# VETO MESSAGES

OF

HON. ROBERT B. MEYNER

*Governor of New Jersey*

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



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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1957.

ASSEMBLY BILL No. 166

*To the General Assembly:*

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning Assembly Bill No. 166 herewith, with my objections for reconsideration.

This bill would supplement the Disorderly Persons Act so as to provide that any person under the age of 21 years who knowingly possesses or consumes any intoxicating liquor in any public place or place of public assembly or in any motor vehicle is a disorderly person. Punishment is specified as a fine of not more than $100.00 or imprisonment in the county jail for not more than 30 days, or both. The bill specifically excludes from its application possession of intoxicating liquor by any person actually engaged in the performance of employment pursuant to an employment permit issued by the Director of the Division of Alcoholic Beverage Control. It may be noted that N. J. S. 2A:4–14 preserves the jurisdiction of the Juvenile and Domestic Relations Court over offenses by persons under 18 years of age.

While I approve of the objective of this measure, there are, unfortunately, several technical defects in the bill. In the second line of section 1, reference is made to "intoxicating liquor". This term is neither defined by statute nor judicially construed in this State. Apparently what is sought to be encompassed by that term are liquors which our statutes generally refer to as "alcoholic beverage", a term which is defined in R. S. 33:1–1(b) and construed in *Holmes* v. *Cavicchia,* 29 N. J. Super. 434 (App. Div. 1954). Substitution of the words "alcoholic beverage" for the words "intoxicating liquor" would make the bill more definite and certain.

The offenses described in Assembly Bill No. 166 are in part already offenses under 2 existing sections of our law. See R. S. 33:1–81 and P. L. 1954, c. 147 (N. J. S. A. 2A:170–25.3). The penalty for the violation of R. S. 33:1–81 is a $50.00 fine without any jail sentence. The penalty

for violating the 1954 act is a $50.00 fine or imprisonment for not more than 30 days, or both. In the interest of uniformity, it would appear desirable that the maximum fine under this bill be fixed at $50.00.

While permittee-minors are exempt, no similar exemption is provided for minors employed in bona fide restaurants and hotels who under special circumstances set forth in R. S. 33:1–26 are not required to obtain permits.

For these reasons, I am returning Assembly Bill No. 166 for reconsideration and with a recommendation that the bill be amended as follows:

On page 1, section 1, line 2, delete the words "intoxicating liquor" and insert in lieu thereof "alcoholic beverage".

On page 1, section 1, line 4, delete "$100.00" and insert in lieu thereof "$50.00".

On page 1, section 1, line 6, delete the words "intoxicating liquor" and insert in lieu thereof "alcoholic beverage".

On page 1, section 1, line 7, after the word "any" insert the word "such".

On page 1, section 1, line 9, after the word "Control" insert the words ", or for a bona fide hotel or restaurant,".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 19, 1957.

SENATE COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No. 396

*To the Senate:*

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning Senate Committee Substitute for Assembly Bill No. 396 herewith, with my objections, for reconsideration.

This bill would amend the Unemployment Compensation Law in 5 respects.

(1) It provides a 6-year period of limitation, except in cases of fraud, within which the Division of Employment Security may file a certificate in the office of the Clerk of the Superior Court (which certificate has the effect of a judgment), or may institute suit, against an employer who fails to pay contributions due, even though he had filed a contribution report or an assessment had been made against him. It clarifies existing provisions which, except in the case of fraud, limit to 4 years the period within which assessments can be made against employers who have not filed reports. It removes an ambiguity in existing law so that the imposition of interest is not limited where reports have been properly filed or assessments made within the 4-year period. Both the 4- and the 6-year periods referred to begin to run as of the last day of the calendar year with respect to which contributions are payable.

(2) It authorizes the Division to apply moneys received from an employer first on account of his contribution liability and then to interest and penalties.

(3) Fees collected for furnishing certificates of indebtedness are to be paid into the Unemployment Compensation Administration Fund, which is used to defray the cost of administration of the law, instead of, as heretofore, to the Unemployment Compensation Auxiliary Fund.

(4) It adds to section 14(b) of the act, dealing with the liability of employers for contributions due, the following proviso:

> "* * * no proceeding to enforce collection shall be taken after 10 years have elapsed from the date of entry of judgment heretofore or hereafter entered in any such civil action, or the date of docketing any certificate heretofore or hereafter docketed in the office of the Clerk of the Superior Court under subsection (e) of this section, or July 1, 1958, whichever date is later".

(5) It amends the section under which any certificate filed with the Clerk of the Superior Court has the same force and effect as any other judgment obtained in the Superior Court, i. e. it may be enforced and its lien is effective for 20 years and it may be revived, so as to provide that it should have that effect only for 10 years from the time of docketing or until July 1, 1958, whichever is later.

The first 3 changes made by the bill present no problem. However, the last two would bar the State, as the holder of a judgment against an employer who has not paid contributions due, from enforcing any of its rights under the judgment after 10 years. Other judgment plaintiffs can enforce judgments for a period of 20 years and by appropriate proceedings revive the judgment. I find no persuasive reasons for so limiting and prejudicing the rights of the State.

Several reasons have been suggested to me in support of the changes listed as items (4) and (5). It is said that, as a practical matter, the Division collects but a small proportion of the moneys due on judgments and certificates which are as much as 10 years old and that keeping those indicia of indebtedness open on the Division's books creates administrative problems and expense. I appreciate the administrative problems involved, but they can be eliminated by the exercise of existing powers of the Division, or if it should be deemed advisable, by the adoption of additional legislation permitting the Division, administratively, to mark and treat the items as uncollectible on their own records. In this way, the obligation itself would continue in existence, so that if it should thereafter develop that the judgment is collectible, the State could proceed to collect it.

Finally, it is suggested that the proposed changes are desirable to aid employers who, because of financial reverses, have taken advantage of the Federal Bankruptcy Law to obtain a discharge of such debts as are dischargeable in bankruptcy. The State's claim for unemployment compensation contributions due, as well as the Federal government's claim for income and social security taxes, are not dischargeable in bankruptcy. I am advised that the Federal law provides a method by which such claims can be adjusted and settled at less than the full amount due, and sometimes at only a nominal amount. No such provision is found in the State law. The argument made is that with the State's claim remaining outstanding, a former employer is hindered in his efforts at financial rehabilitation.

I am not impressed by the argument made. If the State is to provide a method for settlement of such claims similar to that provided under the Federal law, it should be done by legislation authorizing and setting up procedures for such settlements, not by legislation which automatically bars the State, after 10 years, from taking any action to enforce the

judgment which it holds, irrespective of the financial position of the judgment debtor.

Accordingly, I am returning herewith Senate Committee Substitute for Assembly Bill No. 396 for reconsideration and with the recommendation that it be amended as follows:

On page 3, section 1, lines 67, 68, 69, 69A, 69B and 69C, delete the words " ; and provided further, that no proceeding to enforce collection shall be taken after 10 years have elapsed from the date of entry of judgment heretofore or hereafter entered in any such civil action, or the date of docketing any certificate heretofore or hereafter docketed in the office of the Clerk of the Superior Court under subsection (e) of this section, or July 1, 1958, whichever date is later".

On page 4, section 1, lines 93, 94 and 95, delete the words "until the expiration of 10 years from the time of docketing, or July 1, 1958, whichever is later,".

On page 4, section 1, line 95, delete the words "within the period so limited,".

On page 5, section 1, line 98A, delete the words "within the period so limited,".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 16, 1957.

ASSEMBLY BILL No. 399

*To the General Assembly:*

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning Assembly Bill No. 399 herewith, with my objections for reconsideration.

This bill would amend and supplement P. L. 1948, c. 310 which established the Passaic County Employees' Retire-

ment System. It would eliminate the $5,000.00 maximum limitation upon the amount of salary of employees which is considered for pension purposes. At the present time, a majority of the members of this retirement system make contributions and receive benefits based upon this salary limitation. Other members of the retirement system who were members of small county-administered retirement systems which were absorbed by the present system have no such limitation. In addition, the bill makes provision for purchase of prior service credit to the extent that salaries exceeded the $5,000.00 limit. Another amendment would permit the board of freeholders of the county, in order to insure the present and future financial soundness and solvency of the fund to appropriate sums in addition to their present contribution of 5% of the employees' salary and pension payments.

I have no objection to the removal of the present limitation on the amount of salary considered for pension purposes. The present trend in retirement systems throughout the country is toward the elimination of arbitrary limitations of salary in the computation of retirement benefits. This amendment, however, would not only increase the retirement benefits of the members themselves but would also remove any limitation upon the widows' benefits. While the removal of the limitation as to members themselves is in accord with the benefits of other retirement systems in this State, the effect of Assembly Bill No. 399 on widows' benefits would be to impose a substantial greater cost on the pension fund and provide benefits much more liberal than those payable by other systems. Under established pension policies, limitations on widows' benefits are provided either by way of a reduction in the benefits payable to the retired member or by specific monetary limitations. For these reasons I am recommending that the present limitation as to widows' benefits be retained. I am advised that the proponents of this measure are in accord with such a modification.

The bill also attempts to strengthen the financial structure of the retirement system by providing that the county shall by making necessary appropriations insure that the assets of the system never fall below the total aggregate amounts contributed by the employees. Part of the language in this amendment is ambiguous and requires clarification.

It should also be pointed out that an actuarial study was made of this fund as of January 1, 1955. That study indicated that the system then had an accrued unfunded liability of $5,300,000.00. This deficit has undoubtedly increased since that date. It is in the interest of the County of Passaic as well as that of the members of the system that attention be given to this unfunded liability so that the eventual financial impact will not be so great as to harm the fund. While the changes proposed by this bill to bring this system in line with other pension systems in the State are not of sufficient financial consequence to warrant my refusal to approve the measure with the amendments herein proposed, I believe that it is important that the unfunded liability of the fund be studied by its members and by the county for the purpose of providing means for reducing the existing deficit.

With respect to the provisions for purchase of prior service credit, the bill would require such payments to be made within a 2-year period. This limitation might cause some employees to fail to take advantage of this new benefit because of the large immediate cost. It would seem advisable to permit payments to be made over a longer period of time. I am recommending that the period be increased to 5 years.

In permitting the purchase of prior service credit, the bill makes no provision for an interest charge in the event that payments are made over a period of years. Absent special circumstances, good financial practice makes it desirable that interest be charged on any installment payment program since the moneys could have been invested by the fund to earn interest if payment were made promptly. Interest should be charged on such payments in a manner similar to that provided with respect to purchase of prior service credits in existing State pension funds.

For these reasons, I am returning Assembly Bill No. 399 for reconsideration and with a recommendation that the bill be amended as follows:

> On page 1, section 1, line 10, after "retirement;" insert "provided, however, that $5,000.00 shall be the maximum amount of the annual salary of any employee which shall be considered for the payment of benefits upon the death of any member under this act;".

On page 6, section 2, line 67, delete ", fund" and insert in lieu thereof "assets of the retirement system shall produce the amount which".

On page 6, section 2, line 68, delete the word "present" and insert in lieu thereof the word "active".

On page 6, section 3, line 14, delete "semimonthly".

On page 6, section 3, line 15, after the word "employee," insert "in which event interest at the rate of 3% per annum shall be charged on the unpaid balances".

On page 6, section 3, line 16, delete "2" and insert in lieu thereof "5".

On page 6, section 3, lines 16 and 17, delete "semimonthly".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1957.

ASSEMBLY BILL No. 406

*To the General Assembly:*

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning Assembly Bill No. 406 herewith, with my objections, for reconsideration.

This bill would amend Section 40:25–2 of the Revised Statutes which prohibits a county from entering into a contract for the doing of work or the furnishing of materials, supplies or labor, where the sum to be expended exceeds $2,500.00, without first publicly advertising for bids therefore, and which requires that the contract be awarded to the lowest responsible bidder. The proposed amendment would add a proviso to eliminate the requirement for such advertising "where the contract to be

entered into is one with a public utility subject to the jurisdiction of the Board of Public Utility Commissioners of this State".

I am advised that the purpose of the sponsors of this bill was to clarify the advertising requirement where the service to be contracted for is the furnishing of electric, gas or similar service by a public utility authorized to furnish such service in the area, because in such case, since the rates charged are filed with the Board of Public Utility Commissioners, advertising for bids serves no useful purpose and causes needless expense.

But the amendatory language in the bill would have a scope and effect beyond that intended. It would eliminate the advertising requirement in cases where the articles to be furnished or the service to be rendered are properly the subject of competitive bidding, merely because the contract is entered into with a public utility. So, for example, various public utilities which furnish electric and gas service also engage in the business of selling articles and appliances of various kinds in competition with companies which are not public utilities. Yet, under the terms of this bill, advertising could be eliminated with respect to those items if they were purchased from a public utility. Competing merchants would thus be barred from the opportunity of submitting bids.

The objective of the sponsors of the bill can be accomplished and the objectionable features eliminated by the amendments hereinafter recommended.

Accordingly, I am returning Assembly Bill No. 406 for reconsideration, with the recommendation that amendments be made to the bill as follows:

On page 1, section 1, line 13, delete the word "with" and insert in lieu thereof the words "for the supplying of any product or the rendering of any service by".

On page 1, section 1, line 14, after the word "State" insert the following: " and tariffs and schedules of the charges, made, charged, or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the said Board".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1957.

ASSEMBLY BILL NO. 407

*To the General Assembly:*

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning Assembly Bill No. 407 herewith, with my objections, for reconsideration.

This bill is a companion measure to Assembly Bill No. 406 and would amend Section 40:50–1 of the Revised Statutes which prohibits a municipality from entering into a contract for the doing of work or the furnishing of materials, supplies or labor, where the sum to be expended exceeds $2,500.00, without first publicly advertising for bids therefor, and which requires that the contract be awarded to the lowest responsible bidder. The proposed amendment would add a proviso to eliminate the requirement for such advertising "where the contract to be entered into is one with a public utility subject to the jurisdiction of the Board of Public Utility Commissioners of this State."

I am advised that the purpose of the sponsors of this bill was to clarify the advertising requirement where the service to be contracted for is the furnishing of electric, gas or similar service by a public utility authorized to furnish such service in the area, because in such case, since the rates charged are filed with the Board of Public Utility Commissioners, advertising for bids serves no useful purpose and causes needless expense.

But the amendatory language in the bill would have a scope and effect beyond that intended. It would eliminate the advertising requirement in cases where the articles to be furnished or the service to be rendered are properly the subject of competitive bidding, merely because the contract is entered into with a public utility. So, for example, various public utilities which furnish electric and gas service also engage in the business of selling articles and appliances of various kinds in competition with companies which are not public utilities. Yet, under the terms of this bill, advertising could be eliminated with respect to those items if they were purchased from a public utility. Competing merchants would thus be barred from the opportunity of submitting bids.

The objective of the sponsors of the bill can be accomplished and the objectionable features eliminated by the amendments hereinafter recommended.

Accordingly, I am returning Assembly Bill No. 407 herewith for reconsideration, with the recommendation that amendments be made to the bill as follows:

On page 1, section 1, line 9, delete the word "with" and insert in lieu thereof the words "for the supplying of any product or the rendering of any service by".

On page 1, section 1, line 10, after the word "State" insert the following: "and tariffs and schedules of the charges, made, charged, or exacted by the public utility for any such products to be supplied or services to be rendered are filed with the said Board".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 14, 1958.

ASSEMBLY BILL NO. 413

*To the General Assembly:*

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 413.

This bill amends the law dealing with municipal shade tree commissions (R. S. 40:64–1 *et seq.*). It endeavors to clarify the existing law and to bring the provisions of the statute into accord with current practices in this area.

I am in accord with the basic objectives of this bill. However, I am obliged to return the measure because of objections to certain of the amendatory provisions.

One amendment would specifically except state highways from the jurisdiction of municipal shade tree commissions.

The Highway Department has objected to this provision and has recommended that there be power for the Department to assent to such jurisdiction.

The bill would also permit the secretary of the commission to be compensated even if a member of the commission. In view thereof, the salary of the secretary should be fixed not by the commission but by the governing body of the municipality. I am, therefore, recommending an amendment to make such change.

The provision of the bill permitting the commission to impose a charge upon the real estate in front of which a tree may be planted or removed is devoid of any standards to govern the commission's determination. The bill should be changed to provide for determination based upon uniform rules and regulations promulgated for that purpose applicable to all who may be so affected.

Another amendment of the bill would purport to authorize the commission to include in its budget and to expend monies for municipal donations to non-profit shade tree research agencies and membership dues in professional organizations. The provision with respect to donations of public funds appears to be in conflict with Article VIII, Section III, paragraphs 2 and 3 of the New Jersey Constitution. The other provision relating to membership dues in professional organizations is vague and to the extent that its objectives are permissible would appear to be included within the other powers. There are certain other technical corrections which will be noted in the recommended amendments.

Accordingly, I am returning herewith Assembly Bill No. 413 for reconsideration and with a recommendation that amendments be made to the bill as follows:

On page 1, section 1, lines 8 and 9, delete in their entirety.

On page 1, section 1, line 10, delete the words "now or hereafter having a county shade tree commission," and insert in lieu thereof, "except state highways unless the State Highway Department shall assent thereto and except county highways, parks and parkways in counties now or hereafter having a county shade tree commission, unless the county shade tree commission shall assent thereto,".

On page 2, section 3, line 5, delete the word "president" and insert "chairman".

On page 2, section 3, line 8, delete "and of all other employees, shall be fixed by the commission," and insert in lieu thereof, "shall be fixed by the governing body of the municipality; the salary of all other employees shall be fixed by the commission. All salaries shall be fixed".

On page 4, section 6, line 6, after the word "tree" insert "or part thereof".

On page 4, section 6, line 7, after "determine,", insert ", in accordance with uniform rules and regulations promulgated for this purpose,".

On page 5, section 8, line 10, delete the period.

On page 6, section 8, line 27, after the semicolon insert "and".

On page 6, section 8, line 29, delete the semicolon and insert a period.

On page 6, section 8, lines 30 and 31, delete in their entirety.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 14, 1958.

ASSEMBLY BILL No. 414

*To the General Assembly:*

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith for reconsideration and with my objections, Assembly Bill No. 414.

This bill would amend several sections of the county shade tree commission act (R. S. 40:37–1 *et seq.*) and is a companion bill to Assembly Bill No. 413.

For the reasons similar to those set forth in my conditional veto of Assembly Bill No. 413, I am returning herewith Assembly Bill No. 414 for reconsideration and with the recommendation that amendments be made to the bill as follows:

On page 1, section 1, lines 7 and 8, delete "If a member of the commission is chosen as secretary he may be compensated for his services as such." and insert in lieu thereof, "The salary of the secretary, who may be compensated even if a member of the commission, shall be fixed by the governing body of the county in accordance with the salary schedule, if any, of the county for corresponding positions."

On page 4, section 6, line 11, delete the semicolon and insert a period.

On page 4, section 6, lines 12 and 13, delete in their entirety.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1957.

ASSEMBLY BILL No. 427

*To the General Assembly:*

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning Assembly Bill No. 427 herewith, with my objections for reconsideration.

This bill would amend section 19:4–1 of the Revised Statutes, the provision of the election law which now denies the right of suffrage to persons convicted of certain specified crimes, including the crime of larceny of above the value of $20.00. Under the proposed amendment, (1) a person hereafter convicted of larceny would be disen-

franchised only if the larceny was above the value of $200.00, and (2) a person convicted since October 15, 1948 of larceny of above the value of $20.00 but under $200.00 would have his right of suffrage restored. Those convicted of larceny above the value of $6.00 prior to October 6, 1948 would still be barred from voting.

Assembly Bill No. 427, in providing that future convictions of larceny should result in the loss of suffrage only if they involve above the value of $200.00 would, in effect, limit such disenfranchisement to cases where the larceny conviction is of a high misdemeanor. Although persuasive arguments may be advanced for a correlation between the provisions of the election law and those of the criminal law so that loss of suffrage will result from a larceny conviction only when it is a high misdemeanor and not when it is a misdemeanor, such correlation has existed in our State during only 3 years of the 113 years which have elapsed since the adoption of the Constitution of 1844.

Under our crimes law, larceny may be either a misdemeanor or a high misdemeanor depending on the value of the property which is the subject matter of the larceny. The value which constituted the dividing line between a misdemeanor and a high misdemeanor was $6.00 from 1796 until 1820. In 1820, the dividing amount was changed to $20.00, at which amount it remained until January 1, 1952 when it was increased to $50.00. This year, by Chapter 56 of the Laws of 1957, it was increased to $200.00.

But the law determining what convictions of larceny should result in the loss of suffrage has not, except for the period from October 5, 1948 to January 1, 1952, limited such effect to larceny convictions constituting high misdemeanors.

From 1844 until the adoption of the 1947 Constitution, the question of whether conviction of a particular crime resulted in disenfranchisement was governed by the provisions of the State Constitution and were not subject to change by legislative act. Crimes barring a person from voting were those which, at the time of the adoption of the 1844 Constitution, excluded the convicted person from being a witness. Included among those crimes was larceny of above the value of $6.00. This disenfranchising provision was changed for the first time in over 100 years on October 5, 1948, when P. L. 1948, c. 438 became effective. Enacted

pursuant to the power granted the Legislature by Article II, paragraph 7 of the 1947 Constitution:

> "The Legislature may pass laws to deprive persons of the right of suffrage who shall be convicted of such crimes as it may designate. Any person so deprived, when pardoned or otherwise restored by law to the right of suffrage, shall again enjoy that right.",

that act amended R. S. 19:4–1, to among other things bar the right of suffrage to (1) persons who theretofore had been convicted of larceny of above the value of $6.00 and (2) to persons who thereafter were convicted of larceny of above the value of $20.00, a high misdemeanor. The 1948 act did not, as does the present bill, seek to affect prior convictions of larceny.

But the correlation between the election law and the crimes act was short lived, for as of January 1, 1952, the dividing line amount in the criminal law was changed to $50.00 but that in the election law remained at $20.00.

In 1955, R. S. 19:4–1 (the election law) was amended to add to the list of crimes, conviction for which would result in loss of the right of suffrage. But no change was made in its provisions relating to larceny convictions. Nor was any attempt made in the 1955 law to affect prior convictions which had resulted in loss of the right of suffrage.

Despite this history, I find no reason to object to so much of the bill as would amend R. S. 19:4–1 to provide that future convictions of larceny shall not result in loss of suffrage if they do not involve above the value of $200.00, high misdemeanors under the provisions of the crimes law as amended by P. L. 1957, c. 56.

But I cannot concur in so much of the proposed amendment as purports, by legislative act, to restore the right of suffrage to persons who had forfeited it since October 15, 1948 as the result of convictions of larceny above the value of $20.00, merely because the larcenies had not involved above the value of $200.00.

Altogether apart from the serious constitutional questions involved in an attempted restoration of those rights by legislative act—the Constitution vests the pardoning power, which includes the lesser power of restoration of the right of suffrage, in the Governor and not in the Legislature (See *In re Court of Pardons,* 97 N. J. Eq. 555

(1925))—no persuasive reasons appear to justify such unprecedented blanket restoration of voting rights to persons who lost them because of criminal convictions.

Further, if such blanket legislative restoration of rights is justified, why should there be excluded therefrom persons convicted prior to October 15, 1948 of larceny of above the value of $6.00 but not of above the value of $200.00?

Accordingly, I am returning herewith Assembly Bill No. 427 for reconsideration and with the recommendation that, to clarify the present law as well as to incorporate the recommendations made herein, amendments be made to the bill as follows:

On page 1, section 1, lines 11 to 16, delete subsection (2) in its entirety.

On page 2, section 1, lines 17 to 27, delete subsection (3) in its entirety, and insert in lieu thereof the following:

"(2) Who has been or shall be convicted of any of the following designated crimes, that is to say—blasphemy, treason, murder, piracy, arson, rape, sodomy, or the infamous crime against nature, committed with mankind or with beast, robbery, conspiracy, forgery, perjury or subornation of perjury, unless pardoned or restored by law to the right of suffrage; or

"(3) Who was convicted prior to October 6, 1948 of the crime of polygamy or of larceny of above the value of $6.00; or, who was convicted after October 5, 1948 and prior to the effective date of this act, of larceny of above the value of $20.00; or,

"(4) Who shall hereafter be convicted of the crime of larceny of the value of $200.00 or more, unless pardoned or restored by law to the right of suffrage; or

"(5) Who was convicted after October 5, 1948 or shall be convicted of the crime of bigamy or of burglary or of any offense described in Chapter 94 of Title 2A or Section 2A:102–1 or Section 2A:102–4 of the New Jersey Statutes or described in Sections 24:18–4 and 24:18–47 of the Revised Statutes, unless pardoned or restored by law to the right of suffrage; or".

On page 2, section 1, line 28, delete the figure "(4)" and insert in lieu thereof the figure "(6)".

On page 2, section 1, line 32, delete the figure "(5)" and insert in lieu thereof the figure "(7)".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 14, 1958.

SENATE BILL No. 40

*To the Senate:*

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith Senate Bill No. 40, with my objections for reconsideration.

This bill would supplement Chapter 72 of Title 40 to set forth permissible salary ranges for members of the governing bodies of certain municipalities having a commission form of government notwithstanding any other provision of law. It would permit the annual salaries of the mayor and the commissioners in municipalities having a population over 37,000 but less than 70,000 and located in counties of the first class having less than 800,000 inhabitants to be fixed by ordinance at $5,000.00 and $4,500.00 respectively.

At the present time, the salary authorized for such municipalities is fixed by R. S. 40:72–21 at not more than $2,500.00 and $2,000.00 for the respective offices in municipalities having a population over 40,000. In municipalities having a population under 40,000, the salary authorized for the respective offices in such municipalities is $1,800.00 and $1,500.00. Those maximum salary ranges may be increased under R. S. 40:72–24 up to 50% by adoption of an ordinance which the voters of the municipalities may reject by referendum.

Another statute, P. L. 1953, c. 384, provides that in townships over 15,000 population the mayor shall receive $3,500.00 and the commissioners $3,000.00.

This bill seeking to authorize increases in salaries of the governing bodies of particular municipalities is substantially similar to Senate Bill No. 300 which is also being returned to the Senate today.

For the reasons set forth in my message concerning Senate Bill No. 300 I am returning Senate Bill No. 40 herewith, for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, after line 5, insert a new section as follows:

"2. Any such ordinance shall become operative in 10 days after the publication thereof after its final passage, unless within said 10 days, a petition, signed by the electors of such municipality equal in number to at least 10% of the entire vote cast in the last preceding general election, protesting against the passage of such ordinance, be presented to the governing body of the municipality, in which case such ordinance shall remain inoperative unless and until a proposition for the ratification thereof shall be adopted at the next general election by a majority of the qualified voters voting on said proposition."

On page 1, section 2, line 1, delete the figure "2." and insert in lieu thereof the figure "3.".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 19, 1957.

SENATE BILL No. 253

*To the Senate:*

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 253.

This bill was introduced to amend the "Absentee Voting Law (1953)" in order to permit an otherwise qualified and registered voter, who is unable to cast his ballot at the polling place in his district on the day of election because of the observance of a religious holiday pursuant to the tenets of his religion, to vote by absentee ballot. So much of the bill as makes that change in the law and permits such a voter to vote as a "civilian absentee voter" has my approval.

But Senate Bill No. 253, as amended in the Assembly and passed by the Legislature, contains another proposed change in the law of which I cannot approve. The latter change would amend the statutory definition of "military service" which is now defined as:

> " 'Military service' means active service by any person, as a member of any branch or department of the United States Army, Navy, or Marine Corps, or as a reservist absent from his place of residence and undergoing training under Army or Navy direction, at a place other than that of such person's residence."

by inserting the words "Merchant Marine" between the words "Navy," and "or Marine Corps" and would change the definition of "Military service voter", which is now defined as:

> " 'Military service voter' means any person in the military service, or any patient in any veterans' hospital, located in any place other than the place of his residence, having served as a soldier, sailor, marine, or nurse in the Armed Forces of the United States in any war in which the United States has been engaged and having been discharged or released from said armed forces, who prior to entering the military service or prior to being admitted as a patient in such hospital,

was a resident of this State and who, at the time of the holding of any election in this State, while this act is in effect, is a resident of the United States, is of the age of 21 years or more, is not disqualified by reason of conviction of crime from voting in this State.''

by inserting the words ''member of the merchant marine'' between the words ''marine,'' and ''or nurse''.

The present definition of ''military service'' and ''military service voter'' refers to components of the Armed Forces of the United States. Taken literally, the amendatory language would have no effect unless and until there was created a component of the Armed Forces of the United States known as the ''United States Merchant Marine''. At present, there is no such component of the Armed Forces of the United States.

I am advised that the purpose of the sponsor of the amendment was to give seamen employed by shipping companies—who, it may be noted may now vote by civilian absentee ballot if they are otherwise qualified and are registered voters,—the status of military service voters, so that they may vote by military service absentee ballot in cases where they are not registered voters.

Both our Constitution, Article II, paragraph 4, and the ''Absentee Voting Law (1953)'' differentiates between absentee voting by civilians and by members of the Armed Forces of the United States. The ''Absentee Voting Law (1953)'' sets up two separate classes of absentee voters, one. ''civilian absentee voters'' who vote by ''civilian absentee ballot''; the other, ''military service voters'' who vote by ''military service ballot''.

The principal difference between the privileges granted the two classes of voters under the Absentee Voting Law involves registration as a voter. A civilian absentee voter must be a registered voter in order to vote by absentee ballot; a military service voter need not be a registered voter if he satisfies the residence requirements of the law.

The fundamental reason for requiring voters to register is to guard against fraudulent voting. In eliminating the requirement of registration in the case of military service voters, the act provides substitute safeguards against fraudulent voting. Those safeguards are possible only because of the official governmental character of the Armed

Forces of the United States and of their records; the fact that members of the Armed Forces, each of whom has a distinctive serial number, cannot quit service at will but must serve for substantially fixed and definite periods and the further fact that official governmental records always disclose the actual whereabouts of each man.

So, the "Absentee Voting Law (1953)" requires in case of military service voters that the voter's military serial number and the address at which he is stationed or can be found be set forth in the application for the military ballot and in the sworn certificate appearing on the envelope in which the ballot is returned to the election officials. Further, the certificate must be sworn to by the military service voter before his commanding officer or the superintendent of the veterans hospital in which he is a patient. Again, express provision is made in the act to enable election officials to verify the qualifications and signature of military voters and the data submitted by or on their behalf by making comparisons with the military records of the State.

None of these safeguards is available in the case of persons in private employment even though that employment be by shipping companies. The forms provided by the act for military service voters are not changed by this bill. If the proposed amendment were to become law, a member of the merchant marine using a military service ballot would have to leave blank the questions calling for his serial number and the address at which he is stationed. Moreover, election officials would be unable to verify qualifications and signatures by comparison with official governmental military service records.

Men employed in what is commonly referred to as the merchant marine are not, in fact, in military service. They are private employees employed by private shipping companies. In recognizing this fact, I do not intend to minimize the importance of the work done by the merchant marine and the men employed therein in support of the economy and defense of our country.

Nevertheless, such employees are not in military service. Permitting them to vote through the use of the military service ballot would permit an indeterminate number of civilians to vote without being registered. That privilege is denied to other civilians. It is granted to military service personnel only under conditions safeguarding against

fraudulent voting; conditions which are peculiar to military service and do not exist in the case of private employment.

There is no valid reason why persons employed in the merchant marine should not be required to register under our permanent registration law as are other employees in private industry. If they are away from home on election day, they may then avail themselves of the civilian absentee ballot procedures.

I am, therefore, returning herewith Senate Bill No. 253 for reconsideration and with the recommendation that the bill be amended as follows:

On page 2, section 1, line 23, delete the words "Merchant Marine".

On page 2, section 1, lines 29 and 30, delete the words "member of the merchant marine".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 14, 1958.

SENATE BILL No. 300

*To the Senate:*

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith Senate Bill No. 300, with my objections, for reconsideration.

This bill would supplement Chapter 72 of Title 40 to set forth permissible salary ranges for members of the governing bodies of certain municipalities having a commission form of government notwithstanding any other provision of law. It would permit the annual salaries of the mayor and the commissioners in towns having a population over 15,000 but less than 25,000 to be fixed by ordinance at $4,000.00 and $3,500.00 respectively.

At present the law authorizes an annual salary to such mayor and commissioners of $1,800.00 and $1,500.00 respectively if the town's population is over 20,000 and $1,500.00 and $1,200.00 if the population of the town is under 20,000 (R. S. 40:72–21), with provision being made in R. S. 40:72–24 for a 50% increase in such maximum salaries by adoption of an ordinance which the voters of the municipalities may reject by referendum.

I have been advised that the salaries of the mayor and commissioners who would be affected by this bill have been increased to the 50% maximum permitted by R. S. 40:72–24. Thus, this bill would authorize a maximum salary nearly double that of the existing salaries and nearly 3 times the basic salary authorized.

In view of the substantial increase in the permissible maximum salaries authorized by this bill, and in view of the referendum permitted under Section 24, the citizens of the municipalities involved should have a similar opportunity to pass upon a proposal to increase the salaries of the members of their governing body. The residents of the municipalities are in the best position to determine how much time and effort the members of the governing body are required to devote to municipal government and what the community feels should be paid for those services. Provision should be made to give residents of the municipality an opportunity to submit the proposed increase in salary to a vote of the people of the municipality who will be required to pay the increased salaries.

For the foregoing reasons, I am returning herewith Senate Bill No. 300 for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, after line 5, insert a new section as follows:

"2. Any such ordinance shall become operative in 10 days after the publication thereof after its final passage, unless within said 10 days, a petition, signed by the electors of such municipality equal in number to at least 10% of the entire vote cast in the last preceding general election, protesting against the passage of such ordinance, be presented to the governing body of the municipality, in which case such ordinance shall remain inoperative unless and until a proposition for the ratification thereof shall be adopted at the next general

election by a majority of the qualified voters voting on said proposition."

On page 1, section 2, line 1, delete the figure "2." and insert in lieu thereof the figure "3.".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 25, 1957.

ASSEMBLY BILL No. 31

*To the General Assembly:*

I am returning herewith Assembly Bill No. 31, without my approval, for the following reasons:

This bill would add to the State Highway System the portion of Cape May County Road No. 585 which extends from Route No. 9 at Burleigh to the northeasterly line of the City of North Wildwood. Twice before I have refused to approve bills that would add roads in this county to the State Highway System. See Messages on Assembly Bill No. 30 (1954) and Assembly Bill No. 301 (1956). On those occasions, it was pointed out that the State already had substantial responsibilities in this county and that lack of funds prohibits the expansion of these responsibilities.

At present, the State maintains Route No. 9, which is the principal artery into Cape May County. It is also responsible for Route No. 47 which crosses Route No. 9 and goes directly into Wildwood and the peninsula on which North and South Wildwood are situated.

The Highway Department has informed me that the part of Cape May County Road No. 585 which this bill would require the State to take over is in extremely poor condition. The minimum cost of modernizing this section of road has been estimated to be $4,000,000.00.

I have stressed the desirability of more modern and better highways on numerous occasions. In my recent

Budget Message, I stated that there is a "vital necessity of providing revenues by which the State will be able to get its full share of future Federal contributions as well as to take care of pressing interstate needs." The State's responsibility, however, for highway construction should not be expanded at a time when it is incapable of meeting existing obligations.

It may be noted that although Cape May County needs two Cape May Canal Bridges, the State has not been able to finance these improvements because of the lack of funds. Assembly Bill No. 31, by increasing the State's obligation in this county would only serve to defer those bridge projects.

For these reasons, I am returning herewith Assembly Bill No. 31 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 18, 1957.

ASSEMBLY BILL No. 162

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 162 for the following reasons:

This bill would appropriate the sum of $8,738,036.00 out of the general treasury for construction of roads and bridges and purchase of rights-of-way for the State highway system. It would be in addition to the $20,000,000.00 already appropriated in the present fiscal year for new highway construction. Assembly Bill No. 162 is identical with Assembly Bill No. 614 of the 1956 Session, passed by the Legislature on January 7, 1957, the day before it adjourned *sine die.*

On January 13, 1957, I announced I would not sign Assembly Bill No. 614 and issued a statement, copy of which is annexed hereto and made a part hereof, setting forth the

reasons for my objection to that bill. The reasons for my disapproval of the 1956 bill are equally applicable to Assembly Bill No. 162 of this session and need not be repeated in the body of this message. Those reasons, confirmed in their fiscal aspects by the 1957-1958 budget message which I am delivering to you today, compel me to return Assembly Bill No. 162 without my approval.

This bill does not provide revenues to match the appropriation. Instead, it proposes to dip into the so-called surplus of $23,537,004.09 estimated for the beginning of the new fiscal year. As is pointed out in the budget message, this money is needed to balance the budget. It cannot be depleted by nearly $9,000,000.00 without the sacrifice of essential State services, a course I refuse to adopt and one I feel sure the Legislature, after studying all the facts, would not care to adopt.

It seems to me that Assembly Bill No. 162 turns its back, so to speak, on the facts of life. A realistic review of the State's fiscal position, as set forth in today's budget message, compels the conclusion that we must have increased revenues if we are to take advantage of the new Federal highway program. That program is an answer to the State's prayer. Under it, New Jersey stands to receive $90.00 from the Federal government for every $10.00 put up by the State for the construction of interstate system freeways. The State would receive in addition matching funds for other roads, and it would recover much of the money advanced for the purchase of rights-of-way.

The Federal program comes at a time when the pressure on New Jersey highways has reached a critical stage, and when many parts of the State are suffering severely from traffic strangulation. It cannot be pointed out too often that New Jersey's roads are the most heavily traveled in the nation, 7½ times the national average. As a corridor state, New Jersey acts as a channel between New England and the metropolitan area of New York to and from the South and the West. It is only fair, it is only just to ourselves, that the tremendous out-of-state traffic through New Jersey should pay part of our road costs.

This would be accomplished if, as proposed in my Special Message of September 17, 1956, we should impose an additional one cent tax on motor fuels with the proceeds set aside solely for highway construction. The burden of New Jersey residents would be far less than under a bond issue, which would result in huge amortization and interest costs

for many years. New Jersey would be operating on the sound pay-as-you-go principle, just as Congress, rejecting the original bond issue proposal, has done. Under the Federal program, New Jersey motorists are now paying an added cent in Federal motor fuel taxes. Only by full participation in that program can New Jersey recover its share of that additional tax.

Our State is among 5 having the lowest rates of motor fuel taxes. Forty-three states and the District of Columbia already have rates 1 to 3 cents higher than ours. The only state lower than New Jersey, Missouri, imposes on its citizens both an income and general sales tax, which we have avoided. Our neighbor, New York, now having the same rate as New Jersey except in New York City where an additional sales tax is imposed, is considering a 1 cent increase to pay for its half-a-billion bond issue approved by the voters last November.

It is not necessary here to review all the reasons for my disapproval of Assembly Bill No. 162, as they were carefully marshalled in my statement of January 13th. I should like to add, however, that my proposal for new revenue was not made on a take-it-or-leave-it basis. It is not my aim, in such important matters, to take an adamant position or to let pride of opinion blind me to the co-ordinate responsibilities of the legislative branch. In that spirit, I have offered on a number of occasions to sit down with the legislative leaders to work out a mutually acceptable solution. That offer I repeat now. Solution of this problem is of such paramount concern to the 5½ million people of this State, all of whom have a stake in a good highway system, that it should be resolved on a non-partisan, non-political basis.

Let me reduce the problem to the form of a syllogism: We must have roads. We cannot wreck the budget to get them. Therefore, we must have new revenue.

For these reasons, I am obliged to return Assembly Bill No. 162 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

(For Statement on Assembly Bill No. 614 (1956) see *Veto Messages of Honorable Robert B. Meyner* (1956), at page 195.)

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1957.

COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL NO. 287

*To the General Assembly:*

I am returning Committee Substitute for Assembly Bill No. 287 herewith, without my approval for the following reasons:

This bill provides that whenever the holder of any office, position or employment with the State or any county, municipality, school district or other public agency is entitled to annual or vacation leave of absence with pay, the employing agency may provide for the payment in advance of the compensation payable for the period of the leave of absence. The payment would be made on the regular payroll date immediately preceding the commencement of the leave of absence.

The excessive additional administrative burdens and additional costs which would be placed upon the State preclude my approval of this measure. Approximately 26,500 persons are paid on each bi-weekly payroll date through the facilities of the State's Division of Budget and Accounting and Department of the Treasury. I am advised that the bulk of these employees take their vacations between June 1 and September 30, during which there are some nine payroll periods. Payroll checks are prepared on business machines and issued through the central Payroll Section.

The Division of Budget and Accounting informs me that the implications of issuing double checks for the number of employees concerned during these nine payroll periods are staggering in view of the payroll audits, key punch operations, sorting and re-sorting, tabulating, listing and allied operations involved, and the necessity for adding the additional pay to current payrolls and then deleting any pay whatsoever for particular employees on the succeeding payrolls during the vacation period. Moreover, during these periods, the personnel offices of the various departments as well as the Centralized Payroll Bureau are operating with restricted staffs because of vacations within the ranks of their own personnel.

Further, complications would arise in connection with Social Security reports which must be made on a cash payment basis.

The cost to the State of these additional administrative burdens cannot readily be ascertained, but I am advised that it would be substantial. Similar additional burdens and costs would be imposed on municipalities and other public employers.

I am informed that there is comparatively little sentiment among public employees for payment of vacation benefits in advance and such as there was seems to have diminished with the adoption of the program under which salaries are paid every other week. Most seem to prefer the present system, under which their compensation is paid at regular payroll periods during their vacation. Whatever temporary advantage might be gained by the comparatively few public employees who would like vacation pay in advance is more than offset by the tremendous burden and cost which such a program would entail.

It may also be noted that the bill fails to make any provision for amending existing provisions of the law which require each employing unit to certify that the employee has rendered services during the period covered by the payroll. (See R. S. 11:16–1; R. S. 11:22–20).

For these reasons, I am constrained to return Committee Substitute for Assembly Bill No. 287 without my approval.

Respectfully submitted,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1957.

ASSEMBLY BILL No. 337

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 337 for the following reasons:

This bill would amend the present law (P. L. 1954, c. 221) which requires the addition of the words "Garden State"

on all passenger car motor vehicle registration license plates on the next general issue of such plates. This bill would require the inclusion of those words upon the issue of any replacement plates.

Chapter 221 of the Public Laws of 1954, which for the first time provided for imprinting of the words "Garden State" on passenger car motor vehicle registration license plates, was predicated on the expectation set forth in the following language in the statement of purpose affixed to Assembly Bill No. 454 of the 1954 Session which became P. L. 1954, c. 221:

> "In April of 1956 there will be a general re-issue of motor vehicle license plates and it is anticipated they will be larger than the present plates in conformity with recommendations of the Interstate Traffic Code.
>
> "Preparation of the 1956 licenses will commence at the end of this year."

But this expectation has not been realized despite the recommendation of the Division of Motor Vehicles and the Executive Department. The Joint Appropriations Committee of the 1956 Legislature, over the strong opposition of its minority members, eliminated moneys required for such general issue and decreed that there should be no further general issue of license plates and that the 2 then current types of passenger license plates with 1956 inserts be continued until such time as individual plates are so defaced as to require replacement.

The majority of the Committee insisted that a larger new size type of plate be prepared by the Motor Vehicle Division in the same color as the old plate and that they be issued only in replacement for defaced old plates and to those purchasers of automobiles who did not have an existing set of plates. Thus the majority of the Committee, by means of a reduction, continued 2 old types of license plates, created a third, and prescribed a cumbersome and costly method of replacing the 2 old types with the new. The effect of this shortsighted action, taken against the advice of career officials of the Division of Motor Vehicles of long experience, is sadly known.

Hundreds of thousands of worn and damaged plates continue to be used on the cars of New Jersey motorists. Some of the ridiculous combinations of letters and numbers on the old types of plates must be continued indefinitely—

combinations such as VZ 1S3—making identification for police purposes difficult. Law enforcement authorities have been understandably confused and our motorists have been stopped, detained and even arrested in other states whose officials cannot quite comprehend why a New Jersey motorist must bear a 1956 plate in 1957.

Thousands of new third type of license plate have been issued in this State in accordance with the plan devised by the legislative majority. Approval of this bill would create a fourth type of license plate for passenger cars registered in New Jersey, a course which is obviously contrary to the best interest of the public. Such action could only cause more confusion to law enforcement officers and subject our motorists to greater harassment and inconvenience.

The motorists of New Jersey are entitled to a solution to this problem. The only solution is a new general issue of license plates to replace the current 3 types. Under Chapter 221 of the Public Laws of 1954, this general issue would bear the words "Garden State". This to me is the proper way to accomplish the objective of those who sponsored this bill.

For the foregoing reasons, I am returning Assembly Bill No. 337 herewith, without my approval.

Respectfully submitted,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 16, 1957.

ASSEMBLY BILL No. 434

*To the General Assembly:*

I am returning herewith Assembly Bill No. 434, without my approval, for the following reasons:

This bill would authorize the Borough of Totowa to pay to a named retired chief of police an amount which, when added to his pension from the Consolidated Police and Firemen's Pension Fund Commission, would give him a

total pension of $2,500.00 per annum, provided the additional amount does not exceed $1,000.00 annually. The Borough may provide for this additional payment by resolution.

The individual named in this bill was retired on January 1, 1949, at the age of 66. He received a full pension in the amount of one-half of his salary, or $1,483.00. There is nothing unusual in this case and there are no factors involved which would distinguish the situation of the named individual from that of any of the other retirants from the Consolidated Police and Firemen's Pension Fund.

I recognize that the pension which this individual receives is low based upon present standards. The small size of the pension, however, is attributable to the size of the salary being paid by the Borough to its chief of police immediately prior to his retirement.

I have recognized the hardships endured by the many retired public employees who, after many years of public service, are now obliged to subsist on inadequate pensions. Last year I appointed a special committee to study this problem. This committee submitted a preliminary report outlining proposed plans for increasing inadequate pensions. Copies of that report were furnished to all members of the Legislature. I discussed the report on several occasions with the members of the legislative conference but no satisfactory understanding concerning the proposals referred to in the report has been reached. A draft of a bill embodying the minimum recommendations of this report will doubtless be considered by the Legislature.

If the legislation proposed by the committee which studied the overall problem of inadequate pensions is adopted, its benefits would be available to the individual named by Assembly Bill No. 434. I cannot approve of special legislation to take care of one particular individual whose case is indistinguishable from that of other members of the Consolidated Police and Firemen's Pension Fund who have retired.

For these reasons, I am returning herewith, without my approval, Assembly Bill No. 434.

Respectfully,

[SEAL] ROBERT B. MEYNER,
*Governor.*

Attest:

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1957.

ASSEMBLY BILL No. 458

*To the General Assembly:*

I am returning Assembly Bill No. 458 herewith, without my approval, for the following reasons:

This bill would permit the Judge of the County Court presiding over the county district court in any county having between 95,000 and 130,000 inhabitants to, from time to time, appoint not more than 2 assistant sergeants-at-arms who would have the powers and duties of a constable and would receive their entire compensation from fees allowed by the court for service of process.

Under the existing law, applicable to all county district courts, the judge of the court, and in courts having branch parts the presiding judge, may appoint one or more sergeants-at-arms who, among other things, are vested with all the rights, privileges, powers and duties of a constable. Such appointments are required to be made in accordance with the provisions of the civil service law. (N. J. S. 2A:6–25).

This bill would, in fact, apply only to the district court of Somerset County, the only county having between 95,000 and 130,000 inhabitants. No reasonable or logical reason is advanced for treatment of the county district courts of this one county differently than the county district courts of the other 20 counties of the State. Nor is there any reason why the law should permit "assistant" sergeants-at-arms to be appointed in Somerset County without compliance with the provisions of the civil service law while requiring such compliance in the remainder of the State.

If additional help is needed to serve summons and execute writs out of the Somerset County District Court, there is ample provision in the present law by which such assistance can be had. See, for example, N. J. S. 2A:6–25 which would, however, require the appointment to be made pursuant to the provisions of the civil service law; and see R. S. 40:41–35 which permits the appointment of constables who would be authorized to service process and execute writs receiving as compensation the fees provided by statute.

In view of this basic objection to the bill there is no need to discuss technical questions arising from ambiguous language in the bill.

Accordingly, I am returning herewith Assembly Bill No. 458 without my approval.

Respectfully submitted,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 16, 1957.

ASSEMBLY BILL No. 486

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 486 for the following reasons:

Assembly Bill No. 486 would supplement Chapter 56 of Title 40 of the Revised Statutes which authorizes a municipality to undertake certain works as a local improvement, i.e. "one, the cost of which, or a portion thereof, may be assessed upon the lands in the vicinity thereof benefited thereby" (R. S. 40:56–1).

The bill provides that whenever a trunk or lateral sanitary sewer or distribution or lateral water main is constructed by a municipality as a local improvement, and shall extend, wholly or in part, "along or through farm land or other open country, not in use for residential, commercial or industrial purposes," the governing body of the municipality, in its discretion, may provide in the ordinance authorizing the improvement that the special benefits therefrom to any part of said lands along or through which the sewer or water mains extend shall not be assessed until such part of said lands is connected with the sewer or water main or is subdivided for the purpose of development. When such event happens the assessment for benefits is to be proceeded with in accordance with the existing statutory law

but no assessment is to be imposed after 20 years from completion of such sewer or water main. Finally, the bill provides that when any benefit from such sewer or water main shall be extended to other lands by the construction of a lateral sewer or water main, the lands to which such benefit shall be so extended shall be assessed for such benefits.

Whether or not construction work which may be undertaken as a local improvement is to be done as a local improvement or alternatively is to be paid for out of funds raised by general taxation is a decision which our law leaves to the governing body of the municipality (R. S. 40:56–1). So, too, where the work is to be done as a local improvement, the law leaves to the governing body the decision as to what portion of the cost thereof is to be assessed upon the lands in the vicinity thereof benefited thereby.

But once that determination is made, both the statute law and considerations of fairness and equality of treatment require that all lands benefited by the improvement shall bear their respective proportionate parts of the cost thereof after deducting the portion thereof being contributed by the municipality. (*Hills v. Rahway*, 29 N. J. Super. 16, 23 App. Div. 1953).

So, R. S. 40:56–26 requires that the board or commission making the assessment for benefits shall make "a just and equitable assessment of the benefits conferred upon *any* real estate by reason of such improvement having due regard to the rights and interests of all persons concerned, as well as to the value of real estate benefited."; and R. S. 40:56–27 provides:

> "All assessments levied under this chapter for any local improvement shall in each case be as nearly as may be in proportion to and not in excess of the peculiar benefit, advantage or increase in value which the respective lots and parcels of real estate shall be deemed to receive by reason of such improvement."

Each parcel of real estate whose value is enhanced by construction of an improvement such as a sewer or water main is required to and should bear and pay its proportionate share, no more and no less, of the total benefits to be assessed against the properties affected. There is no justification for permitting the governing body of a municipality to exempt or postpone assessment against property so benefited and enhanced in value merely because it is part of

"farm land or other open country not in use for residential, commercial or industrial purposes", thus discriminating against the other benefited properties as well as the taxpayers of the municipality.

As was said by the Appellate Division in *In re Public Service Electric and Gas Co.*, 18 N. J. Super. 357 (1952) at p. 363:

> "* * * The whole theory of local taxation or assessments is that the improvements for which they are levied afford a remuneration in the way of benefits. Whether the property has been specially benefited by an improvement is generally regarded a question of fact, depending on the circumstances in each case, for the determination of the proper tribunal. The broad question is whether the general value of the property has been enhanced, not whether its present owner receives advantage."
>
> * * *
>
> "The fact that the company has no present actual need of the new sewer, because of the present sewer connection of its property, does not denote that its property has not received a present benefit from the new sewer. *Beazley v. Twp. of Moorestown*, 3 N. J. Super. 535 (Law Div. 1949). The test is whether the improvement has enhanced the market value of the company's property, the proceeding being against the property and the benefits or the increased value of the property by the improvement. (citing cases).
>
> "The fundamental rule is to regulate the assessment in accordance with any use to which the property can legitimately be put. *Wilson v. Ocean City*, 11 N. J. Misc. 325 (Sup. Ct. 1933), affirmed 112 N. J. L. 97 (E. & A. 1934). Where the property may be converted to any new use, it is difficult to consider upon what principle an exception can be made as to the rule regarding only the market value."

If "farm land or other open country" receives a "peculiar benefit, advantage or increase in value" by reason of an improvement, it should be assessed therefor in the same manner, at the same time and in the same proportion as the other properties specially benefited. Payment of those assessments should be required at the same time or

times as are assessments on other property. To adopt the contrary policy of this bill would be to permit discriminatory assessments in violation of the basic policy requiring equality of treatment.

So much of the bill as relates to the assessments to be made for benefits from the extension of the sewer or water main to other lands by the construction of a lateral sewer or water main deals with a matter distinct from the main purpose of the bill. Existing law, R. S. 40:56–52, permits municipalities to make assessments in specified situations where the benefits of a sewer system are so extended. If need exists for grant of such power in the case of water mains, legislative provision can be made therefor.

Finally, it should be noted that the language of the bill is confusing and ambiguous. So, for example, reference is made to "farm land or other open country" without any attempt to define those terms. Nor does the bill indicate how much of a particular parcel of such property must be used for residential, commercial or industrial purposes before the entire parcel is eliminated from the scope of the act. However, in view of the basic policy objections, there is no need to elaborate on these and other ambiguities in the bill.

I am, therefore, returning Assembly Bill No. 486 herewith, without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 14, 1958.

ASSEMBLY BILL NO. 496

*To the General Assembly:*

I am returning herewith Assembly Bill No. 496, without my approval, for the following reasons:

This bill would authorize the board of chosen freeholders of any county or the governing body of any municipality

to provide for the restoration, maintenance and preservation of any "historic cemetery" in the county or municipality and for that purpose to appropriate not more than $100.00 for each cemetery. The aggregate amount which could be spent annually by any one municipality would be $1,000.00 and by any one county $5,000.00.

The bill also provides that any 5 real property owners or any historic association may petition the governing body of the municipality or county to hold a public hearing on the question of whether such action should be taken by the municipality or county with respect to a particular cemetery. If such petition is filed, a public hearing must be held and the governing body must then determine whether to take the action proposed.

The bill defines a "historic cemetery" as a place not owned by the State or by any county, municipality or religious association

> "in which the bodies of veterans of the Colonial Wars, the War of Independence, the War of 1812, the Mexican War or the Civil War, or of other prominent citizens or residents of the State or of the Colony of East Jersey or West Jersey, have been interred; and in which not more than 10% of the interments have been made later than 1880, and no interment has been made later than 1920; and for which there are no funds available for regular physical maintenance or preservation."

I appreciate the fine public spirited motives of the proponents of this legislation. Unfortunately, the authority that this bill proposes to give to the governing bodies of municipalities and counties would appear to be in conflict with the provisions of paragraphs 2 and 3 of Section III of Article VIII of our Constitution.

Article VIII, Section III, paragraph 2 of our Constitution provides:

> "No county, city, borough, town, township or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become security for, or be directly or indirectly the owner of, any stock or bonds of any association or corporation."

Article VIII, Section III, paragraph 3 provides:

> "No donation of land or appropriation of money shall be made by the State or any county or municipal corporation to or for the use of any society, association or corporation whatever."

The cemeteries to which the municipality or county would be authorized to appropriate funds are owned by private and not public interests. In fact, the bill expressly excludes from the definition of "historic cemetery" a cemetery owned by the State or by any county or municipality.

Since the bill would authorize a donation of public funds contrary to the Constitution, I have no alternative but to return it without my approval.

Accordingly, I am returning Assembly Bill No. 496 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1957.

ASSEMBLY BILL No. 531

*To the General Assembly:*

I am returning herewith, without my approval, Assembly Bill No. 531 for the following reasons:

This bill would amend Section 5 of the General Non-Contributory Pension Act (P. L. 1955, c. 263). It would permit an employee who has attained the age of 70 and who has been employed by the employer for at least 30 years, to obtain a pension of 50% of his final salary without deduction for or regard to the Social Security Old Age Insurance benefit for which the employee is or could be eligible.

The General Non-Contributory Pension Act was adopted pursuant to recommendations contained in the First Report of the Commission to Study Non-Contributory Pensions established under P. L. 1954, J. R. 7. On page 6 of the report it was noted:

> "The Commission feels that the public employer should be assisted by the Social Security program in meeting the financial obligations of the proposed uniform non-contributory pension act. *Since the new program extends to public employees vastly improved protection for dependents and beneficiaries, it is recommended that the Social Security benefit payable to employee directly at age 65 should be deducted from the amount of pension payable by the employer.* Thus taxpayer liabilities would be decreased and the public employee would have a well-rounded benefit program which would represent a vast improvement over the pre-Social Security period."

In making specific recommendation on page 7 with respect to a General Non-Contributory Pension Act, the fourth specific item was:

> "4. That the pension payable be reduced by the amount of the Social Security Old-Age Insurance benefit to which the employee could be eligible. This would not affect Social Security payments to dependents or beneficiaries."

After Assembly Bill No. 511, 1955, which became P. L. 1955, c. 263, passed the Legislature, it was returned by the Governor on August 8, 1955, with recommendations for amendment. Among the amendments recommended and adopted was one to clarify certain language so that there would be no doubt but that Social Security benefits would be deducted from the amount of the pension granted by the local public employer.

Assembly Bill No. 531 would change the policy recommended by the special commission on non-contributory pensions and adopted by P. L. 1955, c. 263. The bill would establish a precedent contrary to the established policy now in effect not only with respect to the Non-Contributory Pension Act but also in the other pension systems recently revised or established.

The bill would eliminate the Social Security deduction only for a limited group of public employees, namely, those

over 70 years of age who have been employed at least 30 years. There is no valid reason for establishing such a special category within the terms of the existing law. Moreover, past legislative experience makes it apparent that a process of erosion would commence to reduce the requirements of 70 years of age and 30 years of service.

The policy of recent years has been to eliminate special pension bills for particular individuals or limited groups. I cannot subscribe to a reversal of that salutary trend.

For these reasons, I am returning Assembly Bill No. 531 herewith, without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 19, 1957.

SENATE BILL No. 25

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 25 for the following reasons:

Senate Bill No. 25, except for its effective date, is identical with Senate Bill No. 185 of the 1956 Session.

In my message returning Senate Bill No. 185 to the 1956 Legislature, I said:

> "Senate Bill No. 185 deals with police training schools. To properly evaluate it requires a consideration of the events leading up to its introduction as well as the provisions of Senate Bill No. 178 for which Senate Bill No. 185 is, in effect, offered as a substitute.
>
> "In my Second Annual Message to the Legislature delivered on January 10, 1956, I urged the adoption in this State of a police training program and stated, in part:

'It seems to me unsound to give a man a badge, a club and a gun and send him out for police duty unless he is properly screened and trained.

'With increasing population in New Jersey, the burden on local law enforcement officers continues to mount. Modern conditions of travel and improvement in methods of criminal detection make the task of local officers far more complicated than it used to be. Today a criminal can traverse the State from north to south within three hours and from east to west in one hour.

'The job of police officer has lost its traditional concept of being local in nature. I recommend that we inaugurate a police training program, similar in nature to that already employed by the State Police and various local training programs, to apply to all municipalities. Such a program would require a potential police officer to receive a thorough course with academic subjects, clinical experience and physical training.***

'What I am proposing is that a movement which has already gained headway and public acceptance be broadened so that all police officers be properly trained before they assume their duties or after they have been appointed for a probationary period and before their appointment becomes permanent.***

'The legislation I request would not be designed to infringe upon local control but is advocated solely to aid the municipality in improving its service to our citizens.'

"In implementation of my recommendation, there was delivered to the legislative leaders at the legislative conference of March 19, 1956 a draft of a proposed bill which had been prepared by the Attorney General with the assistance of a committee representing civic, police and governmental organizations interested in achieving a uniform system of mandatory police training throughout the State. That bill, which was introduced by Senator Ridolfi as Senate Bill No. 178, represented more than a year of solid effort by a dedicated group of persons vitally interested in better law enforcement. The plan provided for therein received widespread approval not only within this State but also from qualified experts outside the State.

"Senate Bill No. 178 provides for the creation of a Police Training Commission composed of the Attorney General, the Superintendent of State Police, the Commissioner of Education, the Special Agent in Charge of the State of New Jersey for the Federal Bureau of Investigation, a representative of the New Jersey State Association of Chiefs of Police, a representative of the New Jersey State Patrolmen's Benevolent Association, a represenative of the New Jersey State Lodge, Fraternal Order of Police, a representative of the New Jersey State Superior Officers' Association, a representative of the New Jersey State League of Municipalities and 3 citizens of the State appointed by the Governor with the advice and consent of the Senate. It authorizes the Police Training Commission to administer and supervise a program of police training by providing uniform and approved standards for police training schools and their curriculum. Before a man could be given permanent appointment as a policeman, he would first have to be appointed as a probationer for a period not exceeding 6 months, during which he would be required to undergo a course of training in an approved police training school. The basic purpose of that bill is to insure that before a police officer is permanently appointed, he has received a course of training in a training school which meets standards to be uniformly applied throughout the State. Senate Bill No. 178 does not violate the principle of home rule; control of local police forces is left in the local governing body.

"The Legislature has taken no action on Senate Bill No. 178. Instead it has passed Senate Bill No. 185 which was obviously introduced as an alternate proposal to Senate Bill No. 178.

"Senate Bill No. 185 would require each county board of chosen freeholders, on or before January 31st of each year, beginning January 31, 1957, to compile a list of police training schools which are available for police training for probationary members of the police departments of the county. The bill provides that the board of chosen freeholders shall approve of such schools according to the convenience of their location and upon the board being satisfied that each such police training school furnishes courses in police training

upon a regular schedule of terms and hours in the subjects of the law and techniques of law enforcement by policemen. It also provides that after January 21, 1957 (sic) no policeman should be appointed as a permanent member of a county or municipal police force unless he shall have completed a police training course at a police training school approved by the board of chosen freeholders of the county.

"Senate Bill No. 185, although paying lip service to the necessity for adequate training of policemen before permanent appointment, would destroy any effective implementation of that purpose. The statement annexed to the bill reads, in part, that 'it holds to the principle of home rule by retaining in the county the right of approval for training schools'. The alleged preservation of the principle of 'home rule' is but a smoke screen. Senate Bill No. 185 would, in effect, provide 21 different standards for police training in this State, standards adopted by 21 separate boards of chosen freeholders made up of laymen having little or no knowledge of law enforcement techniques and the requirements of proper police training. Approval of particular training schools would become the subject of political maneuvering within the respective boards of chosen freeholders.

"Effective law enforcement requires that standards for police training schools be established by persons expert in the field and that such standards be uniform throughout the State. There is no logical reason for providing different standards for the several counties. There is no correlation between law enforcement techniques and police training and the geographical borders of the counties; proper techniques and training do not vary from county to county.

"Adoption of Senate Bill No. 185 would be a serious setback to the realization of an effective police training program."

What I said with reference to Senate Bill No. 185 of the 1956 Session is equally applicable to Senate Bill No. 25 of the 1957 Session which is identical except for the substitution of the date "January 31, 1958" for the date "January 31, 1957". Similarly the bill which was Senate Bill No. 178 of the 1956 Session, with some minor changes, is before the

1957 Session as Senate Bill No. 178 and bears bi-partisan sponsorship.

For the foregoing reasons, I am returning Senate Bill No. 25 herewith, without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 20, 1957.

SENATE BILL No. 33

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 33 for the following reasons:

Senate Bill No. 33 would exempt from the operation of section 68 of the Teachers' Pension and Annuity Fund—Social Security Integration Act, certain members of the Teachers' Pension and Annuity Fund who obtained full Social Security coverage in public employment. It would thus permit those members to receive full retirement allowances under the act without deducting from the allowances the amount of benefits received by them under the Federal Social Security Act. Specifically, the bill would apply to men born after January 1, 1892 and before January 2, 1894 and women born after January 1, 1892 and before January 2, 1897 provided such individuals retired on or before July 1, 1957. A companion bill, Senate Bill No. 34, would effect the same results with respect to the Public Employees' Retirement System.

The Public Employees' Retirement System Act and the Teachers' Pension and Annuity Fund—Social Security Integration Act were adopted in 1954 and 1955, respectively, as part of a program by the State to liberalize and give more comprehensive pension, disability and death benefit protection to public employees. The benefits available to

public employees under the new systems are substantially greater than the benefits available prior to the integration, and in addition, Social Security coverage has been extended, for the first time, to public employees in this State. The liberalization of the systems was made financially feasible only through integration of the State systems with Social Security. Part of the increased cost to the State is covered by the Social Security offset which reduces the pension paid by the State but not the annuity portion of the retirement allowance. So, too, by reason of such integration, it was possible to extend liberal death and disability benefits without any increased cost being imposed upon the members of the systems.

Pension payments under the new systems are reduced to the extent of Social Security benefits only in those cases where the members obtain permanent Social Security coverage through public employment. The offset provision was so limited in order to protect the rights of those members who obtain Social Security eligibility through private employment and retire before they become eligible for such benefits through public employment alone. This group was very limited in size and was given this special consideration to preserve their pre-existing rights to Social Security benefits arising under private employment. It should be noted that there is no offset under either of the systems for Social Security benefits paid to a spouse of a member.

Federal legislation, approved in August of 1956, amended the Social Security Act. Under the Federal amendments, benefits are increased and liberalized. Disability benefits are payable at 50 years of age instead of at 65; widows and wives may receive benefits at 62 instead of 65. In addition, working women may receive Federal benefits at 62 instead of 65, and both men and women may qualify for payments with less months of coverage than before. Although the new Federal act provides for an increase in employee taxes, the New Jersey pension acts require that the State and other public employers shall bear this increased cost; no part is charged to the retirement system members. The 1956 amendments to the Social Security Act will require the State to increase its appropriations for Social Security purposes by $1,200,000.00 a year. Similar increased costs will be imposed upon other public employers. Supplemental appropriations for part of the current fiscal year will have to be made.

One provision of the recent amendments to the Social Security Act reduces the number of "quarters" (three-month periods) of coverage required for any person to become eligible for Social Security benefits. Thus, teachers and other public employees now fulfill the eligibility requirements earlier than under the previous Federal law. As a result, some 4,200 public employees in the age groups referred to in Senate Bills Nos. 33 and 34 now have permanent Social Security coverage in public employment and cannot avoid having their pension payments reduced at age 65 by the amount of their Social Security benefits.

Two groups of members have been affected by the acceleration in Social Security eligibility. The first were those who had retired prior to the Federal amendments without being subjected to the offset of Social Security. The members in this group had relied upon the law existing at the time of their retirement and had irrevocably committed themselves to retirement. The new Federal act required an unanticipated reduction in these retirement allowances. Through the enactment of P. L. 1956, chapters 218 and 219, those retired members of the two systems who were affected were insured the pensions they were to receive at the time they retired. The second group are those referred to in Senate Bill No. 33. This group includes those members who found themselves with complete Social Security eligibility upon the adoption of the Federal amendments as well as those who became eligible during the present school year.

The September 1956 issue of the official publication of the New Jersey Education Association recognized this problem and pointed out:

> "There will be some disappointed women teachers in the 60-65 age group who can no longer look forward to timing their retirement so as to get both social security and their full State retirement allowances. We sympathize with them sincerely—it is never a happy experience to get less than you expected. However, teachers in this group should recognize (a) that the possibility of 'double benefits' always was a special advantage available to only a limited group of teachers rather than the mass; and (b) that it was not a major consideration in the decision to accept or reject the new plan. Without it, the new plan is far better than the old for virtually every New Jersey teacher; it is especially advantageous to the very group which had looked forward to the double benefits."

The actuary of the system has made an analysis of the effect of this proposal as it affects the 2,400 members of the Teachers' Pension and Annuity Fund in the group, based upon a conservative assumption that only one-half of those members would elect to take the benefits of the bill. The actuary has estimated the cost, based upon normal life expectancy of this group, at a present value of $10,100,000.00. This means that the State would need to have an additional 10 million dollars on hand today, invested at 3% interest, in order to pay this obligation.

If the State elected to pay the cost over a 15-year period it would require an additional annual appropriation of $908,000.00, or, if funded over a 20-year period, an additional annual cost of $743,000.00.

Assuming that 409 of the 818 State employees affected would take advantage of the companion measure, Senate Bill No. 34, the cost to the State of that bill is calculated to have a present value of $2,700,000.00. If the State amortized this obligation over a 15-year period, the cost would be $243,000.00 annually or if over a 20-year period $199,000.00 annually.

Since the bills do not provide any funds and the combined present value of $12,800,000.00 is not available, the State would be obliged to amortize on either a 15 or 20-year basis. Thus, the total cost of the 2 bills to the State would amount to $1,151,000.00 annually for 15 years, or $942,000.00 annually on a 20-year basis. The total payments by the State over such period would thus amount to either $17,250,000.00 or $18,860,000.00.

In the case of Senate Bill No. 34, there is an additional cost to other public employers whose employees are members of the Public Employees' Retirement System.

As has been noted, the revision of the Teachers' Pension and Annuity Fund accomplished in 1955 by the Teachers' Pension and Annuity Fund—Social Security Integration Act was designed to increase substantially the retirement benefits of all members of the Fund.

The increased retirement benefits alone are best illustrated from the following list of cases selected at random from the files of the Teachers' Pension and Annuity Fund:

| Final Salary | Years of Service | Retirement Allowance Old Law | Total Retirement Income New Law Class A | Total Retirement Income New Law Class B | "B" Cost | Maximum Total Retirement Income Under S-33 * |
|---|---|---|---|---|---|---|
| $7,140 | 41 | $3,500 | $4,287 | $5,001 | $1,687 | $6,301 |
| 8,400 | 32 | 3,215 | 3,967 | 4,628 | 1,622 | 5,928 |
| 5,200 | 33 | 2,037 | 2,428 | 2,501 | 854 | 3,801 |
| 7,100 | 34 | 2,785 | 3,131 | 3,653 | 1,989 | 4,953 |
| 5,200 | 29 | 1,555 | 1,938 | 2,253 | 835 | 3,553 |
| 4,450 | 42 | 1,744 | 2,257 | 2,633 | 1,350 | 3,733 |
| 6,600 | 35 | 2,060 | 2,408 | 3,219 | 1,389 | 4,519 |
| 7,300 | 37 | 3,254 | 3,518 | 4,105 | 2,595 | 5,405 |
| 5,040 | 35 | 1,912 | 2,274 | 2,652 | 1,413 | 3,952 |
| 5,100 | 30 | 1,494 | 1,989 | 2,321 | 1,020 | 3,621 |
| **4,050 | 18 | 730 | 1,456 | 1,532 | 498 | 2,065 |
| **4,050 | 11½ | 494 | 1,220 | 1,268 | 373 | 1,606 |
| 6,659 | 35½ | 2,925 | 3,004 | 3,505 | 1,774 | 4,805 |
| 5,700 | 36 | 2,283 | 2,419 | 2,822 | 1,342 | 4,122 |
| 6,700 | 43 | 2,976 | 3,687 | 4,300 | 1,572 | 5,600 |
| 7,300 | 37½ | 2,998 | 3,593 | 4,191 | 2,099 | 5,491 |
| **3,125 | 11 | 410 | 1,025 | 1,060 | 361 | 1,321 |
| 6,300 | 41 | 2,502 | 3,209 | 3,743 | 1,329 | 5,043 |
| 4,750 | 28 | 1,279 | 1,630 | 1,902 | 768 | 3,102 |
| **3,000 | 11 | 395 | 1,005 | 1,039 | 347 | 1,278 |
| 6,350 | 46 | 3,180 | 3,795 | 4,426 | 1,624 | 5,726 |

* Social Security payments to dependents are in addition to any payments made to the retired employee.

** The beneficial effect of the revision and Social Security integration of the present law is particularly apparent in the case of low salaried or short term employees.

Further, it should be noted that retirement income is given preferential treatment under Federal income tax laws in that all of the Social Security payments and a portion of the State pension and annuity payments are completely exempt.

Again, members of the Teachers' Pension and Annuity Fund have received other important benefits under the new law, including the following:

(1) Non-contributory life insurance protection equal to 1½ times salary while in service;

(2) Early retirement benefits after 25 years of service;

(3) A vested pension right after 20 years of service;

(4) Service-connected disability pension benefits of ⅔ annual salary;

(5) Special service-connected death benefits.

The laws establishing the Public Employees' Retirement System and the Teachers' Pension and Annuity Fund, in order to stabilize employee contribution rates, provide that the State and other public employers shall pay both the employer's and the employee's share of any increases in the Federal Social Security tax through 1959. On the other hand, the employer receives the value of any increase in the offset of the State retirement allowance at age 65 through any increases in the amount of Social Security benefits in the same period of time. This offset only applies to the pension part of the retirement allowance; it does not affect the annuity payment, nor does it apply until the retired employee attains the age of 65. Thus, any woman who is a member of the Fund may retire at age 62 and receive full pension and annuity payments without any offset until she attains the age of 65.

Senate Bills Nos. 33 and 34 would impose large additional costs upon the State. Yet the Legislature, in passing these bills, failed to make any provision to raise or provide the funds necessary to amortize this very large obligation.

During the next fiscal year, total costs to the State for all pensions will amount to over $40,000,000.00. These are mandatory expenditures under the present statutes and cannot be overlooked in analyzing the cost implications of any one pension bill on the State financial structure.

Based upon present revenue sources and revenue estimates, I do not feel that I can approve this measure, particularly since no action has been taken to first provide for the large number of unfortunate public pensioners who struggle for subsistence upon meager pensions.

I have presented to the Legislature a report of a special committee established for the purpose of studying the problem of the adequacy of retirement allowances now paid to public employee pensioners. My comments in the statement of my reasons for refusing to sign Senate Bill No. 61 (1956) are still pertinent:

> "The complexity of the problem existing in the case of pensions payable to retired State, county and municipal employees which, by reason of the rise in the cost of living since the retirement of those employees and the need for the adoption of a comprehensive program

to meet that problem has long been apparent. I have so advised the Legislature on many occasions. Despite this notice, the Legislature has not come to grips realistically with the problem. Instead of adopting some comprehensive program, it has passed bills to benefit certain limited groups. These I was obliged to disapprove because of the piecemeal approach and the costs they involved."

In analyzing the effects of Senate Bills Nos. 33 and 34, I cannot overlook the administrative aspects. These 2 bills actually affect approximately 4,200 members of the 2 retirement systems. Each must make a careful decision with regard to retirement, including the selection of various options which extend different types of benefits to beneficiaries upon death. Such a decision must be based upon figures presented by the Division of Pensions to the individual concerned. The job of making available even rough approximations for this great number of people could not be accomplished in the time allotted by this legislation. The bills would, therefore, require certain members to make a decision of major importance on the basis of little or no information. Yet to extend the date of decision would compound the problem by requiring the inclusion of additional groups and increase the cost because of the larger number who would elect to avoid the offset.

Those whom Senate Bill No. 33 would benefit have already benefited substantially from the 1955 revision of the Teachers' Pension and Annuity Fund. Moreover, many of them will find themselves in a better financial position if they continue public employment to their normal retirement dates, because of salary increments and corresponding increases in retirement benefits.

For these reasons, I am constrained to return Senate Bill No. 33 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
*Governor.*

Attest:

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 20, 1957.

SENATE BILL No. 34

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 34 for the following reason:

Senate Bill No. 34 would exempt from the operation of section 59 of the Public Employees' Retirement Social Security Integration Act, certain members of the Public Employees' Retirement System who obtained full Social Security coverage in public employment. It would thus permit those members to receive full retirement allowances under the act without deducting from the allowances the amount of benefits received by them under the Federal Social Security Act. Specifically, the bill would apply to men born after January 1, 1892 and before January 2, 1894 and women born after January 1, 1892 and before January 2, 1897 provided such individuals retired on or before July 1, 1957.

This is a companion measure to Senate Bill No. 33 which would accomplish the same result with respect to the Teachers' Pension and Annuity Fund.

For the reasons set forth in my message concerning Senate Bill No. 33, I am returning Senate Bill No. 34, herewith, without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
*Governor.*

Attest:

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 20, 1957.

SENATE BILL No. 49

*To the Senate:*

I am returning herewith Senate Bill No. 49, without my approval, for the following reasons:

Senate Bill No. 49 would amend chapter 449, P. L. 1953, which established the New Jersey Commission on Narcotic Control, to increase its membership from 5 to 11 members. Of the 6 additional members, 3 would be members of the Senate, appointed by the President thereof, and 3 would be members of the General Assembly, appointed by the Speaker thereof. The legislative members of the Commission would serve so long as they are members of the House of the Legislature from which they are appointed.

The original act establishing this Commission was approved on January 11, 1954 by then Governor Driscoll, who on January 18, 1954 appointed the 5 original members of this Commission. Since that date, the Commission has operated as a 5-member body and has performed its duties conscientiously.

In the more than 3 years that the Commission has functioned, it has made numerous findings relating to narcotic control and has recommended various legislative changes, including a suggested change in the status of the Commission itself. At no time, however, has the Commission indicated that it felt the need of increased membership.

Senate Bill No. 49 is not accompanied by a statement nor have I received any indication why there is a need, at this time, for a more than 100% increase in the membership of this body. The fact that the 6 new members are to be appointed by the President of the Senate and the Speaker of the General Assembly and will outnumber those to be appointed by the Governor, indicates that the sole impetus for this legislation is political.

In filling the 4 vacancies that have occurred in this Commission during my administration, I have endeavored to select qualified individuals without regard to political considerations. My appointments have included an outstanding penologist and a leading authority in the field of public

health as well as the re-appointment of one of the members originally appointed by my predecessor and the replacement of one member, after his resignation, by his wife who had worked with him on many of the Commission's problems.

Matters as important to the welfare of all of the citizens of our State as the control and the elimination of traffic in narcotics should not be subordinated to and embroiled in the mesh of partisan politics.

For these reasons, I am constrained to return Senate Bill No. 49 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
*Governor.*

Attest:

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1957.

SENATE BILL No. 146

*To the Senate:*

I am returning Senate Bill No. 146 herewith, without my approval, for the following reasons:

This bill is a special or private bill directing the Consolidated Police and Firemen's Pension Fund Commission "established pursuant to chapter 359—(*sic*—should read 358) of the laws of 1952, . . . to pay and to continue to pay to Sol Joseph Needles, Jr., of the city and county of Cape May, a pension of $1,500.00 per annum, together with all arrearages thereof from the time of the last payment of the same to him notwithstanding that he continues to hold the office of member of the board of commissioners of the city of Cape May."

The Consolidated Police and Firemen's Pension Fund Commission administers the Consolidated Police and Firemen's Pension Fund created by Chapter 358 of the Laws of

1952. The 1952 act consolidated some 203 local police and firemen pension systems into one system and provided for substantial State contributions to the system in order to make it solvent.

Under the law governing this pension system, an "active member", i.e., a member "who is a policeman, fireman, detective, lineman, driver of police van, fire alarm operator or inspector of combustibles and who is subject to call for active service or duty as such" (R. S. 43:16–17(2), may be retired on a retirement pension equal to one-half of his average salary if he has served honorably in the police or fire department for a period of 25 years and has reached the age of 51 years (R. S. 43:16–1). An "employee member", i.e., a member "who is *not* subject to call for active service or duty as a policeman, fireman, detective, lineman, driver of police van, fire alarm operator or inspector of combustibles" cannot retire on such pension until he has reached the age of 60 and has served for a period of 25 years (R. S. 43:16–1).

On July 29, 1953 Mr. Needles filed with the Pension Commission an application for a service retirement pension reading in part as follows:

> "I, Sol Joseph Needles, a fireman employed by the City of Cape May, having served the required number of years and having attained the required age as defined in the Revised Statutes 43:16–1, hereby request the Consolidated Police and Firemen's Pension Fund Commission to consider this application for a service retirement pension."

The application also bore the certification of Samuel Eldridge, as Mayor and Chief Fiscal Officer of the City of Cape May, certifying that Mr. Needles had executed the application and that "to the best of my knowledge and belief the applicant has been in the continuous employ of this municipality as a Fireman since October 16, 1927, and has been subject to the required pension deductions since that time."

Attached to the application was another certification by Mayor Eldridge reading in part:

> "This will certify that the records of my office or the records of this municipality available to me, indicate the following salary information relative to the employment of Sol Joseph Needles as a Fireman of City of Cape May.

"The annual rate of salary effective on July 30, 1950 was $2,000.00. (This rate does not include bonus, clothing allowance, maintenance or other than basic salary upon which pension deductions have been based).

"List all salary changes of this employee since June 30, 1950, and the dates of each change.

"11/1/50 — July 24, 1950 salary increment from $2,000.00 per yr. to $3,000.00 per yr. No change since that date."

The facts set forth in the application and in the certification showed Mr. Needles to be an active member who had served some 26 years, who had attained the age of 51 years, and who, as such, was entitled to retire under R. S. 43:16–1. The Pension Commission granted him a pension of $1,500.00 per year effective, in accordance with his request, on November 1, 1953.

Sometime in 1956 the Pension Commission received information indicating that what had been set forth in the application and in the certifications did not conform to the facts. Investigation revealed that Mr. Needles ceased being an active member of the fire department on May 17, 1949 when, after being elected as such, he assumed office as a Commissioner of the City of Cape May and was designated as Director of the Department of Public Affairs and Public Safety. It appears that the Cape May Pension Commission had adopted a resolution on May 16, 1949 granting Mr. Needles

" . . . a leave of absence as a member of the Police and Fire Department of the City of Cape May for a period of four (4) years beginning May 17, 1949 and ending May 17, 1953; provided, however, that the said Sol Needles, Jr. shall continue to make regular contributions to the Police and Firemen's Pension Fund of the City of Cape May during said leave of absence."

Whether the governing body of the City of Cape May granted Mr. Needles a similar leave of absence does not appear but it is clear that Mr. Needles has not been an "active member" of the fire department since May 17, 1949. In fact the second recital in this bill itself concedes that he ceased to be an active member of the fire department on that date.

At the request of the Pension Commission, the Attorney General furnished an opinion, dated December 28, 1956, on the question of whether Mr. Needles was entitled to the pension he was receiving. In the opinion, the Attorney General ruled that Mr. Needles was not entitled to the pension; that the Commission's action in retiring him on pension should be rescinded because Mr. Needles did not have, as he had claimed, 26 years of service as an active member, since for 4½ of those years he was not an active member of the fire department subject to call for active duty but instead served as City Commissioner. The Attorney General further ruled that even if Mr. Needles' years of service as Commissioner could be considered as years of service as an active member, he was not entitled to a pension because he had not in fact retired from the last-mentioned office but continued to act as Commissioner of the City of Cape May; the law being settled that a person claiming a pension payable on retirement from an office or position cannot be awarded the pension if he does not actually retire.

Since it had become evident that Mr. Needles did not qualify for the pension he was receiving, the Pension Commission rescinded its resolution retiring Mr. Needles and granting him a pension and demanded repayment of the pension payments theretofore made to him.

Thereupon, under date of January 31, 1957, Mr. Needles gave notice that he would apply for the passage of a private, special or local law, viz, Senate Bill No. 146.

Senate Bill No. 146 would single out one member from the approximately 5,500 active and employee members and the 5,000 retired members of the Consolidated Police and Firemen's Pension System and grant to that one member special privileges and pension rights; the privilege of receiving a pension on reaching age 51 even though he had only 21½ years of service as an active member instead of the 25 years required of all other active members and the right to receive that pension and at the same time continue to hold the office of Commissioner of the City of Cape May; service in which office, he urges, should be counted as part of the period of service required to entitle him to a pension.

There is no justification for thus granting special rights and privileges to one out of the many thousands of active and retired members of the Consolidated Police and Firemen's Pension System. To do so would be unfair to, and

would discriminate against, all the other members of the System who, in order to be eligible for a pension, are or were required to comply with the terms and conditions of the Consolidated Police and Firemen's Pension Law relating to age and years of service.

Further, there is serious question as to the constitutionality of this private or special law granting Mr. Needles, who continues to hold the office of Mayor and Commissioner of the City of Cape May, the sum of $1,500.00 a year in addition to the salary which he is now receiving as such Commissioner. The Constitution prohibits any private, special or local law creating, increasing or decreasing the emoluments, term or tenure rights of any public officers or employees (Article IV, Section VII, paragraph 9).

Nor can the financial impact of this bill be ignored, calling as it does for the expenditure for an indeterminate number of years of $1,500.00 per year out of a fund to which the State is required to contribute substantial sums each year.

I am, therefore, returning Senate Bill No. 146 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1957.

SENATE BILL No. 207

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 207 for the following reasons:

Senate Bill No. 207 is a special bill under Article IV, Section VII, paragraph 10 of the Constitution to authorize the governing body of the City of Asbury Park to lease lands bordering upon the ocean and specifically described in the bill for the construction and operation of a hotel or

for hotel and apartment building uses, for a period not exceeding 99 years. The lease would include the right to use the beach directly opposite the described premises for bathing by guests of the hotel and for the purpose of erecting cabanas, swimming pools and other appurtenances operating in connection with the hotel. Excluded from the lease is a 50-foot strip of land directly east of the described premises for the use of a boardwalk. At the expiration of the term of lease, the improvements are to revert to the city.

The bill, which is to remain inoperative until it is adopted by ordinance of the governing body of Asbury Park, provides that before such lease is executed, the governing body of Asbury Park must adopt a resolution declaring the lands to be no longer needed for public use and must advertise for a period of 4 weeks for bids for the leasing of the lands.

The premises in question are on the beach front of Asbury Park. The lease authorized by the bill would give what in effect would be exclusive control of so much of the premises as are part of the beach and also of the beach in front of the hotel or apartment house constructed pursuant to the lease. The general public would be excluded from that beach.

Such limited and restricted use of the beach front is contrary to the basic policy of this State. That policy seeks to develop and make our shore front available to the public generally. So, for example, in furtherance of that policy, the State contemplates the establishment of public beaches at Sea Girt, Island Beach, and other places along the Atlantic coast line.

It has not been found necessary in the case of other shore front municipalities which have hotels fronting on the ocean front to deprive the public generally of the use of beaches in front of the hotels. To establish a contrary policy at this time would be to encourage further grants of exclusive rights to beaches and further defeat completely the basic policy mentioned above.

Nor can we ignore the impact of the conversion of this beach into a private beach on the amount of Federal aid which will be available for shore protection work. The Federal government participates in shore protection work up to one-third of the cost thereof based on a formula which gives maximum aid to public beaches and none to private beaches.

The proponents of this legislation contend that the making of the proposed lease has been approved by a referendum of the people of Asbury Park. An examination of the record of the referendum does not sustain that claim. The referendum was authorized by resolution adopted on September 13, 1955 by the City Council of Asbury Park. The resolution recited that an offer had been received by the City for the purchase of the tract in question "but not including any portion of the boardwalk or beach in front of same" for the purpose of erecting not less than a 10-story hotel and apartment building. The resolution called for a nonbinding referendum on the following question:

> "Shall the City of Asbury Park offer for sale to the highest responsible bidder after advertisement according to law the premises owned by the City of Asbury Park running southerly from the northerly boundary line of the City of Asbury Park, a distance of approximately 350 feet and running from the easterly side of Ocean Avenue eastwardly approximately 185 feet *but not including any portion of the boardwalk or beach in front of same* for the purpose of erecting not less than a 10 story hotel and apartment building of the value of not less than $3,000,000 with appurtenances thereto?" (Underscoring supplied)

The referendum does not support the proposal made by Senate Bill No. 207. That bill provides for a lease, not a sale. Moreover, the bill would authorize grants of what in effect are exclusive rights in the beach in front of the premises. The referendum expressly barred any transfer of the beach in front of the premises.

I am, therefore, returning Senate Bill No. 207 herewith, without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 19, 1957.

SENATE BILL No. 242

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 242 for the following reasons:

Senate Bill No. 242 would grant the board of chosen freeholders of any first or second class county power to assume all control of the collection and disposal of garbage and other refuse within the county without the consent of either the municipalities affected or the electorate through the creation of an autonomous authority. It would, in effect, deprive the municipalities of their long-established power to provide for such services in a manner determined at the local level.

The bill authorizes the freeholders of any such county to create and establish a 9 member county refuse disposal authority with power to "acquire, construct, maintain, operate or improve works, properties, equipment and apparatus for the disposal of garbage or other refuse". The 9 members of the county refuse disposal authority are to be appointed by the freeholders for staggered terms of 3 years each with salaries, if any, fixed by the authority itself within limits established in the enabling resolution of the freeholders. The members may be removed by the governing body of the county for inefficiency, neglect of duty or misconduct in office. A person may be a member of the authority although he also holds office in the government of any county, municipality or the State.

Senate Bill No. 242 further empowers the authority to employ officers, agents and employees without regard to the provisions of the Civil Service Law and to determine their qualifications, terms of office, duties and compensation. The disposal authority would have power to acquire by purchase, gift, condemnation or otherwise, lands, equipment and other apparatus and property which it deems necessary for its purposes.

By Section 8 of the bill the disposal authority is permitted to charge and collect rents. rates, fees or other charges for its services and is authorized to assess and collect those charges from the person contracting for such

services or from the owner or occupant of any real property from which the refuse originated. The bill also makes the owner of any such real property liable to pay such service charges, apparently whether or not he personally entered into a contract with the authority.

The bill makes service charges of the disposal authority a lien on the real property affected and provides for interest at the rate of 1% a month on service charges not paid when due. It makes such lien superior to that of all liens except that of municipal taxes with which it is put on a parity.

The disposal authority would have power to issue bonds to finance the cost of its refuse disposal system and to sell such bonds at either public or private sale. The bond resolution may contain broad and general covenants restricting and limiting the powers of the authority to construct, acquire or operate or permit the construction, acquisition or operation of any similar plants, structures, facilities or properties which may compete or tend to compete with the refuse disposal system. Other provisions of the bill permit inclusion in the bond resolution of agreements permitting bondholders, in the event of default, to appoint a trustee and to have a receiver appointed for the refuse disposal system.

The county and municipalities within the county are authorized to appropriate and to loan or donate moneys to the disposal authority. Power is also given to municipalities and the county to enter into contracts with the disposal authority for the collection of refuse within the respective jurisdictions and for the payment therefor by the respective municipality or the county with the proviso that if the county or municipality defaults in payment, service charges may be collected from the individual property owners.

The unprecedented monopoly over a municipal function which would be granted to the county refuse authority is found in section 24 which provides:

> "After 1 year after a county shall have created a disposal authority, no lands or rights in land, incinerators, or other plants or works for the treatment, purification or disposal of garbage or other refuse originating from or on 50 or more parcels of real property shall be constructed or operated in the county

unless the disposal authority shall give its consent thereto and approve the plans and methods thereof.***''

The bill also contains a covenant by the State with the holders of any bonds issued by the disposal authority not to limit or alter the rights vested in the disposal authority as long as any bonds are outstanding. Audits of the accounts of the authority are to be made by a registered municipal accountant annually and a copy filed with the Director of the Division of Local Government, for information purposes only.

Finally, the bill provides that the authority is not to be subject to the provisions of Title 40 of the Revised Statutes which is generally applicable to municipalities and counties, and that it is not to be subject to regulation as to its service charges by any officer, board, agency, commission or other office of the State. Only the jurisdiction and rights of the State Department of Health and of the Water Policy and Supply Council are preserved.

There is a fundamental objection to this bill. It provides for the creation of an omnipotent body, created by the act of the board of chosen freeholders and governed by officials appointed by such board, free from any control or voice of the municipalities affected. Unlike the other statutes authorizing the establishment of county or municipal authorities, no opportunity is given to any municipality which does not desire to be part of the area to be served by the authority, to be excluded or to withdraw therefrom. See, for example, the sewerage authorities law, P. L. 1946, c. 138 (N. J. S. A. 40:14A–1 *et seq.*); the incinerator authorities law, P. L. 1948, c. 348 (N. J. S. A. 40:66A–1 *et seq.*).

This bill would confer such broad, extensive and exclusive powers upon an autonomous authority, created and the members thereof selected by the freeholders without the concurrence of the municipalities affected or their electorate, that it would seriously jeopardize home rule and democratic government of all municipalities in first and second class counties in the State.

Section 24 of the bill, quoted above, means that, unless permission is obtained from the authority, neither municipal not private facilities for the disposal of garbage and refuse, which service more than 50 parcels of real property, could be constructed or operated in the county after 1 year

from the creation of such authority. Delegation of such overriding power, from which the municipalities affected cannot dissent, has not been found necessary or desirable in the case of other authorities.

The power granted is particularly dangerous since there are no standards provided in the bill to preclude arbitrary action by the authority when its consent to the construction or operation of other disposal facilities is applied for. There is no warrant for the granting of such absolute discretion in the refuse disposal authority.

In view of this fundamental objection to Senate Bill No. 242, it becomes unnecessary to detail the various other deficiencies of the bill, both technical and substantive. However, it may be useful to note some of them.

The provisions of Section 5(e) which provides, in part:

> "* * * Every disposal authority may also, without regard to the provisions of Title 11 of the Revised Statutes, appoint and employ a secretary and counsel and such professional and technical advisers and experts and such other officers, agents and employees as it may require, and it shall determine their qualifications, terms of office, duties and compensation."

would exempt all officers, agents and employees of the authority from the provisions of the Civil Service Laws and regulations even though, quite obviously, many of the positions would fall within the proper scope of civil service.

The 1947 New Jersey Constitution established the policy of the people of this State on the matter of the merit system for public employees in Article VII, Section I, paragraph 2:

> "Appointments and promotions in the civil service of the State, and of such political subdivisions as may be provided by law, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination, which, as far as practicable, shall be competitive;***"

Since it would be clearly "practicable" to fill many positions of such an authority by competitive examinations, this portion of the bill is in contravention of that policy.

Another absolute power granted to the proposed disposal authority by this bill is that of fixing the rates or fees to be

charged for disposal services. Under section 8, the authority is apparently given wide discretion in determining its schedule of service charges as no standards are set out to limit the rates which may be fixed or the method of calculating and determining such rates, nor to insure that such charges will be reasonable for the service rendered. There is not even a specific requirement of equality or uniformity of treatment. No public hearings as to rates or charges are necessary under the bill. Nor is there any procedure provided for appeal from the schedule of service charges through either judicial or administrative review. In fact, section 30 provides that a disposal authority shall not "be subject to regulation as to its service charges by an officer, board, agency, commission or other office of the State". The unlimited discretion in fixing rates is particularly undesirable since it is coupled with the power to require all municipalities in the county to use the services of the authority.

The disposal authority would also have broad powers of condemnation in sections 6(b), 7(5) and 17. The last section authorizes condemnation of real property, within or without the district, including public lands, waters, parks, roads, playgrounds, reservations and public or private rights in waters. By amendment a proviso was added:

> "* * * no disposal authority shall acquire or take, by condemnation, any real property owned by the State or county or in which the State or county has any right, title or interest, or any real property owned by any county, municipality or other political subdivision or by any school district, of this State, and actually being used for public purposes."

Whether the limitation of "actually being used for public purposes" applies to State or county land, especially since the word "county" is used in both parts of the sentence, is not clear. If so, the power is unique in permitting condemnation of State and county land not actually used for public purposes by an instrumentality created by the county. The State does own land which might be characterized as not being actually in public use at present, but which will be needed in the future as the State grows. This almost unrestricted condemnation power in the authority could adversely affect broad planning for all citizens in the State, and would establish a new and inadvisable principle whereby a creature of a governmental unit can take property from and against the will of its creator and the State.

The scope of such power as would be granted by Senate Bill No. 242 is highly questionable.

Section 30 of the bill provides that the act shall be "complete and independent authority for the performance of each and every act and thing herein authorized," and that a disposal authority shall not be subject to any of the provisions of Title 40 or to any regulation of its service charges. A proviso preserves the jurisdiction and rights of the State Department of Health and the Water Policy and Supply Council. There is no preservation of the rights of the Interstate Sanitation Commission, the Interstate Commission on the Delaware Basin, the North Jersey District Water Supply Commission or the Passaic Valley Sewerage Commission. The operations of those public agencies could be seriously jeopardized by such a disposal authority.

The disposal of garbage and refuse has become a serious problem in our densely populated State. There is, however, an existing law, P. L. 1948, c. 348 (N. J. S. A. 40:66A–1 *et seq.*), which permits any municipality in the State or two or more such municipalities to form an incinerator authority for the proper collection and disposal of garbage and other refuse matter. The objective and purpose of that act are identical with those of Senate Bill No. 242. If that statute is inadequate to cope with existing problems or to meet present needs, it can be amended or supplemented in the respects necessary.

I am obliged to withhold my approval of any bill such as this which would create a private empire constituting an autonomous state within the State. The unbridled authority which could be created is alien to our democratic concepts of local government by elected officials responsive to the public.

For these reasons, I feel obliged to return herewith, without my approval, Senate Bill No. 242.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1957.

SENATE BILL No. 247

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 247 for the following reasons:

Senate Bill No. 247 would change the discount rate on cigarette tax stamp purchases by distributors from the present 3% discount to graduated rates. After a lesser schedule for 6 months the rates would increase commencing July 1, 1958 to 5% on the first $250,000.00 of stamp purchases, 3% on the next $200,000.00 of stamp purchases, 2% on the next $200,000.00 of stamp purchases, 1% on all purchases over $650,000.00.

The financial effect would be to increase the expense to the State for collecting cigarette taxes from the present amount of $1,031,000.00 to approximately $1,372,000.00—an increase of about $341,000.00 yearly.

In New Jersey payment of the tax on the sale and use of cigarettes is evidenced by a stamp or meter (machine) impression on the end of each package of cigarettes. Because the evidence of tax payment must be applied to each package of cigarettes, cigarette distributors are licensed as stamp affixing agents and are reimbursed for their costs in rendering this service to the State.

To compensate the distributor for his labor, material costs and overhead expenses, the Cigarette Tax Law, for the period from July 1, 1948 to April 15, 1956, provided that the distributor could buy 3-cent cigarette tax stamps or meter units for machine impressions at a 5% discount which amounted to 75 cents per case.

On April 16, 1956, the cigarette tax rate was increased from 3 cents to 5 cents per standard pack by P. L. 1956, c. 10. Concurrently, the distributors' discount rate was reduced from 5% to 3%. This reduction in rate did not, however, reduce the amount of compensation to the distributor for affixing the tax stamp since a 3% discount on a 5 cent tax produced the same result as a 5% discount on a 3 cent tax. Thus, the allowance per case for stamping was retained at 75 cents.

The cost of the stamping operation to the distributor is the same whether the rate of tax is 3 cents or 5 cents per pack. Precisely the same manual operations are necessary whatever the value of the tax stamp, so that the attendant costs are the same. If 75 cents per case was adequate compensation for affixing 3-cent stamps prior to April 16, 1956, that compensation did not become inadequate because the tax rate was raised to 5 cents.

Under P. L. 1956, J. R. 10 the Division of Taxation was required to conduct a study of the cost to the distributors of affixing and handling cigarette tax stamps and to report the results of such survey to the Governor and the Legislature within 60 days. The report, filed by the Division, concluded that each category of distributor, classified according to volume of cigarettes handled, was adequately reimbursed for its stamp affixing costs, with the exception of the two smallest categories, viz., those distributors purchasing less than $85,000.00 worth of tax stamps annually. As to them it was concluded that, because of their limited volume of stamping, it was practically impossible to determine, with reasonable accuracy the actual extent of their stamping costs. In view of these findings no change in the present discount rate of 3% was recommended.

A legislative commission created under Senate Concurrent Resolution No. 8 to study the cost of stamp affixing and to examine the report of the Division of Taxation held a public hearing on March 15 and filed its report with the Legislature on May 6, 1957. All witnesses appearing on behalf of the distributors conceded that the Division's cost survey fully considered all operating and overhead costs incurred by the distributors with the exception of labor costs. It was charged that the survey grossly underestimated the labor costs of all categories of distributors, excepting those in the largest category which consistently stamped a heavy volume of cigarettes daily. More specifically the charge was that the Division had used a so-called "norm" in establishing the labor costs of all distributors and that the Division had fallen into serious error in determining and applying this norm.

The Senate Commission report draws the conclusion that the Division's survey covered only the activities of the 3 largest distributors. That conclusion is in error. The survey report shows that it covered the operations of 47 licensed resident cigarette distributors in all categories.

It has been contended that the labor costs of each distributor should be the amount of the full salary actually paid to those employees used in stamping even though only a part of their time, and in many instances only a very small fraction of their time, was actually devoted to the stamping of cigarettes. There seems to be no sound reason why full pay for 3 men should be allowed under these circumstances. When their stamping duties were completed these employees were assigned to other work.

Until a more equitable formula is devised for determining reasonable labor costs in all distributor categories, there would appear to be no alternative but to use the norm applied by the Division. This results in the finding that all categories of distributors are adequately compensated for performing the stamping function except the very smallest distributors and as to them there is in fact no sound basis upon which their costs can be determined with reasonable certainty.

It must be understood, of course, that the discount rate, in itself, is meaningless. The rate is significant only when considered in relation to the tax rate. Thus, in the District of Columbia, the discount rate is 6% but the allowance per case for stamping is only 60 cents because the tax rate is 2 cents per standard pack.

I recognize the fact that all costs of doing business, including those in the tobacco industry, have increased since 1948. But it does not follow that the distributor is not being fairly reimbursed today, since the 75 cents allowance established in 1948 was not the result of a cost study. The discount rate of 5% on a 3 cent tax, producing a 75 cent per case reimbursement figure, was determined in 1948 simply on a consideration of the compensation being paid in other States at that time. By this standard, the present discount rate of 75 cents per case appears adequate, since it is as much or more than that allowed by the States of New York, Connecticut, Delaware, District of Columbia, Illinois, Rhode Island, New Hampshire, Iowa, Arizona, Missouri, Nebraska, Nevada, Ohio, Texas, Washington and Wisconsin.

I believe that there is need for a further study by experienced cost accountants. While the results of such a survey might be against the State's interests, it would be a fair course to take in view of the great difference of opinion on the matter of labor costs. It was readily conceded from the

start that Division personnel which had to be used on the survey were not grounded in cost accounting practices. The State's tax now running $34 million a year, and the distributor's allowances, which are in excess of $1 million, are in such large figures that a modest expenditure for such a survey by experts would appear to be well justified.

There is another related circumstance which should be noted. The rise in tax rate from 3 cents to 5 cents brought to distributors an additional monetary benefit which must be taken into account in any evaluation of the equity of their claim that they are not being adequately reimbursed. Under the provisions of the Unfair Cigarette Sales Act, distributors are permitted an average mark-up of 4% on the cost of the merchandise to them including the tax. Thus, when the tax was 3 cents per pack or $15.00 per case, the mark-up, by reason of the tax allowance, was 60 cents per case. With the tax at 5 cents per pack or $25.00 per case, the mark-up on the tax went up to $1.00 per case, representing an average increased mark-up of 40 cents in the minimum sales price of each case. 75% of the price mark-up goes to the distributors. This approximates an increase for the benefit of the distributors of 30 cents per case resulting solely from the increase in the tax rate.

In view of all of these facts the conclusion that the cigarette distributor in New Jersey is being adequately reimbursed for his costs in stamping cigarettes seems reasonably well founded. The present payment of 75 cents per case is compatible with such payments in many other States and until such time as there is more conclusive proof of the insufficiency of the Division's survey, the 75 cents allowance should stand.

For these reasons, I am returning herewith Senate Bill No. 247 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 2, 1957.

SENATE BILL No. 264

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 264 for the following reasons:

This bill would suplement the "Optional Municipal Charter Law" (P. L. 1950, c. 210) to provide for filling a vacancy which shall occur in the membership of a council of a municipality governed under Council-Manager Plan A, if the unexpired term exceeds 1 year from the occurrence of the vacancy and the remaining members of the council do not fill the vacancy within 60 days. Under the bill, upon petition of 5% of the entire vote cast in the municipality for members of the General Assembly in the last general election, filed within 30 days after the expiration of the 60-day period, the vacancy shall be filled at a special election to be held on the first Tuesday following the 60th day after the filing of the petition.

The bill would authorize a special election for the filling of a vacancy in the municipal governing body in only 1 of the 15 forms of municipal government provided for in the "Optional Municipal Charter Law." The cost of a special election is considerable. No logical reason appears why a special election should be authorized only in the case of 1 of the 15 forms of municipal government. There is no sound basis for such piecemeal alteration of the basic law. In the absence of a legislative determination that provision for special election as to all plans within a given class is desirable, I cannot participate in the erosion of the basic pattern of the act through approval of this measure.

The technical aspects of this bill raise many complications. The special election would have to be held between 4 and 5 months after the occurrence of the vacancy. Because of the mandatory time schedule running from the date of the vacancy, the special election might fall at a most inconvenient time and might well conflict with many existing provisions of the election law. In fact, under this bill a special election might be scheduled shortly after the regular municipal election at which, under other provisions of the law, the vacancy would be filled.

Section 2 of the bill provides that nominations shall be made at the same time and in the same manner as is provided for the holding of regular municipal elections. The applicable provision (P. L. 1950, c. 210, sec. 17-4) requires the filing of a petition of nominations at least 45 days prior to a regular municipal election. This inconsistency would compound the confusion.

In addition, I am advised that the Township of Parsippany-Troy Hills is the only municipality which would be affected by Senate Bill No. 264. The vacancy which existed in the council of this municipality was filled at the general election in November of this year.

A commission has been established to revise the county and municipal law in this State, P. L. 1956, c. 231. I believe that the proposal contained in this bill involves basic policy considerations relating to municipal governing bodies and should be evaluated by the members of that commission as well as by their advisory committee.

For the foregoing reasons, I am returning Senate Bill No. 264 herewith, without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 14, 1958.

SENATE BILL No. 265

*To the Senate:*

I am returning herewith, without my approval, Senate Bill No. 265 for the following reasons:

Senate Bill No. 265 would authorize any county bridge commission which has paid the principal and interest of all of its outstanding bonds and has on hand capital funds, exclusive of receipts from tolls, in excess of the amounts required to pay the cost of maintaining, repairing, operat-

ing, modernizing and improving the bridge or bridges under its control and the approaches thereto, and all other necessary expenditures of the commission, to pay said surplus to the county. The determination that there are such excess capital funds is to be made by resolution of the bridge commission providing for the payment of all or any part thereof to the county. The county is to use such moneys only for capital purposes in the acquisition, construction, remodeling, improvement and enlargement or extension of county facilities, buildings and roads.

The statement attached to the bill reveals that it is intended thereby to authorize the Burlington County Bridge Commission to pay over to Burlington County some $1,300,000.00, the proceeds of a judgment entered in the case of *Driscoll v. Burlington Bristol Bridge Company, et als.*, 8 N. J. 433 (1952).

The bridge commission operates 2 bridges across the Delaware River between points in Burlington County and Pennsylvania. Both bridges had been constructed by private bridge companies chartered under New Jersey law (R. S. 48:5–13 et seq.). Special acts of Congress enacted in 1926 and 1927 authorized the construction of the bridges. Each of the Federal acts recognized that the bridges might be taken over by a public body and provided that in such event, the bridge might be operated as a toll bridge with the tolls adjusted to provide funds for maintenance and operation and for a sinking fund to amortize the cost of the bridge over a period not exceeding 30 years. Each Federal act further provided:

> "After a sinking fund sufficient to pay the cost of acquiring such bridge and its approaches shall have been provided, the bridge shall thereafter be maintained and operated free of tolls or the rates of toll shall be so adjusted as to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance, and operation of the bridge and its approaches."

There is no need to set forth in detail here the circumstances under which the Burlington County Bridge Commission was organized and acquired the 2 bridges. They may be found in the opinion written by Chief Justice Vanderbilt in the case of *Driscoll v. Burlington Bristol Bridge Company,* supra. Suffice it to say that the bridges were acquired

by the bridge commission on October 22, 1948, the $12,000,000.00 required for the acquisition being raised by a bond issue. Early in December 1948, the then Governor and Attorney General instituted an action against the commission and various individuals to set aside the acquisition. Lengthy litigation ensued which finally resulted in the cited decision of the Supreme Court.

The Court found that the individual defendants had made exorbitant profits from the sale of the bridges, caused in part by failure of various governmental officials to respect their obligations as public officers. The Court held that the acquisition of the bridges had been accomplished in a manner contrary to public policy, was illegal and should be voided to the extent specifically provided in the decision. The rights of bondholders who were deemed holders in due course were preserved. Bonds held by the other holders were declared void. The individual sellers were directed to repay to the bridge commission sums totaling $3,050,347.00 "which represents the gross profit which they received from the sale of their stock in the Burlington Bristol Bridge Company". Judgment was entered against the individual defendants in the amounts for which they were held liable. Receivers who had been appointed were directed to collect the judgment and take certain other action.

Moreover, it was adjudged that the bridge commission should retain title to the bridges together with all other property acquired by virtue of the transaction; that it was to operate the bridges in strict compliance with all applicable statutes and certain directions contained in the opinion and finally that:

> "At such time as the obligations of the bridge commission on its bonds shall have been fully met the bridges shall either become toll free or tolls shall be charged to provide a fund not to exceed an amount necessary for the proper care, repair, maintenance and operation of the bridges and their approaches. All funds or other property now owned or hereafter acquired by the bridge commission shall be used solely for purposes related to the bridges. If on retirement of the bonds the bridge commission shall be succeeded by the board of chosen freeholders or other public body, its successor shall similarly be limited in the use of said funds or property.

"The bridges shall not be subject to condemnation or acquisition by the State or any other body or person so long as the bonds of the bridge commission remain outstanding, and thereafter tolls may not be charged by the bridge commission or its successor except as provided in the preceding paragraph."

This provision of the judgment of our Supreme Court stands unmodified.

In providing that all funds or other property then owned or thereafter acquired by the bridge commission should be used solely for purposes related to the bridges, and that when the bonds had been fully paid the bridges should either become toll free or tolls should be charged to provide a fund not to exceed the amount necessary for the proper care, repair, maintenance and operation of the bridges and their approaches, the Supreme Court recognized the conditions imposed by the Federal acts which granted permission to construct the bridges. The effect of those conditions was to insure to the general public that except for a nominal toll charge which might be made, if necessary, for the purposes of maintaining the bridges, the bridges would be toll free once their cost was amortized.

The "capital funds, exclusive of receipts from tolls" to which Senate Bill No. 265 refers represent the proceeds received by the bridge commission from the collection made by the receiver under the judgment of $3,000,000.00 entered against the individual defendants who had made exorbitant profits. Recovery of such proceeds reduced the bridge commission's cost of acquisition of the bridges by that amount.

Proponents of this bill concede that if the moneys collected by the receiver had been turned over to the bridge commission before the bond issue had been paid in full, that those moneys would be required to be used for retirement of outstanding bonds. They urge that since those moneys were actually received after the bonds had been fully paid out of toll receipts, that the moneys stand in a different category and that the Legislature may authorize diversion of the moneys to general county purposes. There is no justification for the distinction which Senate Bill No. 265 seeks to make between moneys acquired from tolls and moneys collected under the judgment. Whatever the source, the moneys are to be used for amortization of the cost of acquisition of the bridges and for the maintenance of the bridges. As the Supreme Court said:

"All funds or other property now owned or hereafter acquired by the bridge commission shall be used solely for purposes related to the bridges."

These moneys are required to be used for the benefit of the traveling public which uses these bridges. The moneys cannot be diverted to another purpose.

For the reasons stated I cannot approve Senate Bill No. 265 and I am returning it herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 14, 1958.

SENATE BILL No. 277

*To the Senate:*

I am returning herewith Senate Bill No. 277 without my approval for the following reasons:

This bill would amend section 4 of the "Absentee Voting Law (1953)" which sets forth the procedure for obtaining absentee ballots for civilians and for persons in military service by adding thereto a requirement that the applicant shall designate "the political party, for the nominees of which, the ballot applied for is to be voted."

Section 15 of the Absentee Voting Law provides that absentee ballots for a primary election shall be prepared so that the absentee voter may indicate thereon his choice of the candidates of one political party. These primary ballots are separated into party ballots, all printed upon one sheet. The ballot is marked to indicate that but one party ballot is to be voted and that the party ballot voted must conform to the name of the political party indicated on the certificate on the flap of the envelope in which the ballot is to be enclosed.

It is the duty of the county clerk to investigate the absentee voter's voting record and, if such voter is qualified to vote only in a certain party primary, the clerk is to indicate upon the primary ballot the party primary in which the voter is so entitled to vote. This is in keeping with our basic election law which provides that a voter who votes in the primary of a certain political party shall be deemed to be a member of that party until 2 subsequent annual primary elections have elapsed after the casting of such party ballot. R. S. 19:23–45.

This method of distributing and voting absentee primary ballots has been working satisfactorily with no indication that it is, in any respect, inadequate. Thus, Senate Bill No. 277 is unnecessary and would serve no useful purpose. On the contrary it would create confusion and ambiguity.

Section 4 of the Absentee Voting Law provides that any relative or friend of a person in military service or patient in a veterans' hospital can apply for a military service ballot to be sent to such person. Thus, someone other than the voter himself would be in a position to designate the party affiliation of the absentee voter, and in some cases without consulting with the voter. Such an impingement upon an individual's voting franchise should not be approved.

Further, it leaves uncertain the extent to which an applicant can designate the party ballot desired. If the voter has voted in one party primary within the 2-year period, existing law permits such absentee voter to receive only the party ballot for which he is qualified. The language of this bill could be construed to permit the designation and receipt of any party ballot without regard to the party qualifications of the absentee voter. Since the various county clerks would be called upon to resolve this conflict, some absentee voters might find themselves denied any ballot where they, perhaps unwittingly, designated a party ballot for which they were not qualified. Other absentee voters might receive the party ballot for which they are qualified even though they did not designate or desire such ballots, or absentee voters might be permitted to cast ballots in primaries in which they were not qualified to vote. There is no justification for adding confusion and uncertainty to our election laws.

For these reasons, I am returning herewith Senate Bill No. 277 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 19, 1957.

SENATE BILL No. 249

*To the Senate:*

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I appended to Senate Bill No. 249, at the time of signing it, a statement of certain items or parts thereof, to which I objected, so that such items or parts thereof should not take effect.

The items to which I objected were:

(1) $1,500.00 to Mary Ann Parello and Barbara Parello for injuries and property damage caused by crash of stolen car driven by 2 escapees from Annandale Reformatory;

(2) $2,000.00 to Anthony F. Pisacane for expenses and losses in obtaining reinstatement at the New Jersey Neuropsychiatric Institute.

The Department of Institutions and Agencies has recommended disapproval of both items as being without legal or moral justification and as establishing unwise precedents. The Department has successfully opposed many such claims in prior years.

My objection to the $1,500.00 item for injuries and property damage to Mary Ann Parello and Barbara Parello, caused by a crash of a stolen car driven by 2 escapees from Annandale Reformatory, is directed to the fact that there is no moral or legal responsibility residing in the State for the acts of an escapee. The inmates were not agents, servants or employees of the State. It does not appear to

be appropriate for the State to establish a precedent of making payments for damages or injuries allegedly caused by escapees. While it is regrettable that such injuries did occur, it is nevertheless apparent that it would be improper to expect the public of this State to bear the financial responsibility for such damages or injuries.

As to the $2,000.00 item for expenses and losses to Anthony F. Pisacane in obtaining reinstatement at the New Jersey Neuropsychiatric Institute, I do not believe that this would establish a desirable precedent. The appropriation is either in payment of legal and other expenses incurred in preparation for a Civil Service hearing, or it is intended as payment of overtime, sick time and holiday time accumulating, according to claimant's petition, between August 27, 1948 and December 31, 1955, the date of his retirement. As to sick and holiday time the records of the institution disclose that this former employee has been paid in full.

The payment of legal expenses in preparation for Civil Service Commission hearings has no warrant in law or in past practice. Such expenses have never been assumed by the State.

For these reasons, I objected to the items noted above in Senate Bill No. 249 and I am attaching hereto a copy of my statement which I appended to the bill at the time of signing it.

Respectfully,

ROBERT B. MEYNER,
*Governor.*

[SEAL]
Attest:

BRENDAN T. BYRNE,
*Acting Secretary to the Governor.*

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 28, 1957,

STATEMENT ON SENATE BILL No. 249

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I am appending to Senate Bill No. 249, at the time of signing it, this statement of each item or part

thereof to which I object so that such items or parts so objected to shall not take effect.

On page 5:

"S 35. ANNANDALE REFORMATORY

Mary Ann Parello and Barbara Parello, 1114 E 3rd Street, Plainfield, New Jersey for injuries and property damage caused by crash of stolen car driven by 2 escapees from this institution .... $1,500 00"

On page 6:

"S 47. NEW JERSEY NEUROPSYCHIATRIC INSTITUTE

Anthony F. Pisacane, 156 Cornell Avenue, Hawthorne, New Jersey for expenses and losses in obtaining reinstatement at this institution ..... 2,000 00"

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

BRENDAN T. BYRNE,
Acting Secretary to the Governor.

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 132

STATEMENT

I am filing in the State Library Assembly Bill No. 132 without my approval.

This bill was one of those delivered to me after the expiration of the 1957 legislative session. Under the Constitution, Article V, Section I, paragraph 14(b), the Governor has 45 days, Sundays excepted, after the adjournment of the Legislature, within which to sign a measure in such circumstances, if he shall approve it. Failing such approval the bill does not become law. In this situation the Constitution does not provide for a veto, but I deem it in the public interest to state my reasons for my conclusion not to sign the bill.

City clerks in cities incorporated under chapter 30 of the laws of 1897 are now elected for a term of 3 years. Under the provisions of Section 40:46–7 of the Revised Statutes, such municipal clerks acquire tenure status after holding office continuously for 5 years.

Assembly Bill No. 132 would supplement P. L. 1897, c. 30 to provide that in cities operating under the provisions of that act, the city clerk shall hereafter be appointed by the city council for a term of 3 years. The bill further provides that it shall not affect the term or continuance in office under tenure of any city clerk presently in office.

This bill apparently would now affect the incumbent city clerk in but one of the municipalities of this State to which P. L. 1897, c. 30 applies; the city clerks of all other such cities are presently protected by the tenure provisions of R. S. 40:46–7.

To the extent that this bill may be designed to dispense with a particular city clerk, the remedy lies, under the existing law, with the electorate of the city involved, who may refuse to re-elect him and thus prevent him from securing tenure.

Further, since the provision for election of city clerks has applied to the affected municipality for many years, it would seem appropriate, at least until the pending revision of Title 40 is completed, that the decision as to whether or not the city clerk of the municipality shall be appointed rather than elected should remain with the electorate.

This bill brings up again a matter to which I have referred on prior occasions. It focuses attention upon the hodge-podge condition of our laws governing municipalities. This condition not only is unsound and unnecessarily confusing, but also inevitably invites legislation which in reality is of special effect despite apparent generality of terms. The preferable approach appears to lie in the revision of Title 40 of the Revised Statutes covering municipalities and counties. Inappropriate piecemeal treatment of the subject would thus be avoided.

For the foregoing reasons, I am filing Assembly Bill No. 132 without my approval.

ROBERT B. MEYNER,
*Governor.*

Filed: March 7, 1958.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 199

STATEMENT

I am filing in the State Library Assembly Bill No. 199 without my approval.

This bill was one of those delivered to me after the expiration of the 1957 legislative session. Under the Constitution, Article V, Section I, paragraph 14(b), the Governor has 45 days, Sundays excepted, after the adjournment of the Legislature, within which to sign a measure in such circumstances, if he shall approve it. Failing such approval the bill does not become law. In this situation the Constitution does not provide for a veto, but I deem it in the public interest to state my reasons for my conclusion not to sign the bill.

Assembly Bill No. 199 would amend the "Teachers' Pension and Annuity Fund-Social Security Integration Act" to permit the veteran members of this fund to receive, as part of their refund, the amount paid as contributions in their behalf while in the military service in time of war by their public employers pursuant to P. L. 1942, c. 252. The bill would also extend the time in which a veteran can request such a refund.

Under the existing law, a veteran member of this fund receives free prior service credit for his public employment prior to January 1, 1955, including free credit for the time spent by him in the military service during time of war. His accumulated deductions, with interest thereon, made during this prior employment are returned to him. The accrued liability for this free credit for prior employment accorded to a veteran member is charged to the public employer. The amount necessary to cover that period of time spent by the veteran in the military service has been prepaid by the employer to the fund pursuant to P. L. 1942, c. 252.

If Assembly Bill No. 199 were to become law, this amount that has been prepaid by the employer for the time spent by the veteran in the military service would be given to the veteran in addition to his own accumulated deductions. As a result, the employer would be charged not only for the prior employment time of the veteran but also for the

military service time which it has prepaid. In effect, the veteran would receive a pure windfall at the expense of his employer who would be compelled to pay twice for the time that he spent in the military service.

I can find no justification for granting this windfall payment. The Attorney General's office has already ruled that the veteran members of this fund are not entitled to receive these contributions. This ruling has been upheld by the Law Division of the Superior Court and an appeal is now pending in the Appellate Division.

For these reasons, I am constrained to file this bill without my approval.

ROBERT B. MEYNER,
*Governor.*

Filed: March 7, 1958.

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 231

STATEMENT

I am filing in the State Library Assembly Bill No. 231 without my approval.

This bill was one of those delivered to me after the expiration of the 1957 legislative session. Under the Constitution, Article V, Section I, paragraph 14(b), the Governor has 45 days, Sundays excepted, after the adjournment of the Legislature, within which to sign a measure in such circumstances, if he shall approve it. Failing such approval the bill does not become law. In this situation the Constitution does not provide for a veto, but I deem it in the public interest to state my reasons for my conclusion not to sign the bill.

Assembly Bill No. 231 would amend the "Teachers' Pension and Annuity Fund Social Security Integration Act" to change the definition of World War II veteran. At present, anyone who has served at least 90 days between September 16, 1940 and September 2, 1945 is considered a veteran for the purposes of this fund. This bill would extend the definition to include those who served in the

military service between September 16, 1940 and December 31, 1946.

The effect of this change is to permit the inclusion of individuals whose entire period of service was served after the termination of actual hostilities.

The New Jersey Constitution, in Article VII, Section I, paragraph 2, establishes the policy that special benefits for veterans in the public employ shall be limited to those veterans who served "in time of war." This limitation has been incorporated into not only the Teachers' Pension and Annuity Fund law but into the companion State pension program, the Public Employees' Retirement System (P. L. 1950, c. 84), local tax exemption provisions (P. L. 1951, c. 184) and Civil Service preferences (R. S. 11:27–1). Considering the uniform treatment of this limitation on special benefits, I find no justification for the extension proposed by Assembly Bill No. 231.

Moreover, the pension rights and Civil Service benefits granted by the State to employees who are veterans constitute recognition by the State for the wartime services rendered by such veterans in light of the sacrifices they made and the risks they incurred. Any measure such as Assembly Bill No. 231 which would extend the rights and benefits established for the veterans who served in time of war to individuals who served after the cessation of hostilities would operate to destroy that very purpose.

For these reasons, I feel constrained to file this bill without my approval.

ROBERT B. MEYNER,
*Governor.*

Filed: March 7, 1958.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 448

STATEMENT

I am filing in the State Library Assembly Bill No. 448 without my approval.

This bill was one of those delivered to me after the expiration of the 1957 legislative session. Under the Constitution, Article V, Section I, paragraph 14(b), the Governor has 45 days, Sundays excepted, after the adjournment of the Legislature, within which to sign a measure in such circumstances, if he shall approve it. Failing such approval the bill does not become law. In this situation the Constitution does not provide for a veto, but I deem it in the public interest to state my reasons for my conclusion not to sign the bill.

This bill would amend N. J. S. 2A:4–10 which authorizes judges of the juvenile and domestic relations court to appoint "clerks and other necessary employees as the board of chosen freeholders of the county may authorize" by adding a paragraph authorizing the board of chosen freeholders to appoint a family counsellor to hold office for a fixed term of 3 years at a salary to be fixed by the freeholders.

Under the existing provisions of N. J. S. 2A:4–10 permitting the board of chosen freeholders to authorize the judge of the juvenile and domestic relations court to appoint "other necessary employees", the board now has the power to authorize the employment of a family counsellor. If so authorized, under the present law the family counsellor would be appointed by the juvenile and domestic relations court judge in accordance with the Civil Service law.

Assembly Bill No. 448 would substitute appointment of a family counsellor by the board of chosen freeholders for a fixed term of 3 years for the present method, thus eliminating the position from the application of the Civil Service law and transferring the appointive power from the judge to the board of chosen freeholders.

There is no reason why appointments of family counsellors should not be made in compliance with the Civil Service law thereby assuring properly qualified career professional

personnel of protection in the classified service. This would be in accordance with the spirit and intent of the Constitution which provides in Article VII, Section I, paragraph 2:

> "Appointments and promotions in the civil service of the State, and of such political subdivisions as may be provided by law, shall be made according to merit and fitness to be ascertained, as far as practicable, by examination, which, as far as practicable, shall be competitive; * * * ."

In addition, the family counsellor would be expected to have an intimate working relationship with the judge of the juvenile and domestic relations court. It would therefore seem preferable, as in the case of other employees of such court, to vest the appointive power in the judge of the court once the board of chosen freeholders has determined that it is advisable that the position of family counsellor be established.

For the foregoing reasons, I am filing Assembly Bill No. 448 without my approval.

ROBERT B. MEYNER,
*Governor.*

Filed: March 7, 1958.

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL NO. 533

STATEMENT

I am filing in the State Library Assembly Bill No. 533 without my approval.

This bill was one of those delivered to me after the expiration of the 1957 legislative session. Under the Constitution, Article V, Section I, paragraph 14(b), the Governor has 45 days, Sundays excepted, after the adjournment of the Legislature, within which to sign a measure in such circumstances, if he shall approve it. Failing such approval the bill does not become law. In this situation the Constitution does not provide for a veto, but I deem it in the public interest to state my reasons for my conclusion not to sign the bill.

This bill would amend section 44:7–13 of the Revised Statutes which places a $200.00 limitation on payments by county welfare boards for the burial and funeral expenses of a person receiving old age assistance where there are no relatives or other persons responsible to pay such expenses, or other persons willing to pay them; provided that the total cost of such burial and funeral expenses does not exceed $250.00.

Assembly Bill No. 533 would amend this section so as to authorize a county welfare board to pay $250.00 for certain funeral and burial costs of such persons and to authorize an additional payment not exceeding $150.00 for certain additional funeral and burial costs. The bill also provides that in the event any person is willing to provide any or all of such additional items, the same may be paid by them up to an amount not exceeding $250.00, provided that the total cost does not exceed $500.00. The bill contains the further proviso that should the total cost exceed $500.00, the county board would be under "no obligation to make any payment or contribution thereto".

In brief, the present limitation on total costs would be raised from $250.00 to $500.00; the limitation on the expenditure of public funds would be raised from $200.00 to $400.00.

I am not unmindful of the fact that during recent years the purchasing power of the dollar has decreased and that funeral and burial costs have increased since the present limitations were enacted in 1953.

The Department of Institutions and Agencies anticipates that expenditures for such funerals will amount, during the present fiscal year, to approximately $500,000.00. This is based on the Department's estimate that there will be approximately 2,500 deaths requiring such assistance. This bill, which doubles the amount of public funds which may be thus spent, would in effect require the expenditure of an additional $500,000.00 which is not available under the current Appropriations Act.

For the foregoing reasons, I am filing Assembly Bill No. 533 without my approval.

ROBERT B. MEYNER,
*Governor.*

Filed: March 7, 1958.

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