large department stores which maintain their own revolving credit systems. However, I am not convinced that an increase in interest rates at this time is necessary to insure the continued availability of credit cards to those citizens who desire them.

Many advantages accrue to those banks which engage in this activity. For instance, in addition to receiving interest at an annual rate of 12% from the credit cardholders, the banks also receive a percentage of the sales made by merchants who participate in the credit card system. Moreover, the banks in the past have provided credit cards in order to attract and hold customers for their other bank services. Banks have profited greatly during the current period of high interest costs and should be willing to continue to provide credit card services at the present interest rate level, especially now, when the cost of borrowing is finally beginning to come down.

In addition, Assembly Bill No. 702 would also raise, from 1% to 1¼% per month, the maximum interest rate for all advance loans other than the credit card-type loans discussed above. I am not convinced that this increase is warranted at this time, especially in light of the declining level of interest rates to which I have referred above.

Therefore, I am returning Assembly Bill No. 702 with certain recommended amendments which will carry out the intent to bring bank credit card operations under the law, but which will not authorize any increase in the maximum interest rate for advance loans. As a final amendment to the bill, I recommend that Section 8 be eliminated because this section deals with liability for the unauthorized use of a bank credit card. The unauthorized use of credit cards is covered by Senate Bill No. 633, which I also am returning to the Legislature with recommendations for consideration.

Accordingly, I herewith return Assembly Bill No. 702 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1. A., Line 18: After "advance loan borrowers." Insert " 'Cash advance loans' are advance loans made by a bank, in which the advance loan borrower receives as net proceeds from the loan, cash or credit to a deposit account maintained in the bank in the name of the advance loan borrower."

Page 5, Section 5, Line 4: Delete "(a) 1¼%" and insert "1%".

Page 6, Section 5, Line 5: After "advance loan" insert ".".

Page 6, Section 5, Lines 6 through 12: Delete from line 6 beginning "upon which the bank" through line 12 "of such loan."

Page 6, Section 6, Line 10: After "greater." insert "]"

Page 6, Section 6, Line 13: Delete ", except that, when" and insert ". A bank may collect a service charge from each advance loan borrower for each billing cycle in which any part of a cash advance loan remains unpaid. Such service charge shall not exceed a sum equal to (a) the number of cash advance loans made to such borrower during such billing cycle multiplied by $0.25, or (b) $0.50, whichever is the greater. When"

Page 6, Section 6, Line 13: After "all advance loans" insert "other than cash advance loans"

Page 6, Section 6, Line 17: After "not exceeding $0.50" insert "with respect to such other advance loans."

Page 7, Section 8: Delete section in its entirety, lines 1 through 14.

Page 7, Section 9, Line 1: Delete "9." and insert "8."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL No. 744 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 744 (2nd OCR), with my objections, for reconsideration.

This bill requires teaching staff members of public schools to report instances of pupils using or being under the influence of drugs to the school nurse, medical inspector and the principal. The principal thereafter is required to notify the parent or guardian of the pupil, the superintendent of schools and to arrange for an immediate examination of the pupil. The examination may be conducted by a doctor selected by the parent or guardian, by the medical inspector or by such other physician as designated by the superintendent of schools.

The bill further provides that in the event the diagnosis is positive that the pupil is under the influence of drugs, the principal is required to forward a report of the diagnosis to the parent or guardian of the pupil and have the pupil return to his home as soon as possible. A copy of the report is also forwarded to the superintendent of schools.

The bill also provides immunity for teaching staff members, medical inspectors, examining physicians or any other officer or agent of the Board of Education in connection with action taken under this act.

I agree with the intent of this bill. Orderly procedure must be established for the examination of pupils in our schools who appear to be under the influence of or using or abusing drugs. Further, immunity should be given to those educational personnel who, in good faith, report such circumstances to the appropriate parties.

The bill as drafted has some technical deficiencies and is not sufficiently comprehensive. The bill refers to "narcotic drug as defined in R. S. 24:18–2, or a depressant or stimulant drug as defined in P. L. 1966, chapter 314, section 1 (C. 24:6C–1)." These particular sections were repealed by the "New Jersey Controlled Dangerous Substances Act,"

P. L. 1970, chapter 226. The proper reference to these drugs should be "controlled dangerous substances." The bill does correctly include the reference to chemicals or chemical compounds which release vapors or fumes which are inhaled for the purpose of causing a condition of intoxication, inebriation, excitement or other abnormal conditions of the brain or nervous system as provided in P. L. 1965, chapter 41.

The requirement for reporting use of drugs should extend not only to teaching staff members but also to school nurses or other educational personnel. These other persons have contacts with students and it would be inappropriate not to require them to report such circumstances as come to their attention. To avoid any confusion in school districts which do not have a superintendent of schools, I suggest the term "administrative principal" be included. The "administrative principal" has the responsibility of the superintendent of schools in these instances.

The bill requires examination by such other physician as designated by the superintendent of schools in any instance in which no doctor is selected by the parent or guardian of the pupil or the medical inspector of the school is not available. It is my belief that the better course of action when such other doctors are not available would be to bring the pupil to the emergency room of the nearest hospital for examination. This would avoid confusion which may result when various particular doctors are not available.

As drafted the bill would require that a copy of the examining doctors report be furnished to the parent or guardian only in the event that the diagnosis is positive that the pupil is under the influence of drugs. I would recommend that a written report of the examination be furnished by the examining physician to the parent or guardian of the pupil regardless of the diagnosis. Such report should be furnished within 24 hours of the examination.

The bill requires that the pupil be returned to his home when the diagnosis of being under the influence of drugs is positive. No provision is made for the return of the pupil to the school. I recommend that such pupils be permitted to resume attendance at school upon the submission to the principal of a written report certifying that he is physically and mentally able to return to school. Such report shall be prepared by his personal physician, the medical inspector

or the physician who examined him pursuant to the provisions of this act.

The immunity granted pursuant to this act should also extend to school nurses or other educational personnel who I have recommended be required to report situations of students being under the influence of drugs. The immunity granted under this act should be conditioned upon the educational personnel and medical personnel exercising the skill and care ordinarily required and exercised by others in their position.

Accordingly, I herewith return Assembly Bill No. 744 (2nd OCR) for reconsideration and recommend that it be amended as follows:

On Page 1, Section 1, Line 1: After "member" insert ", school nurse or other educational personnel".

On Page 1, Section 1, Lines 3-5: Delete "narcotic drug as defined in R. S. 24:18–2, or a depressant or stimulant drug as defined in P. L. 1966, chapter 314, section 1 (C. 24 :6C–1)" and insert "controlled dangerous substance as defined in P. L. 1970, chapter 226, section 1(C. 24:21–1)".

On Page 1, Section 1, Line 13: After "such" insert "teaching staff"; after "member" insert ", school nurse or other educational personnel".

On Page 1, Section 1, Line 14: After "inspector" insert ", as the case may be".

On Page 1, Section 1, Line 15: Before "the principal" (at the beginning of the line) insert "to".

On Page 1, Section 1, Line 17: After "one," insert "or the administrative principal".

On Page 1, Section 1, Line 18: Delete "or" and insert "for".

On Page 1, Section 1, Line 18B: After "available" (at the end of the line) delete "," and insert a period.

On Page 1, Section 1, Lines 18C–20: Delete "or by such other physician as shall be designated by the superintendent of schools, if there be one, or the board of education, who shall examine" and insert "If such doctor or medical inspector is not immediately available, the pupil shall be taken to the emergency room of the nearest hospital for examina-

tion accompanied by a member of the school staff designated by the principal and a parent or guardian of the pupil if available."

On Page 1, Section 1, Line 20: After "examine" delete "the" and insert "The"; after "pupil" insert "shall be examined".

On Page 2, Section 1, Line 22: After "fluence." insert "A written report of said examination shall be furnished within 24 hours by the examining physician to the parent or guardian of the pupil and to the superintendent of schools or administrative principal."

On Page 2, Section 1, Lines 22-24: Delete "the principal shall forthwith report the same to the parent or guardian of the pupil, arrange to have".

On Page 2, Section 1, Line 24: After "pupil" insert "shall be".

On Page 2, Section 1, Lines 24-25: After "possible" delete ", and report the same to the superintendent of schools" and insert "and appropriate data shall be furnished to the Department of Health pursuant to the 'Controlled Dangerous Substances Registry Act of 1970,' P. L. 1970, chapter 227 (C. 26:2G–17, etc.). The pupil shall not resume attendance at school until he submits to the principal a written report certifying that he is physically and mentally able to return thereto, which report shall be prepared by his personal physician, the medical inspector or the physician who examined him pursuant to the provisions of this act."

On Page 2, Section 2, Line 2: After "member," insert "school nurse or other educational personnel,".

On Page 2, Section 2, Line 4: After "education" insert "or personnel of the emergency room of a hospital".

On Page 2, Section 2, Line 5: After "act" insert ", provided the skill and care given is that ordinarily required and exercised by other such teaching staff members, nurses, educational personnel, medical inspectors, physicians or other officers or agents of the board of education or emergency room personnel."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 8, 1971.

ASSEMBLY BILL NO. 845

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 845, with my objections, for reconsideration.

Assembly Bill No. 845 would provide that the tax per gallon on liquefied petroleum gas and liquefied natural gas used in motor vehicles on our public highways shall be one-half the tax applicable for other motor vehicle fuels pursuant to R. S. 54:39–27. This preferential tax treatment should serve as an incentive for the development of engines, now largely experimental, which use motor fuels other than gasoline and which will significantly reduce certain pollutant emissions below levels resulting from the use of gasoline. It should be noted, however, that engines also are being tested which use compressed natural gas as fuel. In order to further the search for motor fuels which would not pollute the environment, I believe that compressed natural gas should be entitled to the same tax treatment as liquefied natural gas and liquefied petroleum gas.

Accordingly, I herewith return Assembly Bill No. 845 for reconsideration and recommend that it be amended as follows:

On page 1, section 1, line 2, after "liquefied" insert "or compressed".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL No. 873

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 873, with my objections, for reconsideration.

Assembly Bill No. 873 provides for the qualification and certification of municipal finance officers and, additionally, would enable the governing body of a municipality to create the office of municipal finance officer by ordinance. The object of this bill which is to encourage increased professionalism within this key position is highly desirable.

I note, however, in my review of this bill, that sections 6 and 7, while authorizing municipalities to establish the office of municipal finance officer by ordinance failed to provide safeguards for those individuals presently employed in the performance of duties which would belong to the municipal finance officer, if such a position were created. I believe that this might result in a number of highly competent people being unduly prejudiced by the creation of the office of municipal finance officer by ordinance. If at some time in the future the Legislature, in its wisdom, chooses to allow the governing body of a municipality to create by ordinance the office of municipal finance officer, I would respectfully recommend that they provide the necessary safeguards to protect those serving at that time.

Accordingly, I herewith return Assembly Bill No. 873, and respectfully recommend the following changes:

Pages 2 and 3, Section 6, Lines 1-9: Omit in its entirety.

Page 3, Section 7, Lines 1-7: Omit in its entirety.

Page 3, Section 8, Line 1: Delete "8." and insert "6."

Page 3, Section 9, Line 1: Delete "9." and insert "7.".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL No. 878

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 878, with my objections, for reconsideration.

This bill provides "cost-of-living increases" for retired persons receiving pension benefits under non-contributory pension acts in the same manner as increases are provided for members of the State-administered pension systems under the "Pension Increase Act."

I agree that these retirants should receive increases in their pensions as the cost of living rises. The bill has some defects which should be corrected prior to signing.

As drafted, the bill would provide "cost-of-living increases" for persons receiving pensions under the "General Non-Contributory Pension Act." It would not provide these increases for persons who retired under the nearly 100 separate non-contributory pension acts which were repealed by the General Act of 1955. It is my understanding the sponsor intended to provide increases for these persons as well. I agree they should be included.

Further, Section 3 of the bill provides a schedule of increases in pensions for the years 1915 through 1954. This schedule conforms to the increases in pensions provided under the "Pension Increase Act." The years 1935 through 1940, however, were omitted from the bill. They should be included so that benefits for these years will be provided as intended.

The bill requires some additional changes to clarify the fact that persons retiring under non-contributory pension acts are not technically members of a retirement system. Rather, their benefits result from legislation.

Accordingly, I am returning Assembly Bill No. 878 for reconsideration with the recommendation that it be amended as follows:

On Page 1, Section 1, Line 3: After "provisions of" delete remainder of sentence and insert "the General Non-Contributory Pension Act, P. L. 1955, Chapter 263, and any acts or parts of acts repealed thereby."

On Page 2, Section 3, after Line 24: Insert the following:

"1935 137%
1936 134%
1937 126%
1938 130%
1939 134%
1940 132%"

On Page 3, Section 6, Line 10-11: Delete "by the retirement system" and insert "as a result of such other legislation".

On Page 3, Section 6, Line 14: Delete "retirement system" and insert "employer".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 14, 1971.

ASSEMBLY BILL NO. 923

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 923 for reconsideration.

This bill would amend various sections of Title 23 of the Revised Statutes to require that all persons applying for either an initial firearm license or a bow and arrow hunting license must first complete an appropriate safety course.

By virtue of the enactment on May 6, 1971 of Senate Bill No. 947 as Chapter 125 of the Laws of 1971, a conflict would be created by approval of Assembly Bill No. 923 in its present form as to certain fees charged. Therefore, the bill should be amended to be consistent with Chapter 125 of the Laws of 1971.

By virtue of Chapter 33 of the Laws of 1970, the designations Division of Fish and Game and Department of Conservation and Economic Development are no longer

appropriate and should be changed to the Division of Fish, Game and Shell Fisheries and the Department of Environmental Protection, respectively.

The bill also provides that a person who obtains a hunting license by furnishing false information is subject to a $20.00 fine. This penalty does not provide an adequate deterrent or the flexibility in imposing a penalty where the circumstances warrant. In my opinion, a fine of not less than $20.00 nor more than $200.00 should be authorized.

In addition, Section 6 of Assembly Bill No. 923 refers to an effective date which elapsed prior to passage of this bill by the Legislature. These technical changes should also be corrected.

Accordingly, I herewith return Assembly Bill No. 923 without my approval and respectfully recommend the following changes:

1. Page 1, Section 1, Line 11: Delete "$1.00" and insert in lieu thereof "$2.00".

2. Page 2, Section 2, Line 11: Delete "and Game" and insert in lieu thereof ", Game and Shell Fisheries".

3. Page 2, Section 2, Line 13: Delete "and Game" and insert in lieu thereof ", Game and Shell Fisheries".

4. Page 2, Section 2, Lines 13 and 14: Delete "Conservation and Economic Development" and insert in lieu thereof "Environmental Protection".

5. Page 2, Section 2, Line 19: Delete "and Game" and insert in lieu thereof ", Game and Shell Fisheries".

6. Page 2, Section 4, Line 9: Delete "and Game" and insert in lieu thereof ", Game and Shell Fisheries".

7. Page 2, Section 4, Line 12: Delete in its entirety and insert "not less than $20.00 nor more than $200.00 for each offense."

8. Page 2, Section 6, Line 1: Delete "January 1, 1971" and insert in lieu thereof "on the first day of the month following enactment."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL NO. 1097 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1097 (OCR), with my objections, for reconsideration.

This bill grants immunity to doctors and residents or interns on hospital staffs who, in good faith and using the skill and care ordinarily required and exercised, treat or attempt to treat persons dependent upon or illegally using "controlled dangerous substances." Further, it provides immunity to teachers, guidance counsellors, psychologists, registered nurses or other educational personnel in public and private schools who, in good faith, report persons to school administrators or school physicians in an attempt to cure that person's dependency upon or illegal use of "controlled dangerous substances."

I wholeheartedly and enthusiastically support the philosophy of this bill. The use and abuse of drugs (controlled dangerous substances) in all phases of life in the State has reached distressing proportions. This is most particularly so in our schools. To combat this distressing situation it is absolutley necessary that we have the complete cooperation of doctors and other medical personnel, as well as teachers, guidance counsellors and all educational personnel. In this regard it is incumbent that immunity from suit be granted to those medical personnel who, in good faith and using the appropriate reasonable skill and care, attempt to treat persons using and abusing drugs and, further, this immunity should extend to persons in the educational field who similarly, in good faith, report the use or misuse of drugs in efforts to help cure such persons.

The bill as drafted is not sufficiently comprehensive. The immunity granted with regard to persons in the medical field should extend as well to registered nurses and the administrative personnel of hospitals and clinics, including members of the medical staff and Board of Directors. Experience has shown that these additional persons are quite frequently subject to suits in these matters. Further, the bill is limited to drugs which are defined as "controlled

dangerous substances.'' It should also encompass the use and abuse of chemicals or compounds which release vapors or fumes which are inhaled for the purpose of causing a condition of intoxication, inebriation, excitement or other abnormal conditions of the brain or nervous system. This particular area is covered in P. L. 1965, chapter 41. It is separate and apart from the subject of ''controlled dangerous substances'' pursuant to P. L. 1970, chapter 226.

With regard to the reporting of drug use by educational personnel the term ''school administrator'' may be confusing. I would recommend this term be replaced by the phrase ''principal or his designee.'' Since ''medical inspector'' is the proper term for school doctors in public schools, I would recommend the term ''medical inspector'' be added as one of the persons to whom such reports may be made. For the same reason I would also include ''school nurse.''

Accordingly, I herewith return Assembly Bill No. 1097 (OCR) for reconsideration and recommend that it be amended as follows:

On Page 1, Section 1, Line 1: After ''osteopathy,'' insert ''or registered nurse,''

On Page 1, Section 1, Line 5: After ''substances'' insert ''as defined in P. L. 1970, chapter 226, section 1 (C. 24:24-1)''

On Page 1, Section 1, Line 7: After ''substances,'' insert ''or any chemical or chemical compound which releases vapor or fumes causing a condition of intoxication, inebriation, excitement, stupefaction, or dulling of the brain or nervous system, including but not limited to glue containing a solvent having the property of releasing toxic vapors or fumes, as defined in P. L. 1965, chapter 41, section 1 (C. 2A:170–25.9)''

On Page 1, Section 1, after Line 12: Insert ''The grant of immunity provided for herein shall also extend to the administrative personnel including all members of the medical staff and Board of Directors of hospitals and clinics treating such persons.''

On Page 1, Section 2, Line 5: Delete ''school administrator'' and insert ''principal or his designee or to the medical inspector''

On Page 1, Section 2, Line 5: After "school physician" insert "or school nurse"

On Page 1, Section 2, Line 8: After "substances" insert "as defined in P. L. 1970, chapter 226, section 1, (C. 24:21-1), or such chemical or chemical compound as defined in P. L. 1965, chapter 41, section 1 (C. 2A:170–25.9),"

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 22, 1971.

ASSEMBLY BILL No. 1100 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1100, with my objections, for reconsideration.

Assembly No. 1100 is a revision of the statutes pertaining to actions for divorce, nullity of marriage, alimony, and maintenance of children.

A distinguished panel of citizens representative of varying interests, of different religious beliefs, each possessing considerable expertise, concluded unanimously after intensive study that reform of New Jersey divorce law was urgently needed. This legislation is a direct result of that study and seeks to implement the findings and recommendations of the Divorce Law Study Commission.

As a former active practicing attorney, I observed personally many of the shortcomings and invitations to fraud cited in the Commission Report and can therefore, understand their conclusion that reform in this area is essential. The question, therefore, was not whether reform was needed but the nature of the reform and its effect on the family, the community and the state. My decision was not an easy one. It was reached only after serious and intensive study and

the resolution of a deep concern for the personal and social effects on our citizens. The fact that I do not personally believe in divorce from a sacred binding contract played no role in my decision. This is indeed a pluralistic society, and I would no more seek to enforce my personal religious views on others than I would accept any effort to encroach on my personal religious liberty.

It might also be noted that while we permit some forms of legalized gambling in New Jersey, this does not require those who oppose gambling to participate. The legal sale of alcoholic beverages does not compel consumption by all. Thus, those who oppose divorce need not avail themselves of the relief provided by this legislation, while others who favor divorce under certain circumstances may avail themselves of the legislation in order to terminate lawfully an intolerable and unworkable relationship.

Yet, all of us in authority, whether we favor or oppose divorce, have a responsibility to preserve as far as possible the family unit, recognizing as we do its importance to our society and the harm that separation of parents frequently works on the children of the marriage. As a result, any legislation affecting the family relationship must be carefully and zealously examined to insure that minimum harm results. It is also essential that the language of the legislation be precise, and that it accomplish the good and eliminate the evil desired by the Legislature.

It was with these objectives in mind that I have taken the indicated executive action.

The final report of the Commission, as well as testimony offered on the bill before the Assembly Judiciary Committee public hearing on October 30, 1970, indicates that New Jersey is relatively backward when compared with her sister states in the field of marital law. If this backwardness led to the stabilization and preservation of marriages, revision would be unnecessary and detrimental. However, the evidence tends to show the contrary. Our laws encourage migratory divorces for those who can afford them and illicit cohabitation among those who are financially unable to terminate a prior legal relationship. Uniformity in the application of our present law is, in fact, non-existent.

I know you agree with me that marriage should be severed only in those circumstances where it has lost all potential viability. The recommendations which I respectfully sub-

mit to you for consideration will, I trust, overcome certain inconsistencies in Assembly Bill No. 1100 and provide a workable structure for stabilizing saveable marriages. No one desires indiscriminate divorce. A legal mechanism, therefore, must be provided which will preserve the sanctity of marriage and provide a vehicle by which an intolerable situation can be alleviated without undue burden.

N.J.S. 2A:34–2 presently provides a 6-month "cooling off" period from the date the act of extreme cruelty was allegedly committed. During that period, a complaint based on that act of cruelty is prohibited. The Commission's Final Report states that this 6-month period was established by the Blackwell Act of 1923 "so that a 'saveable' marriage would not be destroyed by hasty and angry reactions." The Commission concludes that the intent of the Blackwell Act has not been accomplished in this respect. I disagree. Many times people who love each other find themselves momentarily at odds, affected by the pressures of everyday life in our society, resulting at times in physical or verbal abuse. Once the wrongdoing has been perpetrated, pride then becomes a factor and only time can heal the hurt and preserve the marriage. When two parties elect to enter into a life-long contract involving mutual responsibility and reliance, one of those partners should not be able, by whim, caprice, or momentary disenchantment, to terminate the nuptial contract. A marriage should be seriously and fully considered before contracted. A similar standard of consideration should be applied when divorce is contemplated. I am recommending that a 3-month "cooling off" period be reinstated if this proposal is to become law. This is not an unreasonable waiting period, and could, in my judgment, preserve many marriages which might otherwise be terminated.

The terms "drug addiction" and "alcoholism", set forth in Section 2e. of Assembly Bill No. 1100 as separate grounds for divorce are uncertain and could lead to abuse and absurdity.

New Jersey case law has recognized addiction to heroin or its derivatives as warranting divorce on the grounds of extreme cruelty. *DeMeo v. DeMeo*, 110 N. J. Super. 179, 264 A.2d 751 (Ch. 1970); *Melia v. Melia*, 94 N.J. Super 47, 226 A.2d 745 (Ch. 1967).

The term "drug addiction" alone, however, goes well beyond voluntarily induced dependency on narcotics or

opiates. "Drugs" are defined by P.L. 1970, c. 226, New Jersey Controlled Dangerous Substances Act, as "(a) substances recognized in the official United States Pharmacopœia, official Homeopathic Pharmacopœia of the United States, or official National Formulary, or any supplement to any of them; and (b) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (c) substances (other than food) intended to affect the structure or any function of the body of man or other animals; and (d) substances intended for use as a component of any article specified in subsections (a), (b) and (c) of this section; but does not include devices or their components, parts, or accessories."

It is self-evident that our legislators do not want to allow divorces to be granted on the basis of everyday use of aspirin to ease arthritic pain or vitamins to supplement a diet or insulin to keep a diabetic alive. Such an interpretation, however, is not unjustified under the present language of the bill. I strongly recommend that the term "drug addiction" be changed to "voluntarily induced addiction or habituation to any narcotic drug as defined in the New Jersey Controlled Dangerous Substances Act, P. L. 1970, c. 226."

The use of the term "alcoholism" presents a different type of problem. Alcoholics Anonymous, forerunner of organizations which have endeavored to combat this social ill has as one of its tenets "Once an alcoholic always an alcoholic." Thought of as a disease, alcoholism may be active or dormant at a particular point but according to many authorities the affected individual is always "an alcoholic."

Historically, continuous or habitual drunkenness per se has not been interpreted by the courts as extreme cruelty. *Cruikshiank v. Cruikshiank*, 115 N.J. Eq. 322, 170A. 659 (E. & A. 1934). Only when the excessive drinking has been combined with other affirmative action, i.e., physical violence, *Clutch v. Clutch*, 1 N.J. Eq. 474 (Ch. 1931), *Fort v. Fort*, 126 N.J. Eq. 622, 11 A.2d 13 (E. & A. 1940), has the court found the plaintiff spouse to be entitled to a divorce on the grounds of extreme cruelty or constructive desertion at the end of the required period. In the creation of habitual drunkenness or excessive use of alcohol as a new and separate ground for divorce, care must be taken to protect against the filing of actions which, contrary to the true

spirit of the proposal, are based on the "inactive alcoholism" of "cured" individuals or the periodic indiscretions of those individuals who might occasionally overindulge.

In order to avoid potential misapplication of this new ground I suggest that "alcoholism" be replaced by the term "habitual drunkenness."

The final report of the Commission points out that most states which have imprisonment for a specified period as grounds for divorce require that the crime for which the defendant is imprisoned be of "moral turpitude", "infamous" or a "felony". Assembly Bill No. 1100 fails to make this distinction on the basis that it is not the nature of the crime that is at issue but rather the effect of the absence and deprivation of the partner from the home. Although the courts may imply the intent of the defendant to desert his spouse through the manifestations of his wrongdoing, this is not true "willful" desertion any more than army service may be considered as such. Since we are concerned with absence from the home rather than the "fault" of the absent party, I feel that the time element should be equated to that of the "no fault" provision, that is, 18 months.

The most significant and far-reaching of the recommendations of the Divorce Law Study Commission to be incorporated into Assembly Bill No. 1100 is Section 2d. which establishes as grounds of divorce "Separation, provided that the husband and wife have lived separate and apart in different habitations for a period of at least 12 or more consecutive months and there is no reasonable prospect of reconciliation." This has come to be known as the "no fault" concept since the plaintiff would not be required to prove any wrongdoing on the part of the defendant in order that he or she may be adjudged divorced from the bond of matrimony.

There are those who urge the injection of this "no fault" concept in divorce law will eliminate the permanent fabric of marriage. Conversely, equally sincere persons insist the present laws lead to hypocrisy and manufacture of accusations, and wrongdoing should be eliminated as an issue. Each of these assertions possesses elements of reason and understanding.

When personal religious convictions and moral standards are not considered, the ultimate objective must be the continuation and protection of potentially saveable marriages

and family stability, while acknowledging the right of those married persons who have utterly failed in partnership to dissolve that partnership without the allegations and proof of accusations.

Consequently, the "no fault" concept in our divorce law can play a meaningful and valid role if not abused. The potential for abuse would be created by a short time period requirement before the commencement of an action. The present proposal establishes a 12-month waiting period. While I do not consider this to be an inordinately short period, I do believe that an 18-month period is preferable. There are several reasons to support the basis of this suggestion. First, in the final report of the Divorce Law Study Commission it is stated: "A one or two year statute, however, appears to give ample time for the spouses to consider whether or not a reconciliation might be possible. It is not so long as to discourage its use, and it cannot be said to promote hasty or early divorce." Thus, my suggestion is consistent with the report. Secondly, there must be some differentiation between the "no fault" ground and the "desertion" ground for divorce. The intent of the Legislature in setting the period for desertion at 11 months was obviously an attempt to distinguish it from the 12-month requirement of the "no fault" provision. This distinction is shallow. Thirdly, the extension of this "no fault" separation period to 18 months can be cited as a sufficient time period to raise a presumption that there is no reasonable prospect to reconciliation, thus obviating the necessity of the moving party to establish by a preponderance of evidence that no reasonable prospect of reconciliation exists as required under the present language of the bill. However, by extending the "no fault" time period to 18 months, coupled with an extension of the separation period required to constitute "desertion" to 12 months, the two concepts, "fault" and "no fault", would be substantively distinguishable in time and intent.

With regard to jurisdiction in actions for nullity of marriage, presently N.J.S. 2A:34–9 requires only that one party be a resident of the state at the time the action is commenced. N.J.S. 2A:34–10 sets forth 2-year residency requirements for actions of absolute divorce or divorce from bed and board based on grounds other than adultery. No residency requirement is stipulated before an action for divorce on the basis of adultery may be commenced.

Assembly Bill No. 1100 would require a one-year residency by either party before the commencement of any marital action. I can see no advantage to be derived from postponing adjudication of potentially null marriages while residency requirements are fulfilled. In the same vein, the proposal requiring a one-year wait in cases of adultery would not appear to improve New Jersey's Divorce law.

I recommend that N.J.S. 2A:34–9 remain intact and that N.J.S. 2A:34–10 be amended so that both references to "2-year" residency requirements be replaced by "1 year."

Accordingly, I herewith return Assembly Bill No. 1100, for reconsideration, and recommend that it be amended as follows:

Page 2, Section 2, Line 9: Delete "11" and insert "12".

Page 2, Section 2, Line 21a: After "defendant;" insert "provided that no complaint for divorce shall be filed until after 3 months from the date of the last act of cruelty complained of in the complaint, but this provision shall not be held to apply to any counterclaim;".

Page 3, Section 2, Line 24: Delete "12" and insert "18".

Page 3, Section 2, Lines 24 and 24a: After "months" delete in its entirety and insert ", provided further that after the 18-month period there shall be a presumption that there is no reasonable prospect of reconciliation;"

Page 3, Section 2, Line 25: Delete "Drug addiction" and insert "voluntarily induced addiction or habituation to any narcotic drug as defined in the New Jersey Controlled Dangerous Substances Act, P.L. 1970, c. 226"; delete "alcoholism" and insert "habitual drunkenness".

Page 3, Section 2, Lines 28 and 29: After the word "for" delete "12" and insert "18".

Page 4, Section 5, Lines 8-10: After "is" delete "and has been"; after "State" insert "." and delete remainder of sentence in its entirety.

Page 4: After Section 5 insert a new section as follows: "6. N.J.S. 2A:34–10 is amended to read as follows:

"2A:34–10. Jurisdiction in actions for divorce, either absolute or from bed and board, may be acquired when process is served upon the defendant as prescribed by the rules of the supreme court, and:

"1. When, at the time the cause of action arose, either party was a bona fide resident of this state, and has continued so to be down to the time of the commencement of the action; except that no action for absolute divorce shall be commenced for any cause other than adultery, unless one of the parties has been for the [2 years] *1 year* next preceding the commencement of the action a bona fide resident of this state; or

"2. When, since the cause of action arose, either party has become, and for at least [2 years] *1 year* next preceding the commencement of the action has continued to be, a bona fide resident of this state [; provided the cause of the action alleged was recognized in the jurisdiction in which such party resided at the time the cause of action arose, as a ground for the same relief asked for in the action in this state]."

Page 4 Section 6, Line 1: Delete "6." and insert "7.".

Page 5, Section 7, Line 1: Delete "7." and insert "8.".

Page 6, Section 8, Lines 1 and 2: Delete "8." and insert "9."; delete "2A:34–9, 2A:34–10".

Page 6, Section 9, Line 1: Delete "9." and insert "10.".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 1118 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1118 (OCR), with my objections, for reconsideration.

This bill amends the Essex County Retirement System Act primarily to increase the maximum survivor's benefits paid upon the death of a member from $2,500.00 to 50% of his final compensation. In addition, certain administrative changes are made.

Such a survivor's benefit of 50% of the deceased employee's final compensation would far exceed survivor benefits provided in other public retirement systems which are limited to 25% of the deceased member's final compensation. I would similarly limit the maximum benefit in this system to 25%.

Accordingly, I am returning Assembly Bill No. 1118 (OCR) with the recommendation that it be amended as follows:

On Page 2, Section 1, Line 25c: Delete "50", insert "25".

Respectfully

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL No. 1136 (Second OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1136, with my objections, for reconsideration.

Assembly Bill No. 1136 (Second OCR) would amend N. J. S. 2A:72–5 to provide that unless the assignment judge in a county specifically orders use of another method, the service of a summons for jury duty shall be by mail. The bill would also delete the coroner as one of the persons authorized to summon jurors.

Although the courts in some cases now utilize mail service of summons for jurors, rather than personal service, I believe that it is desirable to indicate a statutory preference for such mail service, with discretion in the assignment judge to consider other methods of service in appropriate cases. I also agree with the deletion of the coroner as a person to be used to serve jury summonses, since that office was abolished by Section 16 of Chapter 234 of the Laws of 1967. However, I am concerned that the present language of the bill might be construed to mean that if service by mail failed for some reason, a separate application might have to be made in each case to the assignment judge for an order. This would only serve to increase the burden on the courts.

I recommend that the language be clarified to make it clear that unless the assignment judge specifically orders use of another method, each person drawn for jury service shall be served by registered or certified mail at his usual residence or business address. It would also be desirable to provide for an alternative if the addressee refuses to claim or accept delivery of such mail service. A provision similar to this concept is contained in the Rules of Court in R. R. 4:4–4 (e).

Accordingly, I herewith return Assembly Bill No. 1136 (Second OCR) without my approval, and respectfully recommend the adoption of the following amendment:

1. *Page 1, Section 1, Lines 15-16*: Delete "to effect service, service shall be made by mail." and insert in lieu thereof ", each person drawn for jury service shall be served by registered or certified mail addressed to such juror at his usual residence or business address. If the addressee refuses to claim or to accept delivery of the registered or certified mail, service may be made personally or by leaving the same at the dwelling house of such juror."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 1145 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1145 [Official Copy Reprint], with my objections, for reconsideration.

This bill provides that students who remain in, refuse to leave, or who return to buildings, places or structures used for educational purposes during a period when they have been suspended, expelled or given notice to leave shall be guilty as disorderly persons. It further provides that parents or legal guardians of such students and representatives of students or student groups who remain upon or return at such premises after having been given notice to leave will also be guilty as a disorderly person.

I am fully in accord with the purpose of this bill. However, it contains certain technical defects which should be corrected. The bill does not provide who is authorized to give notice of orders to leave the property used for educational purposes. This responsibility should rest with the superintendent of schools or the chief school administrator. Further, the bill does not technically permit the return of parents or representatives of student groups to the premises even with permission once they have been notified to leave. I suggest these persons be authorized to return to the premises with the permission of the superintendent of schools or the chief school administrator.

Accordingly, I herewith return Assembly Bill No. 1145 [Official Copy Reprint] for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 7: After "premises" insert "without permission".

Page 1, Section 1, Line 9: After "person." insert a new paragraph as follows:

"Any notice or order to leave the premises or permission to return to the premises to be effective for the purposes

of this act shall be given by the superintendent of schools or the chief school administrator."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL NO. 1215

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1215, without my approval, for reconsideration.

Assembly Bill No. 1215 would amend Section 1 of P. L. 1956, Chapter 174, to allow the State Treasurer to approve any other banking institution located within the Second or Third Federal Reserve Districts as a place where collateral securing deposits of State funds may be kept. The present law permits such collateral to be held by the Federal Reserve Bank of Philadelphia or the Federal Reserve Bank of New York only.

It is my understanding that most New Jersey banks maintain correspondent relationships with large city banks located within the Second and Third Federal Reserve Districts (e. g., Philadelphia, New York, Camden, Newark, Paterson and Hackensack). One of the services performed by the city correspondent is providing safekeeping facilities for its client's bond portfolio. The client bank usually prefers to keep all of its bonds in safekeeping with one bank so that transfers and substitutions can readily be made between the safekeeping account and the collateral account. The danger of securities being lost through the mail and the attendant cost of mailing securities are eliminated when transfers are made between collateral and safekeeping accounts within the same bank.

Although Assembly Bill No. 1215 provides that the State Treasurer must approve each bank as a collateral depository, it is my opinion that a guideline establishing a mini-

mum size banking institution should be incorporated in this legislation to provide a safeguard for the collateral. The fidelity coverage carried by banks offering protection against loss from burglary, robbery or embezzlement is usually predicated upon total assets. I, therefore, recommend that the enabling legislation should be limited to banks with assets in excess of $300,000,000.

I also recommend that a restriction be added to the bill to the effect that no bank shall be permitted to hold securities of the kind described in the bill, as security for public moneys on deposit in the same bank.

Accordingly, I herewith return Assembly Bill No. 1215 for reconsideration and recommend that it be amended as follows:

1. *Page 2, Section 1, Line 28*: After "institution" insert "with total assets in excess of $300,000,000".

2. *Page 2, Section 1, Line 33*: After "deposit." insert "No bank shall be permitted to hold securities, of the kind held hereinbefore described, as security for public moneys on deposit in the same bank."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 22, 1971.

ASSEMBLY BILL NO. 1250

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1250, with my objections, for reconsideration.

This bill would permit the registration and operation on public highways of oversized vehicles to transport divisible loads for industrial processing or storage between facilities of a manufacturer which are separated by public highways. Operation of these oversized vehicles would be limited to traveling not more than 1,000 feet on public highways. They

would be precluded, however, from operation on limited access highways.

I am in agreement with the general purpose of this bill. It is proper and appropriate that consideration be given to the movement of such goods between the facilities of industrial plants which are separated by public highways. The bill has several defects, however. As drafted, it would apply to all vehicles transporting such material. Further, these vehicles would be required to pay the additional registration fee and obtain permits from the Director of Motor Vehicles, whether or not they were used on public highways. I would recommend the bill be amended so that it would apply only to trailers and semitrailers which are oversized and which in fact are used on public highways. Further, the bill would require these vehicles to pass the motor vehicle inspection requirements. This inspection provision is no longer necessary since these commercial vehicles are on a self-inspection basis.

Accordingly, I am returning Assembly Bill No. 1250 for reconsideration with the recommendation that it be amended as follows:

> *Pages 1 and 2, Section 1, Lines 20-33*: Delete in their entirety and insert "A trailer or semitrailer, having a width in excess of 96 but not more than 144 inches, used to transport divisible loads for industrial processing or storage may be registered with the Director at a fee of $150.00. A trailer or semitrailer so registered may be operated on any public highway, except limited access highways, provided the distance operated on the highway is not more than 1,000 feet from the point of entrance to the point of exit and further provided that a permit valid for the duration of the registration year is obtained from the Director. Such movements may be made at any hour of any day of the year and no escort vehicles shall be required. The limitation as to distance operated shall not apply when the vehicle is empty and proceeding to or from an inspection, service, maintenance, or repair facility."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL No. 1275

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1275, without my approval, for reconsideration.

Assembly Bill No. 1275 would amend R. S. 50:2–3 to provide that the license fee for taking oysters or clams shall be not less than $1.00 nor more than $10.00 for residents, and shall be $25.00 for non-residents. It is my belief that the fixing of fees of this nature for residents should be subject to the approval of the Commissioner of the Department of Environmental Protection. In addition, the functions, powers, and duties of the old Board of Shell Fisheries were transferred, by virtue of Section 7 of Chapter 33 of the Laws of 1970 to the Division of Fish, Game and Shell Fisheries. See Section 19 of P. L. 1945, Chapter 22 and Section 93 of P. L. 1948, Chapter 448. The reference in the statute should be corrected to reflect this transfer.

Accordingly, I herewith return Assembly Bill No. 1275 without my approval and respectfully recommend the adoption of the following amendments:

1. *Page 1, Section 1, Line 2:* Delete "board" and insert "Division of Fish, Game and Shell Fisheries".

2. *Page 1, Section 1, Line 3:* After "time" insert ", subject to approval of the Commissioner of the Department of Environmental Protection,".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL No. 1283 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1283 (OCR), with my objections, for reconsideration.

This bill would permit special marine patrolmen in the Department of Environmental Protection to carry firearms in the performance of their duties as authorized by their superior officers.

Marine patrolmen, including special appointees, are becoming involved in investigating incidents of thefts of boats and items from boats. They are involved in patrolling waterfront property during hours of darkness. They should be armed while engaged in this hazardous work.

In review of this legislation, there was initial concern over a possible lack of centralized control over the authorization of special marine patrolmen to carry firearms. Some question also existed as to the training and qualification of these men.

It is my understanding that "marine police" have been recently consolidated with other enforcement officers in a new Bureau of Marine Law Enforcement in the Department of Environmental Protection. A program of training in the use of firearms will be provided. Authorization to carry firearms will be on an individual basis and only after the special policeman has demonstrated his qualifications. This will go a long way toward providing control in this area.

In addition, it is my recommendation that the bill be amended to give the Commissioner of Environmental Protection, or his designated representative, authority to make the ultimate decision on arming individual special marine patrolmen rather than various superior officers. In this manner, consistent policy can be established and adhered to.

Also, the bill has a technical defect in that it does not reflect a recent amendment of this section (N. J. S. 2A:151–43) (P. L. 1940, c. 245).

Accordingly, I herewith return Assembly Bill No. 1283 (OCR) for reconsideration and recommend that it be amended as follows:

Page 3, Section 1, Line 67: After "; " omit "or".

Page 3, Section 1, Line 72: After "firearms by" delete "their superior officers" and insert "the Commissioner of Environmental Protection or his designated representative".

Page 3, Section 1, Line 73: After "duties" omit the period and insert "; or".

Page 3, Section 1, after Line 73: Insert a paragraph as follows:

"u. Licensed retail dealers in firearms and their registered employees during the course of their normal business while traveling to and from their place of business and other places for the purpose of demonstration, exhibition or delivery in connection with a sale; provided any such weapon so carried shall be unloaded and wrapped in a case, box or other container."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 29, 1971.

ASSEMBLY BILL NO. 1291

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1291, with my objections, for reconsideration.

Assembly Bill No. 1291 would provide for the regulation of certain mass gatherings, and provide for the establishment in the State Department of Health of a Mass Gathering Review Board.

I am in accord with the basic purpose and legislative intent behind this bill, which is, specifically, to provide for the reasonable regulation of what are popularly referred to as "rock festivals" or "rock music festivals." The need for such regulation became apparent in recent years, not only through our State's own experiences, but through observation of the experiences of some of our neighboring states. I believe that most people can fully recognize the extreme hazards and dangers that can threaten the public health, safety and welfare when mass gatherings of many thousands of people occur for extended periods of time in geographical areas totally unequipped and ill-suited to handle such gatherings by reason of inadequate or non-existent physical facilities. It is important to note that even those who stand to be affected most by any regulation of such mass gatherings, namely, the participants, the promoters, and local governments, are in general accord as to the need for regulation.

After carefully studying the bill and examining numerous interpretations that have been attributed to certain of its provisions, I am persuaded that several changes are required in order to clarify the true purpose and intent of the bill.

Section 1 of the bill states, in part, that it is the policy of the State to permit the mass gathering of persons for the purposes of musical entertainment "or the expression and communication of ideas in connection with public issues." The latter phrase has caused a reaction not intended by the bill, and has raised the possibility that this bill, which is intended to regulate "rock festivals" and not rights of expression and communication of ideas, may be subjected to a basic misinterpretation. I am therefore recommending the deletion of this phrase and the addition of other clarifying words to this section.

In addition, I am concerned over the breadth of Section 2 as presently drafted. Again, this legislation is designed to reasonably regulate "rock festivals" or similar mass gatherings for the purposes of mass musical or public entertainment, without interfering with other legitimate rights of people to gather and assemble freely for any lawful purpose. It is not intended to apply, for example, to spontaneous mass gatherings or to other mass gatherings not

reasonably anticipated to attract the number of people specified or to continue for the amount of time provided in the legislation. In this connection, therefore, I am recommending clarifying language that will more clearly describe the type of mass gathering which the bill proposes to regulate. I believe that this clarification will be better served by increasing from 12 to 18 the number of hours during which the mass gathering is anticipated to continue without disbanding.

In view of the fact that mass gatherings of the type sought to be regulated in this bill are, by and large, gatherings of young men and women, I believe it appropriate that they be represented on the Mass Gathering Review Board established in Section 3. I am therefore recommending that the board's membership be expanded to include two student representatives to be appointed by the Governor.

This bill does not specifically distinguish, in the degree of regulation that it imposes, between non-profit mass gatherings and those which are conducted for profit. While I do not agree that this legislation should apply only to those mass gatherings which are conducted for profit, I do feel that the Mass Gathering Review Board should, in its discretion, have the opportunity to consider whether the gathering is for profit or non-profit among the other factors listed in Section 7. I am therefore recommending language which will add this as a factor to be considered in that section.

Accordingly, I am returning Assembly No. 1291 for reconsideration, with the recommendations that it be amended as follows:

Page 2, section 1: Delete lines 4 and 5 and insert in lieu thereof "purposes of mass musical or public entertainment."

Page 2, section 2: Delete line 4 and insert in lieu thereof "advertising or otherwise, a mass gathering for the purposes of musical entertainment of various designations such as "pop festival," or "rock festival" or "rock music festival" which may reasonably be anticipated to at-".

Page 2, section 2, line 6: Delete "12" and insert "18".

Page 2, section 2, line 11: Delete "12" and insert "18".

Page 2, section 3, lines 7 and 8: Delete "Commissioner of Education" and insert "Chancellor of Higher Education".

Page 2, section 3, line 11: Between "designees." and "This" insert the following sentence: "In addition the board's membership shall include two student representatives who shall be appointed by and serve at the pleasure of the Governor."

Page 5, section 7: After line 10 insert the following as new line 11: "b. Whether the mass gathering is to be conducted or promoted for profit;"

Page 5, section 7, line 11: Delete "b." and insert "c.".

Page 5, section 7, line 12: Delete "c." and insert "d.".

Page 5, section 7, line 13: Delete "d." and insert "e.".

Page 5, section 7, line 14: Delete "e." and insert "f.".

Page 5, section 7, line 16: Delete "f." and insert "g.".

Page 5, section 7, line 19: Delete "g." and insert "h.".

Page 5, section 7, line 20: Delete "h" and insert "i.".

Page 5, section 7, line 22: Delete "i." and insert "j.".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 25, 1971.

ASSEMBLY BILL No. 1317

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1317, with my objections, for reconsideration.

Assembly Bill No. 1317 represents the legislative response to the adoption of an amendment to Article VIII, Section I, paragraph 4 of the New Jersey Constitution, which authorized the liberalization of the senior citizens' tax

deduction. The constitutional amendment, adopted in November 1970, authorizes an increase in the maximum deduction from $80 to $160 per year and provides that the State shall reimburse annually each taxing district in an amount equal to one-half of the tax loss to the district resulting from the allowance of tax deductions to senior citizens. The amendment further provides that social security benefits shall not be included in determining the amount of income which a senior citizen might earn and still be entitled to the deduction.

Assembly Bill No. 1317 was amended by the Senate to enlarge the definition of "social security benefits" to include all benefits payable by the Federal government in lieu of social security benefits, including benefits payable under the Federal Railroad Retirement Act. I have been advised by the Attorney General that this amendment goes beyond the provisions of the constitutional amendment and is, therefore, not valid.

I recognize the importance of providing additional tax relief for the senior citizens of our State, and I support the concept of Assembly Bill No. 1317 which would provide this additional relief. I further support the desire to permit those retired senior citizens who do not receive social security benefits but receive benefits under governmental retirement laws in lieu of social security benefits to exclude such other benefits from income to determine eligibility for the deductions. However, this can only be accomplished by further amendment of our State Constitution. I urge you to consider adoption of a concurrent resolution calling for a constitutional amendment to allow persons who have retired under Federal and State pension programs and railroad retirement programs which are in lieu of social security benefits to exclude payments under such retirement plans from their income in determining their eligibility for the senior citizens' tax deduction.

In order to make the increased deduction available during 1971, I have determined that Assembly Bill No. 1317 should be adopted in its original form and that upon further amendment of the Constitution, the law can then be changed to take into account those persons who receive Federal or State pensions in lieu of social security benefits.

Finally, I have determined that a technical amendment is necessary to establish the procedure for reflecting the

State's reimbursement for one-half of the senior citizens' tax deductions on the abstract of ratables which forms the basis of the real estate tax levy.

Accordingly, I herewith return Assembly Bill No. 1317 for reconsideration and recommend that it be amended as follows:

Page 2, Section 1: Delete lines 26 through 39.

Page 2, Section 1, Line 40: Delete "(g)" and insert "(f)".

Pages 3 and 4, Section 6: Delete lines 13 through 19 and insert:

"6. For the tax year 1971 and each year thereafter, each county board of taxation shall include in the abstract of ratables prepared pursuant to R. S. 54:4–52 the full estimated amount of the senior citizens' tax deductions as provided for in this act, but only one-half of said amount shall be included in the total on which the tax rate is to be computed."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 2063 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 2063 (OCR), with my objections, for reconsideration.

This bill would regulate the conduct of parties to franchise agreements.

Arrangements involving the use of trademarks and related characteristics in which there is a community of interest in the marketing of goods or services would be held

to be franchises in the contemplation of this bill. Franchises with gross receipts of less than $35,000 or which do not have a place of business in New Jersey for the display and sale of the franchisor's goods or services are excluded from the bill.

Assembly Bill No. 2063 (OCR) is a far-reaching bill and would make the following substantial changes:

1. A franchisor would be prohibited from terminating, cancelling or failing to renew a franchise unless the franchisee had failed to substantially comply with requirements imposed on him by the franchise, which requirements must be reasonable and non-discriminatory. Further, 60 days' notice to do so must be given by the franchisor. Lesser notice is required in limited situations.

2. In the event of a proposed sale, transfer or assignment of a franchise, the franchisor, if he objects, is required to set forth in writing his reasons relating to the character, financial ability or business experience of the proposed transferee. Immunity from suit is granted with regard to the statement of any such reasons.

3. Where a franchisor has designated a particular geographical area for a franchisee, he is precluded from granting an additional franchise in such area unless the franchisee has failed to substantially comply with reasonable and non-discriminatory requirements of the francise. 180 days' notice is also required.

4. The bill would also prohibit the franchisor from:

a) requiring releases, novations, etc., to relieve liability under the act.

b) prohibiting the right of free association among franchisees.

c) requiring changes in management without good cause.

d) interfering in the sale or issuance of stock in corporate franchises.

e) imposing unreasonable standards of performance upon a franchisee.

f) providing terms or conditions in an agreement collateral or ancillary to a franchise which violate the act.

A right of action by a franchisee for damages and injunctive relief for violations is provided. The failure of a franchisee to comply with reasonable and non-discriminatory requirements of the franchise would be a defense for the franchisor to any such action.

The act would not apply to franchises for a definite period of time granted prior to its effective date but would apply to amendments and renewals of existing franchises.

The language in the bill dealing with termination, cancellation and non-renewal (Section 5) is unclear and subject to more than one interpretation. It would appear that a franchise could be terminated, cancelled or not renewed without qualification provided the appropriate notice was given. On the other hand, the same section provides a complete defense to the franchisor if he can prove that the stated reasons for his actions were for good cause, which is limited to a failure by the franchisee to substantially comply with reasonable and non-discriminatory provisions of the franchise. This latter provision is a strong indication that termination, cancellation and non-renewal require good cause. It is my recommendation that this language be clarified to positively state that it shall be a violation of the act for a franchisor to terminate, cancel or fail to renew a franchise without good cause. Further, the language requiring the franchisor to prove that the terms of the franchise agreement are "reasonable and non-discriminatory" is, in itself, unreasonable. It places the franchisor in the position of having to comply with the terms of the agreement but suffer the possibility that the franchisee will not have to comply unless the franchisor can, at all times, shoulder this burden. It is my feeling that the terms "reasonable and non-discriminatory" be deleted from the bill.

In the event a franchisor opposes the transfer, assignment or sale of a franchise, he is again required to show that his reasons for opposing the proposed transfer, assignment or sale are "reasonable and non-discriminatory." I would delete this phrase for the same reason indicated above. In addition, I would require that any such purchaser of a franchise agree, in writing, to comply with all the requirements of the existing franchise.

The provision of the bill (Section 7) which precludes a franchisor from granting an additional franchise where he has designated a franchisee's geographical area has the

effect of sanctioning a restriction on competition which I feel is unwise from the standpoint of public policy. Moreover, this provision conflicts with the federal anti-trust laws which would prohibit such an agreement if it were unreasonable considering the economic structure of the industry, the geographical scope of the exclusive territory and the length of the agreement. I recommend this entire section be deleted from the bill.

Section 8a, which prohibits a franchisor from requiring a franchisee to assent to a release, assignment, novation waiver or estoppel and thus relieve any person from liability imposed by the act, has an unintended result. It would effectively prohibit parties from settling disputes by way of new agreements or releases for a consideration. It is my understanding that the intent is to prohibit the compelling of such releases on waivers of liability at the time the franchise is entered into. I recommend that the language of the bill be amended to comply with this intent.

Section 8d would prohibit a franchisor from interfering with the sale of stock of a corporate franchise. This provision would have the effect of circumventing any control the franchisor has over the sale of the franchise. It would be a simple matter to sell the controlling interest in the form of shares of stock. It is my recommendation that sale or transfer of stock of a corporate franchise be limited to the family or employees of the franchisee provided the basic financial requirements of the franchisor are complied with and provided further such sale of stock does not have the effect of accomplishing a sale of the franchise.

Section 9 of the bill provides that the act shall not apply to a franchise for a definite period of time granted prior to its effective date. As drafted, this language infers that the act would apply to franchises for an "indefinite period of time" granted prior to the effective date. If such were the case, it would have the effect of impairing the obligation of existing contracts. This is prohibited by both the United States and New Jersey Constitution. It is my recommendation that this language be amended so that the act shall not apply to any existing franchises. It is to be noted, however, that any amendment or renewal of an existing franchise after the effective date of this act would come within the provisions of the act.

Section 9 of the bill provides a defense for a franchisor to actions hereunder if it is shown that the franchisee failed

to substantially comply with "reasonable and non-discriminatory" requirements imposed by the franchise. For reasons previously stated, it is my recommendation that the term "reasonable and non-discriminatory" be deleted from this section. In addition, in many instances ancillary and collateral agreements accompany a franchise agreement. The same defense should be made available to a franchisor for violations of these ancillary and collateral agreements.

Finally, the bill as drafted would apply to "oral agreements." It is my feeling that a law so far-reaching should be limited to agreements reduced to writing.

It is my belief that this bill as originally presented to me had the potential of adversely affecting consumers. It would tend to insulate franchisees from any control by franchisors. This would not best serve the interests of the consuming public.

On the other hand, I am concerned over the plight of franchisees who have devoted their lifetime and considerable money to building a business. They should be protected against indiscriminate terminations and cancellations by franchisors.

With the amendments I am recommending, the ultimate consumer is protected and the great existing disparity between franchisors and franchisees is modified through assisting the franchisee without unduly restricting the franchisors.

Accordingly, I herewith return Assembly Bill No. 2063 (OCR) for reconsideration and recommend that it be amended as follows:

Page 1, Section 3, Line 2: After "means" delete "an oral or" and insert "a"

Page 2, Section 5, Lines 18–19: Delete "complete defense under this act for the franchisor to prove that the stated reasons were for" and insert "violation of this act for a franchisor to terminate, cancel or fail to renew a franchise without"

Page 2, Section 5, Lines 23–24: Delete "which requirements must be reasonable and nondiscriminatory"

Page 3, Section 6, Lines 12–13: Delete "which reasons must be reasonable and nondiscriminatory".

Page 3, Section 6, Line 15: After "granted." insert "No such transfer, assignment or sale hereunder shall be valid unless the transferee agrees in writing to comply with all the requirements of the franchise then in effect."

Page 3, Section 7, Lines 1–9: Delete in their entirety.

Page 3, Section 8, Line 1: Delete "8" and insert "7"

Page 3, Section 8, Line 4: After "franchisee" insert "at time of entering into a franchise arrangement"

Page 3, Section 8, Lines 13–18: Delete in their entirety and insert "d. To restrict the sale of any equity or debenture issue or the transfer of any scurities of a franchise or in any way prevent or attempt to prevent the transfer, sale or issuance of shares of stock or debentures to employees, personnel of the franchisee, or heir of the principal owner, as long as basic financial requirements of the franchisor are complied with, and provided any such sale, transfer or issuance does not have the effect of accomplishing a sale of the franchise."

Page 4, Section 9, Line 1: Delete "9" and insert "8"

Page 4, Section 9, Lines 1–2: Delete "for a definite period of time"

Page 4, Section 10, Line 1: Delete "10" and insert "9"

Page 4, Section 10, Lines 3–4: Delete "reasonable and nondiscriminatory"

Page 4, Section 10, Line 4: After "franchise" insert "and other agreements ancillary or collateral thereto"

Page 4, Section 11, Line 1: Delete "11" and insert "10"

Page 4, Section 12, Line 1: Delete "12" and insert "11"

Page 4, Section 13, Line 1: Delete "13" and insert "12"

Page 4, Section 14, Line 1: Delete "14" and insert "13"

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 19, 1971.

ASSEMBLY BILL No. 2071

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 2071, with my objections, for reconsideration.

This bill amends the Judicial Pension Act to authorize pension benefits for surviving widows of judges provided they were married three years prior to his death and continue to be married until his death. The requirement of marriage prior to his attaining age 50 is eliminated.

I am in agreement with the policy of eliminating the archaic requirement that a judge must have married prior to attaining age 50 in order that pension benefits be provided for his surviving widow.

This bill provides excellent survivor benefits for these widows. It is my belief that a widow, in order to qualify for these excellent benefits, should have been married to her husband for a period of at least four years. This is a more reasonable period than the three years provided in the bill as originally drafted.

Accordingly, I am returning Assembly Bill No. 2071 for reconsideration with the requirement that it be amended as follows:

Page 1, Section 1, Line 11: After "least" delete "3" and insert "4".

Respectfully,

[SEAL] /s/ RAYMOND H. BATEMAN,
Acting Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL No. 2096 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 2096 (OCR), with my objections, for reconsideration.

Assembly Bill No. 2096 (OCR) would create a "Pinelands Environmental Commission" as a State agency, in but not of the Department of Environmental Protection, with broad jurisdiction, powers and duties. By its terms it would be independent of departmental control. The Commission would be composed of 15 members with representatives of various interests in Burlington and Ocean Counties, as well as including the Commissioner of Environmental Protection. The Commission's jurisdiction would include a large portion of the pinelands in Burlington and Ocean Counties. It would be charged with preparing a comprehensive development plan for the region and would review proposals for development, raise appropriate objections, and cause unsatisfactory proposals to be further considered. The bill authorizes public hearings on such matters. It also authorizes the bringing of actions to enjoin violations of the act.

A major objective of this bill is protection of water resources and other natural assets of the pinelands region. I believe that the purpose of this bill is desirable and that the planning efforts would encourage more thoughtful development, taking into account environmental protection. However, there are certain technical changes which should be made. The bill also includes within the pinelands region land within two state forests. This is a highly undesirable duplication of effort and would require the unnecessary expenditure of funds. Lands within the state forest are adequately protected by the State Department of Environmental Protection and reference to state owned lands should be deleted.

Certain other amendments are suggested. I believe that the regulatory body created under this act should more appropriately be called "Pinelands Environmental Council." The excessive use of the term "commission," and the appointment of "commissioners," has the effect of diluting

the status of the commissioners of the various state departments and creating confusion. Thus, I make the recommendation that the term council be used. The council is charged with preparing comprehensive plans. These plans should also have to be filed with the State agencies represented on the council as well as with the various local governments which may be affected. The references in Section 15 (f) to the effective date of the act as not being applicable until review standards have been adopted appears erroneous and should be changed to "section."

In addition, since state funds are to be involved, there should be the usual requirement and opportunity for state budget review. I believe that there should be an equal sharing in the contribution of funds, with the state sharing one-half of the appropriation and local funds making up the balance in view of the strong regional approach and emphasis on local representation. Finally, rather than take effect immediately, I suggest that the act take effect 90 days after enactment to allow time to prepare for its implementation.

Accordingly, I herewith return Assembly Bill No. 2096 (OCR) for reconsideration, and recommend that it be amended as follows:

1. *Page 1, Title:* After "Environmental" on the first line of the Title delete "Commission" and insert in lieu thereof "Council".

2. *Page 1, Title:* On the third line of the Title delete "commission" and insert in lieu thereof "council".

3. *Page 1, Section 1, Line 1:* Delete "Commission" and insert in lieu thereof "Council".

4. *Page 1, Section 1, Line 7:* Delete "Commission" and insert in lieu thereof "Council".

5. *Page 1, Section 1, Line 9:* Delete "commission" and insert in lieu thereof "council".

6. *Page 1, Section 2, Line 1:* Delete "commission" and insert in lieu thereof "council".

7. *Page 1, Section 2, Line 6:* Delete "add ratables and to".

8. *Page 1, Section 2, Line 7:* Before "economic" insert "environmental and".

9. *Page 1, Section 2, Line 7:* Delete "municipalities of the".

10. *Page 1, Section 3, Line 1:* Delete "commission" and insert in lieu thereof "council".

11. *Page 2, Section 4, Line 1:* Delete "commission" and insert in lieu thereof "council".

12. *Page 2, Section 4, Lines 19-20:* Delete "ex-officio" and insert in lieu thereof "during his term of office as such Commissioner".

13. *Page 2, Section 4, Line 20:* Delete "14".

14. *Page 2, Section 4, Line 21:* Delete "commission" and insert in lieu thereof "council".

15. *Page 2, Section 4, Line 29:* After "duties" delete ";" and insert in lieu thereof ",".

16. *Page 2, Section 5, Line 1:* Delete "commission" and insert in lieu thereof "council".

17. *Page 2, Section 5, Line 4:* Delete "commission" and insert in lieu thereof "council".

18. *Page 2, Section 5, Line 5:* Delete "commission" and insert in lieu thereof "council".

19. *Page 2, Section 5, Line 6:* Delete "commission" and insert in lieu thereof "council".

20. *Page 2, Section 5, Line 7:* Delete "commission" and insert in lieu thereof "council".

21. *Page 3, Section 5, Line 9:* Delete "commission" and insert in lieu thereof "council".

22. *Page 3, Section 5, Line 11:* Delete "commission" and insert in lieu thereof "council".

23. *Page 3, Section 5, Line 12:* Delete "commission" and insert in lieu thereof "council".

24. *Page 3, Section 5, Line 13:* Delete "commission" and insert in lieu thereof "council".

25. *Page 3, Section 5, Line 16:* Delete "commission" and insert in lieu thereof "council".

26. *Page 3, Section 5:* Insert a new paragraph after line 17 to read as follows:

"e. Three certified true copies of the minutes of every meeting of the council shall be forthwith delivered, by and under the certification of the secretary thereof, to the Governor."

27. *Page 3, Section 6, Line 19:* Insert new paragraph to read as follows:

"This act shall not be construed to apply to lands owned by the State of New Jersey."

28. *Page 3, Section 7, Line 1:* Delete "commission" and insert in lieu thereof "council".

29. *Page 3, Section 7, Line 10:* Delete "commission" and insert in lieu thereof "council".

30. *Page 4, Section 7, Line 15:* After "plan" insert ", including environmental considerations,".

31. *Page 4, Section 7, Line 15:* Delete "commission" and insert in lieu thereof "council".

32. *Page 4, Section 8, Line 1:* Delete "commission" and insert in lieu thereof "council".

33. *Page 4, Section 10, Line 1:* Delete "commission" and insert in lieu thereof "council".

34. *Page 4, Section 10, Line 4:* Delete "commission" and insert in lieu thereof "council".

35. *Page 4, Section 10, Line 6:* Delete "commission" and insert in lieu thereof "council".

36. *Page 4, Section 10, Line 8:* Delete "commission" and insert in lieu thereof "council".

37. *Page 4, Section 10, Line 10:* Delete "commission" and insert in lieu thereof "council".

38. *Page 5, Section 10, Line 13:* Delete "commission" and insert in lieu thereof "council".

39. *Page 5, Section 10, Line 16:* Delete "commission" and insert in lieu thereof "council".

40. *Page 5, Section 11, Line 1:* Delete "commission" and insert in lieu thereof "council".

41. *Page 5, Section 12, Lines 2-3:* Delete "commission" and insert in lieu thereof "council".

42. *Page 5, Section 12, Line 5:* After "region" insert "and with any state department or agency represented on the council".

43. *Page 5, Section 13, Line 5:* Delete "commission" and insert in lieu thereof "council".

44. *Page 5, Section 13, Line 10:* Delete "commission" and insert in lieu thereof "council".

45. *Page 5, Section 13, Line 12:* Delete "commission" and insert in lieu thereof "council".

46. *Page 5, Section 13, Line 20:* Delete "commission" and insert in lieu thereof "council".

47. *Page 6, Section 13, Line 28:* Delete "commission" and insert in lieu thereof "council".

48. *Page 6, Section 13, Line 30:* After "region" insert "and with any state department or agency represented on the council".

49. *Page 6, Section 14, Line 1:* Delete "commission" and insert in lieu thereof "council".

50. *Page 6, Section 14, Line 4:* Delete "commission" and insert in lieu thereof "council".

51. *Page 6, Section 14, Line 7:* Delete "commission" and insert in lieu thereof "council".

52. *Page 6, Section 15, Line 3:* Delete "commission" and insert in lieu thereof "council".

53. *Page 6, Section 15, Line 4:* Delete "commission" and insert in lieu thereof "council".

54. *Page 6, Section 15, Line 7:* Delete "commission" and insert in lieu thereof "council".

55. *Page 6, Section 15, Line 9:* Delete "commission" and insert in lieu thereof "council".

56. *Page 6, Section 15, Line 16:* Delete "commission" and insert in lieu thereof "council".

57. *Page 6, Section 15, Line 18:* Delete "commission" and insert in lieu thereof "council".

58. *Page 6, Section 15, Line 22:* Delete "commission" and insert in lieu thereof "council".

59. *Page 6, Section 15, Line 25:* Delete "commission" and insert in lieu thereof "council".

60. *Page 6, Section 15, Line 30:* Delete "commission" and insert in lieu thereof "council".

61. *Page 7, Section 15, Line 32:* Delete "act" and insert in lieu thereof "section".

62. *Page 7, Section 15, Line 33:* Delete "act" and insert in lieu thereof "section".

63. *Page 7, Section 15, Line 39:* Delete "commission" and insert in lieu thereof "council".

64. *Page 7, Section 16, Line 1:* Delete "commission" and insert in lieu thereof "council".

65. *Page 7, Section 16, Line 3:* After "State" insert "and local".

66. *Page 7, Section 16, Line 4:* Delete "Government" and insert in lieu thereof "Governments".

67. *Page 7, Section 17, Line 4:* Delete "commission" and insert in lieu thereof "council".

68. *Page 7, Section 17, Line 9:* Delete "commission" and insert in lieu thereof "council".

69. *Page 7, Section 18, Line 1:* Delete "commission" and insert in lieu thereof "council".

70. *Page 7, Section 18:* Insert a new paragraph after line 3 to read as follows:

"The Director of the Division of Budget and Accounting of the Department of the Treasury of the State of New Jersey and his authorized representatives shall from time to time, and not less than once in every 3 year period, examine the accounts and books of the Pinelands Environmental Council, including: (a) its operations and accomplishments; (b) its receipts and disbursements, revenues and expenses, during such fiscal year in accordance with the categories and classifications established by the council for its operating and capital outlay purposes, if any; (c) its assets and liabilities at the end of the fiscal year, including the status of reserve depreciation, special or other funds and including the receipts and disbursements of such funds; (d) and such other items referring to its financial standing as the Director may deem proper.

Within 30 days of receipt thereof, the council shall submit to the Director of the Division of Budget and Accounting of the Department of the Treasury a copy of every independent audit or examination of its receipts, distributions, contracts, leases or investments."

71. *Page 7, Section 19, Line 1:* Delete "commission" and insert in lieu thereof "council".

72. *Page 7, Section 20, Line 2:* Delete "commission" and insert in lieu thereof "council".

73. *Page 7, Section 20, Line 5:* Delete "commission" and insert in lieu thereof "council".

74. *Page 7, Section 20, Line 7:* Delete "commission" and insert in lieu thereof "council".

75. *Page 7, Section 20, Line 9:* Delete "commission" and insert in lieu thereof "council".

76. *Page 8, Section 20, Line 11:* Delete "Commission" and insert in lieu thereof "council".

77. *Page 8, Section 20, Line 12:* Delete "commission" and insert in lieu thereof "council".

78. *Page 8, Section 20, Line 14:* Delete "commission" and insert in lieu thereof "council".

79. *Page 8, Section 20, Lines 15-16:* Delete "commission" and insert in lieu thereof "council".

80. *Page 8, Section 20, Line 17:* Delete "commission" and insert in lieu thereof "council, the Governor and the Legislature and the Boards of Chosen Freeholders of Burlington and Ocean Counties".

81. *Page 8, Section 20, Line 18:* Delete "commission" and insert in lieu thereof "council".

82. *Page 8, Section 20, Line 19:* Delete "commission" and insert in lieu thereof "council".

83. *Page 8, Section 21, Line 1:* Delete "commission" and insert in lieu thereof "council".

84. *Page 8, Section 21, Line 7:* Delete "commission" and insert in lieu thereof "council".

85. *Page 8, Section 22, Line 3:* Delete "Commission" and insert in lieu thereof "Council".

86. *Page 8, Section 22, Line 6:* After "appropriate" insert ", subject to the availability of funds therefor, not to exceed one-half State share and one-half local funds".

87. *Page 8, Section 23, Line 1:* Delete "immediately" and insert in lieu thereof "90 days after enactment, but anticipatory action may be taken in advance thereof, including the making of authorized appointments, and confirmation or approval thereof."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 6, 1971.

ASSEMBLY BILL No. 2099

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I hereby return Assembly Bill No. 2099, with my objections, for reconsideration.

Assembly Bill No. 2099 seeks to provide additional protections to police and firemen for work connected disabilities. In its present form it purports to cover heart disease which is already amply covered by our Workmen's Compensation law. It also limits lung disease to tuberculosis which is too restrictive and it further fails to provide coverage in cases of death. The suggested amendments will alleviate these problems.

Accordingly, I am returning Assembly Bill No. 2099 for reconsideration and recommend that it be amended as follows:

Page 1, section 1, line 2: Delete "hypertension,"

Page 1, section 1, line 3: Delete "heart disease or tuberculosis of the", insert "a disease of the lungs or", delete "system" and insert "tract".

Page 1, section 1, line 4: Delete "or partial", insert after "disability" "or death" and delete "full time employed"

Page 1, section 1, page 5: After "of a paid" delete "or part paid"

Page 1, section 1, line 6: After "who" insert "shall have"

Page 1, section 1, line 7: After "service," insert "or subsequent to such entry,"

Page 1, section 1, line 8: After "evidence" insert "or manifestation", after "condition" delete "," insert "or impairment of health,"

Page 1, section 1, line 9: After "duty" insert "as a result of the inhalation of noxious fumes or poisonous gases", after "shown" delete "by" and insert "."

Page 1 section 1, line 10: Delete "competent evidence"

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 6, 1971.

ASSEMBLY BILL No. 2100

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I hereby return Assembly Bill No. 2100 with my objections for reconsideration.

Assembly Bill No. 2100 seeks to provide additional protections to police and firemen for work connected disabilities. In its present form it purports to cover heart disease which is already amply covered by our Workmen's Compensation law. It also limits lung disease to tuberculosis which is too restrictive and it further fails to provide coverage in cases of death. The suggested amendments will alleviate these problems.

Accordingly, I am returning Assembly Bill No. 2100 for reconsideration and recommend that it be amended as follows:

Page 1, section 1, line 2: Delete "conditions" insert "condition", delete "hypertension".

Page 1, section 1, line 3: Delete "heart disease or tuberculosis of the", insert "a disease of the lungs or", delete "system" and insert "tract".

Page 1, section 1, line 4: Delete "or partial", insert after "disability" "or death" and delete "full time employed".

Page 1, section 1, page 5: After "of a paid" delete "or part paid".

Page 1, section 1, line 6: After "who" insert "shall have".

Page 1, section 1, line 7: After "service," insert "or subsequent to such entry,".

Page 1, section 1, line 8: After "evidence" insert "or manifestation", after "condition" delete "," insert "or impairment of health,".

Page 1, section 1, line 9: After "duty" insert "as a result of the inhalation of noxious fumes or poisonous gases", after "shown" delete "by" and insert ".".

Page 1, section 1, line 10: Delete "competent evidence".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL No. 2154

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 2154, with my objections, for reconsideration.

Assembly Bill No. 2154 provides for the granting of leaves of absence to any person employed by the State, county or municipality or by any mass transportation facility who is summoned for jury service. The employee would be entitled to receive his full compensation for each day of jury service, less the juror fee paid. The bill also amends N. J. S. 22A:1–3 requiring that in addition to per diem juror's fee, a mileage allowance be paid to the juror.

The purpose of this legislation is commendable, as it would serve to encourage citizens to fulfill their duty of jury service without any financial loss. I note, however, that there are certain technical difficulties which would complicate the administration of this act. In the classified service, the term "leaves of absence" is a formal phrase meaning extended continuous leaves of absence from work. Most

governmental employees are presently released for jury duty only on those days when they actually serve on a jury. In the event that they are excused by the court at the beginning of the day, they are required to return to work. Additionally, the revised Civil Service Rules, N. J. A. C. 4:17–8, presently allows State employees time off for jury service without loss of pay and juror fees are not deducted. This is also true in many local governments.

If this bill were to be signed in its present form, it would result in reduced benefits to public employees.

Accordingly, I respectfully recommend the following changes in Assembly Bill No. 2154:

Page 1, Section 1, Line 4: After "be" delete "granted", insert "excused".

Page 1, Section 1, Line 5: Delete "leave of absence".

Page 1, Section 1, Line 8: After "is" delete "on leave of absence" insert "excused".

Page 1, Section 1, Line 9: After "service" insert ", or at least his actual compensation,"

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY BILL No. 2226 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 2226 (OCR), without my approval, for reconsideration.

Assembly Bill No. 2226 (OCR) would amend R. S. 39:4–128 to eliminate the requirement for omnibuses, and

certain other vehicles, to stop at railroad grade crossings which have been abandoned or "not in use."

I agree with the purpose of the bill, which is to promote a smooth and uninterrupted flow of traffic by advising motorists that a railroad crossing is inactive.

There are several ways in which the objective of the bill can be reached. Rather than proliferating signs, it would seem desirable to provide for the removal of tracks or their paving over and removing of notice signs in those cases. This would encourage the beautification of highways and removal of unnecessary distractions. Removal or paving of the tracks would also be a safety measure. In addition, I believe the language "not in use" is vague and should be changed to state "no longer used for any railroad traffic."

Accordingly, I herewith return Assembly Bill No. 2226 (OCR) without my approval and respectfully recommend the adoption of the following amendments:

1. *Page 1, Section 1, Line 20A*: Delete "not in use" and insert in lieu thereof "no longer used for any railroad traffic. This section shall also not apply to grade crossings where the railroad track has been removed or paved over and the warning signs erected by the railroad in accordance with R. S. 48:12–58 have been removed, providing that in such case written notice is given to the Board of Public Utility Commissioners and to the appropriate state or local authority having jurisdiction over the highway, road, or street prior to the undertaking of such removal or paving of railroad track."

2. *Page 3, Section 2, Line 10*: After "Crossing." insert a new sentence as follows: "When the railroad track has been removed or paved over at an abandoned grade crossing, no sign shall be required."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 3, 1971.

ASSEMBLY BILL No. 2390

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly No. 2390, with my objections, for reconsideration.

Assembly Bill No. 2390 is intended to correct an oversight which was made in the preparation of the budget of a Board of Education in Sussex County. The municipality, which comprises the school district, intended to and budgeted for a transfer of funds from its principal surplus to the local Board of Education in order to keep the amount to be raised by taxation for school purposes to a minimum. However, the local Board of Education did not include this amount in its budget and corrective legislation is necessary to allow these surplus funds to be taken into account.

After review of Assembly No. 2390, I am convinced that certain technical amendments are necessary so that it will accomplish its intended purpose.

Accordingly, I herewith return Assembly Bill No. 2390, for reconsideration, and recommend that it be amended as follows:

Page 1, Section 1, Line 2: Delete "will" and insert "has".

Page 1, Section 1, Line 3: Delete "transfer funds from surplus" and insert "transferred funds".

Page 1, Section 1, Line 3: After "education" insert "on or before said date and".

Page 1, Section 1, Line 4: After "year," insert "and the amount of the transfer has been included in the adopted municipal budget as a line item appropriation,".

Page 1, Section 1, Line 6: After "Affairs" insert "and by the Director of the Division of Taxation in the Department of the Treasury".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL No. 124 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I am returning herewith for reconsideration, with my objections, Senate Bill No. 124.

This bill would establish the effective date of exemption from real estate taxation of lands acquired by the State, a State agency or an authority created by the State.

As enacted it goes beyond the holding of *East Orange v. Palmer*, 47 N.J. 307 (1966), and in so doing obligates the State to pay an additional year of taxes on real property acquired after October 1st of any year.

In view of the potential cost impact of this bill to government at all levels, I recommend amendments to provide for exemption so long as the Tax Assessor is notified before the closing of his rolls which occurs on January 10th each year. These amendments would assure that the bill would be consistent with *East Orange v. Palmer, supra.* Section 6 should be eliminated since the subject of condemnation generally, including the specific subject matter of Section 6, has been dealt with in separate legislation, Assembly Bill No. 504.

Accordingly, I am returning Senate Bill No. 124 for reconsideration and with the recommendation that the bill be amended as follows:

Page 1, section 1, line 1: Delete "Notwithstanding the provisions of any law to the contrary,".

Page 1, section 1, line 2: Delete "real" and insert "Real".

Page 1, section 2, lines 3 to 5: Delete lines 3 through 5 in their entirety and insert "demnation or otherwise, such property shall become tax exempt on January 1 of the calendar year next following the date of acquisition, provided that the Tax Assessor of the municipality in which such property is located is given written notice of the acquisition by certified mail on or before January 10 of said calendar year next following; provided further that if real

property is acquired between January 1 and January 10 inclusive and the prescribed notice is given on or before January 10, such real property shall become tax exempt as of the date of acquisition.''

Page 1, section 3, line 1: Delete section 3 in its entirety.

Page 1, section 4, line 1: Delete ''4'' and insert ''3''.

Page 1, section 4, lines 1 through 3: Delete ''entry in and upon real property, by the State or by a State agency, or by an authority created by the State, when such entry is authorized by law,'' and insert ''the right of possession, subject to L. 1970, c. 214, section 1, or vesting of title, whichever shall first occur,''.

Page 1, section 4, line 4: After ''acquisition'' delete ''in'' and insert ''with''.

Page 1, section 5, line 1: Delete ''5'' and insert ''4''.

Page 2, section 6, line 1: Delete section 6 in its entirety.

Page 2, section 7, line 1: Delete ''7'' and insert ''5''.

Page 2, section 8, line 1: Delete ''8'' and insert ''6''.

Page 2, section 8, line 6: After ''law'' delete ''.'' and insert '', nor shall it be construed to prohibit payment of or agreements for the payment of fair and reasonable sums in lieu of taxes as provided by law.''

Page 2, section 9, line 1: Delete section 9 in its entirety.

Page 2, section 10, line 1: Delete ''10'' and insert ''7''.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 29, 1971.

SENATE No. 235

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 235 for reconsideration.

This bill would allow the creation of a more or less independent hospital board for the operation and management of municipal hospitals. The bill also attempts to establish staggered terms for the members of the hospital board who are not ex-officio members. I am sympathetic to the intent of this bill, however, the bill is deficient in certain respects and requires amendment. The bill fails to take into consideration the disposition of the receipts and revenues from patients and third-party payors.

The bill fails to provide for the filling of vacancies and for successor appointments. In addition, it should be clear that local hospital boards are subject to State health and licensing regulations, and that they do not have bonding authority. There are certain other changes also required.

Accordingly, I herewith return Senate Bill No. 235 without my approval and respectfully recommend the following changes:

1. Page 1, Section 1, Line 9: after "municipality" insert ",".

2. Page 1, Section 1, Line 12: after "years." insert "Thereafter, all appointments shall be made for terms of 4 years. All appointed members shall serve after the expiration of their terms until their respective successors are appointed and shall qualify, and any vacancy occurring in the appointed members of the board, due to expiration of term or otherwise, shall be filled in the same manner as the original appointment, for the unexpired term only, notwithstanding that the previous incumbent may have held over and continued in office as aforesaid. The Board Members may be reimbursed for actual expenses incurred in the performance of their official duties".

3. Page 1, Section 1, Line 14: after "board" insert new paragraph as follows: "At its organization meeting the

board shall annually elect a chairman, a vice chairman, a secretary and a treasurer, who shall hold office until the 1st day of February next ensuing, and until their respective successors have been elected and qualify. The treasurer may be an ex officio member of the board. The treasurer shall file a bond of indemnity with the board in an amount sufficient to cover the monies from time to time under his custody and control. Such monies shall be deposited to the account of the hospital in a separate bank account or accounts.''

4. Page 2, Section 1, Line 28: after ''municipality'' insert '', but subject to State health and licensing laws''.

5. Page 2, Section 1, Line 34: delete ''board'' and insert ''hospital''.

6. Page 2, Section 1, Line 37: delete ''employers'' and insert in lieu thereof ''employees''.

7. Page 2, Section 1, Line 44: after ''hospital'' insert '', and except as otherwise provided by Section 30:9–13 of this Title and applicable law.''

8. Page 2, Section 1, Line 46: after ''positions.'' insert ''Receipts and revenues of the hospital shall be retained and applied by the board for the purposes of the hospital.''

9. Page 2, Section 1, Line 46: delete ''December 31'' and insert ''November 15''.

10. Page 2, Section 1, Line 47: delete ''the estimated sum'' and insert in lieu thereof ''any additional sums that may be''.

11. Page 2, Section 1, Line 54: after ''purposes'' insert ''within the amounts available therefor in accordance with applicable law. The board shall not have the power to borrow money for any of its purposes''.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL No. 290 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 290 (OCR), with my objections, for reconsideration.

Senate Bill No. 290 (OCR) would amend the County Planning Law to permit municipal approval authorities either to defer taking final action on a subdivision application until receipt of the county planning board report or to approve such application subject to its timely receipt of a favorable report thereon by the county planning board.

Existing law requires municipal planning boards to defer action until receipt of county planning board approval. This legislation has the advantage of expediting the approval of subdivision applications. Many municipal planning boards meet only once each month and the existing procedure has in some instances resulted in applicants returning to the authority on unnecessary occasions. The proposed change in procedure would not endanger the enforcement of county regulations of plats since section 7, c. 285, P. L. 1968 (County Planning Law Revision) prohibits the county recording officer from filing any subdivision plat unless it bears the certification of approval by the authorized county planning board officer. Therefore, if certification is required by the county, the signature of the appropriate county planning board official would be the ultimate determinative factor.

Senate Bill No. 290 (OCR) was passed by the Legislature on April 15, 1971. On May 6, 1971, while Senate Bill No. 290 (OCR) was under review by my staff, I signed into law Senate Bill No. 728 which amended the same section as Section 2 of Senate Bill No. 290 (OCR), (N. J. S. A. 40:55–1.14). In order to continue the provisions of c. 124, P. L. 1971, permitting municipalities to require as a condition for subdivision approval the submission of proof that no taxes or assessments for local improvements are due or delinquent on the property for which any subdivision application is made, it is necessary to conform the change in Senate Bill No. 290 (OCR) to those made in Senate Bill No. 728.

Accordingly, I respectfully recommend the following change in Senate Bill No. 290 (OCR):

Page 2, Section 2, Line 23: after "mayor." insert a new paragraph as follows: "Any such ordinance may require as a condition for local municipal approval the submission of proof that no taxes or assessments for local improvements are due or delinquent on the property for which any subdivision application is made."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL NO. 294

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 294, with my objections, for reconsideration.

This bill would amend the Police and Firemen's Retirement System Act to provide a minimum pension of $3,000 annually for each retired member of the System. The State of New Jersey would pay the entire cost of the difference between pensions currently received by members and the proposed $3,000 minimum.

This bill is similar to Senate Bill No. 295, which I am returning to the Legislature today. Senate Bill No. 295 is concerned with the Consolidated Police and Firemen's Pension Fund. My message and recommendation with regard to Senate Bill No. 294 apply equally as well to Senate Bill No. 295, except insofar as otherwise indicated in my message concerning that bill.

While I am gravely concerned about the inadequacy of pensions to our retired policemen and firemen, I feel that the provision of this bill that would require the State to pay

the increases in pension benefits for these retired municipal policemen and firemen is inappropriate. These pension benefits are the responsibility of the local municipalities. In 1944, the Police and Firemen's Retirement System was established and further membership in the existing local pension systems was closed. Thereafter, in 1952, the actuarial deficiencies in the local systems became insurmountable. The Consolidated Police and Firemen's Pension Fund was established so that deficiencies resulting from prior inadequate contributions could be overcome. The State at that time was directed to make up one-third of the deficit in the Consolidated Fund. In establishing the Police and Firemen's Retirement System, it was determined that the State should not bear the responsibility for the cost of pensions for local policemen and firemen. I would reaffirm that determination. Any increases in benefits for local policemen and firemen should be paid by the local municipality. It is their obligation for their employees in the same manner as the State bears the obligation for its employees.

Accordingly, I herewith return Senate Bill No. 294 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 6: Delete "State" and insert "System".

Page 1, Section 1, Line 7: Delete "entre" and insert "entire".

Page 1, Section 1, Line 8: After "the pension" and before "currently" insert ", including any addition thereto pursuant to the provisions of the 'Pension Increase Act,' P.L. 1958, c. 143,".

Page 1, Section 3, Lines 1-2: Delete this section in its entirety.

Page 1, Section 4, Line 1: Delete "4." and insert "3."; after "effect" delete "immediately" and insert "on the first day of the second month following enactment".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL No. 295 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 295 (OCR), with my objections, for reconsideration.

This bill would amend the Consolidated Police and Firemen's Pension Fund to provide a minimum pension of $3,000 annually for each retired member of the Fund. The State of New Jersey would pay the entire cost of the difference between pensions currently received by a member and the proposed $3,000 minimum.

This bill is similar to Senate Bill No. 294, which I am returning to the Legislature today. My message and recommendation with regard to that bill, Senate Bill No. 294, apply equally as well to this bill, Senate Bill No. 295.

I would further add that presently the State of New Jersey pays one-third of the cost to make up the deficit in the Consolidated Police and Firemen's Pension Fund. Local municipalities pay the remaining two-thirds cost for this deficit. It would be most inappropriate to require the State to pay additional amounts for pension benefits for members of the Consolidated Police and Firemen's Pension Fund.

Accordingly, I herewith return Senate Bill No. 295 for reconsideration and recommend that it be amended as follows:

Page 2, Section 1, Line 34: Delete "from and after the date of the enactment of this amendment,".

Page 2, Section 1, Line 35: Delete "State" and insert "Fund".

Page 2, Section 1, Line 38: After "provisions of" insert "the 'Pension Increase Act,' ".

Page 2, Section 1, Lines 38-38A: Delete "(C. 43:3B–1 et seq.) and amendments thereof,".

Page 2, Section 2, Lines 1-2: Delete this section in its entirety and insert a new Section 2 as follows:

"2. The $3,000 minimum shall apply in an identical manner to disability pensions granted to retired members pursuant to the provisions of Section 43:16–2 of the Revised Statutes."

Page 2, Section 3, Line 1: After "effect" delete "immediately" and insert "on the first day of the second month following enactment".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL No. 298 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 298 (OCR) for reconsideration.

Senate Bill No. 298 (OCR) would make an appropriation to the former Department of Conservation and Economic Development for grants of up to $100,000 to municipalities in the Passaic River Basin region of the State for certain limited local flood control purposes in that area. It would also establish a specific fund to be used for those purposes. There are no stipulations as to when and for what specific purposes the money can be spent, except that there is a limitation that no grant in excess of $100,000 can be made without additional approvals from both the executive and legislative branches of government. There is no provision for acquiring flood plain lands.

Other than creation in the Department of the Treasury of the Passaic River Basin Dredging and Desnagging Fund, there is no provision to assure that the work would be done in a comprehensive manner under the supervision of one of the State Departments. Nor is there any provision in the bill to require that the municipality or county obtain any

necessary permits or easements for such work. The bill is also inaccurate in that it refers to the former Department of Conservation and Economic Development. The deficiencies I have noted require the return of this bill to you with my recommendations.

It is clear that any meaningful flood control plan in the Passaic River Basin will be extensive and costly and will have to be undertaken in several stages with an awareness of the forces of nature and the functions of rivers in our environment. Although my recommendations, if adopted, will provide the impetus for proper flood plain delineation and flood control planning, such an undertaking will be costly and will require Federal funds. Federal matching funds may be available for certain portions of the necessary work, and should be applied for whenever feasible. At this time, there are several areas where selective dredging and desnagging, the acquisition of certain flood plain lands, and possible improvement of certain bridge areas may tend to reduce the potential for flood losses. The State Department of Environmental Protection should be authorized to expend up to $4.1 million for these purposes over an appropriate period of time.

This would represent further evidence of the State's efforts to assist local municipalities to help themselves by infusing funds into a specific geographic area, although the benefit to the State as a whole may not be immediately apparent.

The Department of Environmental Protection, the Department which should be charged with seeing that the work is done in a comprehensive manner, has consistently indicated that Senate Bill No. 298 (OCR) could only achieve short-term results. Long range projects recognizing ecological implications, such as acquiring flood plain lands to preserve them in their natural state, but allowing limited development as recreational facilities which could also serve as absorbing or ponding areas in times of peak floods, are costly to implement to full efficiency.

The present limited resources of the State require that full utilization be made of available funds and that an order of priority be established. Since the work involved will be done in these municipalities and will benefit them, the bill should provide that any easements required for completion of the necessary work are to be obtained by the affected counties and municipalities.

This then leaves remaining the next question of what action might be taken to provide for additional desnagging and deshoaling of the tributaries and streams in the Passaic River Basin. Under section 205 of the federal Small Flood Control Act, the Corps of Engineers, without need for congressional authorization, can expend up to $1,000,000 for studies and construction of small flood control projects. The federal share of these projects is approximately 70%. Thus, for every one million dollars in State and/or local funds, New Jersey could achieve over three million dollars in protective work projects. More than one project could be constructed on the same river if proven to be hydraulically independent. Contiguous municipalities could, therefore, join together in one small flood control project as long as the federal outlay does not exceed the one million dollars, and subject to the availability of federal funds.

Estimates currently available to me of certain selected desnagging and deshoaling projects of the tributaries are approximately 4.3 million dollars. By the municipalities, counties and the State putting up a total of 1.1 million dollars this work might be accomplished with the contribution of federal funds. The local contributions need not necessarily be in cash, but could be in kind—i.e., providing land easements and rights-of-way; relocation of utilities or improvement of bridges, etc. This work could be spread out over an appropriate period of years since there would probably be difficulty in completing the work in one year, thus obviating the necessity of spending 1.1 million dollars in one fiscal year.

In order to implement this additional work which I have just referred to, it is my intention to seek legislation providing for local participation, to a limited extent, either by cash contribution or contributions in kind, so as to take full advantage of the possible availability of federal funds, and to coordinate applications through the Department of Environmental Protection. Such legislation would also require local municipalities and counties to maintain the completed project to prevent recurrence of flood conditions, recognizing local responsibility as well as the fact that proper development in the flood plain area was often not adequately considered or provided for in the planning.

The language in the bill which I intend to ask to be introduced should make it clear that the funds appropriated are to be used specifically to carry out projects eligible for

section 205 funds under the federal Small Flood Control Act, and that the Department of Environmental Protection will be the department to oversee the work.

Accordingly, I herewith return Senate Bill No. 298 (OCR) without my approval and respectfully recommend the following changes:

1. Amend the title of the act to insert on Line 1 thereof after the word "desnagging" the phrase ", the improvement of bridges and the acquisition".

2. Amend the title of the act on Line 4 thereof to delete "$4.5" and insert in lieu thereof "$4.1".

3. Page 1, Section 1, Line 2, after "Desnagging" insert "and Flood Plain Land Acquisition".

4. Page 1, Section 1, Line 3, omit "1970" and insert "1971".

5. Page 1, Section 2, Line 7, after "tributaries" insert ", improve bridges and to acquire affected land".

6. Page 1, Section 2, Line 10, omit "$4.5" and insert "$4.1".

7. Page 1, Section 3, Lines 1 through 5, omit in their entirety.

8. Page 1, Section 4, Lines 1 through 4, omit in their entirety.

9. Page 2, Section 4, Lines 5 through 12, omit in their entirety.

10. Page 2, Section 5, Lines 1 through 11, omit in their entirety.

11. Page 1, Section 3, insert in lieu thereof:

"3. The Department of Environmental Protection is authorized and empowered to undertake the construction of bridge improvements and to engage in dredging and desnagging activities and projects on the Passaic River or at any inlet, estuary or tributary waterway thereof, or on any inland waterway adjacent to any inlet, estuary or tributary waterway of the Passaic River which may be necessary for flood control and to prevent or repair damage caused by erosion or storm; provided, however, the municipality and county in which such work is undertaken shall acquire and make available without cost to the State of New Jersey all lands, easements and rights-of-way required in connection with such work. All such work hereunder shall be done

under contract with and under supervision of the Department of Environmental Protection.

4. The Department of Environmental Protection is authorized to purchase flood plain lands within the Passaic River Basin for the purpose of flood control and protection, and to delineate such lands.

5. There shall be appropriated from the General State Fund $4.1 million to the Department of Environmental Protection to effectuate the purposes of this act.''

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL NO. 435

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 435, with my objections, for reconsideration.

This bill would require the Attorney General to prescribe the form for reports of chemical analysis of breath for determination of alcoholic content in a driver's blood system. Further, the Attorney General would be responsible for the numbering and safekeeping of such reports and for filing a copy of each report with the Division of Motor Vehicles.

Insofar as this bill would provide for a uniform form for such chemical analyses to be prepared by the Attorney General, I am in agreement with it. The requirement for the Attorney General to provide for safekeeping of such reports places a great administrative burden on him. This burden should more properly be shouldered on the local level similarly to the law in which ''uniform traffic tickets'' are safeguarded by the municipal courts. In this instance, however, I would place responsibility with the local chief of police or other appropriate official in the municipality.

Reports of such chemical analyses processed by the personnel in the Division of Motor Vehicles and State Police would be the responsibility of the Director and Superintendent, respectively.

I see no purpose to be served by requiring that copies of these reports be filed with the Division of Motor Vehicles. That Division's responsibility in this area is limited to situations wherein a driver refuses to submit to the test. In such case his license is suspended. Control over these uniform forms of chemical analyses can be accomplished by sequential numbering and maintenance of records and reports of such uniform forms and their disposition in accordance with the requirements of the Attorney General.

Accordingly, I herewith return Senate Bill No. 435 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 12: After "prescribe" delete "the" and insert "a uniform"; after "reports of" insert "such".

Page 1, Section 1, Lines 13-15: After "analysis" delete remainder of section and insert "of breath to be used by law enforcement officers and others acting in accordance with the provisions of this act. Such forms shall be sequentially numbered. Each chief of police, in the case of forms distributed to law enforcement officers and others in his municipality, or the other officer, board, or official having charge or control of the police department where there is no chief, and the Director of the Division of Motor Vehicles and the Superintendent of State Police, in the case of such forms distributed to law enforcement officers and other personnel in their Divisions, shall be responsible for the furnishing and proper disposition of such uniform forms. Each such responsible party shall prepare or cause to be prepared such records and reports relating to such uniform forms and their disposition in such manner and at such times as the Attorney General shall prescribe."

Page 1 Section 2, Line 1: After "effect" delete "30" and insert "90".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL No. 470

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 470, with my objections, for reconsideration.

Senate Bill No. 470 provides for the observation and evaluation of nontenure teachers by a board of education at least twice each year. In addition, the proposal would require a board of education to notify nontenure teachers by April 30 as to whether they will be re-employed for the following school year.

It is important that those teachers who will not be re-employed be given adequate time to make application for other positions. The April 30 notification date is certainly fair from the point of view of nontenure teaching staff members and does not place an undue burden on the local board.

I must object, however, to section 1 of the bill which mandates a system of teacher evaluation. I do not believe that two evaluations per year are sufficient to provide the necessary information upon which a board should base its decision to grant tenure to a teacher through re-employment. In my opinion, this provision would tend to detract from what should be, and I believe now is, a continuing observation and evaluation of nontenure personnel.

Accordingly, I herewith return Senate Bill No. 470, with the following changes, for your consideration:

1. *Page 1, Section 1, Lines 1–6*: Omit in its entirety.

2. *Page 1, Section 2, Line 1*: Delete "2" insert "1".

3. *Page 2, Section 3, Line 1*: Delete "3" insert "2".

4. *Page 2, Section 3, Lines 2 and 3*: After "member" delete "the evaluations set forth in section 1 of this act and".

5. *Page 2, Section 4, Line 1*: Delete "4" insert "3".

6. *Page 2, Section 5, Line 1*: Delete "5" insert "4".

7. *Page 2, Section 6, Line 1*: Delete "6" insert "5".

8. *Page 2, Section 6, Line 2*: Delete "1971" insert "1972".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL No. 475 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 475 (OCR), with my objections, for reconsideration.

Senate Bill No. 475 (OCR) would amend Section 4 of Chapter 41, Laws of 1965, to preclude the sale of glue containing a solvent releasing toxic vapors or fumes unless the same contained an additive "in such form and proportion as shall be required" by the Commissioner of Health. This additive is for the purpose of discouraging intentional inhaling of the fumes of such glue.

I am in complete accord with the general purpose of this bill, however, due to the enactment on July 1, 1971, of Chapter 260 of the Laws of 1971, this bill would conflict with the provisions of that law insofar as they both amend Section 4 of Chapter 41, P. L. 1965. This requires that this bill be amended to resolve that inconsistency.

In addition, although I agree with the general purpose of the bill, I do not believe it is appropriate for the State Department of Health to be responsible for prescribing the form and proportion of the additives, since this would create a scientific and administrative burden for which the department is not equipped.

Accordingly, I recommend that the bill be amended to allow the State Department of Health to approve or designate additives which may be used for the purpose intended by the bill. Since Chapter 260 of the Laws of 1971 makes it an offense to sell glue to the person if the seller had reasonable cause to believe it would be used for intoxicating purposes, I believe that requirement of an additive should be an additional and alternative offense.

Finally, the effective date of Senate Bill No. 475 should be changed from the elapsed date of January 1, 1971 to a future date which will allow sufficient lead time for implementation. A period of approximately 4 months would appear appropriate.

Accordingly, I herewith return Senate Bill No. 475 (OCR) for reconsideration and recommend that it be amended as follows:

1. *Page 1, Section 1, Line 4*: Delete "tube or other".

2. *Page 1, Section 1, Line 4*: Delete "glue" and insert in lieu thereof "any substance".

3. *Page 1, Section 1, Line 4*: Delete "a solvent" and insert in lieu thereof "any chemical material".

4. *Page 1, Section 1, Line 7*: After "act.]" insert ", (a) if he has reasonable cause to suspect that the product sold, or offered for sale, will be used for the purpose set forth in section 2 of this act; or (b)".

5. *Page 1, Section 1, Lines 8-9*: Delete "in such form and proportion as shall be required" and insert in lieu thereof "approved or designated".

6. *Page 1, Section 1, Line 9*: After "Commissioner of" insert "the State".

7. *Page 1, Section 1, Lines 10-11*: Delete "designated and approved" and insert in lieu thereof "approved or designated".

8. *Page 1, Section 1, Line 11*: After "Commissioner of the" insert "State".

9. *Page 1, Section 1, Line 12*: Delete "glues" and insert in lieu thereof "substances".

10. *Page 1, Section 1, Lines 12-13*: Delete "a solvent" and insert in lieu thereof "any chemical material".

11. *Page 1, Section 1, Line 15*: Delete "glues" and insert in lieu thereof "substances".

12. *Page 1, Section 1, Line 16*: After "manufactured" insert "only."

13. *Page 1, Section 2, Line 1*: Delete "January 1, 1971" and insert in lieu thereof "on the first day of the 5th month following enactment".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 16, 1971.

SENATE BILL No. 526

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 526, with my objections, for reconsideration.

This bill supplements the county detectives pension fund to permit Morris County to adjust pensions payable to retired county detectives or their dependents to reflect increases or decreases in the cost of living.

While I am not opposed to these county detectives participating in such pension adjustments, I feel any adjustments they receive should be consistent with those provided for pensioners under State administered pension systems.

The Pension Increase Act (P. L. 1958, c. 143 as amended and supplemented) limits "cost-of-living increases" to 50% of the change in the Consumer Price Index. Further, no provision is made for adjustments on behalf of dependents. I feel these same limitations should apply to the county detectives pension fund. In addition, to insure equality of treatment and uniformity of benefits, increases should only be provided pursuant to this bill if funds are provided for payment of increases for all the State administered pension programs.

I am, accordingly, returning Senate Bill No. 526 with the recommendation that it be amended as follows:

Page 1, Section 1, Line 3: After "retirants" delete "or their dependents".

Page 1, Section 1, Lines 7-8: After "retirants" delete "or their dependents".

Page 1, Section 1, Line 15: Insert two new sections as follows:

"2. No adjustment shall be made beyond those permitted to be made for pensioners in State administered retirement systems, as promulgated by the Director of the Division of Pensions in accordance with the provisions of the 'Pension Increase Act' (P. L. 1958, c. 143)."

"3. Adjustments hereunder shall continue to be made as long as the employer appropriates the amount necessary to make such additional payments and provided further that there is appropriated by the State the amount certified for pensioners of State administered retirement systems.".

Page 1, Section 2, Line 1: Delete "2.", and insert "4.".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL NO. 551

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 551, with my objections, for reconsideration.

Senate Bill No. 551 provides persons entering contracts with the Department of Transportation with a method of obtaining without delay contract payments which would ordinarily be retained by the State pending completion of the contract with the State. The purpose of requiring certain amounts to be retained is to insure satisfactory performance by contractors who are doing work for the Department of Transportation. The bill provides that such monies shall be paid over to the contractor provided he deposits with the Department of Transportation negotiable bonds issued by the State or any sub-division thereof having value equal to the amount of money required to be retained. The effect of the bill is to insure the performance of the contract while allowing the contractor to have immediate use of the amounts of the funds now required to be retained by the State. The contractor would be entitled to the interest

earnings on the negotiable bonds deposited with the Department.

Senate Bill No. 551 does not in any way dilute the security of the State with respect to highway construction contracts. It should have the desirable effect of reducing the cost of highway construction because it will eliminate a cost factor that must necessarily be included by contractors when bidding for State contracts. At least fifteen other states have laws similar in concept to Senate Bill No. 551. For these reasons, I believe Senate Bill No. 551 is in the best interest of the people of the State.

However, an amendment is necessary, in my opinion, to insure that the procedure for depositing the negotiable bonds operates as effectively as the present law. I believe the law should provide that the bonds must have a market value or par value, whichever is lower, equal to the amount of retained funds. This will insure that the security held by the Department is not diluted by fluctuating market conditions. Also, some time must be given to enable the Department of Transportation to prepare for this new procedure.

Accordingly, I herewith return Senate Bill No. 551 for reconsideration and recommend that it be amended as follows:

Page 2, Section 1, Line 26: After "contractor." insert "For purposes of this section, value shall mean par value or market value, whichever is lower."

Page 2, Section 2, Line 1: Delete "immediately." and insert "January 1, 1972."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL No. 607 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 607 (OCR), with my objections, for reconsideration.

Senate Bill No. 607 (OCR) redefines the eligibility requirements for veterans of the Viet Nam conflict for the purpose of veterans' preference under Civil Service, pension rights under the Public Employees' Retirement System and the Teachers' Pension and Annuity Fund and for the purpose of the veterans' tax deduction.

This bill is identical to Senate Bill No. 250 (1969) which was returned to the Legislature by Governor Hughes for reconsideration. The Legislature did not adopt the amendments recommended.

Under present law, in order to qualify as a "Viet Nam veteran" for purposes of Civil Service preference and pension rights, a person must have served at least 180 days in active service in overseas duty during the period of January 1, 1961 through the date of termination as proclaimed by the Governor. To qualify for a veterans' tax deduction, such veterans must have served in the "southeast Asia Area of warlike conditions" during the period beginning January 1, 1961 and terminating on the date proclaimed by the President of the United States or the United States Congress.

This bill changes present law by providing that after August 5, 1964, a veteran must have served only 90 days, which need not have been served abroad. Such veterans serving prior to August 5, 1964, would still be required to serve 180 days on overseas service. It also provides that Viet Nam veterans who have received a service-incurred injury need not have completed their otherwise required service.

To the extent that this bill requires Viet Nam veterans discharged prior to August 5, 1964, to meet more stringent requirements than those discharged after that date, I find it to be discriminatory. This is an arbitrary date and I can find no basis for such a distinction. It is my recommenda-

tion that the bill be amended to reduce the time of service for Viet Nam veterans to a uniform period of 90 days. It would be consistent with the required time period for World War II and Korean veterans, and is, thus, desirable. However, elimination of the requirement of overseas service for Viet Nam veterans is not feasible. Such a change would have a tremendous fiscal impact on the effected pension systems and local property taxes. With regard to local property tax deductions, I recommend we continue the provisions of existing law (P.L. 1963, Chapter 171) to provide that Viet Nam veterans must have served in the "Southeast Asia Area of warlike conditions".

The provision for eligibility for benefits for Viet Nam veterans who receive a service-incurred injury prior to completing the required time of service which this bill provides is also a most worthwhile feature.

Accordingly, I am returning Senate Bill No. 607 (OCR) for reconsideration with the recommendation that it be amended as follows:

1. *Title*: Amend the title so that it shall read "An Act to define the term 'Viet Nam conflict' with respect to the civil service veterans' preference law, the Teachers' Pension and Annuity Fund law and the Public Employees' Retirement System law, and amending Revised Statutes 11:27–1, N.J.S. 18A:66–2, and P.L. 1954, chapter 84."

2. *Page 3, Section 1, Line 82*: After "conflict" and before "after" delete "either".

3. *Page 3, Section 1, Line 83*: After "to" insert "the date of termination as proclaimed by the Governor"; delete "August".

4. *Page 3, Section 1, Line 84*: Delete "5, 1964,"; after "who" and before "shall" delete "(a)"; after "least" delete "180" and insert "90".

5. *Page 3, Section 1, Lines 85 to 88*: After "duty," delete the remaining language up to but not including "ex-".

6. *Page 3, Section 1, Line 94*: After "which" delete "180 or"; after "days" delete ", as the case may be,".

7. *Page 3, Section 1, Line 102*: After "the" delete "180 or".

8. *Page 7, Section 2, Line 143*: After "conflict," delete "either".

9. *Page 7, Section 2, Line 144*: After "to" insert "the date of termination as proclaimed by the Governor"; delete "August".

10. *Page 7, Section 2, Line 145*: Delete "5, 1964,"; after "who" delete "(a)".

11. *Page 7, Section 2, Line 146*: After "least" delete "180" and insert "90".

12. *Page 7, Section 2, Lines 147 to 150*: After "duty" delete the remaining language up to but not including "exclusive of".

13. *Page 7, Section 2, Lines 155 and 156*: Delete "180 or"; after "days" delete ", as the case may be,".

14. *Page 8, Section 2, Line 163*: After "the" delete "180 or".

15. *Page 11, Section 3, Line 111*: After "Conflict," delete "either".

16. *Page 11, Section 3, Line 112*: After "to" insert "the date of termination as proclaimed by the Governor"; delete "August".

17. *Page 11, Section 3, Line 113*: Before "shall" delete "5, 1964, who (a)" and insert "who"; after "least" delete "180" and insert "90".

18. *Page 11, Section 3, Lines 114 to 117*: After "duty" delete the remaining language up to but not including "exclusive of any period he was".

19. *Page 11, Section 3, Lines 122 and 123*: After "which" delete "180 or"; after "days" delete ", as the case may be,".

20. *Page 11, Section 3, Line 130*: After "the" delete "180 or".

21. *Page 11, Section 4*: Delete section 4 in its entirety.

22. *Page 13, Section 5*: Delete section 5 in its entirety.

23. *Page 13, Section 6, Line 1*: Delete "6" and insert "4".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL No. 626

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 626, with my objections, for reconsideration.

Senate Bill No. 626 is a revision of existing laws relating to Fire and Police. This bill is one of a number of bills presently before me that seek to revise the existing sections of Title 40 dealing with counties and municipalities.

The sponsors have attempted to avoid changes in substantive law, except where such changes work improvement in present law, and have concentrated in eliminating duplication and inconsistency. The final effort represents a significant achievement in the process of orderly clarification of the laws concerning county and municipal fire and police departments.

Recognizing the importance of revisions of this nature, I have given meticulous attention to the concepts herein, from both a technical and substantive viewpoint. As a result of my review, I am making several recommendations which I believe will be accepted as improvements on the original bill. Many of these suggestions are technical and some reflect changes in existing laws which have become effective since Senate Bill No. 626 was introduced into the Senate on March 9, 1970.

A summary of my recommendation follows:

Last year I signed into law a bill which permits the appointment of police and firemen, who were recently discharged from the military service, notwithstanding the fact that they have not been residents of the municipality. This law not only aids returning veterans who are seeking employment but also is helpful to police and fire recruitment and should therefore be included in any new law revision.

The new language suggested as a replacement for 40A:14–34 of the bill would provide clarity to a section that because of its complexity has consistently been misinterpreted or ignored.

A new provision requiring that any persons desiring to form a volunteer fire company shall first present an application to the Board of Fire Commissioners is a step toward encouraging orderly growth of fire protection activity and should properly be retained in the revision.

Several other minor items have been noted and I respectfully recommend the following changes in Senate Bill No. 626:

Page 1, 40A:14–1, Line 8: Omit "at not less than $1,500.00"

Page 1, 40A:14–1, Line 9: Omit ", at not less than $500.00"

Page 3, after 40A:14–10 (Analysis), Line 7: Insert "40A:14–10.1. Residence requirements for persons discharged or released from the military service."

Page 3, 40A:14–11 (Analysis), Lines 8 and 9: Omit "2-year" and insert "6-month"

Page 3, after 40A:14–11 (Analysis), Line 10: Insert "40A:14–11.1. Municipalities under 5,000 population, 6-month residence not required; conditions."

Page 3, 40A:14–20 (Analysis), Line 22: Omit "Trials" and insert "Hearings"

Page 6, after 40A:14–70 (Analysis), Line 6: Insert "40A:14–70.1. Establishment of a volunteer fire company within a fire district."

Page 7, 40A:14–99 (Analysis), Lines 6 and 7: Omit "Section 40:47–50 of the Revised Statutes saved from repeal" and insert "Blank".

Page 9, after 40A:14–10: Insert a new section as follows: "40A:14–10.1. *Residence requirements for persons discharged or released from the military service.* Any person who has served in the armed services of the United States and been discharged or released from such service under conditions other than dishonorable within 6 months prior to making application to any municipality for appointment as a member or officer of the paid or part-paid fire department, may be appointed a member or officer of such paid or part-paid fire department if otherwise qualified notwithstanding that he is not and has not been a resident of said municipality for 6 months preceding his appointment; pro-

vided, at the time of making application for appointment said person signs a notice of intention and agreement to become a resident of the municipality within 6 months from the date of appointment.

"In the event such appointee fails to become a resident of the municipality within the aforementioned 6-month period, he shall then cease to be a member or officer of said paid or part-paid fire department or force. The governing body shall cause to be served on the officer or member at least 15 days before the expiration of the period of nonresidency permitted, a notice that he is required to become a resident of the municipality within the time mentioned, and in the event such notice is not given for the officer or member to become a resident of the municipality the time for the officer or member to become a resident of the municipality is extended until such notice is given.

Source: C. 40:47–3.6 (1970, c. 187)."

Page 9, 40A:14–11, Heading: Omit "2-year" and insert "6-month"

Page 9, after 40A:14–11: Insert a new section as follows: "40A:14–11.1. *Municipalities under 5,000 population, 6-month residence not required; conditions.* Any person may be appointed an officer or member of the police force of a municipality having a population of less than 5,000 inhabitants, notwithstanding that he has not been a resident of such municipality for 6 months preceding his appointment, if he is otherwise qualified and is a resident of the county wherein such municipality is situate.

Source: C. 40:47–20.8 (1956, c. 147 amended 1969, c. 267, s. 5)."

Page 12, 40A:14–20, Heading: Omit "Trials" and insert "Hearings"

Page 17, 40A:14–33, Line 2: Omit "by rules and regulations in its expenditures of money in any one year" and insert "to raising in any one year for the purposes of the department a definite sum"

Page 17, 40A:14–33, Line 5: Omit "notwithstanding such limitation" and insert "subject to the limitations in Section 40A:14–34"

Page 17, 40A:14–34: Delete present language and insert "The governing body of any municipality may raise and

appropriate funds to be granted to the Boards of Fire Commissioners of any fire district or volunteer fire companies located therein, up to a total appropriation of $24,000 annually. In any municipality in which there are more than three such boards or companies, or both, the governing body may raise and appropriate an additional $8,000 annually for each such additional board or company. Any such board or company shall use not less than 50 percent of the funds received pursuant to this section for the purchase of fire equipment, materials and supplies. All funds appropriated under this section shall be accounted for to the governing body annually.

"Any municipality may appropriate such additional sums as it may deem necessary for the purchase of fire equipment, supplies and materials for use by fire companies or boards, the title to which shall remain with the municipality, provided that the funds shall be controlled and disbursed by the municipality.

Source: R. S. 40:47–27 amended 1941, c. 140; 1945, c. 126; 1951, c. 77; 1954, c. 171; 1956, c. 155; 1957, c. 77; 1967, c. 45."

Page 18, 40A:14–35, Line 3: Omit "$6,000.00" and insert "$8,000.00"

Page 18, 40A:14–35, Line 13: After "1964, c. 246;" insert "1970, c. 48;"

Page 26, 40A:14–56, Line 5: Omit "35" and insert "40"

Page 27, 40A:14–56, Line 8: After "1952, c. 167;" insert "1970, c. 201;"

Page 32, 40A:14–70, Line 3: Omit "freeholders" and insert "legal voters"

Page 33, 40A:14–70, Line 7: After "R. S. 40:151–1" insert "amended 1970, c. 241"

Page 33, after 40A:14–70: Insert a new section as follows: "40A:14–70.1. *Establishment of a volunteer fire company within a fire district.* Any persons desiring to form a volunteer fire company to be located within or otherwise servicing the area encompassing a fire district or other type of volunteer organization which has as its objective the prevention of fires or regulation of fire hazards to life and property therein shall first present to the board of fire commissioners a written application for the organization of such company. Such application shall be in the form of a

duly verified petition signed by them stating the kind of company which they desire to organize, the name or title thereof, the number and names of the proposed members thereof, and their places of residence. The board of fire commissioners, after considering such application and approving the members of the proposed company, if deemed necessary and for the best interests of such district, may by resolution grant the petition and constitute such applicants a volunteer fire company of the district.

Source: R. S. 40:151–1 amended 1970, c. 241.''

Page 38, 40A:14–81, Line 6: Omit ''Conservation and Economic Development'' and insert ''Environmental Protection''

Page 40, 40A:14–85, Line 26: After ''R. S. 40:151–30'' insert ''amended 1970, c. 216''

Page 41, 40A:14–88, Lines 3-7: After ''compensation'' omit entire lines and insert ''such amounts as the board shall fix subject to review by the governing body wherein the fire district is located.''

Page 42, 40A:14–89, Line 3: Omit ''treasurer'' and insert ''board of fire commissioners''

Page 42, 40A:14–89, Lines 4 and 5: Omit ''shall report such audit'' and insert ''such audit shall be reported''

Page 42, 40A:14–89, Line 5: Omit ''of fire commissioners''

Page 42, 40A:14–90, Line 8: Omit ''freeholders'' and insert ''legal voters''

Page 42, 40A:14–91, Line 1: Omit ''freeholders'' and insert ''legal voters''

Page 43, 40A:14–93, Line 1: Omit ''persons'' and insert ''legal voters''

Page 44, 40A:14–96, Line 2: Omit ''18'' and insert ''16''

Page 44, 40A:14–96, Line 3: Omit ''18'' and insert ''16''

Page 44, 40A:14–96, Line 8: After ''1968, c. 309, s. 2'' insert '' ; amended 1970, c. 310''

Page 45, 40A:14–99: After ''40A:14–99'' omit entire section and source and insert ''Blank.''

Page 48, 40A:14–109, Line 1: After ''mechanic'' insert ''prior to the effective date of this law''

Page 51, 40A:14–123 (Analysis), Line 10: After "40A:14–123" insert "40A:14–123.1 Residence requirements for persons discharged or released from the military service."

Page 51, 40A:14–124, Lines 11 and 12: Omit "2-year" and insert "6-month"

Page 51, 40A:14–125, Line 13: Omit "2-year" and insert "6-month"

Page 51, 40A:14–126, Line 15: Omit "2-year" and insert "6-month"

Page 52, 40A:14–148, Line 24: Omit "Trials" and insert "Hearings"

Page 54, 40A:14–119, Line 1: Omit "ordinance" and insert "resolution"

Page 54, 40A:14–120, Line 1: Omit "ordinance" and insert "resolution"

Page 54, 40A:14–121, Line 1: Omit "ordinance" and insert "resolution"

Page 55, 40A:14–123: After "40A:14–123" insert a new section as follows: "40A:14–123.1. *Residence requirements for persons discharged or released from the military service.* Any person who has served in the armed services of the United States and been discharged or released from such service under conditions other than dishonorable within 6 months prior to making application to any municipality for appointment as a member or officer of the police department or force, may be appointed a member or officer of such police department or force if otherwise qualified notwithstanding that he is not and has not been a resident of said municipality for 6 months preceding his appointment; provided, at the time of making application for appointment said person signs a notice of intention and agreement to become a resident of the municipality within 6 months from the date of appointment.

"In the event such appointee fails to become a resident of the municipality within the aforementioned 6-month period, he shall then cease to be a member or officer of said police department or force. The governing body shall cause to be served on the officer or member at least 15 days before the expiration of the period of nonresidency permitted, a notice that he is required to become a resident of the munici-

pality within the time mentioned, and in the event such notice is not given for the officer or member to become a resident of the municipality the time for the officer or member to become a resident of the municipality is extended until such notice is given.

Source: C. 40:47–3.6 (1970, c. 187).''

Page 55, 40A:14–124, Heading: Omit ''2-year'' and insert ''6-month''

Page 56, 40A:14–125, Heading: Omit ''2-year'' and insert ''6-month''

Page 56, 40A:14–126, Heading: Omit ''2-year'' and insert ''6-month''

Page 65, 40A:14–148, Heading: Omit ''Trials'' and insert ''Hearings''

Page 68, 40A:14–157, Line 17: After ''shall'' insert ''be turned over within 48 hours to the municipal treasurer for retention in a trust account and''

Page 75, Line 7: After ''40:47–28 amended 1953, c. 323; 1964, c. 246'' insert '' ; 1970, c. 48''

Page 75, Line 14: After ''40:47–48'' omit '', 40:47–49'' and insert ''to 40:47–50 both inclusive''

Page 75, Line 16: After ''40:47–53 amended 1944, c. 246; 1952, c. 167'' insert '' ; 1970, c. 201''

Page 75, Line 25: Omit ''40:151–1 to 40:151–10 both inclusive'' and insert ''40:151–1 amended 1970, c. 241''

Page 75, Line 30: Omit ''40:151–28 to 40:151–32 both inclusive'' and insert ''40:151–28, 40:151–29
40:151–30 amended 1970, c. 216
40:151–31, 40:151–32''

Page 77, Line 28: After Line 28 insert ''Schedule of Amendments of Laws of 1968, c. 309
Section 2 amended by P. L. 1970, c. 310''

Page 77, Line 29: After Line 29, after ''Laws of 1969, c. 173'' insert ''Laws of 1970, c. 187 (C. 40:47–3.6)''

Page 77, Effective Date, Line 1: Omit ''1970'' insert ''1971''

Page 78, Heading: Omit "40" and insert "40A"

Page 80, 40:47–3.5, Line 22: After "40:47–3.5" insert "C. 40:47–3.6 . . L. 1970, c. 187 . . ⎧40A:14–10.1 ⎩40A:14–123.1"

Page 82, 40:47–20.8, Line 9: After "L. 1956, c. 147;" insert "⎧40A:14–11.1"

Page 82, 40:47–28, Line 42: After "L. 1964, c. 246" insert "; L. 1970, c. 48"

Page 83, 40:47–30.7, Line 11: After "L. 1968, c. 309, s. 2" insert "; L. 1970, c. 310"

Page 83, 40:47–50, Line 40: After "40:47–50" omit "40A:14–99"

Page 84, 40:47–53, Line 2: After "L. 1952, c. 167" insert "; L. 1970, c. 201"

Page 85, 40:151–1 thru 40:151–5, Lines 19 to 21: Omit "R. S. 40:151–1 thru R. S. 40:151–5 . . . . . 40A:14–70"

and insert

"R. S. 40:151–1 as am. L. 1970, c. 241 . . . . . ⎧40A:14–70 ⎩40A:14–70.1"

and insert "R. S. 40:151–2 thru R. S. 40:151–5 . . . . . 40A:14–70"

Page 86, 40:151–30, Line 9: After "40:151–30" insert "As am. L. 1970, c. 216"

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL No. 627

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 627, with my objections, for reconsideration.

Senate Bill No. 627, a general revision of the law governing local public contracts, is a modified reintroduction of Senate Bill No. 284 (2nd OCR) (1969) which was conditionally vetoed by my predecessor in office. It represents a truly comprehensive effort to tighten and improve the local public bidding law.

This is an area of law that is of great importance to the welfare of our citizens. A carefully defined bidding system for local governmental purchases will encourage administrative responsibility at the local level and will aid the public in securing the most value for their tax dollar.

The technical nature of this bill required intensive attention to detail and as a result of careful scrutiny I am recommending certain changes which will improve, in my opinion, the bidding law and eliminate possible ambiguities in the bill, including the manner in which contracts are to be advertised for bids. Among these recommendations are the following:

I have added to the definition of "professional services" an additional section including those services which are of such a qualitative nature as to preclude reasonable bidding. Many professionals are not licensed and therefore would be discriminated against by the present language even though the development of specifications for the services which they perform would be impractical because of the dependency upon specialized knowledge, discretion and other intangible factors.

The requirement that the Superior Court designate citizens who would sit on the Board of Review upon classification constitutes an intrusion upon the doctrine of separation of powers between the respective branches of government and therefore I have suggested that the appointments be made by the governing body of the governmental unit.

Revisions of this type go a long way toward improving the administration of government.

I am returning Senate Bill No. 627 with the following recommendations for your consideration:

Page 1, Section 2, Line 7: After "branch" omit "or" and insert ","

Page 1, Section 2, Line 7: After "agency" insert "or school district"

Page 2, Section 2, Line 29: After "branch" omit "or" and insert ","

Page 2, Section 2, Line 29: After "agency" insert "or school district"

Page 2, Section 2, Lines 42 thru 44: Omit entire lines and substitute:

"(6) 'Professional services' means:

(a) services rendered or performed by a person authorized by law to practice a recognized profession and whose practice is regulated by law, or

(b) services which are of such a qualitative nature as will not reasonably permit the drawing of specifications or the receipt of competitive bids; provided that, with respect to the definitions under both (a) and (b), the governing body shall state supporting reasons for its action in the resolution awarding the contract, and shall cause a copy of the resolution to be printed in a newspaper of general circulation within the boundaries of the contracting unit no more than ten days after passage of the resolution."

Page 2, Section 3, Line 4: Omit "usually required"

Page 2, Section 3, Line 7: Omit "usually required"

Page 2, Section 3, Line 7: After "which" insert ": (1)"

Page 2, Section 3, Line 9: After "project," insert "(2)"

Page 2, Section 3, Line 9: After "funds" insert ","

Page 2, Section 3, Line 9: After "and" insert "(3)"

Page 2, Section 3, Line 10: After "2,500.00" insert "in the fiscal year, or in the case of purchases that are not annually recurring in a period of one year."

Page 2, Section 3, Line 10: Before "may" insert "These"

Page 3, Section 4, Line 3: Omit "usually required"

Page 3, Section 5, Line 1: Omit "Major exceptions" and insert "Exceptions"

Page 4, Section 5, Line 37: Omit "usually required"

Page 4, Section 5, Line 40: After "adoption" insert "of a resolution"

Page 4, Section 5, Lines 41 and 42: Omit "of an ordinance, in the case of a municipality, or a resolution, in the case of a county," and insert "at a meeting thereof"

Page 4, Section 5, Lines 44 and 45: Omit "the term of the governing body or"

Page 4, Section 5, Lines 45-47: After "year" delete "," and insert "."; delete "whichever is greater, nor shall the terms, conditions or specifications specified pursuant to section 4 be in any way amended or modified." and insert "Any amendment or modification of the terms, conditions, restrictions and specifications which were the subject of competitive bidding pursuant to section 4 of this act shall be stated in the resolution awarding the contract."

Page 4, Section 5, Line 49: After "4" insert "on two occasions"

Page 4, Section 5, Line 49: After "bids" insert "on each occasion"

Page 4, Section 5, Line 58: Omit "and"

Page 4, Section 5, Line 65: Omit ";" and insert ","

Page 4, Section 5, Lines 66-69: Omit entire lines and insert

"(c) Any amendment or modification of the terms, conditions, restrictions and specifications which were the subject of competitive bidding pursuant to section 4 of this act shall be stated in the resolution awarding the contract, and"

Page 5, Section 5, Line 84: After "adoption" insert "of a resolution"

Page 5, Section 5, Lines 85-88: Omit "of an ordinance, in the case of a municipality, or a resolution, in the case of a county," and insert "at a meeting thereof"

Page 5, Section 6, Line 8: Omit "so to be" and insert "to be so"

Page 5, Section 6, Line 16: Omit "specifially" and insert "specifically"

Page 6, Section 7, Lines 5 and 6: Omit "usually required"

Page 6, Section 7, Line 12: Omit "usually required"

Page 6, Section 7, Line 16: Omit "usually required"

Page 6, Section 7, Line 19: Omit "usually required"

Page 6, Section 8, Line 5: Omit "usually required"

Page 7, Section 10, Line 3: Omit "or school districts"

Page 7, Section 10, Line 4: Omit "and"

Page 7, Section 10, Line 7: After "ordinances" insert ", in the case of municipalities,"

Page 7, Section 10, Line 8: After "resolutions" insert ", in the case of other contracting units,"

Page 7, Section 10, Line 12: Omit "or school district"

Page 7, Section 10, Line 14: Omit "and school district's"

Page 7, Section 10, Line 18: Omit "or school district"

Page 7, Section 11, Line 3: Omit "or school districts"

Page 7, Section 11, Line 7: After "section" insert "9"

Page 8, Section 11, Line 16: After "agreement." insert "Any items so included in a local budget shall be subject to the approval of the Director, Division of Local Finance, who shall consider the matter in conjunction with the requirements of Chapter 4 of Title 40A of the New Jersey Statutes."

Page 8, Section 11, Line 33: After "reports." insert a new subsection as follows: "(4) Any agent, department or board so designated pursuant to a joint purchasing agreement shall have the sole responsibility to comply with the provisions of section 23 of this act."

Page 9, Section 13, Line 14: Omit "creed" and insert "sex"

Page 9, Section 13, Lines 37-39: Omit "No contracting unit setting aside a purchase, contract or agreement pursuant to this section shall be liable for damages therefor."

Page 10, Section 16, Line 20: After "or" insert ", (c)" and after "both" insert "."; delete "in which case there" and insert "There"

Page 10, Section 16, Line 28: After "bidder" insert ". In the event that a contract is advertised in accordance with (c) above said contract shall be awarded"

Page 12, Section 20, Line 12: After "completion" insert "of that portion"

Page 12, Section 20, Line 13: After "contract" insert "for which it is necessary"

Page 12, Section 21, Line 1: Omit entire line and insert "Certified check, cashier's check or bid bond to accompany bid; amount."

Page 12, Section 21, Line 4: Omit "cash or"

Page 12, Section 21, Line 5: After "check," insert "cashier's check or bid bond,"

Page 12, Section 21, Line 7: After "therefor" insert "and will furnish any performance bond or other security required as a guarantee or indemnification"

Page 12, Section 21, Line 8: Omit "at least"

Page 13, Section 23, Line 8: After "received." insert "If the published specifications provide for receipt of bids by mail, those bids which are mailed to the contracting unit shall be sealed and shall only be opened for examination at such time and place as all bids received are unsealed and announced."

Page 13, Section 23, Line 9: After "shall" insert "publicly"

Page 13, Section 23, Line 20: Omit "previous to or"

Page 13, Section 24, Lines 3 and 4: Omit "cash and"

Page 13, Section 24, Line 4: After "checks" insert "or bonds"

Page 13, Section 24, Lines 4 and 5: Omit "except those delivered by the two lowest responsible bidders" insert "except the check or bond of the bidder to whom the contract is awarded"

Page 13, Section 24, Line 6: After "excepted." insert "The check or bond of the bidder to whom the contract is awarded shall be retained until a contract is executed and any required performance bond or other security is submitted."

Page 13, Section 24, Line 8: Omit "the lowest" insert "each of the three lowest"

Page 13, Section 24, Line 9: Omit "bidder" insert "bidders"

Page 13, Section 24, Line 12: Omit "bid" insert "bids"

Page 14, Section 25, Line 26: After "bidder" insert "."

Page 14, Section 25, Line 26: Omit "within" insert "Within"

Page 14, Section 25, Line 26: After "hearings" omit ". The" insert ", the"

Page 14, Section 25, Line 29: After "approval." insert "This approval shall be indicated by a letter from the director to the governing body of the contracting unit."

Page 14, Section 25, Line 42: After "unit." insert "Any appeal from a decision of the director to the Local Finance Board shall be subject to the provisions of the Local Government Supervision Act (P. L. 1947, c. 151, C. 52:27BB–1 et seq.)."

Page 14, Section 25, Line 44: After "religion," insert "sex,"

Page 16, Section 30, Lines 5 thru 7: After "concerned" omit ", to be designated by such body, and two citizens of the county or municipality to be designated by the Superior Court assignment judge of the county." insert "and two citizens of the county or municipality to be designated by such governing body."

Page 17, Section 32, Line 16: After "hereunder." insert "In any case where the contracting unit shall require classification of the bidders in compliance with these sections, each bidder on any public work or contract shall be required to submit a statement listing the changes in the statement or answers herein required as part of his bid submission."

Page 18, Section 35, Lines 1 thru 7: Omit entire section

Page 18, Section 36, Line 1: Omit "36" insert "35"

Page 18, Section 37, Line 1: Omit "37" insert "36"

Page 19, Section 37, Line 36: After line 36 insert a new section as follows:

"L. ASSISTANCE TO CONTRACTING UNITS

"37. Division of Local Finance to assist contracting units. The Division of Local Finance is hereby authorized to assist contracting units in all matters affecting the administration of this law.

Source: New."

Page 19: After line 36 omit "L" insert "M"

Page 20: After Section 38 omit "M" insert "N"

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL NO. 629

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 629, with my objections, for reconsideration.

Senate Bill No. 629 is designated the "Local Lands and Buildings Law" and is a revision of those provisions of Title 40 which prescribe procedures for the acquisition and sale of land and buildings by counties and municipalities.

This measure, along with Senate Bills No. 626, 627, 628, and 641, strikes at the heart of the problem of revising the outdated body of laws affecting counties and municipalities and, although the content may be uninspiring, a recognition of the public interest in the results of this revision has caused me to render close attention to all aspects of each of these bills.

An earier version of Senate Bill No. 629, Senate Bill No. 283 (1969), was submitted to my predecessor in office who, after review, returned it for reconsideration with certain objections. Many of those suggestions were accepted and incorporated into the new measure which, upon introduction, became Senate Bill No. 629. I am making additional suggestions primarily of a technical nature which I believe merit consideration.

The section of Senate Bill No. 629 which authorizes a county or municipality to reconvey to the person from whom the same was acquired, property purchased subject to law-

ful conditions, restrictions, or limitations and determined to be no longer useful for the purposes originally conveyed, has been amended. I believe that when a grantor makes a conveyance to a county or municipality for nominal or no consideration and attaches certain stipulations to that conveyance, that grantor should be given an opportunity to repurchase that interest for the same consideration if the county or municipality determines that the property is no longer needed, and that this should be done before said property is offered for disposition at public sale.

I do not believe that joint purchase and use of lands should be limited to counties and municipalities that are located therein. Adjacent municipalities should be encouraged to cooperate whenever it is desirable to do so and they should not be restricted by what are in some instances arbitrary boundaries which pay no heed to physical relationship.

Counties and municipalities are authorized under the acquisition section of this bill to lease lands and buildings. Therefore I feel that the section on temporary quarters is redundant and potentially restrictive.

The authorization of private sales for nominal consideration must be carefully controlled in order to assure that the public will be adequately protected. It would seem that in any such sale stipulations should be made that the property in question may not be used for commercial purposes.

I have recommended the omission of the section dealing with Investigations. Any matter which would be dealt with in a grand jury presentment would ordinarily have been investigated and presented to the grand jury by the county prosecutor since the grand jury itself has no investigatory staff. It seems wholly inappropriate to have the Assignment Judge direct a re-investigation of that which has already been investigated by the governmental official having responsibility in such matters. Furthermore, this provision imposes upon judges a non-judicial duty by requiring them to conduct investigations of governmental affairs outside the judicial branch of government.

Accordingly, I herewith return Senate Bill No. 629, with the following changes, for reconsideration:

Page 1, Section 2, Line 3: After "purchase," insert "exchange, grant"

Page 3, Section 4, Line 6: After "municipality" insert "except that no such property belonging to the State or any of its agencies, a county or any municipality shall be acquired without its express consent,"

Pages 3 and 4, Section 5, Lines 1-40: Omit entire section and insert:

"5. Additional powers. (a) Any county, by resolution, or any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property:

"(1) By purchase, gift, devise, lease, exchange, or condemnation;

"(2) Subject to lawful conditions, restrictions or limitations as to its use by the county or municipality, provided the governing body accepts such lawful conditions, restrictions or limitations. When any county or municipality shall have acquired any real property, capital improvement or personal property upon any lawful condition, restriction or limitation, it is hereby authorized to take such steps as may be necessary and proper to the compliance by the county or municipality with such lawful conditions, restrictions or limitations;

"(3) Whether the acquisition of any real property is by lease, purchase, or exchange, the governing body may require the construction or repair of any capital improvement as a condition of acquisition.

"(b) Any county or municipality having acquired any real property, capital improvement or personal property or any real estate or interest therein, which acquisition or estate or interest shall have become unsuited or inconvenient for the use for which it was acquired, may, at any time convert a portion or the whole thereof to any other public use unless otherwise provided by law or by the terms of acquisition.

"(c) Whenever the governing body of any county or municipality to which there has been conveyed any real property, capital improvement, or personal property subject to such lawful conditions, restrictions or limitations shall by ordinance, in the case of a municipality, and by resolution, in the case of a county, determine that said real property, capital improvement or personal property can no longer be used advantageously for the purposes for which the same were acquired by the county or municipality, said county or

municipality may, by ordinance or resolution, authorize the sale or exchange pursuant to section 13 of this act of the interest of the county or municipality in said real property, capital improvement or personal property.

"Whenever the county or municipality, by resolution or ordinance, as the case may be, determines that property, which has been acquired by purchase, gift, devise, lease, exchange or otherwise for a nominal or no consideration for a specific purpose, or subject to lawful conditions, restrictions or limitations as to its use, can no longer be used for the purposes for which acquired, it may offer or reconvey said property to the original grantor or his heirs for a similar or no consideration, prior to other disposition pursuant to section 13 of this act.

Source: R. S. 40:32–2; 40:32–10, amended 1953, c. 119; 40:60–2; 40:60–9; C. 40:60–27.4 (1950, c. 7); R. S. 40:60–37; 40:60–38."

Page 6, Section 10, Line 3: Omit "therein may acquire land and construct" and insert "may contract with each other or with any other county or municipality for the purpose of acquiring land and constructing"

Page 6, Section 10, Lines 6 and 7: Omit "of the county and municipality" and insert "thereof"

Page 6, Section 10, Lines 9 and 10: Omit "between the county and municipality"

Page 6, Section 11, Lines 1-7: Omit entire section

Page 6, Section 12, Line 1: Omit "12" and insert "11"

Page 7, Section 12, Line 19: After "amount" insert "of taxes"

Page 7, Section 12, Line 20: After "paid" omit "by" and insert "on"

Page 7, Section 12, Line 30: Omit "26" and insert "24"

Page 7, Section 12, Line 32: Omit "asquisition" and insert "acquisition"

Page 7, Section 13, Line 1: Omit "13" and insert "12"

Page 7, Section 13, Lines 9-16: Omit entire lines

Page 7, Section 13, Line 17: Omit "(b)"

Page 8, Section 13, Line 21: Omit "14" and insert "13"

Page 8, Section 14, Line 1: Omit "14" and insert "13"

Page 12, Section 14, Line 170: After "40:60–37;" omit "c" and insert "C"

Page 12, Section 14, Line 171: After "1961, c. 96, s. 1;" insert "1970, c. 250, s. 1;"

Page 12, Section 14, Line 172: After "1961, c. 96, s. 2" insert "; 1970, c. 250, s. 2"

Page 12, Section 15, Line 1: Omit "15" and insert "14"

Page 12, Section 15, Line 16: After "right" omit ","

Page 13, Section 16, Line 1: Omit "16" and insert "15"

Page 14, Section 16, Line 45: After "1964, c. 110;" insert "1968, c. 343;"

Page 14, Section 16, Line 45: After "1969, c. 85, s. 1" omit ")"

Page 14, Section 16, Line 50: Omit "C. 40:60–51.11 (1964, c. 71); C. 40:60–51.6 (1957, c. 148)" and insert "C. 40:60–51.6 (1957, c. 148); C. 40:60–51.11 (1964, c. 71); C. 40:60–51.12 (1966, c. 238)"

Page 14, Section 17, Line 1: Omit "17" and insert "16"

Page 15, Section 18, Line 1: Omit "18" and insert "17"

Page 15, Section 19, Line 1: Omit "19" and insert "18"

Page 15, Section 20, Line 1: Omit "20" and insert "19"

Page 16, Section 20, Line 11: Omit "in the county or of which the municipality is a constituent part," and insert "or the board of education of any county vocational school,"

Page 16, Section 20, Line 14: Omit "or for public purposes"

Page 16, Section 20, Line 16: After "education" insert "or the board of education of any county vocational school"

Page 16, Section 20, Line 22: After "1961, c. 96, s. 1" omit ")" and insert "; 1970, c. 250, s. 1"

Page 16, Section 20, Line 23: After "s. 2" omit ")" and insert "; 1970, c. 250, s. 2"

Page 16, Section 21, Line 1: Omit "21" and insert "20"

Page 16, Section 22, Line 1: Omit "22" and insert "21"

Page 16, Section 22, Lines 9-12: Omit "upon any terms, conditions and limitations, which said governing body shall

deem advisable, in addition to those required in the cases hereinafter set forth'' insert ''and containing a limitation that such lands or buildings shall be used only for the purposes of such organization or association, and to render such services or to provide such facilities as may be agreed upon, and not for commercial business trade or manufacture, and that if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the county or municipality without any entry or reentry made thereon on behalf of such county or municipality''

Page 17, Section 22, Lines 26 and 27: Omit ''other than nominal as above provided, in lieu of which,'' and insert ''a part of which''

Page 17, Section 22, Lines 31–38: Omit ''and containing a limitation that such lands or buildings shall be used only for the purposes of such organization or association, and to render such services or to provide such facilities as may be agreed upon, and not for commercial business trade or manufacture, and that if said lands or buildings are not used in accordance with said limitation, title thereto shall revert to the county or municipality without any entry or reentry made thereon on behalf of such county or municipality''

Page 17, Section 22, Lines 40-44: Omit ''by a conveyance containing a limitation that if said land shall cease to be used for said purposes, title thereto shall revert to the county or municipality without any entry or reentry made thereon on behalf of such county or municipality''

Page 18, Section 22, Line 65: After this section insert a new section as follows:

''22. *Establishment of a central registry.* Each municipality and county shall establish and maintain a central registry of all real property in which it has acquired an interest as of the effective date of this act. This registry shall also include a record of all real property which a county or municipality may hereafter acquire, sell or lease. It shall be in such form and contain such information as the Division of Local Finance in the Department of Community Affairs shall prescribe within 180 days after the effective date of this act.

''The central registry referred to herein shall:

(a) Constitute a public record;

(b) Be entitled 'Municipal Real Property Registry' or 'County Real Property Registry' as may be appropriate;

(c) Be maintained and available for inspection in the office of the municipal or county clerk, as may be appropriate.

Source: New."

Page 18, Section 23, Lines 1-37: Omit entire section

Page 19, Section 24, Line 1: Omit "24" and insert "23"

Page 19, Section 25, Line 1: Omit "25" and insert "24"

Page 19, Section 26, Line 1: Omit "26" and insert "25"

Page 19, Section 27, Line 1: Omit "27" and insert "26"

Page 19, Section 28, Line 1: Omit "28" and insert "27"

Page 19, Section 29, Line 1: Omit "29" and insert "28"

Page 20, Section 30, Line 1: Omit "30" and insert "29"

Page 20, Section 31, Line 1: Omit "31" and insert "30"

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL NO 633

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 633, with my objections, for reconsideration.

Senate Bill No. 633 attempts to limit the liability of credit cardholders with respect to the unauthorized use of such cards. The intention of this bill is to provide protection to the public in cases where a credit card may have been misplaced or stolen and is used by someone without authority from the cardholder. In addition, by severely limiting the

liability of cardholders, the bill should greatly reduce the flood of unsolicited credit cards to which I referred in my Annual Message to the Legislature in January of this year. I have reviewed Senate Bill No. 633 with great care and I commend the action of the Legislature in adopting this legislation for consumer protection in the area of credit cards.

I do believe, however, that the bill must be amended in its treatment of liability for the unauthorized use of credit cards if it is to accomplish its purpose. As presently drafted, the bill could possibly be interpreted as imposing unlimited liability on a cardholder if he fails to use reasonable care in its use and safekeeping. Reasonable care, as defined in the bill, requires the cardholder to give notice to the issuer when a card is lost or stolen. Failure to give such notice could not result in liability in excess of $100. However, if a cardholder failed to use reasonable care but did give the required notice, there is no limitation on his potential liability. I believe that the risk of unauthorized use of credit cards must rest primarily with the issuer. Furthermore, since the Federal Truth-In-Lending Act now provides a $50 maximum liability, a similar limitation should be embodied in the State law. Therefore, I recommend amendments which will permit liability only to the extent of $50 for the unauthorized use of a credit card and only then in cases where the unauthorized use occurs before the cardholder has notified the card issuer that the card has been lost, stolen or is otherwise out of control of the cardholder.

Accordingly, I herewith return Senate Bill No. 633 for reconsideration and recommend that it be amended as follows:

Page 2, after Section (e), Line 25, insert: "(f)" 'Adequate notice' means a printed notice to a cardholder which sets forth the pertinent facts clearly and conspicuously so that a cardholder could reasonably be expected to have noticed it and understood its meaning. Such notice may be given to a cardholder by printing the notice on any credit card, or on each periodic statement of account, issued to the cardholder, or by any other means reasonably assuring the receipt thereof by the cardholder."

Page 2, Section 3, Lines 1 and 2: After "credit card" delete ", who exercises reasonable care in its use and safekeeping".

Page 2, Section 3, Line 3: Insert "unless such unauthorized use occurs before the cardholder has notified the card issuer."

Page 2, Section 3, Lines 3 through 5: Delete " 'Reasonable care' within the meaning of this section shall require the cardholder of an accepted credit card to notify promptly".

Page 2, Section 3, Lines 6 through 9: Delete from ", the issuer in" through line 9 in its entirety.

Page 2, Section 3, Line 6: After "reasonable means" insert "that the credit card has been lost or stolen. No cardholder shall be liable under this section to a card issuer with respect to a credit card, including any duplicates thereof, for any amount in excess of $50.00."

Page 2, Section 4, Line 2: Delete "purchase or lease of property or services by" and insert "unauthorized".

Page 2, Section 4, Line 3: After "use of a credit card" delete "after its loss or theft".

Page 2, Section 4, Line 4: After "theft is not given" delete "within a reasonable time" and insert "pursuant to section 3".

Page 2, Section 4, Lines 4 through 16: After "is effective only if" delete through Line 16 in its entirety, and insert "the card issuer has given adequate notice to the cardholder of the potential liability and the card issuer has provided the cardholder with a self-addressed, prestamped notification to be mailed by the cardholder in the event of the loss or theft of the credit card."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL No. 641

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 641, with my objections, for reconsideration.

Senate Bill No. 641 is the result of a long and arduous effort to codify existing laws relating to county and municipal officers and employees and to eliminate obsolete statutory provisions in Title 40 of the New Jersey Statutes. The impetus for this proposal came from the Title 40 Revision Committee of the New Jersey State Legislature.

Senate Bill No. 641 is perhaps the most significant bill affecting municipalities to be considered by the current session of the Legislature and because of this, as well as the inherent intricacy of the issue being considered, I have given over a great deal of time to the review and analysis of the bill.

Recognizing the sweeping implications that this revision would have upon many of our public servants, members of my staff met on several occasions with representatives of various official and employee groups.

Resulting from these meetings, as well as intense staff review, several suggested changes have emerged, most of which are of a technical nature or are necessary for clarification of existing provisions.

Some of the more significant recommendations are listed as follows:

In order to avoid possible confusion with regard to the application of the phrase "member of a profession," I am recommending that the list of those officers who are exempted from residency requirements be set forth in its entirety.

I believe that counties or municipalities operating under the provisions of subtitle 3 of Title 11 (Civil Service) of the Revised Statutes should not be discouraged from requesting that the Civil Service Commission suggest standards of salaries to be paid to those filling offices and positions in

the classified service. The provisions of 40A:9–8 of the bill appear to require that Civil Service salary recommendations shall be mandatory rather than suggestive. Such a mandatory requirement might result in hesitancy on the part of municipalities in requesting that such studies be made.

The authority to create, by resolution, the office of county comptroller should not be restricted to second class counties having a population of not less than 425,000 nor more than 500,000. Since the board of chosen freeholders would be empowered to fix the duties and compensations of the comptroller, each county could tailor the positions to meet its own needs.

There appears to be no need to specifically set forth the ability of the board of chosen freeholders to employ registered nurses, when general employment authority lies elsewhere.

I am of the opinion that county medical examiners should be licensed physicians of recognized ability and that these requirements should be set forth in the statute.

The section of this revision which would allow the appointment of "some other official to perform the customary duties" of the tax collector appears to be inadvisable. The title of "tax collector" bears connotations which the public has relied upon in its dealings with counties and municipalities. The proposal herein would tend to cloud responsibility rather than lend any clarification thereto.

Tax collectors should be given the alternative of gaining tenure through referendum when such tenure is not granted by the governing body upon eligibility. The voters of a municipality should certainly be given the opportunity to grant tenure if they are satisfied that a tax collector's performance merits such consideration.

Tenure for treasurers should be allowed in all municipalities, not restricted to townships. We have learned through experience that in order to attract and retain high quality professionals in municipal offices of this type it is necessary to offer them a vehicle by which they can attain job security. As with the tax collectors, treasurers should be given the opportunity to appeal to the voters if they are refused tenure by the governing body after their eligibility date.

Accordingly, I herewith return Senate Bill No. 641, with the following changes, for reconsideration:

Page 1, after 40A:9–10 (Analysis) and Line 14: Insert "40A:9–10.1 Contracts for lesser salaries, wages or compensation."

Page 1, after 40A:9–11 (Analysis) and Line 15: Insert "40A:9–11.1 Chapter 303 of the laws of 1970 saved from repeal."

Page 2, 40A:9–1, Lines 1 and 2: Omit "medical officer or other officer who is a member of a profession" and insert "health officer, auditor or comptroller"

Page 2, 40A:9–1, Line 10: After "1949, c. 62" insert "; 1970, c. 240"

Page 4, 40A:9–8: Omit entire section and source and insert "40A:9–8. *Salaries; power of Civil Service Commission.* Any county or municipality operating under the provisions of subtitle 3 of Title 11 (Civil Service) of the Revised Statutes may request the Civil Service Commission to recommend standards of salaries to be paid to persons filling offices and positions in the classified serice, and the county, by resolution, or the municipality, by ordinance, as the case may be, may adopt such recommendations.
Source: R. S. 40:11–14."

Page 5, After 40A:9–10: Insert a new section as follows: "40A:9–10.1. *Contracts for lesser salaries, wages or compensation.* The board of chosen freeholders of any county or the governing body of any municipality may enter into a contract with any officer or employee of the county or municipality, as the case may be, to perform the duties of his office, position or employment at a lesser salary, wage or compensation than otherwise fixed and when the contract shall be entered into, it shall control the amount of such salary.
Source: R. S. 40:21–15; 40:46–30."

Page 5, 40A:9–11, Line 9: Omit "or health officer" and insert ", health officer, auditor or comptroller"

Page 5, 40A:9–11, Line 12: After "1949, c. 62" insert "; 1970, c. 240"

Page 5, after 40A:9–11: Insert a new section as follows: "40A:9–11.1. *Chapter 303 of the laws of 1970 saved from repeal.* Chapter 303 of the laws of 1970 (C. 40:46–14.1) is saved from repeal. [The act saved from repeal by this section provides that a nonresident of any municipality

within a county of the fourth class, pursuant to the 1960 Federal Census, may hold office as building inspector of such municipality and no such office shall be deemed vacant by reason of the removal or nonresidence of any such building inspector.]

Source: C. 40:46–14.1 (1970, c. 303).''

Page 11, 40A:9–22, after Line 11: After ''40:21–13'' insert ''40:21–15''

Page 11, 40A:9–22, after Line 13: After ''40:46–14 amended 1949, c. 62'' insert '' ; 1970, c. 240''

Page 11, 40A:9–22, after Line 14: After ''40:46–15'' insert ''40:46–30''

Page 12, 40A:9–28 (Analysis), Line 9: Omit ''in certain counties''

Page 12, 40A:9–33 (Analysis), Line 14: Omit ''Nurses; compensation; duties'' and insert ''Blank''

Page 12, 40A:9–45 (Analysis), Line 31: Omit ''Chapter 400 of the laws of 1948 saved from repeal'' and insert ''Blank''

Page 15, 40A:9–112 (Analysis), Lines 18 and 19: Omit ''Vacancy in office where sheriff fails to prevent lynching of person in custody'' and insert ''Blank''

Page 16, 40A:9–24, Line 1: After ''Any'' insert ''elective''

Page 17, 40A:9–28, Heading: Omit ''in certain counties''

Page 17, 40A:9–28, Lines 1-3: Omit ''of the second class having a population of not less than 425,000 nor more than 500,000''

Page 19, 40A:9–33: After ''40A:9–33'' omit entire section and source and insert ''Blank''

Page 21, 40A:9–41, Line 7: After ''board.'' insert ''Such appointee shall be of the same political party as that of the previous incumbent.''

Page 22, 40A:9–45: After ''40A:9–45'' omit entire section and source and insert ''Blank''

Page 22, 40A:9–46, Line 4: After ''law.'' insert ''He shall be a licensed physician, a resident of the county, of

recognized ability and good standing in his community, with such training or experience as may be prescribed by standards promulgated by the State Medical Examiner by rule or regulation.''

Page 25, 40A:9–58, Line 11: Omit ''1 year'' and insert ''2 years''

Page 26, 40A:9–61, Line 9: Omit ''5'' and insert ''2''

Page 30, 40A:9–74, Line 12: After ''duties.'' insert ''No additional compensation shall be paid for such designation.''

Page 31, 40A:9–76, Line 4: Omit ''$20,000.00'' and insert ''$24,000.00''

Page 31, 40A:9–76, Line 7: Omit ''$18,000.00'' and insert ''$21,000.00''

Page 31, 40A:9–76, Line 10: Omit ''$15,000.00'' and insert ''$18,000.00''

Page 31, 40A:9–76, Lines 11-18: Omit entire lines and insert ''In counties having a population of 200,000 or less, not less than $5,000.00 or more than $15,000.00.''

Page 31, 40A:9–76, Line 27: Omit ''equal semimonthly payments'' and insert ''the same manner as county officers and employees are paid''

Page 31, 40A:9–76, Line 29: After ''1967, c. 266, s. 1'' insert ''; 1970, c. 144''

Page 32, 40A:9–77, Line 10: After ''paid.'' insert ''The limitations of the salaries set herein shall not be construed to restrict any of said employees from participating in or benefiting from any cost of living bonus or longevity program provided for or established in the county.''

Page 32, 40A:9–77, Line 11: After ''40:38–28 amended 1948, c. 278'' insert ''; C. 40:39–22 (1970, c. 336)''

Page 37, 40A:9–92, Line 5: Omit ''$20,000.00'' and insert ''$24,000.00''

Page 37, 40A:9–92, Line 8: Omit ''$18,000.00'' and insert ''$21,000.00''

Page 37, 40A:9–92, Line 11: Omit ''$15,000.00'' and insert ''$18,000.00''

Page 37, 40A:9–92, Lines 12-19: Omit entire lines and insert "In counties having a population of 200,000 or less, not less than $5,000.00 or more than $15,000.00."

Page 37, 40A:9–92, Line 28: Omit "equal semimonthly payments" and insert "the same manner as county officers and employees are paid"

Page 37, 40A:9–92, Line 30: After "1967, c. 266, s. 1" insert "; 1970, c. 144"

Page 38, 40A:9–93, Line 12: After "paid." insert "The limitations of the salaries set herein shall not be construed to restrict any of said employees from participating in or benefiting from any cost of living bonus or longevity program provided for or established in the county."

Page 38, 40A:9–93, Line 13: After "40:39–21 amended 1948, c. 277" insert "; C. 40:39–22 (1970, c. 336)"

Page 40, 40A:9–104, Line 4: Omit "$20,000.00" and insert "$24,000.00"

Page 40, 40A:9–104, Line 7: Omit "$18,000.00" and insert "$21,000.00"

Page 40, 40A:9–104, Line 10: Omit "$15,000.00" and insert "$18,000.00"

Page 41, 40A:9–104, Lines 1-8: Omit entire lines and insert "In counties having a population of 200,000 or less, not less than $5,000.00 or more than $15,000.00."

Page 41, 40A:9–104, Line 17: Omit "equal semimonthly payments" and insert "the same manner as county officers and employees are paid"

Page 41, 40A:9–104, Line 19: After "1967, c. 266, s. 1" insert "; 1970, c. 144"

Page 43, 40A:9–112: After "40A:9–112" omit entire section and source and insert "Blank."

Page 45, 40A:9–117, Line 4: After "freeholders." insert "The annual compensation of the undersheriff shall not exceed ¾ of the annual compensation of the sheriff. The compensation of the personnel in the office of sheriff shall be paid at the same time and in the same manner as the county officers and employees are paid. The limitations of the salaries set herein shall not be construed to restrict any of said employees from participating in or benefiting from

any cost of living bonus or longevity program provided for or established in the county.''

Page 45, 40A:9–117, Line 5: After ''40:41–31'' insert '' ; C. 40:41–31.1 (1970, c. 337)''

Page 48, 40A:9–128, Line 8: Omit ''40:21–15 to 40:21–17 both inclusive'' and insert ''40:21–16, 40:21–17''

Page 51, 40A:9–128, after Line 16: After ''Section 1 amended by P. L. 1951, c. 256; 1952, c. 178'' insert ''Laws of 1948, c. 400 (C. 40:21–21.1)''

Page 51, 40A:9–128, Line 22: After ''Schedule of Amendments'' insert ''of Laws of 1959, c. 96''

Page 51, 40A:9–128, Line 23: After ''Section 1 amended by P. L. 1961, c. 15; 1967, c. 266'' insert '' ; 1970, c. 144''

Page 51, 40A:9–128, after Line 28: After ''Laws of 1969, c. 241 (C. 40:41–50 to C. 40:41–53 both inclusive)'' insert
''Laws of 1970, c. 336 (C. 40:39–22)
Laws of 1970, c. 337 (C. 40:41–31.1)''

Page 52, after 40A:9–144 (Analysis) and Line 7: Insert ''40A:9–144.1 Removal of tax collector; complaint; hearing.''

Page 52, 40A:9–150 (Analysis), Line 15: Omit ''Tenure of certain tax assessors and deputy assessors'' and insert ''Chapter 211 of the laws of 1966 saved from repeal''

Page 52, 40A:9–152 (Analysis), Line 19: Omit ''township'' and insert ''municipal''

Page 52, after 40A:9–152 (Analysis) and Line 19: Insert ''40A:9–152.1 Removal of municipal treasurer; complaint; hearing.''

Page 52, 40A:9–153 (Analysis) Lines 20-22: Omit ''Tenure of veterans in office, position or employment of city engineer in cities under municipal manager form of government; removal; complaint; hearing'' and insert ''Chapter 190 of the laws of 1943 saved from repeal''

Page 52, after 40A:9–153.1 and Line 24: Insert ''40A:9–153.2 Chapter 281 of the laws of 1970 saved from repeal.''

Page 53, 40A:9–169 (Analysis), Lines 10 and 11: Omit ''Limitation on salary changes of officers and employees'' and insert ''Blank''

Page 53, 40A:9–170 (Analysis), Line 12: Omit "Contracts for lesser salaries, wages or compensation" and insert "Blank"

Page 53, 40A:9–130, Line 2: Omit "2" and insert "4"

Page 53, 40A:9–130, Line 3: After "R. S. 40:171–19" insert "amended 1970, c. 99, s. 3"

Page 55, 40A:9–136, Line 8: After "ordinance." insert "Such ordinance may provide that a person appointed to the office of municipal administrator need not be a resident of the municipality."

Page 55, 40A:9–136, Line 9: After "1968, c. 367, s. 1" insert "; 1970, c. 146"

Page 56, 40A:9–141, Line 1: After "municipality," insert "unless otherwise provided by law,"

Page 56, 40A:9–141, Lines 3 and 4: Omit ", or some other official to perform the customary duties of such collector"

Page 56, 40A:9–141, Lines 6-9: Omit "Any such ordinance may provide that the municipal tax collector or officer to whom the customary duties of a collector may be assigned shall be the tax collector of the municipality constituting the taxing district."

Page 56, 40A:9–144: Omit entire section and source and insert "40A:9–144. *Tenure of tax collector.* Whenever a person has or shall have held the office of municipal tax collector for 10 consecutive years, the governing body of the municipality may grant tenure in office to such person. In the event the governing body fails to grant tenure in office to a municipal tax collector who has held that office for 10 consecutive years, a petition may be filed for a referendum vote on the question of whether the collector of taxes shall continue to hold office during good behavior and efficiency, and shall not be removed therefrom except for just cause and then only after public hearing upon a written complaint setting forth the charge or charges against him. The petition shall be signed by at least 10% of the registered voters of the municipality and filed with the municipal clerk. Upon the filing of the petition the question shall be submitted to the voters at the next general election which shall occur not less than 60 days thereafter. The municipal clerk shall cause the question to be placed upon the official ballot to be used at the general election in the manner pro-

vided by law in substantially the following form: 'Shall the collector of taxes continue to hold office during good behavior and efficiency and not be removed therefrom except for just cause and then only after public hearing upon a written complaint setting forth the charge or charges against him?'

"Immediately to the left of the question there shall be printed the words 'Yes' and 'No', each with a square, in either of which the voter may make a cross (×) or a plus sign (+) or check mark (√) according to his choice. There shall also be printed the following: 'Place a cross (×), or a plus sign (+) or check mark (√) in one of the above squares indicating your choice.' Where voting machines are used, voting thereon shall be equivalent to the foregoing.

"The election shall be held in accordance with the general law relating to public questions to be voted on in a single municipality at elections as provided for by Title 19 (Elections) of the Revised Statutes.

Source: C. 40:46–6.14 (1947, c. 350, s. 1 amended 1951, c. 173); C. 40:46–6.15 (1947, c. 350, s. 2); C. 40:46–6.16 (1947, c. 350, s. 3); C. 40:46–6.17 (1947, c. 350, s. 4 amended 1953, c. 37, s. 165); C. 40:46–6.18 (1947, c. 350, s. 5); C. 40:46–6.19 (1947, c. 350, s. 6); C. 40:46–6.20 (1947, c. 350, s. 7); C. 40:46–6.21 (1947, c. 350, s. 8); C. 40:46–6.22 (1947, c. 350, s. 9)."

Page 57, after 40A:9–144: Insert a new section as follows: "40A:9–144.1. *Removal of tax collector; complaint; hearing.* Any removal of a municipal tax collector having tenure in office shall be upon a written complaint setting forth the charge or charges against him.

"The complaint shall be filed with the municipal clerk and a certified copy thereof shall be served upon the person so charged, with notice of a designated hearing date before the members of the governing body, which shall be not less than 10 days from the date of service of the complaint. The said hearing date shall be fixed by resolution of the governing body.

"The person so charged and governing body shall have the right to be represented by counsel and the power to subpœna witnesses and documentary evidence.

"The County Court of the county in which said municipality is located shall have jurisdiction to review the de-

termination of the governing body which court shall hear the cause de novo and affirm, modify or set aside such determination.

Source: C. 40:46–6.14 (1947, c. 350, s. 1 amended 1951, c. 173); C. 40:145–14.5 (1952, c. 325, s. 1)."

Page 57, 40A:9–145, Line 3: Omit "after February 19, 1966"

Page 57, 40A:9–145, Line 12: Omit "trial" and insert "hearing"

Page 57, 40A:9–146, Line 2: Omit "appoint" and insert "provide for the appointment or election of"

Page 57, 40A:9–146, Lines 7 and 8: Omit "If the terms of their offices shall not be provided by law, such term shall be fixed by said ordinance."

Page 59, 40A:9–150: Omit entire section and source and insert "40A:9–150. *Chapter 211 of the laws of 1966 saved from repeal.* Chapter 211 of the laws of 1966 (C. 40:46–6.13a) is saved from repeal. [The act saved from repeal by this section provides for the granting of tenure to certain municipal tax assessors whose office or position had been abolished as a result of a change in form of government and who subsequently were reappointed to the same office.]

Source: C. 40:46–6.13a (1966, c. 211)."

Page 60, 40A:9–152: Omit entire section and source and insert "40A:9–152. *Tenure of municipal treasurer.* Whenever a person has or shall have held the office of municipal treasurer for 10 consecutive years, the governing body of the municipality may grant tenure in office to such person. In the event the governing body fails to grant tenure in office to a municipal treasurer who has held that office for 10 consecutive years, a petition may be filed for a referendum vote on the question of whether the municipal treasurer shall continue to hold office during good behavior and efficiency, and shall not be removed therefrom except for just cause and then only after public hearing upon a written complaint setting forth the charge or charges against him. The petition shall be signed by at least 10% of the registered voters of the municipality and filed with the municipal clerk. Upon the filing of the petition the question shall be submitted to the voters at the next general election which shall occur not less than 60 days thereafter. The municipal

clerk shall cause the question to be placed upon the official ballot to be used at the general election in the manner provided by law in substantially the following form: 'Shall the municipal treasurer continue to hold office during good behavior and efficiency and not be removed therefrom except for just cause and then only after public hearing upon a written complaint setting forth the charge or charges against him?'

"Immediately to the left of the question there shall be printed the words 'Yes' and 'No', each with a square, in either of which the voter may make a cross (×), or a plus sign (+) or check mark (√) according to his choice. There shall also be printed the following: 'Place a cross (×), or a plus sign (+) or check mark (√) in one of the above squares indicating your choice.' Where voting machines are used, voting thereon shall be equivalent to the foregoing.

"The election shall be held in accordance with the general law relating to public questions to be voted on in a single municipality at elections as provided for by Title 19 (Elections) of the Revised Statutes.

Source: C. 40:145–14.1 (1947, c. 331, s. 1); C. 40:145–14.2 (1947, c. 331, s. 2); C. 40:145–14.3 (1947, c. 331, s. 3); C. 40:145–14.5 (1952, c. 325, s. 1); C. 40:145–14.6 (1952, c. 325, s. 2)."

Page 60, after 40A:9–152: Insert a new section as follows: "40A:9–152.1. *Removal of municipal treasurer; complaint; hearing.* Any removal of a municipal treasurer having tenure in office shall be upon a written complaint setting forth the charge or charges against him.

"The complaint shall be filed with the municipal clerk and a certified copy thereof shall be served upon the person so charged, with notice of a designated hearing date before the members of the governing body, which shall be not less than 10 days from the date of service of the complaint. The said hearing date shall be fixed by resolution of the governing body.

"The person so charged and the governing body shall have the right to be represented by counsel and the power to subpœna witnesses and documentary evidence.

"The County Court of the county in which said municipality is located shall have jurisdiction to review the de-

termination of the governing body which court shall hear the cause de novo and affirm, modify or set aside such determination.

Source: C. 40:145–14.5 (1952, c. 325, s. 1)."

Page 60, 40A:9–153: Omit entire section and source and insert: "40A:9–153. *Chapter 190 of the laws of 1943 saved from repeal.* Chapter 190 of laws of 1943 (C. 40:83–6 and C. 40:83–7) is saved from repeal. [The act saved from repeal by this section provides for the granting of tenure to any veteran of the Armed Forces of the United States, honorably discharged, holding the office, position or employment of city engineer under the municipal manager form of government, and having held such office, position or employment of city engineer under the municipal manager form of government continuously for 15 years from the date of the original appointment as city engineer, while said city was governed under the municipal manager government law or under any other law.]

Source: C. 40:83–6 (1943, c. 190, s. 1); C. 40:83–7 (1943, c. 190, s. 2)."

Page 61, after 40A:9–153.1: Insert a new section as follows: "40A:9–153.2 *Chapter 281 of the laws of 1970 saved from repeal.* Chapter 281 of the laws of 1970 (C. 40:145–33) is saved from repeal. [The act saved from repeal by this section provides for the granting of tenure to any person holding the office, position or employment of township supervisor or superintendent of public works of the township and who has held or shall have held one or more such offices, positions or employments with or without additional service as assistant road supervisor or supervisor of public works department acting under appointment by the township committee for a continuous period of not less than 12 years from the date of his original appointment to any of them, and has or shall have held office, position or employment full time in the department of public works or road department in the township for a continuous period of not less than 12 years; provided he has qualified therefor on or prior to January 1, 1971. Said act shall not apply to any township which is subject to the provisions of Title 11, Civil Service, of the Revised Statutes.]

Source: C. 40:145–33 (1970, c. 281)."

Page 63, 40A:9–159, Line 12: Omit "imediately" and insert "immediately"

Page 65, 40A:9–165, Line 7: After "altered" insert "but no such ordinance shall reduce the salary of any appointed or elected tax assessor or tax collector during the term for which he shall have been appointed or elected"

Page 65, 40A:9–165, Line 11: Omit "10" and insert "20"

Page 65, 40A:9–165, Line 12: Omit "10" and insert "20"

Page 67, 40A:9–169: After "40A:9–169" omit entire section and source and insert "Blank."

Page 67, 40A:9–170: After "40A:9–170" omit entire section and source and insert "Blank."

Page 69, 40A:9–175, Line 21: Omit ", 40:46–30"

Page 69, 40A:9–175, Line 30: Omit "40:171–19 to 40:171–24 both inclusive" and insert "40:171–19 amended 1970, c. 99
40:171–20 to 40:171–24 both inclusive"

Page 69, 40A:9–175, Line 38: Omit "Laws of 1943, c. 190 (C. 40:83–6, C. 40:83–7)"

Page 70, 40A:9–175, Line 16: Omit "Laws of 1966, c. 211 (C. 40:46–6.13a)"

Page 70, 40A:9–175, after Line 20: Insert "Schedule of Amendments of Laws of 1968, c. 367 Section 1 amended by P. L. 1970, c. 146"

Page 70, Effective Date, Line 1: Omit "1970" and insert "1971"

Page 71, Heading: Omit "40" and insert "40A"

Page 73, 40:21–15, Line 8: After "40:21–15" omit "Not enacted" and insert "40A:9–10.1"

Page 73, 40:21–21.1, Line 23: After "L. 1948, c. 400" omit "40A:9–45" and insert "Not Enacted"

Page 76, 40:21–45, Line 34: After "40:21–45" omit "40A:9–33" insert "Not Enacted"

Page 79, 40:38–6.14, Line 39: After
"1967, c. 266, s. 1" insert "; }
1970, c. 144 . . . . . }"

Page 82, after 40:39–21 and Line 19: Insert
"C. 40:39–22 . . L. 1970, c. 336 . . {40A:9–77
{40A:9–93"

Page 84, 40:41–27, Line 21: After "As am. L. 1953, c. 37, s. 143" omit "40A:9–112" and insert "Not Enacted"

Page 84, after 40:41–31 and Line 25: Insert "C. 40:41–31.1 .. L. 1970, c. 337 .. 40A:9–117"

Page 86, 40:46–2.2, Line 19: After "L. 1968, c. 367, s. 1" insert "; L. 1970, c. 146 ....."

Page 86, 40:46–6.14, Line 39: After "As am. L. 1951, c. 173" insert "{40A:9–144.1"

Page 87, 40:46–6.22a, Line 8: After "L. 1965, c. 243" omit "{40A:9–144"

Page 87, 40:46–14, Line 21: After "As am. L. 1949, c. 62" insert "; L. 1970, c. 240 ....."

Page 87, after 40:46–14 and Line 22: Insert "C. 40:46–14.1 .. L. 1970, c. 303 .. 40A:9–11.1"

Page 88, 40:46–25, Line 7: After "40:46–25" omit "40A:9–169" and insert "Not Enacted"

Page 88, 40:46–30, Line 36: After "40:46–30" omit "40A:9–170" and insert "40A:9–10.1"

Page 89, 40:145–14.5, Line 21: After "L. 1952, c. 325, s. 1" omit 40A:9–152" and insert "{40A:9–144.1 {40A:9–152 {40A:9–152.1"

Page 89, after 40:145–22 and Line 26: Insert "C. 40:145–33 .. L. 1970, c. 281 .. 40A:9–153.2"

Page 89, 40:171–19, Line 27: After "40:171–19" insert "As am. L. 1970, c. 99, s. 3"

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL No. 688 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 688 (OCR) for reconsideration.

This bill would improve the existing statutes regarding birth records for adopted children by permitting removal of the phrase "by adoption" from the birth record in certain cases and would spell out certain information required to be listed on the original birth record.

I am completely in accord with the intent of this bill. However, one of the amendments to R. S. 26:8–40.1 would also eliminate the present nominal fee charged for processing applications and requests for such services in connection with birth certificates. Although no fiscal note was attached to the bill to indicate the potential loss of revenue, I do not believe that at a time when the governmental costs are increasing, that such a fee should be eliminated.

Accordingly, I herewith return Senate Bill No. 688 (OCR) without my approval and respectfully recommend the following changes:

1. Page 2, Section 1, after Line 22G insert a new paragraph as follows:

> "Upon receipt of such application, certification or certified copy of the decree or judgment of a court in an adoption proceeding, the State Registrar shall make a new certificate of birth containing the information referred to in the preceding paragraph. The fee for such service shall be $3.00 which includes the issuance of a certified copy of the new certificate."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 6, 1971.

SENATE BILL No. 706 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 706 (OCR), with my objections, for reconsideration.

This bill would amend the laws relating to the issuance of various forms of hunting licenses to provide a separate residents' trapping license. I do not disagree with the intent of this bill. However, on May 6, 1971, I signed into law c. 125 of the laws of 1971 which revises the fees for licenses and further amended R. S. 23:3–4. The enactment of this bill in its present form would conflict with that law and result in the repeal of that law.

Senate Bill No. 706 (OCR) should, therefore, be amended to be consistent with c. 125 of the laws of 1971. Failure to do this would mean the loss of a substantial amount of revenue. In addition, there is a potential inconsistency created in regard to a companion bill, Senate Bill No. 708 (2nd OCR) regarding the age for the issuing of trapping licenses.

Accordingly, I herewith return Senate Bill No. 706 (OCR) for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 7: After "thereto" insert ", provided that for residents' trapping licenses such person may be above 12 years of age."

Page 1, Section 1, Line 12: Delete "and" and insert ","

Page 1, Section 1, Line 12: After "Game" insert "and Shell Fisheries"

Page 1, Section 1, Lines 12-13: Delete "Conservation and Economic Development" and insert "Environmental Protection"

Page 1, Section 1, Line 17: Delete "$5.00" and insert in lieu thereof "$7.00"

Page 1, Section 1, Line 17: Delete "$0.15" and insert in lieu thereof "$0.25"

Page 1, Section 1, Line 19: Delete "$5.00" and insert in lieu thereof "$7.00"

Page 1, Section 1, Line 20: Delete "$0.15" and insert in lieu thereof "$0.25"

Page 1, Section 1, Line 22: Delete "$5.00" and insert in lieu thereof "$7.00"

Page 1, Section 1, Line 22: Delete "$0.15" and insert in lieu thereof "$0.25"

Page 1, Section 1, Line 24: Delete "$4.00" and insert in lieu thereof "$6.00"

Page 1, Section 1, Line 24: Delete "$0.15" and insert in lieu thereof "$0.25"

Page 2, Section 1, Line 31: Delete "$8.00" and insert in lieu thereof "$12.00"

Page 2, Section 1, Line 31: Delete "$0.15" and insert in lieu thereof "$0.25"

Page 2, Section 1, Line 35: Delete "$0.15" and insert in lieu thereof "$0.25"

Page 2, Section 1, Line 38: Delete "and" insert ","

Page 2, Section 1, Line 38: After "Game" insert "and Shell Fisheries"

Page 2, Section 1, Line 45: Delete "$15.00" and insert in lieu thereof "$25.00"

Page 2, Section 1, Line 46: Delete "$0.15" and insert in lieu thereof "$0.25"

Page 2, Section 1, Line 52: Delete "$7.00" and insert in lieu thereof "$10.00"

Page 2, Section 1, Line 53: Delete "$0.15" and insert in lieu thereof "$0.25"

Page 2, Section 1, Line 54: Delete "$0.15" and insert in lieu thereof "$0.25"

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 6, 1971.

SENATE BILL No. 708 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 708 (OCR), with my objections, for reconsideration.

Senate Bill No. 708 (OCR) would amend the laws relating to trapping to specify, among other things, that no trap of the conibear or killer type shall be used in trapping unless such trap is completely submerged under water.

I am advised that this is generally in accord with proper procedures. However, in certain areas along the Delaware River which are subject to wide tide fluctuations it may be impractical to have the traps completely submerged at all times. Therefore, I suggest an amendment which would allow these traps to be placed in accordance with rules and regulations of the Department of Environmental Protection.

Accordingly, I herewith return Senate Bill No. 708 (OCR) for reconsideration and recommend that it be amended as follows:

Page 2, Section 3, Line 2: Delete "completely"

Page 2, Section 3, Line 2: After "water" insert "in accordance with rules and regulations promulgated by the Department of Environmental Protection".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 3, 1971.

SENATE BILL No. 738 (OCR)

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 783 (OCR), with my objections, for reconsideration.

This bill would allow the taking of oysters and clams from certain leased lands of the State with power dredges.

Although I am sympathetic to the limited use of power dredges for such specific types of shell harvesting, it is my belief that the use of such power dredges should be restricted to those situations where unusual conditions, such as unusual growth of vegetation may make it impractical to harvest in the unmechanized manner, and power dredge operations should be under the supervision of the State Department of Environmental Protection which is the Executive Department charged with primary responsibility for protecting the environment.

Accordingly, I herewith return Senate Bill No. 738 (OCR) with my recommendations for reconsideration.

1. Page 1, Section 2, Line 12: After "bay," insert "with the approval of the Commissioner of Environmental Protection and under such conditions and supervision as he may prescribe, and".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL No. 747 (OCR)

To the Senate:

I am returning herewith, pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, Senate Bill No. 747 (OCR) for reconsideration.

While the intent of this bill is exemplary, in that it seeks to provide for the protection of children under 18 who are the victims of other than accidental injury, it contains some ambiguities and deficiencies which must be remedied in order to insure that the laudable intent of the bill comes to fruition.

The word "injury" in section 1 of Senate Bill No. 747 (OCR) is overbroad and should be further defined so as to include within the purview of the Act only serious injury.

Section 3 deals with the reporting of "suspicion or knowledge of child abuse"; as to some persons the reporting of "suspicion of child abuse" is made mandatory. The meaning and connotation of the word "suspicion" is legally too ill-defined to be helpful or appropriate in this context. What is desired is that a report should be made whenever there is reasonable cause to believe an offense has been committed. Imposing an absolute requirement that "suspicion" be reported provides an invitation to abuse, harassment and litigation, none of which will assist in the alleviation of this serious problem.

Under the provisions of section 6, the Bureau of Children's Services is directed to take action necessary to insure the safety of the child. The action taken is to be within the purview of P. L. 1951, c. 138. This reference could be considered as limiting the Bureau's available responsive reactions; such an interpretation might prevent the Bureau from taking critical and expeditious action. I do not believe that the Legislature intended to so restrict the Bureau's scope or means of response.

Section 9 which mandates the reporting of child abuse to the several County Prosecutors must be given a most critical review. The establishment of what appears to be a crime-

oriented, punitive climate within the bill may possibly have a deterrent effect on would be reporters. Adequate punishment for child abuse is essential but its criminal aspects should be treated in separate legislation. While no one could condone child abuse, the primary objective of this bill must be child protection. Maximum reporting is absolutely essential to the accomplishment of that objective and any provision which militates against reporting should be cast aside.

Accordingly, Senate Bill No. 747 (OCR) is hereby returned for reconsideration with the following suggested amendments:

Page 1, section 1, line 3: After "physical]" insert "serious"

Page 1, section 2, line 7: After "in" insert "serious"

Page 6, section 3, lines 1-13: Omit section 3.

Page 6, section 4, lines 4-18: Omit section 4.

Page 6, section 5, lines 19-21: Omit "5. A report shall be made immediately upon suspecting or ascertaining any case of child abuse to the Bureau of Children's Services by telephone or otherwise, followed by a report in writing within ten"

Page 6, section 5, line 22: omit "days thereafter." insert:

> "3. Any person having reasonable cause to believe that a child has been subjected to child abuse or acts of child abuse shall report the same promptly to the Bureau of Children's Services by telephone or otherwise."

Page 6, section 6, line 30: Omit "6" insert "4".

Page 6, section 6, lines 32-33: Omit "under the purview of P. L. 1951, c. 138 (C. 30:4C–1 et seq.)." and insert "and to that end may request and shall receive appropriate assistance from local and state law enforcement officials."

Page 6, section 6, line 35: After "Trenton." insert "No information received in the central registry shall be considered as a public record within the meaning of P. L. 1963, c. 73."

Page 6, section 7, line 36: Omit "7" and insert "5"

Page 7, section 7, lines 38-40: After "calls." omit sentence beginning "The telephone listings".

Page 7, section 8, line 41: Omit "8" and insert "6"

Page 7, section 8, line 41: Omit "in good faith".

Page 7, section 9, lines 46-47: Omit section 9.

Page 7, section 10, line 48: Omit "10" and insert "7"

Page 7, section 10, line 50: After "committed" insert ","

Page 7, section 10, line 51: After section 10, insert new section 8 as follows: "8. The Bureau of Children's Services shall from time to time promulgate such rules and regulations as may be necessary to effectuate the provisions of this Act.

Page 7, section 11, line 1: Omit "11" and insert "9"

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 8, 1971.

SENATE BILL No. 770

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 770, with my objections, for reconsideration.

Senate Bill No. 770 provides that blind persons using a predominantly white or metallic colored cane or using a seeing eye dog or other dog trained as a guide for the blind shall have the right-of-way in crossing highways or intersections. The bill further provides that the failure of a blind person to comply with the provisions of this act shall not give rise to a conclusive presumption of contributory negligence by such a blind person.

While I am in agreement with the intent of the bill to establish the right-of-way for such blind persons, I am concerned that the bill, as drafted, may have a harmful effect on their personal safety. There is no provision requiring some distinctive marking of the dog accompanying the blind person. It is quite possible that the blind person would not be readily identifiable to approaching motorists. It is my recommendation that the seeing eye dog or other dog guide be equipped with a rigid "U"-shaped harness such as customarily used on dog guides. This would add considerably in alerting approaching motorists that a blind person was crossing the highway or intersection.

Accordingly, I am returning Senate Bill No. 770 for reconsideration with the recommendation that it be amended as follows:

Page 1, Section 1, Line 6: After "blind," insert "equipped with a rigid 'U'-shaped harness such as customarily used on dog guides".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL No. 921

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 921, with my objections, for reconsideration.

This bill amends the Construction Safety Act, increasing the membership on the Construction Safety Council from 15 to 16. The new member would be selected by the Governor from a list submitted by the Utility Contractors Association.

Since its inception in 1962, the Council has been of immeasurable value in advising the Commissioner of Labor and Industry on construction safety problems. I believe that a representative of the Utility Contractors whose underground projects are among the most dangerous of all construction work would have a significant contribution to make to the Council. However, one consideration involved here is the continuation of an equitable balance. The additional member proposed by the bill falls within the employer group and, therefore, would be balanced, by an additional labor member who would presumably represent the viewpoint of those employed in the utility construction trade.

Accordingly, I respectfully recommend the following change:

Page 2, Section 1, Line 25: After " Association," delete "four" insert "five".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT
November 15, 1971

SENATE BILL NO. 998 (SECOND OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 (b) of the Constitution, I herewith return Senate Bill No. 998 (Second OCR), without my approval, for reconsideration.

Senate Bill No. 998 (Second OCR) would prohibit the application of lead paint to toys, furniture or exposed interior surfaces of any dwellings or facility occupied or used by children. It also prohibits selling or offering to sell toys or furniture to which lead paint has been applied.

The bill provides that when lead paint is discovered in a dwelling, and it is shown that persons residing there have a blood-lead level of "60 micrograms per 100 milligrams, or higher," the appropriate Board of Health must notify the owner that he is maintaining a public nuisance and order removal of the lead paint and refinishing of the interior of the dwelling with a suitable finish within 5 days. If the owner does not comply, the Board of Health is authorized to remove the nuisance, bill the owner, and recover expenses in a civil action. S-998 (Second OCR) would also require the State Department of Health to develop, implement and coordinate a program to control lead poisoning. Violations of the act are made a disorderly persons offense.

Although I agree with the intent of this bill, there are several problems raised. In view of the fact that violations are made a criminal offense, it is my recommendation that actual knowledge of the user or vendor be set forth specifically in view of the widespread present use and availability of lead paints.

There are also certain technical aspects of the bill which should be corrected. The bill fails to cover regional health commissions and these should be included within the ambit of Section 4 (e) and Section 6. The bill also erroneously refers to a blood-lead level of "60 micrograms per 100 milligrams." Actually, the proper reference should be to "milliliters," rather than "milligrams." In addition, I recommend that the bill expressly allow area boards to abate the nuisance and provide for safe disposition of removed lead, and that the effective date be changed to provide for implementation on the first day of the month immediately following enactment.

Accordingly, I herewith return Senate Bill No. 998 (Second OCR) for reconsideration and recommend that it be amended as follows:

1. *Page 1, Section 1, Line 1*: After "shall" insert "knowingly".

2. *Page 1, Section 2, Line 1*: After "shall" insert "knowingly".

3. *Page 1, Section 4, Line 12*: After "health" delete "or county board of" and insert ",".

4. *Page 1, Section 4, Line 13*: Delete "health" and insert in lieu thereof "regional health commission or other locally constituted health agency".

5. *Page 2, Section 6, Lines 1–2*: Delete in their entirety.

6. *Page 2, Section 6, Line 3*: Delete "having" and insert in lieu thereof "6. The Board in each municipality or other area of".

7. *Page 2, Section 7, Line 4*: After "removal" insert "and appropiate disposition".

8. *Page 2, Section 8, Line 6*: Delete "milligrams" and insert in lieu thereof "milliliters".

9. *Page 2, Section 8, Lines 8–10*: Delete in their entirety.

10. *Page 2, Section 8, Line 11*: Delete "able finish within 5 days." and insert in lieu thereof "abate the nuisance and refinish such interior surface of the dwelling within 5 days in accordance with regulations specified by the Commissioner, and dispose of any lead paint residues in an approved area."

11. *Page 3, Section 13, Line 1*: Delete "immediately" and insert in lieu thereof "on the first day of the month following enactment".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL No. 2028

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 2028, with my objections, for reconsideration.

Senate Bill No. 2028 would permit the governing body of a municipality to authorize by ordinance its Chief Executive Officer, or the officer in charge of streets in municipalities not having a Chief Executive Officer, to provide by regulation for the closing of a street to motor vehicle traffic on any day or days, or during specified hours, whenever he finds such closing is necessary for the preservation of the public safety, health, and welfare. The ordinance authorizing this action must provide for the posting of warning signs when a street is closed and must provide for penalties for violation of the ordinance or regulation.

The bill also provides that the ordinance must be approved by the Commissioner of Transportation before it takes effect. However, it is obvious that most of the provisions relating to street closings would most likely be contained in the regulations. There are many other instances where the regulation of signs and traffic lights have to be approved by the department. In my opinion it is unrealistic to provide for the approval by the Department of Transportation of the ordinance, but not of the implementing regulations.

I recommend that the bill be amended to extend the requirement of approval to any regulations issued pursuant to such ordinance. In addition, Senate Bill No. 2028 requires the ordinance to provide for the posting of proper warning signs. In order to provide better dissemination of information and to avoid confusion, it is my suggestion that both the ordinance and the regulations should so provide.

Accordingly, I herewith return Senate Bill No. 2028 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 8: After "ordinance" insert "and regulations promulgated thereunder".

Page 1, Section 2, Line 1: After "ordinance" insert "or regulation".

Page 1, Section 2, Line 1: After "adopted" insert "thereunder".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor

Attest:
/s/ JEAN MULFORD,
Acting Secretary to the Governor

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL No. 2054

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 2054, with my objections, for reconsideration.

This bill is concerned with the Union County Park Police Pension System. This is a closed pension system and there are presently three active members who could possibly benefit by this bill. They each have in excess of 25 years of service. It increases disability pension benefits for members of the system from ½ to ⅔ of the member's average annual salary for the last 3 years of his employment in the case of service connected disability. In the case of non-service connected disability, pensions are increased from ¼ to ½ of the member's salary for his last 12 consecutive months of employment, provided he has 25 or more years of service. The entire cost of implementing this bill would be paid by the Union County Park Police Pension System.

The bill as drafted would base non-service connected disability benefits on "his salary for his last 12 consecutive months of employment." These benefits should more properly be based upon an average annual salary for "his last 3 years of employment." This would make these benefits consistent with benefits provided for service connected disability and similar benefits for non-service connected disability in other systems.

Accordingly, I am returning Senate Bill No. 2054 for reconsideration with the recommendation that it be amended as follows:

On Page 1, Section 1, Lines 26-27: After "½ of his" delete the remainder in its entirety and insert "average annual salary for the last 3 years of his employment."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL No. 2055

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 2055, with my objections, for reconsideration.

This bill is concerned with the Union County Park Police Pension System. This is a closed pension system and there are presently three active members who could possibly benefit by this bill. They each have in excess of 25 years of service. It is a companion bill to Senate Bill No. 2054. It increases benefits payable to widows of members of the system in the event of death prior to retirement which is not related to the member's performance of his duties. Said benefits are increased from the sum of $1,000 annually to an amount equal to ½ of the annual salary being paid to such member at the time of his death. The entire cost of implementing this bill would be paid by the Union County Park Police Pension System.

As drafted, benefits would be based upon "the annual salary being paid such member at the time of his death." Computation of benefits should more properly be based upon the member's "average annual salary for the last 3 years of his employment prior to death." This would make death benefits consistent with death benefits in similar systems.

Accordingly, I am returning Senate Bill No. 2055 for reconsideration with the recommendation that it be amended as follows:

On Page 1, Section 1, Line 14: After "½ of the" insert "average".

On Page 1, Section 1, Line 15: After "member" delete "at", insert "for the last 3 years of his employment prior to".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL NO. 2144

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 2144, with my objections, for reconsideration.

Senate Bill No. 2144 would permit a newspaper to move its publication office to an adjacent county and continue to be qualified to accept legal publications which it was qualified to publish prior to the move for a period of two years after the date of said move in the event that the newspaper meets the other qualifications set forth in this section. The bill would further require that the newspaper have been qualified to publish legal advertisements for at least 10 years before said move in order for the two-year grace period to apply.

I am of the opinion that with respect to legal advertising the most important qualifications for a newspaper should be area of circulation as opposed to the physical location of its publication office. It would appear to me to be completely reasonable to allow a newspaper otherwise eligible to publish legal advertisements to continue so doing irrespective of the location of its publication office if the area of circulation remains the same. Likewise, it is reasonable to assume that if a newspaper may move into an adjacent county and continue to publish legal advertisings which it was qualified to publish prior to the move for a two-year period, the same newspaper should be able to move to another municipality within the same county and enjoy the same rights. Further, I see no reason why the right discussed above should not be applied to all newspapers qualified to publish legal advertising rather than only those that have been so qualified for at least 10 years.

Accordingly, I respectfully recommend the following change in Senate Bill No. 2144:

Page 2, Section 1, Lines 41-48: Delete in its entirety and insert "In the event any newspaper which shall have been qualified to publish legal advertisements shall move its publication office to any municipality in the same county or in an adjacent county in this State and which shall otherwise continue to meet the qualifications of this section, it shall

continue to be qualified to publish legal advertisements which it was qualified to publish prior to moving said publication office for a period of two years after the date of the moving of its publication office."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 6, 1971.

SENATE BILL No. 2154

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 2154, with my objections, for reconsideration.

Senate Bill No. 2154 would amend the Retail Installment Sales Act of 1960 (N. J. S. 17:16C–1 et seq.) to bring within its scope unsecured time sales of goods having a cash value of $7500 or less, time sales of certain services, and revolving credit, i.e., retail charge accounts. This bill would establish a maximum finance charge on the time sales included within its purview of 1½% per month, or 18% annually on the first $700, and 12% annually on the excess. The bill as passed by the Legislature would also provide that the same rates would apply to bank credit cards used to purchase goods. I am advised that generally retail stores are presently charging interest at 1½% per month on such unsecured time sales and that this rate has been in existence for an appreciable period of time. This bill does not increase that rate. The main thrust of the bill as it relates to retail stores is the requirement that the stores in the field of unsecured installment selling will be regulated for the first time. I strongly believe that in this general area of unsecured financing, it is vital to the protection of the consumer that there be state regulation.

In addition, I do not believe it is desirable to include professional fees, tuition charges and burial fees within the ambit of credit card charges. I believe the definition of services in Senate Bill No. 2154 is much too broad and

could result in many abuses. A section of this bill would permit professionals, including doctors, dentists, and lawyers, to require a patient, customer or client to pay an interest rate of 18% per annum on financed or delinquent accounts. Frankly, I know of no professional man who does, in fact, charge a patient or client with interest on outstanding accounts. However, apparently there may be a few who do. In my judgment, this type of practice is beyond the pale of professionalism. Consequently, I am recommending that this section be amended in part so that a professional person can only charge the current interest rate on financed or delinquent accounts. In my view, Senate Bill No. 2154 should also be amended to redefine services to exclude such areas of potential abuse, and to indicate that transactions not covered specifically by a statute expressly authorizing greater interest charges are subject to New Jersey's general usury law, N. J. S. 31:1–1 et seq.

Another type of consumer credit affected by this bill is the bank credit card. Presently, banks are regulated under the Banking Act of 1948 and authorized to charge no more than 12% per annum. Under the bill in its present form, the banks would be permitted to charge an interest rate of 18% per annum in this type of account up to $700, and 12% thereafter. While I can understand that the banks do, in fact, have expenses relating to this type of credit charge, I do believe 18% would be excessive. Consequently, I am recommending that the rate be reduced from 18% to 15% per annum.

Accordingly, I herewith return Senate Bill No. 2154 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 2: Before "retail" insert "certain".

Page 2, Section 2, Line 50: After "assignment" delete "or" and insert "of".

Page 4, Section 2, Lines 132-139: Delete in their entirety and insert a new subsection (s) as follows:

"(s) 'Services' means and includes work, labor and services for other than a commercial or business use, but does not include professional services nor services which are subject to the 'Home Repair Financing Act,' and insurance premiums financing which is subject to the 'Insurance Premium Finance Company Act' (P. L. 1968, c. 221; C. 17:16D–1 et seq.)".

Page 6, Section 6, Line 8: After "insecure" insert "and any such provision shall be void and unenforceable".

Page 6, Section 7, Line 6: After "action" insert "or defense".

Page 6, Section 7, Line 10: After "account" insert "and any such provision shall be void and unenforceable".

Page 6, Section 8, Line 6: After "attorney" insert "and any such provision shall be void and unenforceable".

Page 7, Section 9, Line 7: After "account" insert "and any such provision shall be void and unenforceable".

Page 7, Section 10, Line 7: After "earned" insert "and any such provision shall be void and unenforceable".

Page 7, Section 11, Line 11: After this line insert a new Section 12 as follows:

"12. Section 41 of P. L. 1960, c. 40 (C. 17:16C–41) is amended to read as follows:

41. A retail seller and a motor vehicle installment seller, under the provisions of this act, shall have authority to charge, contract for, receive or collect a time price differential as defined in this act, on any retail installment contract evidencing the sale of goods *or services* which shall not exceed the rates for the respective classification as follows:

Class I. New motor vehicles, an amount not to exceed $7.00 per $100.00 per year;

Class II. Used motor vehicles of a model designated by the manufacturer by a year not more than 2 years prior to the year in which the sale is made, an amount not to exceed $10.00 per $100.00 per year;

Class III. Older used motor vehicles of a model designated by the manufacturer by a year more than 2 years prior to the year in which the sale is made, an amount not to exceed $13.00 per $100.00 per year;

Class IV. On all other goods *or services*, an amount not to exceed $10.00 per $100.00 per year.

The time price differential shall be computed on the amount of the principal balance as determined in section 27(f), from the date of the contract to the due date of the final installment, notwithstanding the fact that the contract is to be repaid in installments.

If the time price differential so computed is less than $12.00, and if the due date of the last installment of the contract is more than 8 months after the date of the contract, a charge of not more than $12.00 may be made in lieu of the time price differential. If the time price differential so computed is less than $10.00, and if the due date of the last installment of the contract is 8 months or less after the date of contract, a charge of not more than $10.00 may be made in lieu of the time price differential."

Page 7, Section 12, Line 1: Delete "12" and insert "13".

Page 8, Section 13, Line 1: Delete "13" and insert "14".

Page 8, Section 14, Line 1: Delete "14" and insert "15".

Page 8, Section 15, Line 1: Delete "15" and insert "16".

Page 9, Section 16, Line 1: Delete "16. (a) A" and insert "17. (a) Except as provided in subsection (d) of this section, a".

Page 10, Section 16, Line 42: After this line insert a new subsection (d) as follows:

"Notwithstanding the provisions of this section, the time price differential which a banking institution shall be entitled to charge, collect or receive in each billing period on obligations incurred pursuant to a retail charge account entered into between such banking institution and a retail buyer shall not exceed 1¼% on the first $700 of the amounts in (a) (i) and (ii) of this section and 1% on the excess thereof."

Page 10, Section 17, Line 1: Delete "17" and insert "18".

Page 10, Section 17: After line 6 insert a new subparagraph as follows:

"(c) All retail sales of goods and services not specifically covered by this act, and not subject to the express provisions of any other law, are subject to the general usury law (C. 31:1–1 et seq.),".

Page 10, Section 18, Line 1: Delete "18" and insert "19".

Page 10, Section 19, Line 1: Delete "19" and insert "20".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL.
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 5, 1971.

SENATE JOINT RESOLUTION No. 23 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Joint Resolution No. 23 (OCR), for reconsideration.

This Senate Joint Resolution would create a 9 member bipartisan commission to study fluoridation of potable water supplies as a public health measure.

While I am in agreement with the purpose and intent of this joint resolution, it is my belief that the commission should be totally objective and impartial in its work and study. The bill was amended to limit the Governor's designees on this study group and requires that of the 4 members to be appointed by me, one person must be prominently identified as an opponent of the issue of fluoridation of public potable water, and one person must be prominently identified as a proponent of that issue. The restriction I refer to is too limiting and should be deleted.

Accordingly, I herewith return Senate Joint Resolution No. 23(OCR) without my approval and respectfully recommend the following changes:

1. Page 2, Section 1, delete Lines 16 through 20 in their entirety and insert the following:

"For the better assurance of objectivity and impartiality in the deliberations of the commission, members to be appointed by the Governor, the President of the Senate or the Speaker of the General Assembly shall be selected from among persons who are not prominently identified as either opposing or promoting the fluoridation of public potable water."

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

ASSEMBLY JOINT RESOLUTION No. 15

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Joint Resolution No. 15, with my objections, for reconsideration.

Assembly Joint Resolution No. 15 provides for the creation of a 12-member commission to discover and study the causes resulting in public school children doing work below grade level. This bill mandated the commission to report its findings and recommendations to the Governor and the Legislature not later than January 31, 1971. However, this Resolution was not finally approved by the Legislature until April 26, 1971. It is certainly necessary to grant the commission an adequate amount of time to enable it to completely evaluate the complex problems which result in school children working below grade level.

Accordingly, I respectfully recommend the following change in Assembly Joint Resolution No. 15:

Page 2, Section 5, Line 4: After "than" delete "January 31, 1971" and insert "July 31, 1972".

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 83

To the General Assembly:

I herewith return Assembly Bill No. 83, without my approval, for the following reasons:

This bill would preclude the suspension or revocation of the driver's license of a "commercial driver" pursuant to

the point system unless and until he shall have accumulated 18 or more points within a 3-year period. A "commerical driver" is defined as one who is engaged or employed in the full-time occupation of operating a passenger automobile, commercial motor vehicle or bus for hire or in connection with the conduct of the business of the owner or lessee of such motor vehicle. A special commercial driver's license is provided for any such driver who has accumulated a total of 12 or more points but less than 18 during a 3-year period, which special license would be valid only when used during the course of the holder's employment and going to and returning therefrom.

Similar bills were passed by the Legislature in 1968 (A-216) and 1969 (A-571). Each of these bills was vetoed by Governor Hughes.

The point system is designed for the purpose of controlling drivers who repeatedly violate the traffic laws. Adequate warning is provided in the form of a notice to each driver when his point accumulation is such that one more offense would place him over the limit. A combination of two very serious violations, such as leaving the scene of an accident, reckless driving and exceeding the speed limit by 20 miles per hour, is required before the present 12 point limit is reached. Driver retraining is available if a driver does, in fact, reach the 12 point limit. He is offered the opportunity to attend a Division of Motor Vehicles Driver Improvement School in lieu of suspension. In addition, each driver who reaches the limit is entitled to a hearing before the Director of Motor Vehicles prior to suspension or revocation of his license. It is only after repeated violations following these warnings and safeguards that a driver's license is suspended and he is removed from the roads.

The provision for a "special commercial driver's license" for use only during the course of his employment, and in going to and returning therefrom, poses many problems. This special privilege can be very easily abused and the temptation for such abuse would be great. Enforcement would be impossible and, ironically, such misuse would most probably be discovered only after involvement in additional traffic violations or accidents.

In addition, this bill is inconsistent with existing law. R. S. 39:5–30 authorizes the Director of Motor Vehicles to suspend or revoke the driver's license of any person for violation of any of the provisions of Title 39, "Motor

Vehicles and Traffic Regulations." It is inappropriate to prohibit the suspension of a driver's license for the commission of a combination of serious offenses (through use of the point system) and yet permit revocation for one violation without reference to the point system. Such a result defies logic.

It is true that enforcement of the point system will result in the suspension of certain motor vehicle drivers' licenses. Some will be the so-called "commercial driver." I believe, however, that for the most part "commercial drivers" are careful drivers who use good judgment and do not have to rely on legislation such as this as a substitute for safe driving habits.

For these reasons I cannot, in all good conscience, sign this legislation which will have the unfortunate consequence of permitting persistent traffic violators to continue to drive on our roads and subject other drivers to unnecessary hazards. I support the concept of driver improvement retraining of persistent traffic offenders which is embodied in the point system approach.

Accordingly, I feel that I must return Assembly Bill No. 83 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 11, 1972.

ASSEMBLY BILL No. 167

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 167, without my approval.

Assembly Bill No. 167 would give the holder of an exempt fireman's certificate issued pursuant to Revised Statutes 40:47–52 to Revised Statutes 40:47–58 a 5-point preference in competitive Civil Service examinations for original appointment to positions in municipal fire departments.

While exempt firemen play an important role in providing protection for our communities, I do not believe this type of preference in open competitive examinations is desirable.

Accordingly, I herewith return Assembly Bill No. 167, without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 251 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 251 [Official Copy Reprint] without my approval.

This bill would require that there be present in each emergency room at each hospital in this State at least one person on the staff of the hospital who speaks and understands the English language.

Present rules and regulations of the Department of Institutions and Agencies require in each hospital emergency room the presence of a qualified employee authorized to act for the hospital, and around-the-clock services of a physician or physicians who are either resident physicians or staff physicians serving on an on-call basis. In view of this, and the fact that foreign national doctors are required to pass a test showing their competence in the English language, this bill would appear unnecessary and superfluous. I note also that the only significant portion of the bill, which would have required that such staff member be capable of interpreting the language of the licensed medical practitioner in charge of the emergency receiving room, was deleted from the bill by amendment. In addition, the phrase "person on the staff" is not defined and might well be construed as broad enough to include any person working for the hospital, such as a receptionist, who may not be familiar with medical terminology.

I am, therefore, returning Assembly Bill No. 251 [Official Copy Reprint] without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 16, 1971.

ASSEMBLY BILL NO. 263

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 263 without my approval.

Assembly Bill No. 263 would require persons engaged in the business of renting or leasing motor vehicles to procure from each lessee an affidavit stating that he does not intend to employ or permit the use of the leased vehicle to transport unstamped cigarettes unlawfully within New Jersey. Under the bill, any person who gives such an affidavit and so employs or permits the use of the leased vehicle would be guilty of a misdemeanor. In addition, the bill would preclude the lessor of the vehicle from denying knowledge that the vehicle was to be used to transport cigarettes illegally if he failed to obtain the required affidavit.

After careful review, I have concluded that the bill will not materially increase the effectiveness of efforts to eliminate illegal traffic in cigarettes in New Jersey. Conversely, it would impose a great burden upon both lessors and lessees of motor vehicles. Since the benefit to be gained is slight and the burden incurred is great, I have determined that this bill should not be approved.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 310

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 310, without my approval.

This bill would purport to abolish the existing position of Referee in Workmen's Compensation and reclassify those in that position to Judges of Workmen's Compensation. Although I recognize that there are certain restrictions on the jurisdiction and work of the Referees in compensation, this bill does not take into account the fact that Judges of Workmen's Compensation must be attorneys at law as required by R.S. 34A:1A–12.1. Since there is no saving provision in Assembly Bill No. 310, the present three Referees who are not attorneys, out of a total of twelve, would no longer have a position upon enactment of this bill.

In addition, I am greatly concerned by the fact that if this bill were signed into law, those nine remaining Referees would receive salary increases of approximately 100%. I am convinced that the present policy of the Departments of Labor and Industry and Civil Service to upgrade administratively the present Referees to the positions of Judges of Workmen's Compensation is preferable. This will permit the eventual phasing out, administratively, of the present position of Referee, Workmen's Compensation.

I am, therefore, returning Assembly Bill No. 310 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 380

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 380, without my approval.

Assembly Bill No. 380 would permit a municipal governing body, upon determination that land owned by the municipality is no longer needed for municipal purposes, to convey said property to the Girls' Club of America, Inc. for such consideration as the municipality deems advisable. In the event that the property ceases to be used by the Girls' Club, it would revert to the municipality.

Chapter 199, P. L. 1971, signed by me on June 9, 1971, provides in part for private sales of municipal property for a nominal consideration to public service organizations, including volunteer fire companies, first aid, rescue, or ambulance squads, veterans' organizations, or non-profit hospital associations. Additionally, similar conveyances can be made to any paraplegic veteran or veterans' group for construction of residences. I believe that to expand this list, no matter how worthy any individual organization might be, would be an unwise precedent.

I would point out that under another provision of Chapter 199, P. L. 1971, a municipality is authorized to grant leaseholds for a term of up to 50 years with an option to extend for an additional 25 years to non-profit organizations engaged in promoting the health, safety, morals and general welfare of the community. Worthwhile organizations such as the Girls' Club would appear to fall within this category.

Accordingly, I herewith return Assembly Bill No. 380 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 8, 1971.

ASSEMBLY BILL No. 424

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 424, without my approval.

Assembly Bill No. 424 would permit any surrogate to appoint from among the employees in his office additional special deputy surrogates. The statute presently provides for the appointment of one special deputy surrogate. The appointment of additional special deputy surrogates would appear to be unwarranted since the only duties provided for by statute are those which would evolve in the absence of the surrogate and the deputy surrogate.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 425

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 425, without my approval.

This bill would waive the rights of reversion or reentry for breach of condition contained in a deed recorded in the county recording office unless the person having such rights or his heirs or assigns records an instrument indicating an intention to preserve said rights prior to the expiration of 20 years from the date of recording of the deed. Where any such deed has been recorded for 20 years or more prior to the effective date of this act, the recording of an instrument to preserve said rights shall be accomplished within

one year after the effective date of this act. The bill would further provide that the instrument intending to preserve said rights shall be recorded and indexed in the books used for recording deeds in the county under the name of the person having the right of reversion or reentry and also under the name of the person or persons actually executing the instrument as grantors.

While this bill is apparently intended to solve some title problems and simplify the search procedure in the acquisition of land, it raises more questions than it answers. The bill as drafted would apply to the U.S. Government, the State of New Jersey, and its subdivisions. Ordinarily, the Federal and State Governments are immune from statutes of limitations. If this were the only problem with the bill, it could be amended to exclude the U.S. and the State of New Jersey from applicability. However, several other questions are raised by this bill.

The question of applicability of the bill where a breach of the covenant has already occurred is indefinite. Similarly, it is not clear whether the bill would apply if the person entitled to enter the property upon breach of condition is already in possession.

The period of time during which an infant or incompetent must file the instrument to preserve his rights is not covered. Normally, these disabilities would toll the running of the statute. Adequate notice may require a description of the land and the terms of the condition creating the rights. Further, since New Jersey is committed to a chain of title notice theory, a person is generally not charged with notice of facts outside his chain of title. It would be most appropriate if the instrument to preserve the rights of reversion or reentry was required to contain the name of the present owner or the name of the person in whose name the property is assessed when the instrument is recorded. These requirements would assist a title searcher in discovering the recording of the instrument to preserve the said rights. The bill, unfortunately, is silent in this regard.

With regard to the situation where the 20 year period has already expired prior to the effective date of this act, it is most doubtful that a one year period is sufficient time within which to record the instrument.

Constitutional questions may also be presented by the retroactive effect of this legislation. Such a feature may

be construed as impairing the obligations of contracts or depriving the owner of property without due process of law.

These questions thus presented would have a most unsettling effect on the laws of conveyancing and the procedure for searching title. I am, therefore, returning Assembly Bill No. 425 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 8, 1971.

ASSEMBLY BILL No. 426

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 426, without my approval.

Assembly Bill No. 426 would increase the maximum sum to be paid to a special deputy surrogate over and above his regular salary from $1,000 to $2,000 in all counties except those of the first class where the maximum would be raised from $2,000 to $3,000. As I stated in my Veto of Assembly Bill No. 424, the statutory duties of a special deputy surrogate would not appear to warrant an addition to their number. For the same reason, I am not in favor of increasing any additional remuneration which they may receive apart from the normal salary structure.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 6, 1971.

ASSEMBLY BILL No. 476

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 (a) of the Constitution, I herewith return Assembly Bill No. 476, without my approval.

Assembly Bill No. 476 would amend sections 18A:16–6.1 and 18A:60–5 of the New Jersey Statutes to allow an employee of a school board or teacher in a State educational institution to be reimbursed for expenses incurred, including counsel fees, in the defense of administrative charges in the event that such charges are disposed of favorably with respect to said employee.

The existing right to counsel fees and costs resulting from the defense of criminal charges arising out of or incidental to a school board or State educational institution employee's duties when the employee is exonerated is a necessary financial safeguard to protect those employees. The Statement appended to Assembly Bill No. 476 indicates the proposal to reimburse for the costs of defending administrative charges is analogous to the existing law regarding costs resulting from a criminal action. I do not believe that this is a valid analogy. Criminal charges are brought by the State before a court of law and are always of a serious nature and are adversary proceedings. Administrative charges, on the other hand, are brought by a local board and may be heard by the Commissioner of Education or the Chancellor of Higher Education. The charges may involve varying degrees of seriousness and may not necessitate advice of counsel.

I believe that the procedures followed under the Civil Service Title 11 of the New Jersey Statutes should be followed here. The Supreme Court of New Jersey has repeatedly found that under N. J. S. A. 11:15–6 the Civil Service Commission has broad discretionary authority as to the relief it may grant to an appealing employee whose position is sustained. This discretionary authority to award costs if applied to the instant proposal would provide ade-

quate protection to the wrongfully accused school board or State educational institution employee.

Since I am recommending that the authority to reimburse employees for costs incurred in the defense of administrative charges resolved in their favor be made discretionary rather than mandatory, it would be appropriate to separate this provision from that which deals with reimbursement relative to criminal actions. This can be accomplished by amending those sections of Title 18A dealing with the hearing power of the Commissioner of Education and the Chancellor of Higher Education.

I am therefore requesting that a new proposal be developed for introduction in January which will accomplish those ends which I have recommended.

Accordingly, I herewith return Assembly Bill No. 476, without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 480

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 480, without my approval.

This bill would include full-time active municipal police officers and county park police officers in the definition of "law enforcement officer" in the Public Employees' Retirement System. It has the practical effect of requiring municipalities and park commissions whose pension systems are not in the Police and Firemen's Retirement System to

provide increased benefits based upon the so-called "law enforcement officer formula". The increased benefits would be equal to those provided in the Police and Firemen's Retirement System.

Under existing law, a means is afforded to municipalities and counties to provide such increased benefits to members of their police departments. They may adopt the provisions of the Police and Firemen's Retirement System by local referendum. I am advised that some 286 municipalities and county park commissions are affected by this bill. They would be required to provide and fund these additional benefits even though they have not chosen to do so themselves. This would approximately double their pension costs for these officers.

I do not agree that we should substitute legislative fiat for the option for local self-determination which is specifically provided for in this area. Further, I feel that the Police and Firemen's Retirement System is the proper retirement program for police officers.

Therefore, I herewith return Assembly Bill No. 480 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 11, 1972.

ASSEMBLY BILL No. 489 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 489 (OCR), without my approval.

This bill would authorize the Commissioner of Transportation to extend State Highway Route 17 from its junction with a traffic circle on State Route 3 in the Township of Lyndhurst to the city of Newark. There is no traffic circle on Route 3 in the Township of Lyndhurst and the bill is deficient in that regard.

Our Department of Transportation has advised me that although it has no objection to extending State Highway Route 17 south to the Newark area, it should be on a new alignment south of State Route 3 and designated as a freeway. In addition, the bill is not technically satisfactory because it does not provide control of access, and this failure would cause extensive damage to the existing area from the Route 7 junction in North Arlington south to Newark. And, in any event, any such extension should comply with the Master Plan of the Department of Transportation.

Accordingly, I herewith return Assembly Bill No. 489 (OCR) without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL NO. 491

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 491 without my approval.

This bill would require municipal court clerks to notify the owner of a vehicle whenever any other operator thereof is issued a summons as the result of an accident or moving violation. Notice to the owner would be by certified mail, return receipt requested.

While it would be beneficial to owners of vehicles to be informed of such violations caused by persons to whom they have entrusted their vehicles, practical considerations prevent me from signing this bill. Approximately 650,000 of such complaints are filed annually with the courts. The cost and additional clerical work required in segregating,

duplicating and mailing copies of summonses to the owners would unduly burden the municipal courts.

This information can presently be readily obtained simply and inexpensively by employers and others. Driver record abstracts can be obtained from the Division of Motor Vehicles at a cost of $1.00 each, or $.50 in the case of volume users.

Therefore, I herewith return Assembly Bill No. 491 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 493 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 493 (OCR) without my approval.

This bill would provide for the registration of motor vehicles leased by governmental and charitable organizations at no cost. Presently, no fee registration is limited to those vehicles owned by such organizations.

The Division of Motor Vehicles in the Department of Law and Public Safety would be required to establish an expensive and time consuming procedure to implement and enforce the provisions of this bill. In the case of the lease of a previously registered motor vehicle to a governmental organization, proper notification thereof would have to be received by the Division of Motor Vehicles. Thereafter, the license plates would be cancelled, the vehicle would have to be re-registered and new plates issued, i.e. "CG" for county government or "MG" for municipalities. The seal

of the governmental agency would then have to be displayed on the vehicle. A similar procedure would be needed in the case of the lease of a previously registered motor vehicle to a charitable organization. A special license plate, "NF", "No Fee", would have to be supplied. In addition, identification information would have to be provided for the charitable organization to display on the vehicle. On termination of the lease, the whole procedure would have to be repeated and the governmental seal and charitable organization marking would have to be removed from these vehicles.

It is possible the same vehicle could be leased to various organizations several times during the course of one year. In each case, the procedure outlined above would have to be followed. All this additional administrative work would be required despite the fact that revenue to the Division of Motor Vehicles would be reduced by the number of "no fee" registrations issued and vehicles so leased. Further, revenue would also be lost to the State in the event of a delay in notification of lease termination.

Governmental and charitable organizations obtain certain advantages by leasing motor vehicles rather than purchasing them. It is generally less expensive or more convenient to do so. It is unreasonable to require the Division of Motor Vehicles to expend great amounts of time and money so that governmental and charitable organizations can obtain the advantage of leasing motor vehicles while not being required to pay the registration fee for the lease period.

Therefore, I herewith return Asembly Bill No. 493 (OCR) without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 586

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 586, without my approval.

Assembly Bill No. 586 would direct the Department of Transportation to undertake a study of the feasibility of extending either the Garden State Parkway or the New Jersey Turnpike or both into Warren and Sussex Counties and also to consider the feasibility of establishing a new public corporation to extend a toll road into those counties. The impetus for the bill is the development of the Tocks Island National Recreation Area and the desire to stimulate the economic development of Warren and Sussex Counties.

The Department of Transportation has had this area under study since 1968 and has issued an interim report on highway development in this area. A comprehensive study is now under way and a final report will soon be rendered by the Department of Transportation. The proposed plan for development of highways in this area does not contemplate the extension of toll roads, but rather will utilize upgraded State highways and interstate roads to provide a suitable highway network in this area. Accordingly, the study proposed to be undertaken by Assembly Bill No. 586 is not appropriate at this time.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 597

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 597, without my approval, for the following reasons:

Assembly Bill No. 597 would supplement chapter 36 of Title 18A of the New Jersey Statutes for the purpose of authorizing, at the opening of the school day in each public school classroom, "a brief period of silent prayer or meditation with the participation of all the pupils therein assembled." Furthermore, this measure provides also that the silent prayer or meditation sought to be authorized "shall be considered as an opportunity for silent prayer or meditation on a religious theme by those who are so disposed, or a moment of silent reflection on the anticipated activities of the day."

This bill is a *verbatim* copy of Assembly Bill No. 640 (1968) and Assembly Bill No. 146 (1969), which were returned to the Legislature by Governor Hughes without his approval.

The First Amendment to the United States Constitution provides, in part, that:

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ."

These two clauses, the "Establishment Clause" and the "Free Exercise Clause" apply to the several states by virtue of the Fourteenth Amendment to the United States Constitution.

The United States Supreme Court in *Engel v. Vitale,* 370 U.S. 421 (1962) and *School District of Abington Township v. Schempp,* 374 U.S. 203 (1963) has found statutory provisions providing for a voluntary daily program of denominationally neutral prayer and bible reading and recitation of the Lord's Prayer in public schools to be unconstitutional.

Patently, what is proscribed by the Establishment Clause is not the use of any particular form of prayer, but rather any establishment by the state of a religious or devotional exercise in connection with the operation of the public school system. A basic principle which has emerged from the pertinent cases is that the guarantees of the First Amendment concerning religion are observed best by "wholesome neutrality" on the part of the state toward matters sectarian. That is, not to say that the state must be hostile toward religion, but rather steer a careful course between

the constitutional prohibition against establishment on the one hand and the constitutional guarantee of free exercise on the other.

This bill which authorizes teachers to conduct a brief period of silent prayer or meditation . . . with the participation of all the pupils therein assembled, invites the interpretation that it is an effort to circumvent court decisions prohibiting religious exercises in public schools. The language of section 2 of the bill that it is not intended to be, and shall not be conducted as, a religious service or exercise does not alter the meaning of the language of the bill which suggests the idea of schools conducting religious exercises. The responsibility for authoritatively interpreting the Constitution rests with the Judiciary. To the extent that this bill would circumvent the decisions of our Courts, it usurps judicial authority and violates the First Amendment of the U.S. Constitution. Insofar as the bill provides for a brief period of meditation, it is unnecessary since there is presently no provision of law which prohibits individual teachers or school authorities from holding moments of silence in the classroom.

No decision of the United States Supreme Court rendered subsequent to the veto of A-146 (1969) has altered constitutional doctrine announced in *Engel v. Vitale,* 370 U.S. 421 (1962) and *School District of Abington Township v. Schempp,* 374 U.S. 203 (1963).

I must conclude, accordingly, that Assembly Bill No. 597 (1970) suffers the same infirmities as its predecessors, and must likewise be returned to the Legislature without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 8, 1971.

ASSEMBLY BILL No. 624

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 624, without my approval, for the following reasons.

Assembly Bill No. 624 would amend R. S. 48:2–13 so as to eliminate from the jurisdiction of the Board of Public Utility Commissioners an autobus with a carrying capacity of 20 passengers or less when operated under municipal consent upon routes established within not more than four contiguous counties in a county of the fifth class. The bill did not provide for inspection of such vehicles in the interest of safety, nor consider the desirability of increasing certain minimum insurance requirements for such vehicles.

A substitute proposal, Senate Bill No. 773, was introduced which took into consideration the inspection requirement and raised the amount of necessary minimum insurance on such vehicles. Upon passage, it was signed into law by me, becoming Chapter 16 of the Laws of 1971. The provisions of this bill would also conflict with Chapter 40 of the Laws of 1970.

I am therefore returning Assembly Bill No. 624, without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 627

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 627 without my approval.

This bill would provide that the New Jersey State Lodge, Fraternal Order of Police be represented on the Police Training Commission.

This very same provision is incorporated in Assembly Bill No. 919 (OCR) along with some other provisions. I have recently signed Assembly Bill No. 919 (OCR) into law. There is no need for any further consideration of Assembly Bill No. 627.

Therefore, I herewith return Assembly Bill No. 627 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 636

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 636, without my approval.

Assembly Bill No. 636 would amend N. J. S. 18A:58–4 to grant additional financial incentives for the complete regionalization of limited purpose regional school districts. The bill would have entitled the new all purpose regional school district to a reduced local fair share rate of 8½ mills per dollar of allocated property valuation during the first 5 years of operation and a rate of 9½ mills per dollar during the second 5 years.

Unfortunately, this bill seeks to amend language which existed at the time Assembly Bill No. 636 was introduced but was amended in its entirety by c. 234, P. L. 1970, known as the "State School Incentive Equalization Aid Law."

The new formula developed by c. 234, P. L. 1970, does not include a term for computing a local fair share on the basis of property valuation.

Accordingly, I herewith return Assembly Bill No. 636, without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 11, 1972.

ASSEMBLY BILL No. 682

To the General Assembly:

I am returning herewith pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, Assembly Bill No. 682, without my approval.

This bill would have amended certain statutes pertaining to compensation for "legal newspapers and official advertising." The amendment would have resulted in an unfair reduction in compensation for some printers while not establishing a fair basis for recompense for all publishers of legal newspapers. A new bill will be submitted establishing fair rates for all such publishers.

Accordingly, I am returning herewith, without my approval, Assembly Bill No. 682.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 8, 1971.

ASSEMBLY BILL No. 689

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 689, without my approval.

Assembly Bill No. 689 would change the date on which the mayor shall submit to the council his recommended budget, together with such explanatory comment or statement as he may deem desirable, from January 15 to January 25.

I am opposed to the concept of this bill. The mayor is presently required to submit his budget to the council on January 15. The council in turn must review and possibly revise the budget as submitted which must then be introduced and approved not later than February 10 pursuant to N. J. S. 40A:4–5. By moving the starting date for consideration by the council of the budget without moving the final budget approval date at the same time, they would be placed under more pressure to accomplish a thorough review than presently exists.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 696

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 696, without my approval.

Assembly Bill No. 696 would authorize the Governor to appoint a total of six county court judges in counties of the fifth class with a population in excess of 300,000 in-

habitants. Under the existing law, such counties are entitled to a total of four county court judges. This bill would have the effect of raising the authorized number of county court judges in Monmouth County from four to six. In my Annual Message to the Legislature on January 12, 1971, I made reference to the necessity to modernize and mobilize our entire judicial system to meet the challenge presented to the Judiciary in this era of great social unrest. While an important step in meeting this challenge will be the abolition of the county courts and the incorporation thereof into the Superior Court, I recognize that some increase in county court judges in certain counties may be desirable as an interim step. However, further consideration is needed before I can endorse an increase in the number of county court judges in Monmouth County.

Accordingly, I herewith return Assembly Bill No. 696 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 8, 1971.

ASSEMBLY BILL No. 697

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 697, without my approval.

As to all sales of tax certificates made prior to July 3, 1956, Assembly Bill No. 697 would extend the time during which a tax sales certificate holder who has not secured a final judgment of foreclosure could request extension of time to secure such judgment. It would appear to be of doubtful value to allow the holder of a tax sales certificate which is at least 14 years old to seek an extension of time for securing a judgment of foreclosure on the lien. The interests of municipalities may best be served by resolving

questions of title to property within their borders with as reasonable dispatch as possible.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 16, 1971.

ASSEMBLY BILL NO. 771

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 771, without my approval.

This bill directs the Board of Trustees of the Public Employees' Retirement System to obtain or provide credit life or disability insurance at the request of a member in connection with a loan from the Retirement System. The premium therefor would be deducted by the Board from the proceeds of the loan.

The bill contains no guidelines as to the minimum or maximum amount of coverage. Presently, more than 20,000 loans are processed each year through the Public Employees' Retirement System. Members may borrow as little as $50 and two loans are permitted during the course of a year. The volume of insured loans would be most substantial.

Further, the nature and extent of disability to be insured against is not defined. It must, thus, be construed as extending to temporary or permanent and partial and complete disability. Claim procedures would become complicated.

Administration of such a program as this on an optional basis at the discretion of the members of the Public Employees' Retirement System would create a great administrative burden on the Board of Trustees of the Public

Employees' Retirement System and on the Division of Pensions in the Department of the Treasury. It would have an adverse effect upon the rate of interest at which member loans could be granted and further, it would lengthen the time required to process all loans.

Therefore, I herewith return Assembly Bill No. 771 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 784

To the General Assembly:

I herewith return Assembly Bill No. 784, without my approval, for the following reasons:

This bill provides that "the terms 'county police' and 'police department of a county' shall include county park police."

The bill would have the very obvious effect of making all legislation and administrative rules and regulations which apply to "county police" equally applicable to "county park police." It would be, in effect, a blanket classification of these positions. This is an improper interference with the functions of the Department of Civil Service which is responsible for classifying titles, duties and compensation of positions only after appropriate investigation and comparative study.

No conclusive study has been presented, or need shown, to justify this legislation at this time.

Accordingly, I feel that I must return Assembly Bill No. 784 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 18, 1971.

ASSEMBLY BILL No. 831 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 831 (OCR), without my approval, for the following reasons.

Assembly Bill No. 831 (OCR) would amend N. J. S. A. 2A:170–92.1 so as to provide that any landlord who threatens or takes reprisals, including the refusal to renew a lease, against a tenant for being an organizer of, a member of, or involved in any activities of any organization, is guilty of a disorderly person's offense.

The proponents of this measure have indicated that their primary desire in this legislation is to protect tenants against the demands and actions of certain landlords who seek to reap unfair advantage from the recognized housing shortage which we have in New Jersey today. I am of the opinion that the tenant would be better protected by a strengthening of his civil remedies. Therefore, a substitute proposal, Assembly Bill No. 1204, was introduced with my full support and upon passage was signed into law by me, becoming Chapter 210 of the Laws of 1970.

I am, therefore, returning Assembly Bill No. 831, without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 16, 1971.

ASSEMBLY BILL No. 835

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 835, without my approval, for the following reasons:

Assembly Bill No. 835 would exempt from regulation or licensing all temporary help service agencies. Presently, these part-time help agencies are regulated under the State's Private Employment Agency Laws, and such regulation has been upheld by judicial decision.

While there may well be some distinctions between a temporary help service agency and a true employment agency, nevertheless, it is my belief that this type of service or agency should be regulated in the interest of protecting the public from abuses. I can see no strong public interest in removing this type of agency from licensing jurisdiction.

It may very well be that some of the provisions of the Private Employment Agency Laws do not make complete sense when applied to temporary help services. However, without some form of regulation, temporary employees would have little recourse or protection. A blanket exemption from regulation by the Department of Labor and Industry over industries which deal with a large number of part-time employees who may or may not find employment with ease would leave a void which should not exist until a shocking experience demanded and brought precipitous legislative outcry and action. It is my firm belief that the Department of Labor and Industry has provided a valuable service to both the employers and employees of this State by providing a forum for recourse and in regulating this field of service.

I would be willing to consider appropriate legislation which dealt with such specific areas, providing the public interest were adequately protected.

I am, therefore, returning Assembly Bill No. 835 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 836

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 836, without my approval.

This bill would provide that no lands could be acquired by a state, county or municipal government under the Green Acres Act in any municipality in excess of 25% of the total area of that municipality without first obtaining consent by ordinance of the municipality. I recognize that acquisition of land by this method may create potential loss of ratables, but the State does possess the responsibility to preserve open spaces for its citizens. Presently, the State considers impact on local areas. There are also statutes which require notice and hearing to any affected municipality before the State accepts certain gifts or bequests of land for park and recreation purposes. In addition, fiscal limitations are present in most situations, and general planning practices take into account the location and amount of land subject to Green Acres acquisition.

It is my belief that enactment of this bill could seriously jeopardize access to certain critical open-space areas. Such a result would have a detrimental effect on the State as a whole. While problems may be created in very limited situations by such land acquisition, the potential detrimental effect of this bill far outweighs the benefits which it purports to insure.

I am, therefore, returning Assembly Bill No. 836 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 850

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 850, without my approval, for the following reasons:

Assembly Bill No. 850 would require the State Department of Education to supply guidelines to school districts for the teaching of drug education courses. Additionally, the school districts would file a copy of such course plan with the State Board of Education.

This bill was introduced on April 2, 1970 prior to the development of this administration's drug education program. When Assembly Bill No. 850 passed the Legislature on February 16, 1971 guidelines for drug education courses had already been developed by the Department of Education and were provided to the school districts.

In addition, Assembly Bill No. 850 is technically deficient in that it fails to reflect the changes made by Chapter 226, P. L. 1970 which in part repealed Section 1 of P. L. 1966, Chapter 314 (C. 24:66–1).

I am, therefore, returning Assembly Bill No. 850 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 877 (OCR)

To the General Assembly:

I herewith return Assembly Bill No. 877 (OCR), without my approval, for the following reasons:

This bill requires persons selling frozen food at retail to indicate by label whenever it has been permitted to thaw. While I am in agreement with the intent of this legislation to provide a degree of health protection to purchasers of frozen food, I find the bill raises more problems than it solves.

Assembly Bill No. 877 (OCR) is limited to frozen food which is "permitted" to thaw. It should also cover that which has become thawed "accidentally." Similarly, it is limited to retail sales whereas good consumer health protection requires that it include wholesale provisions and provisions concerning transporting of food from wholesale to retail and storage at retail.

In addition, the required label is not complete. Rather than merely identifying the frozen food, it should contain a prohibition against refreezing by retail establishments. A warning against refreezing by the consumer should also be included. Refreezing of once frozen food which has been permitted to thaw can have serious adverse public health consequences. This food is susceptible to bacterial growth of certain food-borne disease organisms and can result in gastrointestinal type illnesses to the consumer. These may be epidemic in nature.

Legislation such as this lends a false sense of security to consumers without really insuring the protection to which they are entitled and which they may feel is provided. Reason and good conscience dictate that we provide more than mere lip service to the health needs of our citizens, especially in the vital area of protection against unwholesome and harmful food.

I have asked the Commissioner of Health to study and make recommendations to me concerning a complete frozen food code for New Jersey. In this manner, the subject can be more appropriately handled.

Accordingly, I feel that I must return Assembly Bill No. 877 (OCR) without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 879 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 879 (2nd OCR), without my approval.

Assembly Bill No. 879 (2nd OCR) would require the licensing by the State Board of Medical Examiners of persons engaged in the practice of medical technology, i.e., the performing of laboratory tests the results of which are used principally by practitioners licensed by the medical and dental boards.

At present, the State Board of Medical Examiners registers bio-analytical laboratories and licenses bio-analytical laboratory directors. Assembly Bill No. 879 (2nd OCR) would extend the Board's licensing role to cover persons employed in a technical capacity in such laboratories or any other place where examinations are conducted on specimens taken from the human body to obtain information used or interpreted by practitioners of the healing arts.

In its January 1971 report, the New Jersey Professional and Occupational Licensing Study Commission recommended that the regulatory functions of the State Board of Medical Examiners in the area of laboratory analysis be transferred to the Department of Health and that such regulation be extended to others responsible for laboratory analysis. I am hopeful that legislation implementing this recommendation can be developed and placed before the Legislature during the coming session. Towards this end, I have requested the Commissioner of Health to consult with interested groups in order that the several salutary aspects of Assembly Bill No. 879 (2nd OCR) may be included in the proposed legislation.

Thus, to approve Assembly Bill No. 879 (2nd OCR) in the face of the forthcoming legislation would serve to fragment regulation in this area.

In addition, this bill contains various concepts at variance with the recommendations of the New Jersey Professional

and Occupational Licensing Study Commission and the bill is deficient in that regard.

Accordingly, I herewith return Assembly Bill No. 879 (2nd OCR) without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 880

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 880, without my approval.

This bill is a companion bill to Assembly Bill No. 879 (2nd OCR) which I have returned this date without my approval, and which would have provided for the licensing of persons who engage in the practice of medical technology. Since Assembly Bill No. 879 (2nd OCR) would have created a Medical Technology Advisory Committee and would have provided that one licensed medical technologist, who is a member of said Committee, would serve on the State Board of Medical Examiners, this bill has as its purpose amendment of the section concerning the composition of the Board to permit the addition of such additional member to said Board.

In view of my disapproval this date of Assembly Bill No. 879 (2nd OCR) enactment of Assembly Bill No. 880 would be unnecessary and inappropriate.

Accordingly, I herewith return Assembly Bill No. 880 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 11, 1972.

ASSEMBLY BILL No. 893

To the General Assembly:

I am returning herewith pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, Assembly Bill No. 893, without my approval.

This bill would require the filing of a bond prior to the commencement of the operation of a collection agency and would have imposed certain other restrictions on the operation of collection agencies. Administrative responsibilities would have been placed in the office of the Secretary of State.

This bill is considerably weaker than two other bills introduced in the last Legislature and does not meet the required needs. Accordingly meaningful legislation to control these operations is necessary and will be proposed.

Accordingly, I am returning herewith, without my approval, Assembly Bill No. 893.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 914

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 914, without my approval.

This bill would prohibit the renewal of the driver's license or registration of a motorist who fails to respond to a traffic summons.

Presently, the Director of the Division of Motor Vehicles in the Department of Law and Public Safety suspends the license privilege of motorists who fail to satisfy summonses for moving violations. In addition, the Director takes action against parking violators who have accumulated five or more unsatisfied summonses in one municipality. This bill would require action on the part of the Director of Motor Vehicles for each instance of a failure to respond to a parking violation. This would place a staggering burden on his shoulders. The enormity of the volume of work involved can be seen from the fact that under the present system limited to moving violations and five or more unsatisfied summonses in one municipality the Division of Motor Vehicles mailed 32,460 proposals to suspend driving privileges in 1969. Actual suspensions were in 26,238 cases. An effort such as required under this bill is not within the present capability or appropriations of the Division of Motor Vehicles. Further, a question may arise as to whether the Director is obligated to provide administrative hearings prior to suspension for those persons who fail to respond to summonses.

The more appropriate procedure is for the municipalities themselves to follow through in cases of failure to respond to a summons. By imposing stiffer penalties on these so-called "scofflaw violators" the municipality could recover the cost of administration at the local level.

Therefore, I herewith return Assembly Bill No. 914 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 8, 1971.

ASSEMBLY BILL No. 916 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 916 (OCR), without my approval.

Assembly Bill No. 916 provides that the term of a new mayor or councilman-at-large hereafter elected shall be for four years.

There is merit in the proposal to extend the terms of elected municipal officials. However, in my opinion, Assembly Bill No. 916 is not the appropriate vehicle for achieving the end result. There are many forms of municipal government, each unique unto itself. A general provision of this nature would only result in confusion regarding its application.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

ASSEMBLY BILL No. 941

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 941, without my approval.

Assembly Bill No. 941 would provide for the issuance of certificates of need for new medical care facilities by a board in the Department of Institutions and Agencies. The bill would establish a rather complicated review mechanism and

provide for certain non-governmental boards to have a veto over actions of the executive branch of government. It would also re-enact certain sections of Title 30, almost without change.

I am sympathetic to the concept of a certificate of need in order to prevent unnecessary and costly duplication of medical services, and to the extent this would improve medical care delivery. However, it is my firm belief that the procedure established in this bill would not accomplish this purpose. The rather cumbersome and awkward procedures do not square with modern governmental techniques. In addition, the bill itself contains various internal inconsistencies and errors which would not allow me to give it my approval if I were otherwise disposed to the approach contemplated.

It is my belief that the certificate of need function should be accomplished by the single State department charged with the responsibility for medical planning and supervision. That department is the Department of Health. It is also my belief that modernization and stream-lining of the regulatory functions regarding hospitals and nursing homes are vitally needed. There are presently several bills pending in the legislature which, in varying degrees, would accomplish these purposes. I would certainly be willing to consider appropriate legislation which accomplishes the goals referred to herein, which have as their principal object the continued improvement and upgrading of health care delivery for all our citizens.

I am, therefore, returning Assembly Bill No. 941 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 1189

To the General Assembly:

This bill provides that license plates on motor vehicles driven in New Jersey shall be painted so as to be visible at a distance of 50 feet.

This legislation would be redundant of provisions presently found in Title 39 "Motor Vehicle and Traffic Regulation." R. S. 39:3–32 provides for the replacement of license plates that are not legible. R. S. 39:3–33 provides that license plates be kept clean and distinct at all times. R. S. 39:3–48(b) is especially pertinent. It provides in part that lights illuminating a license plate shall cause the license plate to be clearly legible from a distance of 50 feet to the rear.

Accordingly, I feel that I must return Assembly Bill No. 1189 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY BILL No. 1239 (OCR)

To the General Assembly:

I herewith return Assembly Bill No. 1239 (OCR), without my approval, for the following reasons:

This bill would extend the period of time for the purchase of prior service credit by policemen or firemen seeking to purchase credit for service in a municipal police or fire department in an appointive, administrative or supervisory capacity.

I am informed by the sponsor of this bill that it was intended to permit the purchase of prior membership credit by a policeman who left the police force and thereafter returned. The bill does not accomplish its intended purpose.

An appropriate bill has been delivered to the sponsor for introduction. There is no need for further consideration of Assembly Bill No. 1239 (OCR).

Accordingly, I feel that I must return Assembly Bill No. 1239 (OCR) without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 6, 1971.

ASSEMBLY BILL No. 2312

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 2312, without my approval.

This bill would change the date by which a municipality must approve its annual budget from February 10 to February 20 of the fiscal year. Additionally, the date by which the mayor must submit his recommended budget to the council would change from January 15 to January 25.

The present budget timetable has been functioning adequately for many years, and I see no reason to approve any change in the timetable. Furthermore, the granting of this change would necessitate additional legislation amending the dates for the filing of annual financial statements and budgetary filing with the county boards of taxation.

The following sections would have to be amended:

40A:5–12 Annual Financial Statement

40A:4–10 Adoption of Budget

40A:4–11 Budget transmitted to County Board

40A:4–18 Table of Aggregate for late budgets

54:4–52 Table of Aggregate for county

54:4–64 Delivery of tax bills.

Accordingly, I herewith return Assembly Bill No. 2312, without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 11, 1972.

ASSEMBLY BILL No. 2354 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 2354 (OCR), without my approval.

This bill would authorize certain local governmental units to enter into contracts to engage in cooperative data processing.

This is a worthy proposal and would be of benefit to the citizens of the affected governmental units. Unfortunately, certain technical deficiencies prevent my signing this legislation in its present form. I am informed by interested legislators that the proposal embodied in Assembly Bill No. 2354 (OCR) will be introduced in amended form in the 1972-73 legislative session, and I would hope for prompt action thereon.

Accordingly, I herewith return Assembly Bill No. 2354 (OCR), without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 25, 1971.

SENATE BILL No. 180

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 180, without my approval.

This bill would provide for the marking of motor vehicles owned or leased by the State, counties or municipalities with the name and seal of the State, county or municipality, as the case may be. Motor vehicles used by the Governor and his Cabinet would be excluded from the provisions of the act. Further, the Attorney General would be authorized to exclude from the application of the act such motor vehicles used in connection with investigative and law enforcement activities as to which, in his judgment, compliance would result in a reduction in efficiency and effectiveness.

While I am in agreement with the intent of the bill, its approach presents some difficulty. It is inappropriate to require the Attorney General to determine exceptions to its application on a local level. The better method would be to provide for county and municipal regulations by the governing bodies concerned. This could be best accomplished by a bill dealing exclusively with motor vehicles of counties and municipalities. Those motor vehicles owned or leased by the State could then be treated in a separate bill.

At the present time, the marking and identifying of State-owned vehicles is accomplished by the Department of Treasury through its operation of the Central Motor Pool. Statutory authority therefor is contained in R. S. 52:31–13 through 15. I feel it is appropriate to continue this function under the direction of the Department of Treasury in consultation with the Attorney General. However, the existing statutory language should be replaced by new sections broad enough to carry out the full intent of Senate Bill No. 180. Adequate provision should also be given to exempt motor vehicles which need not be so identified.

Two separate bills have been prepared to accomplish the objectives outlined above, one dealing with State vehicles

and the other with county and municipal vehicles. I hope the Legislature will give these measures prompt consideration.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL No. 209 (OCR)

To the Senate:

I herewith return Senate Bill No. 209 (OCR), without my approval, for the following reasons:

This bill permits a municipality to give rewards of up to $3,000.00 for information leading to the apprehension of persons guilty of heinous crimes. The bill is an exact duplication of Assembly Bill No. 505 (1967) which was enacted into law as P. L. 1967, Chapter 171 (C. 2A:153–4).

Since this provision is already in the law, there is no need to give any further consideration to the bill.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 16, 1971.

SENATE BILL No. 296

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 296, without my approval, for the following reasons.

Senate Bill No. 296 would provide $50 per diem for members of the Legalized Games of Chance Control Commission, with a limit of $3,000 per member each year. Under existing law, members of the Commission, as do members of other and numerous commissions, or boards and councils in this State, serve without compensation, but are entitled to reimbursement of actual expenses.

Throughout the years, numerous State commissions, boards and councils have freely and willingly given of their time and energy to the State and its municipalities as a civic duty. While it is recognized that most such boards are expected to meet approximately once a month, many citizen members of such groups conscientiously devote much additional time to such duties. I do not believe that legislation of this nature is necessary to obtain the support and interest of qualified personnel who are sincerely interested in becoming involved on various levels of government.

Although the financial impact of this bill may appear relatively small to the State, I believe that it would be the beginning of a trend towards extending such legislation to all boards, commissions and councils, not only on the State level but on other levels of government starting with the municipalities. This legislation, and the necessity of justifying it in relation to other boards which have existed for many years at all levels of government, makes it difficult to justify the possible implications and the costs involved, particularly considering the State's present financial condition and that of a great number of the political subdivisions of this State.

I am, therefore, returning Senate Bill No. 296, without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL No. 331

To the Senate:

Pursuant to Article V, Section I, Pragraph 14(a) of the Constitution, I herewith return Senate Bill No. 331, without my approval.

Senate Bill No. 331 would provide for a refund to cigarette distributors of any tax imposed on cigarettes which are stolen or destroyed while in the possession or ownership of the distributor. Similarly, the bill would provide for a refund to the distributor of the value of any tax stamps or meter impressions which have been stolen or destroyed. The refund would be based upon the face value of the tax stamps or meter impressions less the discount allowed by the director. The claim for refund or allowance would be required to be filed promptly, and in no event later than 60 days after the loss or notice of loss of cigarettes or tax stamps.

Under the existing law, any distributor or dealer may present mutilated, but identifiable, stamps to the director for refund at the face value thereof less any discount allowed at the time of the purchase of the stamps. Senate Bill No. 331 would enlarge the circumstances under which a distributor might obtain a refund, without providing a similar remedy for the many dealers in the State. It would further result in special treatment of distributors compared with cigarette manufacturers because manufacturers are required to pay the cigarette tax for any unstamped cigarettes which are stolen in New Jersey. Thus, the bill would place distributors in a preferred position as opposed to manufacturers and dealers.

The estimated cost of administering the provisions of this bill and paying refunds is $75,000 per year. However, although I am advised that there is no record of a tax stamp meter having been stolen in New Jersey, the loss of a single machine could amount to as much as $140,000. The effect of this bill would be to place the State in the position of an insurer with respect to taxes assessed and paid under the Cigarette Tax Law. It would be akin to asking the Post Office Department to make a refund to a purchaser of

stamps on the grounds that the stamps have been stolen from him. Finally, I am advised by the Division of Taxation that adoption of this bill would weaken the audit program for the collection of taxes due under the Cigarette Tax Law. At a time when the State can ill afford the luxury of failing to enforce its present tax laws with maximum efficiency, I believe it is unwise to dilute the effectiveness, even to a small degree, of the Cigarette Tax Law.

Accordingly, I am returning Senate Bill No. 331 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL No. 441

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 441, without my approval, for the following reasons:

Senate Bill No. 441 would amend the Workmen's Compensation Act so that certain public employees who are receiving a pension for any injury, or who are retired on pension or disability, shall also be entitled to workmen's compensation if the disability is permanent rather than temporary. As pointed out in *In re Howard Smith*, 57 N.J. 368, 383 (decided January 25, 1971), Senate Bill No. 441 may not have affected the Police and Firemen's Retirement System Act and the persons covered thereby because of an immediate inconsistency which would arise between the two laws.

The provisions of this bill would, in effect, provide for duplication of payments to employees affected by this act.

I note that Senate Bill No. 391 of 1969 sought to accomplish the same result as this bill. In returning that bill without approval then Governor Richard J. Hughes noted the philosophical arguments on both sides of the question of possible double benefits. I concur with the reasons for rejection of Senate Bill No. 391 of 1969 in my return of Senate Bill No. 441. The immediate costs which would be imposed on state and local governments may be prohibitive, especially in these financially troubled times.

Although I too recognize the appealing nature of this legislation, there is a strong reason for and a valid public policy in many states against double benefits.

> "Wage-loss legislation is designed to restore to the worker a portion, such as one-half to two-thirds, of wages lost due to the three major causes of wage loss: physical disability, economic unemployment, and old age. The crucial operative fact is that of wage loss; the cause of the wage loss merely dictates the category of legislation applicable. Now if a workman undergoes a period of wage loss due to all three conditions, it does not follow that he should receive three sets of benefits simultaneously and thereby recover more than his actual wage. He is experiencing only one wage loss and, in any logical system, should receive only one wage-loss benefit." *Workmen's Compensation Law* § 97.10, p. 489 (1968).

Furthermore, in New Jersey a public employee receiving workmen's compensation has been considered an employee and, therefore, ineligible for a pension although continuing to receive other benefits. The Public Employees' Retirement System appears to adequately provide for disabled public employees injured in the line of duty when it permits them to receive a pension of two-thirds of the full current salary as provided by R.S. 43:15A–46. In addition, R.S. 34:15–43 presently allows such retired employees to receive payment for medical services which are allowable under R.S. 34:15–15. If this bill were approved, an employee could possibly receive the maximum total disability under workmen's compensation (currently $95 per week), in addition to the annuity and pension allowed under R.S. 43:15A–46. However, a retirement benefit for accidental disability payable under R. S. 43:16A–7 (equal to two-thirds of the final salary of the employee) is substantially greater than the

normal age and service benefit granted under R.S. 43:16A–5. Significantly, this is the same percentage of an employee's salary as is payable for total and permanent disability under the Workmen's Compensation Act (R.S. 34:15–12b), except that with an accidental disability pension there is no maximum salary on which this percentage is payable. For example, if an eligible employee received $9,000 per year in salary, the annual pension payments alone would amount to $6,000 and the workmen's compensation award for total disability could amount to approximately $5,000 per year. This would be $2,000 in excess of the $9,000 salary, without even considering the annuity, the social security benefits, the advantages of the tax free disability retirement, and the normal payroll deductions.

A major implication of this bill would be increased costs in workmen's compensation. The fiscal note to the bill presents a conservative cost estimate by using the average number of retirements for accidental disability for the years 1967-1969, multiplied by the annual workmen's compensation award for permanent disability. The minimum estimated cost of this legislation to the state and local governments, based on workmen's compensation figures, would approximate $546,891 under this approach, arrived at in the following manner:

196 such retirants x average award of $2,401	$470,596
add 16% increase to cover inflation, etc.	75,295
	$545,891

Of this amount, the Department of Labor and Industry has indicated that $86,340 would be State expense, and the remainder of $459,551 would be borne by the counties and municipalities since only 31 of the 196 individuals involved would be State employees. However, it should be borne in mind that these figures are only minimum costs and there is an absence of sufficient data upon which to make a definite projection. It must also be noted that the average workmen's compensation award of $2,401 used in the fiscal note includes many minor disabilities. A disability sufficient to cause retirement would usually be a major nature so that the cost per such case would probably be considerably in excess of $2,401. Increasing numbers of government employees at all levels of government would seem to make the prospects increase for higher numbers of annual disability retirements.

In addition, the figures contained in the fiscal note to Senate Bill No. 441 attempt to project annual costs based upon the estimated average amount of workmen's compensation benefits to be paid to the average number of retirees for one year. The weakness in this projection is that the benefits to be paid are not limited to one year's retirees since total disability benefits in workmen's compensation are paid for life. Therefore, the number of persons receiving benefits would pyramid through the years. I have received estimates that about 50% of the 800 public employees now retired each year for disability might be eligible for workmen's compensation benefits. In determining any cost estimate of Senate Bill No. 441, a reasonable assumption would be that all four hundred eligible retirants who are permanently and totally disabled would seek compensation benefits upon removal of the bar.

Presently the maximum compensation awards for permanently and totally disabled employees is $95.00 per week for a period of 450 weeks, assuming no extension. Thus, the annual cost, considering only one year's estimated retirants (for the 52-week benefit period), could be as high as two million dollars. It must be remembered that such costs would be cumulative as the $95.00 per week is granted for 450 weeks, and in those cases where the disability is truly permanent, continues for life, since no consideration at all is given to the possible retroactive application of eligibility for these benefits to persons who are already retired in light of the broad language of "any former employee". If the bill were interpreted to permit the filing of claims for workmen's compensation benefits by those now receiving a service-connected disability pension despite the usual two year statute of limitations the costs would undoubtedly run into many millions of dollars.

The recent decision of the New Jersey Supreme Court, *In re Smith*, to which I have previously referred, may provide a reasonable alternative in considering the double benefit problem. Under that decision an applicant may receive the highest award under both the pension laws and the workmen's compensation laws, while eliminating the duplication by reducing the pension by the value of the workmen's compensation benefit. In most states when an individual applies and receives a retirement allowance, whether for service or for disability, any other benefits to which he may be entitled under Workmen's Compensation serve to reduce such al-

lowance. Although in earlier years pension benefits were fairly small and cost factors may not have been as significant, a service-connected disability pension is now valued at two-thirds of salary at the time of the accident and often involves awards of more than $100,000 per claim. This, together with the substantial increase in the eligible public employee population, has brought significant increases in State and local government appropriations, for pensions and other fringe benefits.

I am advised that in the private sector a reduction is typically provided in the pension or retirement allowance for any workmen's compensation benefits.

Under the present circumstances I would be prepared to support legislation which would tend to implement the result obtained in the *Smith* case, and clarify some of the questions raised by the Court.

I, therefore, must return Senate Bill No. 441 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 8, 1971.

SENATE BILL No. 524

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 524, without my approval.

The effect of this bill is not to increase aid to schools—nor was that its intent. This bill would merely accelerate payment.

While there is merit in this legislation, I do not believe that the benefits of this proposal would justify the immediate costs involved, particularly considering the State's present

financial condition. Furthermore, it was recommended that the Permanent State Aid Study Commission, established by c. 233, P. L. 1970, study the possibility of a weighting factor for special education students. Some recognition should be given districts that are operating a high quality special education program. This could be formulated in the establishment of criteria for classification of districts under the Bateman Formula.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 8, 1971.

SENATE BILL NO. 540

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 540, without my approval.

Senate Bill No. 540 would grant tenure to any person who on the effective date of the act is holding the position of county adjuster or is acting or performing the duties of county adjuster in any county of the third class having a population of less than 55,000, according to the 1960 Federal Census, which has adopted the provisions of subtitle 3 of Title 11 of the Revised Statutes.

It is my belief that tenure in such an office should not be gained through circumvention of Title 11 but rather through the normal Civil Service competitive procedure of examination, certification and appointment.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL No. 546

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 546, without my approval.

This bill would provide a pension in the amount of one-half of his final salary for a public employee who shall be retired and who is at least 65 years of age and has served for upwards of 21 years in the aggregate in the various capacities of member of the General Assembly, surrogate or deputy surrogate, and elected or appointed official of a city or county. A surviving widow's benefit in the amount of one-third of said final salary is also provided upon the death of such public employee. The benefits provided by this bill would be in lieu of any pension or insurance benefits accruing under any retirement system established by the State or its political subdivisions.

The bill provides benefits of an extraordinary nature which greatly exceed those which would ordinarily accrue to a person meeting the specifications contained therein. Moreover, these specifications are so restrictive that only one or at most a very limited number of persons are affected by the bill. While the bill is couched in terms of general legislation, it is, in fact and effect, private or special legislation. Such general legislation embracing a private or special character is expressly prohibited by the Constitution of the State of New Jersey, Art. IV, Section VII, Paragraph 7.

Private or special legislation is authorized by the New Jersey Constitution, Art. IV, Section VII, Paragraph 8, provided certain constitutional and statutory requirements are met. This type of legislation should only be enacted in limited instances where the extraordinary circumstances of particular situations clearly dictate.

I am, therefore, returning Senate Bill No. 546 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL No. 628

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 628, without my approval.

Senate Bill No. 628 is substantially similar in purpose to Senate Bill No. 282 (1969) which was conditionally vetoed by my predecessor. The bill would provide counties and municipalties with a general local authority law so as to allow short enabling acts to authorize the creation of authorities with specific objectives.

It is my belief that local authorities have a legitimate place within the structure of government. However, it is possible to over use the authority mechanism thereby allowing potential avoidance of the type of local control normally associated with local government.

Any general revision of the laws relating to the creation and power of authorities should be made after complete review of all implications of the use of such mechanisms.

I have been in close contact with the County and Municipal Government Study Commission regarding its proposed program for the coming year and have been advised that the subject of single purpose special districts and authorities headed by appointive boards will be fully evaluated.

In order that we might allow sufficient time for an indepth study of the subject thereby facilitating later revision, I am returning Senate Bill No. 628 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

SENATE BILL No. 715

To the Senate:

I herewith return Senate Bill No. 715, without my approval, for the following reasons:

This bill would reopen the contributory portion of the group life insurance program of the Public Employees' Retirement System for members not now participating therein.

Presently, two types of death benefits are available in this system. One, not affected by this bill, is a non-contributory benefit equivalent to 1½ times a member's salary. This is provided by the employer at no cost to the employee. The other is a contributory death benefit of 1½ times salary funded by member's contributions of 1% of salary.

Participation in the contributory death benefit program was optional for persons employed prior to 1963. Those employed thereafter are required to have this coverage for a 1-year period, at the end of which time they may discontinue coverage. The plan was reopened in 1963 to provide an opportunity for members to join who had not joined previously.

Senate Bill No. 715 would provide an additional opportunity to join for persons employed prior to 1963 who did not join when the system was reopened then, and it would also permit persons employed since 1963 who had discontinued coverage to obtain it again.

Benefits in this program are quite unlike commercial life insurance where the premium is increased as the age of the insured increases. Further, there is no relationship between a member's age and contributions on one hand and the benefits to be received on the other. Here benefits for all are based upon 1½ times salary with a contribution (premium) of 1% of salary. Thus an employee who did not previously choose to join the program and did not make contributions would receive the same benefits as his fellow employee who was making contributions to the system throughout his employment.

I find this result to be inequitable and unfair. The extent of benefits available in the system is based upon the contributions of members, their ages and the experience of the system. A windfall in benefits is provided for a select group out of and at the expense of the contributions of others.

Since this system was previously opened in 1963 and since all persons employed thereafter who are not participating in the system have affirmatively and positively determined not to remain in the system, there is no hardship involved in not again reopening the contributory life insurance program.

Accordingly, I feel that I must return Senate Bill No. 715 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 8, 1971.

SENATE BILL NO. 753

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 753 without my approval.

This bill would provide an alternate method of probation for persons convicted of offenses other than misdemeanors or high misdemeanors. Under programs to be prepared and developed by the Department of Institutions and Agencies, such persons could render "services to the State within his ability, skill, competence, training, experience at any one or more jails, penitentiaries, prisons or other institutions established for the incarceration of prisoners in this State." A schedule is provided to allow credit towards the sentence and towards the minimum period of probation by rendering specified hours of "services".

Presently, the subject of probation is solely within the control of the Judiciary. Immediate supervision thereof is placed with the Chief Probation Officer of the county under the direction of the Courts. Section 2A:168–2 of the New

Jersey Statutes authorizes the Courts to determine and modify conditions of probation. Insofar as this bill would give the Department of Institutions and Agencies responsibility for preparing and developing alternate methods of probation, it would cause a division of authority and responsibility between two branches of government and could only result in confusion.

Further, applicability of the provisions for allowing service credit "toward the minimum period of probation" is uncertain. Under existing law (N. J. S. 2A:168–4) the Courts are empowered to discharge a defendant from probation or extend the period of probation at any time for good cause. There is, thus, in fact, no minimum term of probation. Again, confusion would result.

Finally, under present recently enacted law (P. L. 1969, c. 22) the Commissioner of Institutions and Agencies already has authority to release inmates imprisoned in institutions to work at paid employment or participate in training or educational programs in the community when it is in the public interest to do so. This existing program is most complete and contains safeguards to prevent displacement of local workers, for the regulation of pay and working conditions, and to avoid any agency relationship between the released prisoner and the State or any of its departments or subdivisions.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL NO. 765 (SCS)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 765 (SCS), without my approval.

This bill would require the Commissioner of the Department of Environmental Protection to take action on written

reports by the Water Policy and Supply Council of its official action within 30 days after receipt of the written report. Although I am in sympathy with the general concept that prompt attention should be given to disapprove or approve action of this council, I must also recognize that under present law the Commissioner often does not have immediate responsibility for all the actions of the Water Policy and Supply Council and that it can act, as a citizen group, without complete awareness of policies and problems with which the Commissioner and the Executive Branch of government are responsible and with which they must work on a day by day basis. In addition, the language "take action" is so broad that it might contemplate implementing recommendations or programs far beyond the mere approval or disapproval in whole or in part of minutes of official action.

It is essential that the Commissioner of this department, who I hold directly responsible for the actions or failures to act of the department, not be placed in a situation where he must act without adequate knowledge or time for deliberation on a particular matter. The Water Policy and Supply Council may take actions on perhaps 100 cases at its one monthly meeting. I must recognize that there are many situations which can arise which either divert the attention of the Commissioner from taking prompt action, require in depth investigation, or perhaps may be involved in litigation. Such factors make it unwise to spell out a general statutory requirement for action within a period of 30 days, or any comparable time period, especially when that 30 days may be reduced by weekends, holidays, and emergent matters.

I am, therefore, returning Senate Bill No. 765 (SCS) without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 16, 1971.

SENATE BILL No. 777

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 777, without my approval.

This bill amends the alcoholic beverage laws concerning the disqualification from employment by licensees of persons convicted of crimes of moral turpitude. It would permit the removal of this disqualification after the lapse of four years, rather than five years, following conviction for persons seeking employment in a capacity other than the manufacturing, rectification, blending, treating, fortification, mixing, processing, bottling, serving, sale or distribution of alcoholic beverages. Disqualification from employment in these specified categories and disqualification from holding a license or an interest in a license would continue to be governed by the five year disqualification period.

This bill would effect undesirable change in the State's alcoholic beverage law by providing two different rehabilitation periods, two different types of disqualification removals, and a commingling of persons employed by a licensee, some of whom could perform limited functions and others who could perform all functions. The two types of disqualification removals would be too confusing and difficult to administer. Persons receiving the limited relief under this bill would still be prohibited from being involved in alcoholic beverage activity although they could be otherwise employed on licensed premises.

Enactment of this bill would not accomplish any worthwhile result in the administration and enforcement of alcoholic beverage laws.

Accordingly, I herewith return Senate Bill No. 777 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 8, 1971.

SENATE BILL No. 832

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 832, without my approval.

This bill would create a Sports and Athletic Facilities Planning Commission for the purpose of planning for and attracting new and additional sports and athletic events to the State and providing the facilities therefor.

At the present time it appears unnecessary to create this commission and appropriate the $10,000 to accomplish the purposes of this bill. In the event such legislation is needed in the future, a new bill can be considered.

Therefore, I am returning Senate Bill No. 832 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

SENATE BILL No. 933

To the Senate:

I am returning herewith pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, Senate Bill No. 933, without my approval.

The serious problem of cemetery control and management has been dealt with in Senate Bill No. 877. That bill also included the regulation of cemetery mergers and established guidelines for mergers. Therefore, this bill is no longer necessary.

Accordingly, I am returning herewith, without my approval, Senate Bill No. 933.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 11, 1972.

SENATE BILL No. 935

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 935, without my approval, for the following reasons.

Senate Bill No. 935 would purport to exempt persons who are unable to adjust to factory employment because of physical or mental deficiency, disability, illness or injury from certain requirements of the Industrial Home Work Law, which it is argued are unduly restrictive, and provides an exemption from the requirement to obtain industrial home work permits for work done in the home. Although on the surface the purpose is a laudable one, actually, the bill fails to accomplish that purpose and only succeeds in liberalizing the law requiring certain permits for the protection of workers by relaxing those requirements in applying them only to "direct" employers.

In the broader context of Chapter 308 of the Laws of 1941, which this bill would amend in part, it is obvious that the bill exempts employers from restrictions, not the handicapped. It leaves employers of the aged, those caring for individuals at home, and "non-certified workers" to be bound by the home work law.

If not otherwise deficient, the effect of this bill, in my view, would be to prevent handicapped workers from enjoying certain protections afforded nonhandicapped home workers. One of the reasons for a requirement for a permit is to provide a method of surveillance and enforcement to protect the workers from abuses. These tools would be severely limited if the bill was enacted.

Although the removal of the ratio requirement limiting the number of industrial home workers of a particular employer, presently 1 for each 3 employees, might be desirable and encourage the hiring of more disabled home workers, the net effect of this bill would be to insulate them from protections enjoyed by other home workers. A potential also exists for exploitation of handicapped workers. The difficulties in supervising regulations and worker health and safety measures by a State agency is magnified where there is no permit system, and no effective means to check on activities other than through isolated individual complaints.

It appears, however, that the bill could very likely not be effective by its own terms. Senate Bill No. 935 would amend sections 6 and 7 of Chapter 308 of the Laws of 1941. Section 6 states that it applies only to specified orders issued by the Commissioner of Labor and Industry prohibiting industrial home work in certain industries under certain conditions, and provides for a special exception-type permit in certain industries under certain conditions for home work. No such order has ever been issued, and hence the amendment would presently have no effect. Section 7 of the present law provides that every employer must obtain a permit. In amending this section, the bill would provide that a permit shall only be issued when the conditions specified in section 6 applied. This might have the effect of prohibiting all industrial home work since the major condition of section 6 appears to be a requirement that there be a Prohibition Order in effect. If all firms were dependent upon such an order being issued, then no industrial home work permit could presently be issued.

In addition, Section 3 of Senate Bill No. 935 would also amend one of the same sections which was recently amended by section 6 of Chapter 154 of the Laws of 1971. Thus, a conflict between this bill and that law exists.

The concept of the bill is certainly desirable. However, it is obvious that this bill is inadequate and technically deficient. I would support a new bill which provides adequate protection for the handicapped who are employed by legitimate and responsible organizations. Such a new bill must assure that adequate steps are taken to protect the welfare of the handicapped, as well as their rights under existing law.

I am, therefore, returning Senate Bill No. 935 without my approval.

Respectfully,

[SEAL] /S/ WILLIAM T. CAHILL,
Attest: *Governor.*

/S/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL No. 962

To the Senate:

I herewith return Senate Bill No. 962, without my approval, for the following reasons:

Purportedly, this bill would provide special pension benefits for certain public employees who were wounded during military service. While it is ostensibly general legislation applicable to a number of veterans, it is so restrictively drafted that it actually is tailored for one or perhaps a very limited number of veterans.

To qualify for these benefits, the veteran public employee must have twice been awarded both the Silver Star and the Purple Heart, and must have served 17 or more years in an office, position or employment of a municipality and its school district.

The benefits which would be granted by this bill are extraordinary when compared to those provided for other veterans. The pension would be ¾ of annual salary rather than the ½ of annual salary paid to other veterans. Benefits would be earned after 17 years' service rather than the minimum of 20 years' service required for other veterans. Further, such a veteran could begin receiving these special benefits immediately regardless of age. Other veterans must wait until they reach age 60 or 62, depending upon the time of their entrance into the pension system. Finally, a comparison of the benefits herein to the benefits of non-veteran members of the pension systems, reveals that 45 years' service is required to obtain the pension of ¾ salary which is provided after merely 17 years' service in this bill. Parenthetically, a veteran who was awarded the nation's

highest honor, The Medal of Honor, along with the Purple Heart, would not be entitled to any benefits under this bill.

Under our presently existing laws, veterans receive generous pension benefits. This is rightfully so to acknowledge and, in some small measure, to repay them for the services they have rendered to their country. I agree with this concept wholeheartedly. I am compelled, however, to veto this bill. I find no justification for singling out one or a few veterans for treatment so uniquely different and superior to that afforded to thousands of other veterans, many of whom have rendered many more years of public service and earned more decorations. In effect, this piece of legislation is a windfall for one or a few persons without any basis whatsoever.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 11, 1972.

SENATE BILL No. 988

To the Senate:

I am returning herewith pursuant to Article V. Section I Paragraph 14(a) of the Constitution, Senate Bill No. 988, without my approval.

This bill would have provided certain persons with reduced fees in adoption cases. The reductions should be more selectively delineated to assure that the benefits are going to the proper persons and that revenue losses are no greater than necessary. A new bill providing for judicial discretion and statutory reductions in certain well defined cases will be submitted.

Accordingly, I am returning herewith, without my approval, Senate Bill No. 988.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

SENATE BILL No. 2056

To the Senate:

I herewith return Senate Bill No. 2056, without my approval, for the following reasons:

This bill is intended to provide cost-of-living increases for members of the Union County Park Police Pension System. I am completely in accord with the subject matter of this bill. We have recently provided for similar cost-of-living increases for members of the State administered pension systems. It is only right and fair that we should do the same for systems such as this which are administered on the local level.

The bill as drafted, however, does not specifically relate to the "Pension Increase Act" (P. L. 1958, c. 143). All legislation providing cost-of-living increases should be related to and regulated by the "Pension Increase Act" to insure that all such increases will be consistent for all public employees.

An appropriate bill to provide this increase has been prepared at my request and delivered to the sponsor of Senate Bill No. 2056 for introduction.

Accordingly, I feel that I must return Senate Bill No. 2056 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 6, 1971.

SENATE BILL No. 2104

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 (a) of the Constitution, I herewith return Senate Bill No. 2104, without my approval.

Senate Bill No. 2104, introduced on February 16, 1971, seeks to amend R.S. 40:47–27 relating to municipal appropriations to aid local volunteer fire companies.

While I favor the concept of increasing the amount which a municipality may contribute to the support of boards of fire commissioners or volunteer fire companies located within its boundaries, I am constrained from signing Senate Bill No. 2104 because on June 9, 1971 I signed into law c. 197, P.L. 1971, which repealed R.S. 40:47–27.

I have asked that legislation be prepared for submission to the 1972-1973 session of the New Jersey Legislature which would legally accomplish the purposes of Senate Bill No. 2104.

Accordingly, I herewith return Senate Bill No. 2104, without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 11, 1972.

SENATE BILL NO. 2162

To the Senate:

I am returning herewith pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, Senate Bill No. 2162, without my approval.

This bill would have permitted an increase in the weight permissible for certain refuse collection vehicles. The increase provided would violate federal regulations and law and therefore can not be considered.

Accordingly, I am returning herewith, without my approval, Senate Bill No. 2162.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest. *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL No. 2216

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 2216, without my approval.

Senate Bill No. 2216 is intended to permit the construction of two bridges which would be part of the Interstate Highway System as toll facilities, rather than toll-free bridges as presently authorized, by amending existing law, P. L. 1968, c. 118.

In effect, this legislation abrogates a 1968 agreement entered into by the states of New Jersey and Pennsylvania, after authorization by the Legislatures of the two States, the Delaware River Joint Toll Bridge Commission and the Federal Highway Administration. This agreement was reached after a long period of active study by the parties concerned, and provided for the construction of toll-free bridges across the Delaware River as connecting links for Interstate Highway 78 near Phillipsburg and Interstate Highway 895 near Burlington.

The toll-free provision is required by federal law if these two bridges are to receive federal aid to the extent of 90% of their cost—the current federal share on Interstate System projects.

If these bridges should be built as toll facilities as required by this bill, they become ineligible for the 90% federal aid and are disqualified from being part of the Interstate System. The United States Congress, in the Federal-aid Highway Act of 1958, and in subsequent legislation, has mandated that new bridges and tunnels on the Interstate System must be toll free, and that highways connecting existing toll facilities are eligible for Interstate System funds only if certain stringent conditions receive the approval of the Secretary of Transportation.

Should Senate Bill No. 2216 take effect, there arises not only the probable loss of the 90% federal aid for the construction of the bridges, but also the serious question of federal allocations to the highways approaching those new toll bridges on the Interstate System. New Jersey, and

Pennslyvania as well, could conceivably be required to return substantial amounts already received and expended on I-78 roadways in their respective States.

Our Department of Transportation and the Federal Highway Administration Division Office are of the opinion that the effective cancellation of the 1968 agreement would produce complications of the most serious nature and might require, ultimately, an Act of Congress to resolve. Unquestionably, the completion of these two Interstate System roads would be definitely delayed. With the calendar deadlines imposed by the Congress, such delays might well disqualify these two roadways for the 90% federal funding, and leave the two States without adequate funds to build these essential sections. I should add that I have instructed our State Department of Transportation to consider a possible realignment of the bridge in Burlington on route I-895 so that right-of-way acquisition will be minimized, fewer people inconvenienced, and less ratable property condemned.

While these two bridges and their connecting roadways warranted inclusion in the Interstate System because of national network evaluations, it is evident from New Jersey's own traffic analyses that a very substantial portion of the traffic will be made up of daily work trips of nearby residents of Pennsylvania and New Jersey. I do not understand why our residents should be burdened with the cost and inconvenience of toll facilities when the opportunity for financing toll-free structures already exists.

Certainly, the Delaware River Joint Toll Bridge Commission would not have entered into the 1968 agreement had it then felt that the new toll-free bridges would place their financial stability in jeopardy. And I am informed that as recently as March of this year, representatives of the Commission expressed to the two States' Departments of Transportation their intent to continue compliance with that agreement. The economic viability of the Commission would, thus, not appear to be impaired.

I have also received communications from Governor Shapp of Pennyslvania affirming continued support of the agreement and expressing serious concern about consequences if it should now be abrogated.

For all of the foregoing reasons, I am, therefore, returning Senate Bill No. 2216, without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL NO. 2232

To the Senate:

I herewith return Senate Bill No. 2232, without my approval, for the following reasons:

This bill would provide a special pension benefit of 50% of the salary received during the last year of employment for certain public employees. To qualify, any such employee must be over 66 years of age, must have served more than 26 years in public service with 21 years served in the various capacities of member of the Legislature, member of a County Board of Taxation and Judge of Compensation. Further, he must have been partially permanently disabled during his tenure as Judge of Compensation.

Any pension granted under this bill would be in lieu of the pension to which such employee is entitled as the result of his contributions to the pension system. Such contributions would be paid over to the State to defray part of the cost of the pension granted hereunder.

This bill provides benefits of an extraordinary nature which exceed those which would ordinarily accrue to a person meeting the specifications contained therein and making contribution to the pension system during the entire time of his employment. Service of 21 years would ordinarily result in a pension of approximately ⅓ of the annual salary received rather than the ½ provided by this bill.

My main concern with this bill, however, is not the fact that benefits exceed those normally granted for the length of service indicated. Rather, I am concerned that the bill is intended to cover the situation where the person to benefit has not been a member of the pension system during most

of the period of his public employ. He has made a very small contribution to the pension system. As a result, the pension for which he has paid his share and to which he is ordinarily entitled is merely a small fraction of that which is provided by this bill.

Provision is made in the pension laws for purchase of prior service credit by persons who, for some reason or another, have not been contributing members of the pension system during their entire period of public service. The benefits to be obtained by the purchase of prior service credit greatly exceed their cost to the employee. A very definite advantage is obtained by the employee. Such purchase is optional on the part of the employee, however. He cannot be required to purchase prior service credit, but if he fails to do so, he will lose the benefit of the period of prior service with a resultant smaller pension.

I find no justification for granting these extraordinary benefits. This is especially true in the case of active employees who presently have the opportunity to obtain additional benefits by contributing their share toward the cost of their pension. Legislation such as this discriminates against the other members of the pension system who on a daily basis make their required contributions for their pensions.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*

/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1971.

SENATE BILL No. 2249

To the Senate:

I herewith return Senate Bill No. 2249, without my approval, for the following reasons:

This bill would permit members of the Public Employees' Retirement System to purchase credit for pension purposes

for prior service with the United States Government or any of its agencies. Purchase of up to 10 years' service is permitted. Service in the military as well as the civilian branch of the Federal Government would qualify for purchase.

Pension benefits in the Public Employees' Retirement System, as well as in the other pension systems for public employees in the State of New Jersey, are financed partially by contributions of the employees and primarily by contributions of their employers who are, for all intents and purposes, the taxpayers of our State. It is my belief that pension credit should be provided only for service rendered to the State and to the taxpayers of the State. It seems to me to be highly questionable to require that the State and its taxpayers provide pension credits and benefits for services rendered in capacities outside of the public service of New Jersey. This is especially true with regard to service with the Federal Government since the Federal Government does not permit the purchase of prior public service with State Government for credit towards a Federal pension.

In addition, I have difficulty with other provisions of this bill. It is not definite as to the exact method of allocation of the cost of the purchase of the prior service between the employee and his New Jersey employer. Apparently, it is to be shared in some manner but no formula is provided. Further, the bill contains no safeguard to prevent the purchase of credit toward a New Jersey pension of the very same service for which a vested pension benefit has already been established with the Federal Government. For example, assume an individual were a New Jersey Congressman for a period of 10 or more years, retired and later assumed a state position. Ultimately, that person would receive a Federal pension and, at the same time, could receive a large State pension. Such a situation is unfair and intolerable. This illustration clearly demonstrates that I, myself, would become a beneficiary of the largess created by this bill. To permit such an occurrence is unthinkable.

Moreover, another duplication of benefits would result from the acquisition of credit for time spent in the military service. Presently, veterans receive special pension treatment in that they are eligible for a pension of ½ of their annual salary after 20 years' service, whereas non-veteran members must serve 30 years to obtain a ½ pension.

Veto of this bill will undoubtedly have an adverse effect on the pensions of a limited few individuals. I, myself, as a former Federal employee will not be able to purchase pension credit for my years spent with the Federal Government. However, that which is best for the State as a whole is my paramount concern.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 11, 1972.

SENATE BILL No. 2325 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 2325 (OCR), without my approval.

This bill would permit a person presently employed as housing guard or housing patrolman in any city of the first class having a population of over 350,000 to be appointed by the city to the regular police force as a patrolman without further Civil Service examination.

The Civil Service requirements for the position of patrolman are more stringent than those necessary to hold employment as housing guard or housing patrolman. It is essential that the standards be maintained.

Accordingly, I herewith return Senate Bill No. 2325 (OCR), without my approval.

Respectfuly,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 18, 1971.

ASSEMBLY JOINT RESOLUTION No. 10

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Joint Resolution No. 10, without my approval.

This Joint Resolution would have endorsed the holding of a closed-course air race in the vicinity of Cape May County Airport during the month of June, 1970. This type of air race is considered dangerous both to participants and to spectators. The holding of such a race would be contrary to the rules and regulations of the State Department of Transportation and the policy of the State regarding such races.

In view of these factors, and the fact that the dates referred to in the Assembly Joint Resolution have passed, I feel constrained to return this legislation without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 16, 1971.

ASSEMBLY JOINT RESOLUTION No. 14

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Joint Resolution No. 14, without my approval.

Assembly Joint Resolution No. 14 would have designated May 3 to May 9, 1970 as "Be Kind to Animals Week" in New Jersey. However, this resolution was not finally approved by the Legislature until May 7, 1970, and its ap-

proval by me at that time would have detracted from the intent of celebrating the week beginning May 3 as "Be Kind to Animals Week".

Accordingly, I am returning this joint resolution to the Assembly without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY JOINT RESOLUTION No. 2002

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Joint Resolution No. 2002, without my approval.

This Joint Resolution provides that the week of March 7 - 13, 1971 would be designated "Save Your Vision Week" in New Jersey.

Recognizing the importance of caring for and protecting our sight, on February 22, 1971 I issued a proclamation naming the week of March 7-13, 1971 as "Save Your Vision Week." It is therefore unnecessary for me to sign AJR 2002.

Accordingly, I herewith return Assembly Joint Resolution No. 2002, without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1971.

ASSEMBLY JOINT RESOLUTION No. 2008

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Joint Resolution No. 2008, without my approval.

Assembly Joint Resolution No. 2008 requests that the Governor proclaim the week of May 9 to 15, 1971 as "National Police Week" in New Jersey.

In order that we might properly honor those men and women who protect us from harm and maintain law and order, on May 10, 1971 I signed a proclamation designating the week of May 9 to 15, 1971 as "National Police Week." Therefore, the signing of AJR 2008 is unnecessary.

Accordingly, I herewith return Assembly Joint Resolution No. 2008, without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 16, 1971.

SENATE JOINT RESOLUTION No. 22

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Joint Resolution No. 22, without my approval.

Senate Joint Resolution No. 22 would have created a commission to promote the recognition, commemoration and celebration of the twenty-fifth anniversary of the United Nations, which anniversary took place during 1970. I felt it was unnecessary to approve the joint resolution because of the fact that the celebration of the anniversary was co-

ordinated among all the states by the United Nations Association of the United States of America. Through the effort of this association and the New Jersey State United Nations Day Chairman, Assemblyman Herbert M. Rinaldi, appropriate ceremonies were observed, and I issued a proclamation declaring October 24, 1970 as United Nations Day in New Jersey. This proclamation, together with similar proclamations throughout the nation gave impetus to a national commemoration of the anniversary of the founding of the United Nations.

Accordingly, I herewith return this resolution without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 24, 1971.

SENATE BILL NO. 2201

To the Senate:

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 2201 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

On pages 4 and 5:

"612-100. CONSTRUCTION OF STATE HIGHWAY SYSTEM

"Brookfield Construction Company, 521 Fifth Avenue, New York, N. Y., c/o Thomas C. Mitchell, Esquire, 11 Patton Drive, East Brunswick, N. J., for losses incurred in the construction of Route 80, Section 5-S, to be paid from funds appropriated for the Construction of State Highway System	$220,355.17	
Plus Interest at 3%	6,610.66	
Total		$226,965.83"

"P. T. & L. Construction Company, Inc., 500 Route 17, Paramus, N. J. 07652, c/o Theodore W. Geiser, Hughes McElroy, Connell, Foley and Geiser, 24 Commerce Street, Newark, N. J., for liquidated damages in the construction of a portion of Route 80, Section 4-G, to be paid from funds appropriated for the Construction of State Highway System	$113,671.46	
Plus Interest at 3%	3,410.14	
Total		$117,081.60"

These items are deleted in their entirety.

Senate Bill No. 2201 is a supplemental appropriation bill for the fiscal year ending June 30, 1971. The bill provides for supplemental appropriations to several departments of State government for certain claims made against the State. Included among the claims are the above-mentioned claims of Brookfield Construction Company and P. T. & L. Construction Company, Inc. These two claims, which represent in excess of $300,000, have been disapproved in the past, twice by Governor Hughes and once by me. The disapproval of these claims was not related to the relative merits of the claims but rather because the Legislature had not adopted minimum standards of equitable due process for both claimants and the State. Most reluctantly, I feel it is my obligation to disapprove these two claims again at this time.

The sub-committee on claims has attempted to cull out from the record of each of these claims what it regards as the salient facts in support of its decision to approve the claims in the amounts specified in the bill. I commend the sub-committee itself on its efforts to set forth its basis for decision with respect to these claims. However, the record relied on by the sub-committee necessarily was the record which was made substantially when the claims were first considered by the committee several years ago. This record was made within a procedural framework which fails to provide the minimum standard of equitable due process which must be the cornerstone of any judicial or quasi-judicial proceeding.

Notwithstanding the conclusions of the sub-committee with respect to these claims, the Department of Transportation opposes the payment of these claims in the amounts approved by the sub-committee. While I recognize that the sub-committee had the benefit of the position of the Department when it first heard the claim, I cannot ignore the advice of my staff completely at this time. It is significant to note that last year four contested claims, including the two now under consideration, were disapproved by me. Two of these claims were settled to the satisfaction of the Department of Transportation and the claimant during the past year. The fact that settlement was reached in these matters indicates to me that there is some common ground on which the two remaining contested claims might be resolved through negotiation by the parties involved.

The Legislature has not yet proposed a procedure for dealing with claims against the State. A commission composed of eight Senators and Assemblymen was created by Senate Concurrent Resolution No. 30 and is working towards a solution to this problem. In addition, the Attorney General has this matter under study and is preparing an exhaustive report which will be made available to the legislative commission. I am certain that the work of the commission and the Attorney General will result in a modernization of the claims procedure in New Jersey. In the meantime, it has been necessary to extend the interim moratorim on instituting suits against the State to April 1, 1972. I urge the Legislature to utilize this time to bring to fruition a new procedure which will treat all claims against the State in a manner which is fair to both the claimants and the State. I would hope that when such new procedures are adopted, these two claimants will be able to obtain a prompt determination of their claims if they are still outstanding at that time.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Governor.

Attest:
/s/ JEAN E. MULFORD,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 471 (1970)
STATEMENT

I am filing Assembly Bill No. 471 (1970) in the State Library without my approval.

Under the provisions of Article V, Section I, paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill would provide for the definition of "derelict" vehicles and provide for the removal and disposition of abandoned "derelict" vehicles.

The subject of the removal of abandoned motor vehicles has been covered in a recent regulation of the Division of Motor Vehicles; therefore, there is no need for further consideration of this bill.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 852 (1970)
STATEMENT

I am filing Assembly Bill No. 852 in the State Library without my approval.

Under the provisions of Article V, Section I, paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

Assembly Bill No. 852 would prevent the sale of impounded dogs for purpose of experimentation. This bill has received an inordinate amount of attention and special study. I have been impressed by the great sincerity and compassion of those advocating its approval. Like them, I abhor cruelty in any form. Like them, I want all dog owners to have every opportunity to reclaim dogs placed in municipal pounds.

My study reveals that this bill gives the appearance of offering much but, in reality, accomplishes little. In fact, if signed, it would have results contrary to those intended. While the bill may severely hamper experimentation, it does not preclude it. Thus, two dogs would be lost for each used for medical education and research. This includes the unclaimed animal destroyed at the pound as well as the animal eventually provided for experimentation. This is unconscionable. In addition, in order to supply the needs of the medical community in New Jersey, many dogs would be shipped great distances. Experience has shown that prolonged transportation causes adverse effects which can be more cruel than the experimentation itself. Moreover, operators of commercial dog pounds, being deprived of the opportunity to sell unwanted animals, would be reluctant to incur additional feeding and maintenance expense and would not hold unclaimed dogs longer than the existing 7-day holding period. This would severely limit the period within which the owner of a stray dog could recover his pet.

Furthermore, the bill, while prohibiting the sale of impounded dogs for purpose of experimentation, contains no penalty for violation nor are there any general penalty provisions which can apply. The bill is thus incapable of enforcement and would be merely a gesture which could not be implemented.

A review of the medical accomplishments dependent upon animal experimentation leads one to the inescapable conclusion that these experiments will and must continue. Mankind and animals alike have benefited in the following areas:

1. *Nutrition*—Most of our present knowledge in the area of nutrition concerning animals and humans is the result of animal studies.
2. *Surgical Procedures, Cures, etc.*—
   (a) Treatment of shock and discovering its underlying factors results almost exclusively from animal research.

(b) Surgery—The program for helping children with malformed hearts (blue baby operation) was developed through animal experiments, also the use of electronic pacemakers to correct improper heartbeat conditions for more than 10,000 Americans. Organ transplant procedures were developed through studies made on animals. Since bones of dogs are quite similar to human bones, treatment for bone fracture depends quite extensively on work done with dogs.

(c) Cures—Insulin remedy for diabetes
Salk polio vaccine
New procedures to prevent tragedies such as the thalidomide problem
Cancer research
Treatment of emphysema
Development of heart-lung machine
Development of the iron lung.

(d) Students in medical schools and doctors in hospitals learn their skills and develop new ones by practicing surgical procedures on animals. This enables them to obtain expertise prior to actual work on humans and other animals.

3. *Drugs*—The U. S. Department of Agriculture requires that all new drugs be first tried out on animals before human consumption is permitted. The itemization of new drugs which have been developed over the recent years is endless.

4. *Better Care of Laboratory and Pet Animals*—As a result of the broad scope of research and medical procedures used in connection with animals, doctors of veterinary medicine have improved their skills and developed cures for illness and physical defects in animals themselves.

While I cannot sign this bill for the reasons stated above, I feel deeply that changes in the laws are required to insure humane treatment for animals in experimentation and in pounds as well. Owners of pets are also entitled to peace of mind should the occasion arise that their pet stray and be picked up. I have asked my counsel to prepare appropriate legislation to accomplish the following:

1. An increase in the holding period at pounds and shelters from 7 to 14 days in order to permit owners

a longer period of time to recover their dogs. This will cost municipalities more money to provide for the maintenance of the dogs for this extended period. An increase in the present license fees may be required.

2. Stricter control over pounds and shelters to insure impounded animals receive appropriate care. The State Health Department will be directed to review and update its rules, regulations and procedures in this regard pursuant to P. L. 1941, c. 151.

3. Lengthening of the hours when pounds and shelters are open for owners to search for lost pets on the premises. Attendants should also be more available to assist pet owners in locating their pets.

4. Stricter regulations to insure that the animals which are used for research are used under humane and regulated circumstances. The State Health Department, pursuant to R. S. 4:27–16, will provide more supervision over the proper conduct of animal experiments. It should be noted also that the Animal Welfare Act of 1970 enacted by the Congress requires all agencies using animals in experimentation to prepare annual reports indicating the care and precautions used in experiments involving pain or distress to animals. These reports will be required beginning February 1973 and annually thereafter.

5. Consideration will also be given to a system of permanent identification or marking and registry of dogs. Under such a system the owner of a dog could voluntarily have his pet permanently identified. Any dog so identified could never be used thereafter for experimental purposes.

The changes I propose provide a realistic approach for the protection of stray dogs, both at the pound and in the course of medical use. Most important, it is a system which is workable. In addition, a program of permanent identification will permit pet owners themselves to safeguard their animals from experimentation.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 1077 (1970)
STATEMENT

I am filing Assembly Bill No. 1077 in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. Under the circumstances, there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.

Assembly Bill No. 1077 of 1970 would supplement P. L. 1967, c. 309 (N. J. S. 40:54B–1 et seq.) to allow any municipality which has created a Convention Hall Authority to "unconditionally guarantee the punctual payment of the principal of and interest on any bond of the authority." Any such guarantee would be authorized by ordinance without regard to any statutory or other debt limitations, including particularly those under the local bond law, and would be deducted from the statutory debt limit of the municipality during the five fiscal years following the guarantee, and in every year thereafter in which the municipality was required to make no appropriation on account of the principal or interest on any of the bonds so guaranteed.

Essentially, this is the same bill which was vetoed by Governor Richard J. Hughes when he returned Assembly Bill No. 1120 of 1969 to the Legislature on January 13, 1970 without his approval.

The municipality could build its own convention hall without the necessity of creating an authority, and issue general obligation bonds for that purpose under N. J. S. 40:62–27 to 34.12. The safeguard on general obligation bonds is the requirement of obtaining the approval of the voters of the municipality. In 1968 the Convention Hall Authority Law was amended to give municipalities the power to appropriate monies to assist convention hall authorities in certain circumstances, and to authorize municipalities to convey to convention hall authorities, with or without con-

sideration, the property of the municipality (P. L. 1968, c. 357).

Assembly Bill No. 1120 represented the additional step to allow the municipality to guarantee the bonds of the authority, for all intents and purposes, making them general obligation bonds of the municipality. This concept runs counter to the general principle of municipal government and the debt limitation laws. Hence, the enactment of this bill could result in the pledge of the credit of a municipality without a referendum.

In his message returning Assembly Bill No. 1120 of 1969, Governor Hughes stated:

> "Moreover, once the bonds are guaranteed, it is the conduct of the authority and the authority alone, which will determine if the provisions of the guarantee come into play. Thus, if the authority is operated inefficiently or irresponsibly and revenues do not meet expenses, it is the taxpayer who must bear the burden, and with no recourse. This constitutes a delegation of power of such major proportions as to raise serious questions as to its constitutionality . . ."

I find the reasoning of the above quoted language appropriate as to Assembly Bill No. 1077 of 1970. I also agree with my predecessor's observation that under the provisions of N. J. S. 40:54B–14, that such convention authority may be established by one or more municipalities. Thus, it is possible that citizens of one municipality could guarantee revenue bonds to the benefit of another municipality which had not undertaken a similar obligation. There are other technical objections to this bill which relate to conflicts with other sections of existing law. There is also an implied amendment of N. J. S. 40A:2–44 relating to the statutory debt ceiling, and this would appear to be in violation of the New Jersey Constitution, Article IV, Section VII, paragraph 5. Serious questions raised by this bill compel me to withhold my approval from Assembly Bill No. 1077 of 1970.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 1223 (OCR) (1970)
STATEMENT

I am filing Assembly Bill No. 1223 (OCR) (1970) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. Under the circumstances, there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.

Assembly Bill No. 1223 (OCR) (1970) would authorize the Commissioner of Environmental Protection to grant financial assistance to municipalities bordering and about Wolf Creek in Bergen County and Kettle Creek in Ocean County. Although it may be appropriate for the State to assist municipalities and counties in coordinating and financing flood control works, this bill would place a large financial burden on the State in times of budgetary stress.

I have previously expressed the view that in large part the problem of flooding near these local creeks has been the result of excessive development of flood plain areas. Accordingly, legislation authorizing zoning of flood plain land has been introduced in the Legislature at my request. Such zoning is also a condition of participation under the Federal Flood Insurance program. In addition, at my request, Senate Bill No. 450 has also been introduced in the 1972 session which would assist in the coordination of State and local flood control work.

I am also advised by our Department of Environmental Protection that a flood control "master plan" for Wolf Creek was prepared by the Division of Water Resources in 1957.

In view of the cost, lack of planning incentives in the bill, and the failure to spell out the extent of State participation in local and Federal flood control projects on a cost-sharing formula, I must withhold my approval from Assembly Bill No. 1223 (OCR) (1970).

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 1246 (OCR) (1971)
STATEMENT

I am filing Assembly Bill No. 1246 (OCR) (1971) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

Assembly Bill No. 1246 (OCR) (1971) would permit municipalities to extend the period of payment for special assessments to a period of 20 years provided the assessment exceeds $500. These special assessments are for improvements benefiting particular pieces of property such as sewers, sidewalks, water systems, etc. Presently, payment of these assessments can be extended over a 10-year period.

Chapter 2 of Title 40A of the New Jersey Statutes (the Local Bond Law) provides that municipal bonds issued to finance special assessments be repaid over a period of time not exceeding 10 years. It is, therefore, inappropriate to extend the period of time for payment of the special assessment over a period in excess of this 10-year limitation. If payments by the property owner were extended beyond 10 years, the municipalities would have to resort to other sources to pay the bonds within 10 years.

Further, this bill would permit the extension of payments to a period of 20 years for special assessments in amounts as small as $500. This is not prudent fiscal administration.

For these reasons, I cannot sign this bill.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL NO. 1267 (1971)
STATEMENT

I am filing Assembly Bill No. 1267 (1971) in the State Library.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances, there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.

This bill would have appropriated $7,500.00 to the New Jersey Historical Commission for the preparation of preliminary architectural plans for a Visitor Center in the State Capitol Complex in connection with New Jersey's participation in the 1976 celebration of the Bicentennial of the American Revolution.

Two new bills will be introduced shortly which will facilitate the coordination necessary to make New Jersey's participation in the Bicentennial Celebration truly meaningful while at the same time providing the means to scrutinize the expenditures of state funds. Any plan for a visitors center should be viewed in relation to the overall plan which will be devised for the Bicentennial Celebration. Since the new bills will accomplish this I feel that Assembly Bill No. 1267 is unnecessary.

I am, therefore, constrained to file this bill in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 2014 (1971)
STATEMENT

I am filing Assembly Bill No. 2014 in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill would permit municipal police and fire officials to request aid from adjoining municipalities in investigating or suppressing fires, crimes or criminal activity.

The section of the law which is amended by this bill (C. 40:47–12.1) has been repealed by P. L. 1971, c. 197, which is a recent revision of the County and Municipal Government Laws. There is, therefore, no need for any further consideration of this bill.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 2036 (1971)
STATEMENT

I am filing Assembly Bill No. 2036 in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill would provide minimum annual benefits of $2,100 to retirants and widows under the State Police Retirement System.

It is not appropriate to provide minimum dollar amounts for pensions which are computed on the basis of years of service and salary. The proper vehicle for increases in benefits is through use of the "Pension Increase Act" as was recently accomplished in P. L. 1971, c. 139, for retirants and surviving spouses in all the State-administered pension funds, including the State Police Retirement System.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 2049 (OCR) (1971)
STATEMENT

I am filing Assembly Bill No. 2049 (OCR) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill would authorize the Legislature to punish summarily for contempt of the Legislature without notice, hearing or trial, any person whose disorderly conduct in the immediate view of either house or of any committee thereof or in the State House corridors adjacent to the legislative chambers tends to interrupt legislative proceedings. Offering a bribe to a member would be punishable as contempt of the Legislature.

A person found guilty of such contempt would be subject to fine up to $500.00 or by imprisonment for up to 6 months, or both. Imprisonment would continue to the end of the period of time designated notwithstanding the prior adjournment of the Legislature.

This bill has a number of legal deficiencies. No provision is made for a hearing or opportunity to be heard in accordance with the due process requirements of the Federal and State Constitutions. The authority to punish for alleged contempt occurring in the corridors adjacent to legislative chambers is highly questionable in that the activity complained of need not take place in the legislative chambers themselves or within the immediate view of members of the Legislature. Further, the contempt procedure for situations involving bribes or attempts to bribe members of the Legislature conflicts with the treatment of the same offense pursuant to the New Jersey Conflict of Interest Law (P. L. 1971, c. 182).

Finally, the term of imprisonment for contempt should not extend beyond the same session of the Legislature in which the contempt occurs. The justification for prevention of disruption of legislative proceedings no longer exists after the Legislature has adjourned.

I am in full agreement with the principle of this bill that the order and decorum of the Legislature should not be disturbed by disorderly conduct of outsiders. Disruption of legislative proceedings cannot be permitted or tolerated. However, because of the legal deficiencies enumerated above, I am unable to sign this bill.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 2098 (1971)
STATEMENT

I am filing Assembly Bill No. 2098 (1971) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances, there is no provision for a veto, but I

deem it to be in the public interest to state my reasons for deciding not to sign this bill.

Assembly Bill No. 2098, among other things, purports to mandate through legislation that "any condition or impairment of health to members of a Fire Department or Police Department, which is caused by hypertension, heart disease or tuberculosis shall be an occupational disease." While the bill did set forth some limiting circumstances under which a disease would be considered occupational, the proposition is entirely too broad and would result in a radical change in our Workmen's Compensation Law.

Additionally, the matter of heart disease and compensation for heart attacks which are work connected is amply covered in our present Workmen's Compensation Law.

I am, therefore, constrained to file this bill in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL NO. 2117 (1971)
STATEMENT

I am filing Assembly Bill No. 2117 (1971) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill would lower the minimum age for appointment of police or firemen from 21 to 19 and, additionally, in municipalities having a popualtion of less than 1,000, the maximum age would be raised from 35 to 45.

R. S. 40:47–4 which Assembly Bill No. 2117 (1971) seeks to amend was repealed by Senate Bill No. 626 (1971) which became c. 197, P. L. 1971.

I am, therefore, constrained to file this bill in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL NO. 2120 (1971)
STATEMENT

I am filing Assembly Bill No. 2120 (1971) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill would increase the salaries of members of county boards of taxation. Although the salaries of these hard working individuals have not been raised in over 10 years and during that same period their workload has grown substantially, I am of the opinion that the Federal Wage-Price guidelines would render an increase of this magnitude inappropriate at this time.

I am, therefore, constrained to file this bill in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 2123 (1971)

STATEMENT

I am filing Assembly Bill No. 2123 (1971) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become law if it is not filed within the forty-five (45) day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances, there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.

Assembly Bill No. 2123 (1971) would have allowed the Commissioner of Transportation, at his discretion, to add a specified route in Sussex county to the State Highway system if and when he decided to do so. Since only the Legislature can add routes or authorize the adding of routes to the State Highway system, this bill does not follow the usual form of statutory authorization for incorporating roads into the State Highway system and thus appears to be defective. I am, therefore, filing this bill in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 2128 (1971)
STATEMENT

I am filing Assembly Bill No. 2128 (1971) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

The bill would create and fund a Disaster Assistance Loan Fund in the Department of Community Affairs—the money to be used to reimburse those who suffered loss as a result of explosions occurring in October 1970 and February 1971. A thorough investigation has disclosed that the purpose of this legislation has been substantially fulfilled through settlement on the affected properties by insurers carrying policies thereon.

I am, therefore, constrained to file this bill in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 2129 (1971)
STATEMENT

I am filing Assembly Bill No. 2129 (1971) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill would appropriate $100,000 to the Department of Community Affairs to provide for the repair of public works and streets damaged by explosions occurring in October 1970 and February 1971. The amount of damage sustained by municipally owned property resulting from the explosions set forth above was relatively insignificant and would not justify the creation of a $100,000 reimbursement fund.

I am, therefore, constrained to file this bill in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 2253 (OCR) (1971)
STATEMENT

I am filing Assembly Bill No. 2253 (OCR) (1971) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

Assembly Bill No. 2253 (OCR) (1971) makes several changes in benefits in the Newark Employees' Retirement System. Primary changes are as follows:

1) The maximum salary upon which retirement benefits are based is increased from $12,000 to $16,000. This has the effect of increasing benefits for persons whose salary exceeds $12,000.

2) The Pension Commission is authorized to contract for group life insurance and accidental death benefits, with the premium therefor being paid by the retirement system.

3) A deferred retirement benefit is provided for members of the system having at least 20 years' service.

4) The rate of contributions by employees would be increased an additional 1%. The employer (City of Newark) would also be required to pay an additional 1% to match the employees' contributions.

I am reluctant to sign this bill since I do not have up-to-date information as to the fiscal condition of this particular system. It is not one of the State-administered systems and, therefore, we are dependent upon actuarial valuations prepared by consulting actuaries. The most recent valuation, which was prepared in 1963, indicates there was an actuarial deficiency in this system. Before any additional benefits are provided, it would be prudent to have a current valuation.

Any additional benefits granted at a time when the actuarial soundness of the system has not been ascertained

would jeopardize the commitments for benefits which have been made in the past.

It should be understood that my failure to sign this bill will not affect the ability of the Pension Commission to increase the contributions to be made an additional 1%. This authority is already contained in section 27 of P. L. 1954, c. 218 (C. 43:13–22.29). It should also be understood that there exists authority for the City of Newark to provide group life and accident insurance pursuant to the general statutes covering municipalities, counties and school districts. N. J. S. 40A:9–13 sets forth the various types of coverage which these public employers can provide. This can also be done without affecting at all the liabilities of the Newark Retirement System.

I am concerned that this system has no provision for a deferred pension benefit and a vesting of benefits. I have, therefore, requested that a bill be prepared and introduced in the Legislature to provide a deferred pension benefit for members of this system which is similar to those provided in other retirement systems. In this manner, the pension benefits of members of this system will be protected in the event their service with the City is terminated, provided they have served at least 15 years. This is the same period provided in the major retirement systems. We must protect those public employees who have been in a pension system an appreciable period of time.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: February 7, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 2273 (1971)
STATEMENT

I am filing Assembly Bill No. 2273 (1971) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become law if

it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances, there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.

This bill sought to accomplish several changes in the law pertaining to the care, custody, guardianship, maintenance and supervision of dependent and neglected children. Among other things it added language to section 1 of P. L. 1951, c. 138, which dealt with the general principles under which the act was to be administered. This added language, while not objectionable, in no way added to the efficiency of operation or the charge of the existing law.

The bill also would have effected certain changes with respect to the establishment of a religious preference with respect to the foster home placement of children.

In addition to the above, the bill sought to make mandatory the filing of guardianship petitions by the Bureau of Children's Services in any situation in which it appeared to be in the best interests of the child or where it appeared that the parent or guardian of a child under the care or custody of the Bureau of Children's Services had "failed substantially and continuously . . . . for a period of more than one year to maintain contact with . . . . the child." Under existing law the Bureau has the authority, *within its discretion*, to file such a guardianship peitition where the best interests of the child so demanded or where there had been failure to maintain contact for a period in excess of one year *and the parent was physically and financially able to do so*. The removal of the "physical and financial capacity" provision from the existing law by the terms of A-2273, although well intended, will not serve the interests of any of the persons involved. If there is an indication that the Bureau of Children's Services is not exercising proper discretion, the solution is to assure that proper discretion is exercised by the Bureau rather than to require action in all cases when, in fact, it would be inadvisable in many instances. The deficiencies, if any, lie in the administrative field not with the statute. No court will grant a guardianship petition filed by the Bureau of Children's Services where a parent who was not physically able to maintain contact later becomes willing and able to do so. Nothing will be served, under these circumstances, by forcing the Bureau of Children's Services to file such a petition.

The result of this bill would be an increase in the number of petitions thereby creating an increased burden upon the courts, the Office of the Attorney General and the Bureau of Children's Services while no particular benefit would be realized.

While we must make certain that proper care is taken of dependent and neglected children throughout the State by the Bureau of Children's Services the solution is administrative; what is needed is greater efficiency and superior performance by the Bureau rather than legislative amendment.

I am, therefore, constrained to file this bill in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 2310 (OCR) (1971)
STATEMENT

I am filing Assembly Bill No. 2310 (OCR) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill amends R. S. 39:3–84 to increase the maximum width and height limitations for commercial motor vehicles transporting hay or straw. I am advised the bill is prompted by the fact that farmers hauling hay and straw have difficulty in meeting the 8-foot width requirement for commercial vehicles.

This same section provides that farm equipment shall comply with such maximum size limitations as prescribed by regulations of the Director of the Division of Motor

Vehicles. The regulations in this regard permit farm vehicles to exceed the maximum size limitation, including the 8-foot width limitation, provided they meet certain safety regulations. These involve the display of red flags, use of escort vehicles and safety attachments.

I feel these regulations safely and adequately cover the problems involved in the use of farm equipment and permit sufficient latitude for the controlled use of oversize vehicles.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 2380 (1971)
STATEMENT

I am filing Assembly Bill No. 2380 in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill supplements the "Public Employees' Retirement-Social Security Integration Act" to permit any employee "eligible to purchase pension credits, to purchase said credits at such a rate and in such installments as shall not result in undue hardship to said employee."

I am advised by the proponents of this bill that its intended purpose is to permit certain employees who were formerly members of the Public Employees' Retirement System and who thereafter terminated their membership therein to re-enter that system. The bill as drafted, however, does not accomplish this intended purpose. There is thus no need for any further consideration of the bill.

I am in general agreement with the proposition that public employees should be given every reasonable opportunity to participate in available pension programs. In this regard, I have requested my counsel to review the proposal submitted to determine what legislation is appropriate within the perimeters of normal pension requirements.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 2407 (1971)
STATEMENT

I am filing Assembly Bill No. 2407 (1971) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances, there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.

This bill disclaims any rights the State may have in the ownership of 33 feet of roadway running along the outer boundary of Route 27. The disclaimer raises historical, legal and factual disputes, some of which are constitutional in nature. In order to settle the legal questions raised, a judicial determination is best suited to the interests of the state and the property owners involved.

I am, therefore, constrained to file this bill in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

SENATE BILL No. 141 (1970)
STATEMENT

I am filing Senate Bill No. 141 in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. Under the circumstances, there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.

Senate Bill No. 141 of 1970 would amend the law regarding absentee ballots to allow an emergency patient to obtain an absentee ballot from the municipal clerk, on written certification of a physician that he is of sound mind, within not less than three days prior to an election.

Although the purpose of this bill is laudatory, the proposal would present many practical problems to the officials administering the election laws, including the county clerks. The basic idea, along with other required amendments in the election law necessitated by change in federal law, has been incorporated in new legislation which has been introduced in the 1972 session.

For this reason, I am not approving Senate Bill No. 141.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

SENATE BILL No. 737 (1970)
STATEMENT

I am filing Senate Bill No. 737 (1970) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become law if it is not signed within the 45-day period, Sundays excepted,

following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.

This bill would require that the principal executive of a State department secure the written authorization of the State House Commission to convey all or part of any real property held by that department upon a finding by that principal executive that the department no longer requires the property and said conveyance is in the best interest of the State. Additionally, a notice of intention to sell would be required at least 45 days prior to such sale. The wheels of government sometimes move at a slow pace with respect to acquisition and disposition of property. It seems unnecessary at the least and in many instances excessively burdensome to heap this additional requirement upon the myriad of statutory language developed over the years in this area.

I am, therefore, constrained to file this bill in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

SENATE BILL No. 919 (1971)
STATEMENT

I am filing Senate Bill No. 919 (1971) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill would amend the "Local Emergency Aid Act of 1969" deleting therefrom the requirement that sums reimbursable thereunder be expended by emergency appropriation by the municipality.

Examination of the history of the act which this bill seeks to amend discloses that it has not achieved the purpose for which it was originally intended. I will request that the Legislature repeal P. L. 1969, c. 94, as amended by P. L. 1970, c. 23, in its entirety and substitute a broader, more appropriate proposal which I will recommend shortly.

I am, therefore, constrained to file this bill in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

SENATE BILL No. 2148 (1971)
STATEMENT

I am filing Senate Bill No. 2148 (1971) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances, there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign this bill.

This bill provides for an increase in the membership of the Commuter Advisory Committee by the inclusion of the chairmen, or their designees, of the committees on transportation and public utilities of the Senate and General Assembly. This committee is charged by law with rendering advice to the Commissioner of Transportation and is mandated to undertake such studies as he may direct. While I am sure that the purpose of the legislation is laudatory, I feel that a high level of cooperation presently exists between the Legislature and the Executive and therefore that this bill is unnecessary.

Accordingly, I am constrained to file this bill in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

SENATE BILL NO. 2329 (1971)
STATEMENT

I am filing Senate Bill No. 2329 (1971) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill would validate plenary retail consumption licenses for the sale of alcoholic beverages granted or issued by a municipality between the period of February 25, 1971 and May 1, 1971. In addition, it would provide a complete defense for the holder of such a license to any suits at law brought against him for violation of any laws of the State for the sale of alcoholic beverages.

Procedures for the issuance of alcoholic beverage licenses and determination of their validity have been provided in the general laws of the State. The original issuance by the municipal issuing authority is subject to review in the Division of Alcoholic Beverage Control. Further review, where warranted, may be had in the courts. It is necessary that these matters be resolved in the appropriate forum where witnesses can be heard and evidence presented. Similarly, the courts are the only appropriate forum for the disposition of suits against licensees.

I cannot sign this bill since it arbitrarily removes the authority of the Division of Alcoholic Beverage Control and the courts to resolve these questions. No valid reason has been presented to convince me that the normal procedures of the Division of Alcoholic Beverage Control and the courts are insufficient to handle these matters.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: March 2, 1972.

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A. 466	Increases penalty for abandoning motor vehicles from maximum $100.00 fine to mandatory fine of not less than $100.00 nor more than $500.00.	Conditional	40
A. 491	Requires municipal court clerks to notify the owner of a vehicle whenever any other operator thereof is issued a summons as the result of an accident or moving violation.	Absolute	213
A. 493	(OCR) Provides for registration of motor vehicles leased by governmental and charitable organizations at no cost.	Absolute	214
A. 631	Provides for flashing blue lights on motor vehicles owned by members of volunteer fire companies and personnel of county or municipal civil defense-disaster control agencies while vehicle is responding to fire or emergency call.	Conditional	61
A. 914	Prohibits renewal of driver's license or registration of motorist who fails to respond to traffic summons.	Absolute	233
A. 1189	Provides that license plates on motor vehicles driven in New Jersey shall be painted so as to be visible at a distance of 50 feet.	Absolute	237
A. 1250	Permits registration and operation on public highways of oversized vehicles to transport divisible loads for industrial processing or storage between facilities of a manufacturer which are separated by public highways.	Conditional	90
A. 2226	(OCR) Eliminates requirement of omnibuses, and certain other vehicles, to stop at railroad grade crossings which have been abandoned or "not in use."	Conditional	116
A. 2310	(OCR) Increases maximum width and height limitations of commercial motor vehicles transporting hay or straw.	Pocket	295
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MUNICIPALITIES AND COUNTIES			
A. 1077	Allows municipality which has created a Convention Hall Authority to "unconditionally guarantee the punctual payment of the principal and interest on any bond of the authority."	Pocket	280
A. 1202	(OCR) Extends provisions of "Local Emergency Aid Act of 1969" until January 1, 1975.	Conditional	11
S. 535	Amends and supplements "Local Emergency Aid Act of 1969" to define "emergency" to mean unusual conditions caused by civil disturbance and to give the State House Commission power to implement distribution of Fund.	Conditional	15
S. 547	Authorizes counties to finance construction or acquisition of solid waste disposal facilities within their boundaries.	Conditional	16
S. 684	Amends and supplements "Municipal Planning Act (1953)," to provide protection for developer or builder during period of tentative approval when pending legal action prevents proceeding with project or development.	Conditional	20
S. 792	Provides special charter for the town of Hackettstown.	Conditional	23
A. 77	(OCR) Permits municipality to compel property owner to remove ice or snow from privately owned street.	Conditional	32
A. 380	Permits municipal governing body, upon determination that land owned by municipality is no longer needed for municipal purposes, to convey said property to the Girl's Club of America, Inc. for such consideration as the municipality deems advisable.	Absolute	206
A. 689	Changes date on which mayor shall submit to council his recommended budget.	Absolute	222
A. 784	Provides that the terms "county police" and "police department of a county" shall include county park police.	Absolute	225
A. 836	Provides that no lands could be acquired under Green Acres Act in any municipality in excess of 25% of total area of municipality without first obtaining consent by ordinance of municipality.	Absolute	228
A. 916	(OCR) Provides that term of new mayor or councilman-at-large hereafter elected shall be for four years.	Absolute	235

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A. 1246	(OCR) Permits municipalities to extend period of payment for special assessments to a period of 20 years provided the assessment exceeds $500.	Pocket	283
A. 2014	Permits municipal police and fire officials to request aid from adjoining municipalities in investigating or suppressing fires, crimes or criminal activity.	Pocket	285
A. 2312	Changes date by which a municipality must approve its annual budget from February 10 to February 20 of the fiscal year. Additionally, changes date by which mayor must submit his recommended budget to council from January 15 to January 25.	Absolute	238
A. 2354	(OCR) Authorizes certain local governmental units to enter into contracts to engage in cooperative data processing.	Absolute	239
S. 235	Allows creation of a more or less independent hospital board for the operation and management of municipal hospitals.	Conditional	121
S. 290	(OCR) Amends County Planning Law to permit municipal approval authorities either to defer taking final action on a subdivision application until receipt of the county Planning Board report or to approve such application subject to its timely receipt of a favorable report thereon by the County Planning Board.	Conditional	123
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S. 628	Provides counties and municipalities with a general local authority law so as to allow short enabling acts to authorize creation of authorities with specific objectives.	Absolute	251
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S. 919	Amends "Local Emergency Aid Act of 1969" deleting therefrom the requirement that sums reimbursible thereunder be expended by emergency appropriation by the municipality.	Pocket	299

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A. 878	Provides "cost-of-living increases" for persons receiving pension benefits under non-contributory pension acts.	Conditional	73
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A. 2071	Authorizes pension benefits for surviving widows of judges provided they were married three years prior to his death and continue to be married until his death; requirement of marriage prior to his attaining age 50 is eliminated.	Conditional	105

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A. 310	Abolishes position of Referee in Workmen's Compensation and reclassifies those in that position to Judges of Workmen's Compensation.	Absolute	205
A. 424	Permits any surrogate to appoint from among the employees in his office additional special deputy surrogates.	Absolute	207
A. 426	Increases maximum sum to be paid to special deputy surrogate over and above his regular salary from $1,000.00 to $2,000.00 in all counties except those of the first class where the maximum would be raised from $2,000.00 to $3,000.00.	Absolute	209
A. 476	Allows an employee of a school board or teacher in a state educational institution to be reimbursed for expenses incurred, including counsel fees, in the defense of administrative charges in the event that such charges are disposed of favorably with respect to said employee.	Absolute	210
A. 771	Directs Board of Trustees of Public Employees' Retirement System to obtain or provide credit life or disability insurance at request of member in connection with loan from Retirement System.	Absolute	224
A. 873	Provides for qualification and certification of municipal finance officers; enables municipal governing body to create office of municipal finance officer by ordinance.	Conditional	72
A. 1239	(OCR) Extends period of time for purchase of prior service credit by policemen or firemen.	Absolute	237
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A. 2100	Provides additional protections for police and firemen for work connected disabilities.	Conditional	114
A. 2120	Increases salaries of members of county boards of taxation.	Pocket	289
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