

OFFICE OF THE GOVERNOR

NEWS RELEASE

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Gov. Christie Whitman has pocket vetoed the following pieces of legislation. Attached are statements on the legislation that were filed by the Governor.

S-504, sponsored by Senator Louis Kosco (R-Bergen) and Assembly Members Francis J. Blee and Kenneth C. LeFevre (both R-Atlantic), prohibits snow obstruction of parking spaces reserved for handicapped motorists. The Governor supports the goal of this bill, to facilitate the independence of handicapped motorists, however, she recommends reconsideration of the timeframe for removing the snow and the penalties imposed by the bill.

S-890, sponsored by Senator Jack Sinagra (R-Middlesex) and Assembly Member Steve Corodemus (R-Monmouth), provides for the use of certain health care facilities and appropriate privileges for licensed optometrists. The Department of Law and Public Safety advised the Governor, that under existing law, optometrists are authorized to practice as employees of hospitals. The Department of Health and Senior Services advised her that there is no widespread problem of patient access to optometrists in health care facilities.

S-1733, sponsored by Senators Leonard Connors (R- Atlantic/Burlington/Ocean) and Robert Singer (R-Burlington/Monmouth/Ocean) and Assembly Members Christopher Connors and Jeffrey Moran (both R-Atlantic/Burlington/Ocean), adds National Guard organizations and the Marine Corps League to the list of groups exempted from the sales tax. The Governor indicated her support for the work of these groups, but she notes that there is no basis for providing preferential tax treatment to these military organizations as many other worthwhile non-profit organizations do not enjoy such an exemption.

S-1814, sponsored by Senator John J. Matheussen (R- Camden/Gloucester) and Assembly Member Barbara Wright (R- Mercer/Middlesex), would require the Commissioner of the Department of Health and Senior Services to reimburse Medicaid long-term care facilities for underpayments discovered by audit, and would delay the state's collection of overpayments to these facilities until final resolution of a disputed claim. The Governor vetoed this bill based on advice from the Department of Treasury that the federal government requires reimbursement of its portion of overpayments upon identification, not collection and that approximately \$2 million per year in state and federal funds combined could be deferred needlessly if the recovery of overpayments is delayed.

S-1909, sponsored by Senator James Cafiero (R-Cape May/Atlantic/Cumberland) and Assembly Members Francis J. Blee and Kenneth C. LeFevre (both R-Atlantic), exempts from the sales tax all sales of services and repairs performed on private aircraft at any airport facility. The Governor refrained from acting on this bill at this time because she was not persuaded that this special tax treatment is necessary to spur economic development.

A-2821, sponsored by Assembly Members Carmine DeSopo (R- Burlington/Camden) and John A. Rocco (R-Camden), requires that all kindergarten or first-grade and sixth grade students attending public or private school, beginning in the 1999-2000 school year be immunized against hepatitis B as a condition of enrollment. In her veto, the Governor applauds the sponsors efforts to stop the spread of the disease, but notes that that the Health Wellness Promotion Advisory Board advises that immunization efforts should be aimed at high risk populations because the length of time immunization remains effective has not yet been determined. The Governor called on the Public Health Council to review the matter and advise her as to whether hepatitis B immunization should be mandated, and, if so, at what age it should be required.

A-80, sponsored by Assembly Members Walter Kavanaugh (R- Morris/Somerset) and Neil Cohen (D-Union) and Senator John Matheussen (R-Camden/Gloucester), which would have permitted retroactive modification of child support orders under certain circumstances. The Governor did not approve the legislation based upon her concern that such a change in the law would jeopardize federal funding for state programs which enforce child support orders.

A-264, sponsored by Assembly members Kip Bateman (R- Somerset/Morris) and Walter Kavanaugh (R-Morris/Somerset) and Senators Peter Inverso (R-Mercer) and John Matheussen (R- Camden/Gloucester), which would have provided for a voluntary check off on tax returns to support Project DARE. The Governor did not approve this measure based on Constitutional concerns. The Constitution prohibits enactment of legislation that grants an exclusive privilege to one private nonprofit group.

A-2279, sponsored by Assembly Members Joel Weingarten (R- Essex/Union) and Joe Roberts (D-Camden/Gloucester), which would have simplified employer reporting and payment of gross income tax withholding and wage taxes for household workers. The Governor supported the need to reduce paperwork requirements, but did not approve the bill based on concerns that the consolidation required further study before implementation. The Departments of Treasury and Labor have already moved over last year to consolidate their forms and lessen work for employees.

AS for **A-2368/SCS-2120**, sponsored by Assembly Members Neil Cohen (D-Union) and Charlotte Vandervalk (R-Bergen) and Senators Byron Baer (D-Bergen) and Jack Sinagra (R-Middlesex), which would have required nonprofit hospitals to apply to the Attorney General for approval before being acquired by any entity other than a charitable organization. The Governor strongly supported the bill's intention to protect the public interest in conversions of nonprofit hospitals to for-profit entities. However, the Governor did not approve the measure based upon concerns that the review process did not allow the Attorney General and Commissioner of Health and Senior Services enough flexibility to address emergent situations. Some hospital conversions are due to immediate financial distress and are necessary to safeguard charitable assets. In such cases, it is necessary to act quickly in order to preserve the quality of medical care being delivered by the hospital being acquired. The Governor noted that additional technical problems existed in the bill. She stated that she planned to work with legislative sponsors to enact similar legislation that addressed her concerns.

A-2853, sponsored by Assembly Member Rich Bagger (R- Middlesex/Morris/ Somerset/Union) and Connie Myers (R- Warren/Hunterdon/Mercer), which would have reconstituted members of EMT training advisory council and required council's consent to regulations. The Governor did not approve the bill based upon concerns about the elimination of the Governor's appointment authority and restrictions on promulgation of rules by the Department of Health and Senior Services.

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