VETO MESSAGES

OF

HON. WILLIAM T. CAHILL

Governor of New Jersey

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

1972—1973

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

ASSEMBLY BILL No. 255 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 255 (OCR) with my objections, for reconsideration.

I agree that there is a dire need for regulation of hearing aid dispensers. However, I am of the opinion that the bill as presently written does not sufficiently insure that the public will be protected from incompetent and unscrupulous dealers.

I recommend that the bill be amended to provide that individuals seeking the services of a hearing aid dispenser be fully informed that the dispenser is not a physician, nor a clinical audiologist, and to provide that the hearing aid dispenser shall refer individuals who exhibit certain objective signs, or who have a prior history of a serious or unusual medical problem, to a physician prior to the sale and fitting of a hearing aid.

This bill should also be amended to make it unlawful for a hearing aid dispenser to fit or sell a hearing aid to an individual less than 18 years of age unless a physician specializing in diseases of the ear (otolaryngologist) has prescribed the hearing aid.

In addition, I recommend that this bill be amended to conform to the recommendations of the New Jersey Professional and Occupational Licensing Study Commission. The Examining Committee should be reduced in size and restructured to provide a proper balance among the interests represented. The Director of the Division of Consumer Affairs, or his representative, should be included as a member of the Examining Committee. Furthermore, the authority to revoke, suspend, or refuse to renew licenses of hearing aid dispensers should be transferred from the Examining Committee to the Director of the Division of Consumer Affairs, and he should be given the necessary powers to properly carry out this function.

I am also of the opinion that the Committee should be given the power to upgrade the standards for licensure in the future by requiring an appropriate course of instruction as a condition for entrance into this occupation.

I am also recommending certain technical changes to this bill and other measures which will further insure protection for the consumer such as the requirement that the individual purchasing a hearing aid be given a detailed receipt.

Accordingly, I herewith return Assembly Bill No. 255 (OCR) for reconsideration and recommend that it be amended as follows:

Page 2, Section 2, Line 16: Insert a new sub-section as follows:

"f. 'Director' shall mean the Director of the Division of Consumer Affairs."

Page 2, Section 3, Line 4: Delete "10" and insert "7"

Page 2, Section 3, Line 4: After "members" insert "6 of which are"

Page 2, Section 3, Line 4A: After "." insert "The seventh member shall be the Director of the Division of Consumer Affairs, *ex officio*, or his designated representative."

Page 2, Section 3, Line 5: Delete "Five" and insert "Three"

Page 2, Section 3, Line 6: Delete "5" and insert "3"

Page 2, Section 3, Line 10: After "act." insert "Those first appointed shall not be exempt from the requirements of sections 10 and 11 of this act, provided, however, that the board shall make provision for their examination and licensure as soon as practicable after their appointment."

Page 2, Section 3, Line 11: Delete in its entirety and insert in lieu thereof "One member of the Committee shall be a physician and diplomate."

Page 2, Section 3, Line 14: Delete "two members" and insert "one member"

Page 2, Section 3, Line 15: After "be" insert "a" and delete "members" and insert "member"

Page 2, Section 4, Line 2: After "appointed" and before "," insert "and the Director"

Page 2, Section 4, Line 5: Delete the second "," and insert "and"

Page 2, Section 4, Line 6: After "3 years" insert "." and delete "two members for a term of 4 years;"

Page 2, Section 4, Line 7: Delete in its entirety

Page 3, Section 8, Line 2: After "Education" insert "or Department of Higher Education or public institutions designated by either of said departments"

Page 3, Section 8, Line 4: After "aids." insert "The Committee may require, with the approval of the board, that prospective licensees shall complete such a course of instruction as a condition of licensure."

Page 3, Section 8, Line 7: After "State." insert "The Committee may require, with the approval of the board, that licensees, as a condition of renewal, attend courses designed to update and refresh their knowledge and skills."

Page 3, Section 9, Line 5: Delete "21" and insert "18"

Page 5, Section 16, Line 1: After "16." insert "a."

Page 5, Section 16, Line 24: Insert "b. An applicant who meets the requirements of section 9 of this act except with respect to training and experience and is desirous of obtaining the requisite training and experience in order to qualify for a license and who proves to the satisfaction of the committee that he will be directly supervised and trained by a person who holds a valid license or certificate of endorsement issued pursuant to this act, may have a temporary license issued to him which shall entitle him to be engaged, under such direct supervision, in the fitting and selling of hearing aids for a period ending 30 days after the results of the next examination are announced. Such a temporary license may be renewed from period to period not to exceed 2 consecutive years."

Page 5, Section 17, Lines 1-6: Delete in their entirety

Page 6, Section 17, Lines 7-10: Delete in their entirety

Page 6, Section 18, Lines 1-5: Delete in their entirety and insert "The Director of the Division of Consumer Affairs shall have the power upon notice and opportunity for a

hearing to revoke, suspend, or refuse to renew any license, temporary license or certificate of endorsement issued pursuant to this act for the following reasons:''

Page 6, Section 18, Line 13: After ''conduct'' insert '',''

Page 6, Section 18, Line 13: Delete ''or for gross''

Page 6, Section 18, Line 13: After ''ignorance'' insert '', neglect, incompetence,''

Page 6, Section 18, Line 14: After ''practice.'' insert a new sentence as follows: ''Incompetence shall include but not be limited to the improper or unnecessary fitting of a hearing aid.''

Page 7, Section 18, Line 58: Delete ''knowingly'' and after ''while'' insert ''knowingly''

Page 7, Section 18, Line 61: After ''act'' and before ''.'' insert ''or rules and regulations promulgated hereunder''

Page 7, Section 20, Line 6: Delete ''board.'' and insert ''Director. If the violation of this act is of a continuing nature, each day during which it continues after the Director or his authorized representative has ordered the violator to cease, shall constitute an additional separate and distinct offense for the purposes of this section.''

Page 7, Section 20, Lines 8-10: Delete ''Process shall issue at the suit of the board, as plaintiff, and shall be either in the nature of a summons or warrant.'' and insert ''In addition to the penalties provided herein, the court may order any moneys, or property, which have been acquired by means of a practice in violation of this act, to be restored.''

Page 8, Section 21, Line 1: Delete ''board'' and insert ''Director''

Page 8, Section 24, Line 1: Delete ''This act shall take effect immediately.'' and insert ''a. A licensee shall advise a prospective hearing aid user at the outset of their relationship that any examination or representation made by the licensed hearing aid dispenser in connection with the practice of fitting and selling of a hearing aid is not an examination, diagnosis or prescription by a person licensed to practice medicine in this State or by a certified audiologist and, therefore, must not be regarded as medical opinion.

b. A licensee shall, upon the consummation of a sale of a hearing aid, deliver to the purchaser a written receipt,

signed by or on behalf of the licensee, containing all of the following:

(1) the date of consummation of the sale,

(2) specifications as to the make, serial number, and model number of the hearing aid or aids sold,

(3) the address of the principal place of business of the licensee,

(4) a statement to the effect that the aid or aids delivered to the purchaser are used or reconditioned, as the case may be, if that is the fact,

(5) the number of the licensee's license,

(6) the terms of any guarantee or express warranty, if any, made to the purchaser with respect to such hearing aid or hearing aids,

(7) such receipt shall bear, or have attached to it in no smaller type than the largest used in the body copy portion, the following:

'The purchaser has been advised at the outset of his relationship with the hearing aid dispenser that any examination or representation made by a licensed hearing aid dispenser in connection with the practice of fitting and selling of this hearing aid, or hearing aids, is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this State, or by certified audiologists and therefore must not be regarded as medical opinion.' ''

After Section 24: Insert new Sections 25, 26, 27, 28, 29 and 30 as follows:

''25. Whenever any of the following conditions are found to exist either from observations by the licensee or on the basis of information furnished by the prospective hearing aid user, a licensee shall, prior to fitting and selling a hearing aid to any individual, suggest to that individual in writing that his best interests would be served if he would consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then to a duly licensed physician:

(a) visible congenital or traumatic deformity of the ear,

(b) history of, or active drainage from the ear within the previous 90 days,

(c) history of sudden or rapidly progressive hearing loss within the previous 90 days,

(d) acute or chronic dizziness,

(e) unilateral hearing loss of sudden or recent onset within the previous 90 days,

(f) significant air-bone gap.

A person receiving the written recommendation to purchase a hearing aid shall sign a receipt for the same.

The licensee shall provide the prospective hearing aid user with a list of at least 3 physicians specializing in diseases of the ear, practicing in the area, and their addresses or if none are practicing in the area, then a list of at least 3 physicians and their addresses.

26. No hearing aid shall be sold by an individual licensed under this chapter, to a person less than 18 years of age unless within the preceding six months a recommendation for a hearing aid has been made by a board-certified, or a board-eligible physician specializing in otolaryngology, or by an audiologist certified by the American Speech and Hearing Association after examination and diagnosis by a board-certified or board-eligible otolaryngologist. A replacement of an identical hearing aid within one year shall be an exception to this requirement.

27. A licensee shall keep and maintain in his office or place of business the following records:

(a) results of tests as they pertain to the fitting of the hearing aid,

(b) a copy of the written receipt required by Section 24 and a copy of the written recommendation and receipt required by Section 25, and

(c) copies of such other records as the Committee or the Director shall reasonably require.

All such records shall be kept and maintained by the licensee for a period of 7 years.

28. It is unlawful for an individual to engage in the practice of fitting and selling of hearing aids or to display a sign or in any other way to advertise or hold himself out as being so engaged without having at the time of so doing a valid unsuspended, unrevoked and unexpired license,

temporary license or certificate of endorsement. Such license, temporary license or certificate of endorsement shall be conspicuously posted in the licensee's office or place of business at all times.

29. a. the Director or his authorized representatives are empowered to enter and inspect such places, question such individuals and investigate such facts, conditions or matters as they may deem appropriate to determine whether any person has violated any provision of this act or any rule or regulation entered hereunder.

b. the Director or his authorized representatives shall have the power to administer oaths, examine witnesses under oath, issue subpenas, compel the attendance of witnesses, and the production of records, papers, documents, and testimony and to take depositions and affidavits in any proceeding before the Director.

30. This act shall take effect immediately.''

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

ASSEMBLY BILL No. 474 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I hereby return Assembly Bill No. 474 OCR, with my objections, for reconsideration.

Assembly Bill No. 474 OCR would amend Section 1 of P. L. 1968, c. 443 (N. J. S. 46:15–12) to require that in addition to the presently required word ''mortgage'' appearing at the heading of a mortgage instrument, the mortgagor must acknowledge that he has received a true copy of the instrument.

I am in accord with the purpose and intent of this bill. However, the bill should be clarified to require the mortga-

gee to furnish the copy of the mortgage. In addition, it would be useful to allow the statement that the copy has been received to be inserted in the acknowledgment to the mortgage or be added by endorsing it on the instrument. In order to allow time for financial institutions, lawyers and County Clerks to become familiar with the requirements of this act, I also recommend that the effective date be delayed for an appropriate period of time.

Accordingly, I herewith return Assembly Bill No. 474 OCR for reconsideration and recommend that it be amended as follows:

1. *Page 1, Section 1, Line 10*: Delete "therein" and insert in lieu thereof "in the acknowledgment or endorsed thereon".

2. *Page 1, Section 1, Line 12*: After line 12 insert the following sub-paragraph:

> "The mortgagee shall provide, without charge, a true copy of such instrument to the mortgagor, which shall be certified by the mortgagee or the attorney for the mortgagee as a true copy of said instrument. Said copy shall be distinctly stamped or marked 'Copy'."

3. *Page 1, Section 2, Line 1*: Delete "immediately" and insert in lieu thereof "on the first day of the third month following enactment."

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

ASSEMBLY BILL No. 587 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 587 (OCR), with my objections, for reconsideration.

This bill provides a procedure for expungement of the record of conviction of the crime of possession of marijuana under certain sections of the law which were revised or repealed by the New Jersey Controlled Dangerous Substances Act (P. L. 1970, c. 226). Expungement would be granted by order of the court after a full hearing provided no subsequent similar conviction has been entered against such offender during the five-year period following his conviction. Prior notice of such hearing is given to the municipal and state police and the county prosecutor.

I agree with the general purpose of this legislation, however, I feel certain changes are appropriate. As drafted the bill would permit expungement of a conviction of the crime of possession with intent to manufacture or distribute marijuana. I am opposed to expungement in such a serious offense and recommend that the expungement provided in the bill be limited to the offense of possession, use or being under the influence of marijuana.

Further, the bill is limited to cases where sentence has been served or parole terminated. The legislation should also include cases where sentence has been suspended and probation terminated. I would further recommend that the term "offense" be substituted for the term "crime" to include disorderly persons offenses which are not technically crimes.

I return Assembly Bill No. 587 (OCR) herewith and recommend that it be amended as follows:

Page 1, Section 1, Line 2: After "served" insert "or suspended"; after "parole" insert "or probation"; delete "a crime" and insert "an offense".

Page 1, Section 1, Line 3: After "possession" insert ", use or being under the influence".

Page 1, Section 1, Line 4: Delete "24:18–47" and insert "24:18–4".

Page 1, Section 1, Line 5: Delete "sections 19 and" and insert "sections"; delete "C. 24:21–19 and".

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

ASSEMBLY BILL No. 594

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 594, with my objections, for reconsideration.

This bill provides a procedure for the parole of persons convicted of narcotic offenses to permit them to enter treatment facilities. Reference to conviction as a *narcotic addict* has been deleted in response to the decision of the court in the case of Winbush v. Sills, 88 N. J. Super. 392, which held there is no such specific offense as a *narcotic addict.* Language has been suggested in the bill to correct this improper reference.

I agree with the philosophy of this legislation; however, I feel certain changes should be made. Rather than referring to these offenses simply as "narcotic offenses" it would be more appropriate to specify they involve "possession, use or being under the influence of a controlled dangerous substance." This is the language found in our related statutes.

Further, the bill as drafted provides no standards for determining whether a treatment facility is appropriate. These facilities should be certified by the Division of Narcotic and Drug Abuse Control and approved by the Division of Correction and Parole.

In addition, the bill contains no criteria to assist the Parole Board in determining whether such parole is appropriate in a particular situation. Parole for this purpose should not be granted automatically but only if it is compatible with the welfare of society, the inmate's history for assaultive behavior and his motivation to accept treatment. These factors should constitute criteria in the parole process.

I also recommend the legislation be broadened to include parole to appropriate out-patient treatment programs. Other technical changes are recommended to make the new language consistent with the remainder of the statute.

I am returning Assembly Bill No. 594 herewith with the recommendation that the bill be amended as follows:

Page 1, Title, Line 1: After "Act" delete "concerning the granting of paroles to persons convicted of certain narcotics offenses and amending P. L. 1952, c. 32." and insert "to amend the title of "An act concerning the granting of paroles to inmates convicted as narcotic addicts and providing for the manner in which any such parole may be granted and the conditions which shall be attached thereto, and supplementing 'An act providing for a system for the granting of paroles in certain cases, establishing a State Parole Board and defining its composition, powers and duties, and repealing sections 30:4–106.1, 30:4–106.2 and 30:4–142 of the Revised Statutes,' approved May 28, 1948 (P. L. 1948, c. 84)," approved April 16, 1952 (P. L. 1952, c. 32), so that the same shall read "An act concerning the granting of paroles to inmates who are abusers of controlled dangerous substances and providing for the manner in which any such parole may be granted and the conditions which shall be attached thereto, and supplementing 'An act providing for a system for the granting of paroles in certain cases, establishing a State Parole Board and defining its composition, powers and duties, and repealing sections 30:4–106.1, 30:4–106.2 and 30:4–142 of the Revised Statutes,' approved May 28, 1948 (P. L. 1948, c. 84)," and to amend the body of said act."

Page 1, Section 1, Line 1: Insert a new Section 1, as follows:

"1. The title of P. L. 1952, c. 32 is amended to read as follows: An act concerning the granting of paroles to inmates [convicted as narcotic addicts] *who are abusers of controlled dangerous substances* and providing for the manner in which any such parole may be granted and the conditions which shall be attached thereto, and supplementing "An act providing for a system for the granting of paroles in certain cases, establishing a State Parole Board and defining its composition, powers and duties, and repealing sections 30:4–106.1, 30:4–106.2 and 30:4–142 of the Revised Statutes," approved May 28, 1948 (P. L. 1948, c. 84)."

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

Page 1, Section 1, Line 7: Delete "a narcotics offense" and insert "an offense of possession, use or being under the influence of a controlled dangerous substance"

Page 1, Section 1, Lines 14-17: Delete "available appropriate facility, institution or hospital in this State, or any available appropriate facility, institution or hospital in this State for the treatment of narcotic addicts" and insert "facility, institution or hospital in this State certified by the Division of Narcotic and Drug Abuse Control as being appropriate for the treatment of abusers of controlled dangerous substances and approved for such purpose by the Division of Correction and Parole"

Page 1, Section 1, Line 17: After "addicts" insert "Such parole shall only be granted where the Board has reasonable cause to believe that parole will not be incompatible with the welfare of society and only after consideration of the inmate's prior criminal history and potential for violence or assaultive or anti-social behavior, if any, and that the inmate has the proper motivation to accept treatment."

Page 1, Section 1, Line 19: After "hospital" insert "or participate in an appropriate out-patient program"

Page 1, Section 1, Lines 19-20: Delete "narcotic addicts" and insert "abusers of controlled dangerous substances."

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

ASSEMBLY BILL No. 802 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 802 (OCR) with my objections, for reconsideration.

This bill makes it a disorderly persons violation for an individual to operate or cause a motor vehicle to be operated in this State without the requisite liability insurance coverage. While I am in wholehearted agreement with the con-

cept of compulsory insurance, I am of the opinion that it is more appropriate to treat this offense as a violation of Title 39 of the Revised Statutes. In that way, this offense will be handled in a similar manner to other serious violations of the motor vehicle laws such as reckless driving and driving under the influence of alcoholic beverages. In addition, the sanctions imposed should be amended to conform generally with other violations of Title 39 of the Revised Statutes. I further recommend that a provision be added to allow a complaint to be filed with the municipal court for a violation of this act at any time up to 6 months after the alleged offense.

These changes will make this law easier to administer for the Division of Motor Vehicles, other law enforcement agencies and the courts.

I also agree that the requirement of knowledge is an unnecessary burden upon law enforcement agencies with respect to owners and registrants, because they have it within their control to determine whether insurance coverage is in effect for their vehicle. However, the non-owner operator in many circumstances cannot readily make such a determination. Thus Assembly Bill No. 802 (OCR) should be amended to require knowledge as element of the offense of operating without insurance in the case of a non-owner operator.

Furthermore, I previously signed into law P. L. 1972, c. 70, the "New Jersey Automobile Reparation Reform Act" which contains a section imposing criminal penalties for operating an automobile without the insurance coverage required by that act. Since Assembly Bill No. 802 (OCR) is broader in scope, covering all motor vehicles not just automobiles, that act should be amended to delete Section 15(b) which will no longer be necessary if the amendments contained in this message are acted upon favorably. In a similar vein, Section 15(c) of that act should also be deleted since the Director has the power to revoke or suspend for any violation of Title 39 of the Revised Statutes.

For the foregoing reasons, I herewith return Assembly Bill No. 802 (OCR) for reconsideration and recommend that it be amended as follows:

Page 1, Title, Line 2: After "coverage" before "." insert "and supplementing Title 39 of the Revised Statutes".

Page 1, Section 1, Line 6: Delete "owenrship" and insert in lieu thereof "ownership".

Page 1, Section 2, Line 1: Delete "operator".

Page 1, Section 2, Line 5: After "coverage" and before "," insert "required by this act".

After "," insert "and any operator who operates or causes a motor vehicle to be operated and who knows or should know from the attendant circumstances that the motor vehicle is without motor vehicle liability insurance coverage required by this act shall be subject, for the first offense, to a fine of not less than $50.00 nor more than $200.00 or imprisonment for a term of not less than 30 days nor more than 3 months or both, in the discretion of the municipal judge, and shall forthwith forfeit his right to operate a motor vehicle over the highways of this State for a period of 6 months from the date of conviction. Upon subsequent conviction, he shall be imprisoned for a term of 3 months and shall forfeit his right to operate a motor vehicle for a period of 2 years from the date of his conviction, and, after the expiration of said period, he may make application to the Director of the Division of Motor Vehicles for a license to operate a motor vehicle, which application may be granted at the discretion of the Director. The Director's discretion shall be based upon an assessment of the likelihood that the individual will operate or cause a motor vehicle to be operated in the future without the insurance coverage required by this act. A complaint for violation of this act may be made to a municipal court at any time within 6 months after the date of the alleged offense."

Page 1, Section 2, Line 5: Delete "may upon conviction be fined not more than $500,00, or".

Page 1, Section 2, Line 6: Delete Lines 6 through 9.

Page 2, Section 2, Line 10: Delete Lines 10 through 34.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

ASSEMBLY BILL No. 918

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 918, with my objections, for reconsideration.

Under present law, no banking institution can make a mortgage loan if the total of the principal balances of all the outstanding mortgage loans owing to it exceeds 70% of the time deposits of the bank. Assembly Bill No. 918 would remove this 70% limitation and authorize the Commissioner of Banking to establish the limitation, pursuant to rule or regulation, at an amount not less than 70% nor more than 100% of the time deposits.

This limitation on the percentage of mortgage loans is intended to ensure the safety of the money on deposit with the banks of this State, and to ensure the soundness of these banks. The limitation has been changed only once since 1948; in 1965 the allowable percentage was, by an amendment to the statute, increased from 60% to 70%.

I agree that it is advisable at this time to increase the availability of residential mortgage loans by increasing the percentage of its deposits that a bank can invest in mortgage loans. I also agree that it is appropriate to make the limitation more flexible by allowing the Commissioner of Banking to establish the exact percentage, within legislatively determined boundaries. I believe, however, that the importance of this limitation to the public welfare requires that changes in excess of 10% be accomplished only with the express approval of the Legislature and the Governor, under the public scrutiny that accompanies the legislative process. Although some delegation of power is acceptable, the responsibility for establishing the limitation is a legislative duty, and it seems unwise to empower the Commissioner of Banking to eliminate the restriction by increasing the allowable percentage to 100%.

Accordingly, I am returning Assembly Bill No. 918 for reconsideration, and I recommend that it be amended as follows:

Page 1, Section 1, Line 13: After "exceed" delete "100%" and insert "80%".

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 6, 1972

SENATE BILL NO. 282

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 282, with my objections, for reconsideration.

The Senate Bill No. 282 amends the definition of "income" for senior citizens tax deductions to exclude social security payments, Federal Railroad Retirement Act payments and federal, state, county and municipal pensions or disability payments.

I am completely in accord with the purpose and intent of this bill. However, due to the enactment on February 15, 1972 of Chapter 441 of the Laws of 1971, a conflict has arisen between this bill and the present law. The signing of this bill in its present form would result in a repeal of the reduction of the three year residency requirement to one year, and reestablish the three year period. I do not think this would be advisable and believe that the bill should be amended before it is signed.

Accordingly, I herewith return Senate Bill No. 282 for reconsideration and recommend that it be amended as follows:

Page 2, Section 1, Line 34: Delete "3" and insert "1".

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 9, 1973.

SENATE BILL No. 746

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 746 for reconsideration.

This bill would require operators of drive-in theatres to have all motor vehicles evacuated from their theatres no later than one hour after the termination of the last performance at the theatre.

I am sympathetic to the intent of this bill, however, the bill fails to take into consideration the possibility of mechanical failures, which could prevent the removal of a vehicle within one hour. The bill also fails to consider the possibility of a motor vehicle accident occurring when vehicles leave the theatre at the conclusion of the performance. Investigation of such an accident may prevent removal of a vehicle within the one hour limit.

Accordingly, I herewith return Senate Bill No. 746 without my approval and respectfully recommend the following change:

1. *Page 1, Section 2, Line 6*: After "theatre." insert "The one hour time limit shall not apply to disabled motor vehicles or to motor vehicles involved in accidents provided the operator initiates reasonable action to ensure that passengers of such motor vehicles do not remain inside the vehicles."

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

SENATE BILL No. 1072

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 1072, with my objections, for reconsideration.

This bill amends the Essex County Retirement System Act to restore language inadvertently omitted in a recent amendment of the bill, which language provided for a special computation of benefits for persons who were members of this system prior to 1943. The bill further provides for a minimum survivor death benefit of $2,500.00.

I am in complete agreement that the language inadvertently omitted should be restored. The minimum survivor death benefit increase, however, is not feasible. A recent amendment of this act by P. L. 1971, c. 426, increased the maximum survivor death benefit from $2,500.00 to 25% of the deceased member's final compensation without any maximum dollar limitation. S-1072 now seeks to make $2,500.00 the minimum benefit. The effect of such a change would be to take the recent $2,500.00 maximum benefit and make it the minimum benefit payable. This would far exceed survivor death benefits provided in other public retirement systems.

Accordingly, I am returning Senate Bill No. 1072 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Lines 12-14: Delete "provided however, that the minimum benefit paid upon the death of any member under this act shall be $2,500.00, and"

Page 1, Section 1, Line 14: Delete "further"

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 14, 1972.

ASSEMBLY BILL NO. 34 (2ND OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 34, without my approval.

This bill, as amended by the General Assembly Taxation Committee and the General Assembly, would amend two sections of the Hotel and Multiple Dwelling Law (C. 55:13A–12 and 13) to exempt certain senior citizen developments or corporations from the payment of the registration and inspection fees required by those sections. To qualify for this proposed exemption, a senior citizen development or corporation must be organized under the laws of this State for the primary purpose of providing housing for shareholders or members in a retirement community as defined in the Retirement Community Full Disclosure Act (C. 45:22A–1 et seq.) and must also qualify as a non-profit corporation under Title 15 of the Revised Statutes.

I recognize that many senior citizens live on fixed incomes, and that, in these times of general inflation, many of their problems require special consideration. Certainly, the provision of adequate housing at reasonable cost is one of the most crucial of these problems. Although I have long been a supporter of measures to benefit the senior citizens of this State, I do not believe that this proposal provides an appropriate or effective means of dealing with their problems.

This bill offers only token relief to senior citizen developments and corporations, and there is no assurance that the savings to the developments and corporations will be passed on to the senior citizens living there. There is no provision requiring that this savings actually result in measurable benefit to the residents of these developments, through reduced fees, rents or maintenance charges. Had such a provision been incorporated into this bill, I would not hesitate to sign it, but I feel that the failure to include such a provision is a fatal defect in the bill.

Additionally, the bill applies only to a small portion of the senior citizens of this State, and does nothing for the

senior citizens most in need of assistance in obtaining adequate housing—those who cannot afford to live in a retirement community. In effect, these more needy senior citizens are being asked to contribute, by the taxes they pay, to help cover the loss of revenue this exemption would produce. If the Legislature intended to benefit senior citizens by this measure, it should not have limited the exemption to developments and corporations. In fact, this could be considered special legislation, and difficult legal and practical problems might arise because of the questionable classification utilized by this bill.

There is no assurance that the proposed exemptions would actually benefit senior citizens. The effect of the bill, if not its intent, may be to benefit those who construct, maintain and manage these senior citizen developments more than those who live in the developments.

I have supported and signed important legislation affecting senior citizens, including measures to double the senior citizens real estate property tax deduction and to make more senior citizens eligible for the deduction by broadening the list of benefits excludable from income in determining eligibility for the deduction. In fact, I conditionally vetoed this last measure, in order to prevent an inadvertent change in the residency requirements which would have prevented some deserving senior citizens from taking advantage of the deduction.

This administration zealously guards the rights of senior citizens, but legislation such as this bill does little to affect their welfare. The State should obviously continue its efforts to alleviate the problems besetting many of our senior citizens. We are presently studying these problems in some detail and I anticipate that specific proposals for providing effective relief to the senior citizens of this State will be forthcoming as a result.

Accordingly, I am returning Assembly Bill No. 34, without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

ASSEMBLY BILL NO. 473

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 473, without my approval, for the following reasons.

Assembly Bill No. 473 would amend N. J. S. 2A:168–8 to remove the authority of the Judiciary over the appointment of Probation Officers and place such responsibility in the various Boards of County Freeholders along with the authority to fix the annual salaries of the Chief Probation Officer and Probation Officers. Salaries are presently set by the Judge or Judges authorized to appoint such officers, with the Boards of Freeholders only entitled to consultation on the setting of such salaries.

There has been much improvement over the last 10 years in the probation system of this State, although admittedly much more work needs to be done. The Judiciary of this State is of the opinion that if the Boards of Freeholders control Probation Department appointments and salaries, it may well result in a situation, such as previously existed, where political influence may prevail within the Probation Department, to the detriment of proper performance. Such a potential should not be permitted to exist.

While there might be some justification for removal from the Judiciary of the resupervisory or reappointive aspects of probation, such fragmentation of control does not auger an efficient, effective or responsive Probation Department.

It appears to me that the past and present performance of the Judges and the Judicial Branch of Government in the appointment of Probation Officers, in the fixing of their salaries and in the supervision of their work, does not justify the change which this bill provides. Such deficiencies as may exist in the Probation Department appear to result primarily from the lack of staff occasioned by limited county funds and in the fact that the appointment of the Probation Officers is placed in all of the Judges rather than in the Assignment Judge as has been previously recommended by the New Jersey Supreme Court. State funding with supervision and control vested in the Administrative Office

of the Courts is the ultimate solution. This can occur only when the State has sufficient resources to finance such an extensive undertaking.

For all the foregoing reasons, I am, therefore, returning Assembly Bill No. 473 without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

ASSEMBLY BILL No. 844

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 844, without my approval, for the following reasons:

This bill would change the existing law to prevent the actual population changes under the 1970 census from affecting the responsibility of certain county clerks for preparation of primary election ballots. In my view, the basic three-fold classification set up in Section 1 of Chapter 68, P. L. 1945 (N. J. S. 19:23–22.1) is now unreasonable and unwarranted. If this conclusion is proper, it is fundamental that the deficiencies of the 1945 law should not be compounded by this bill.

I am, therefore, returning Assembly Bill No. 844, without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

ASSEMBLY BILL No. 1367

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 1367 to the Legislature, without my approval.

This bill would exempt from the calculation of the limitation on county bonded indebtedness those bonds issued for vocational school construction purposes. It would be retroactive in effect, exempting issues authorized by ordinance on or after July 1, 1970.

I have carefully reviewed this proposal and am of the opinion that the present system of calculating bond indebtedness is a sound one and should not be diluted. The Local Bond Law provides a reasonable administrative method of exceeding the bonded indebtedness maximum after thorough evaluation and review of the Local Finance Board. Each application to exceed the maximum should be and is presently individually reviewed. Sound fiscal practices dictate that this procedure be continued.

Accordingly, I herewith return Assembly Bill No. 1367 to the Legislature, without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 14, 1972.

SENATE BILL No. 163

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 163, without my approval, for the following reasons:

This bill would allow a county, municipality or school district, or an agency of one of these units, to enter into a contract for group dental insurance for its employees. The bill does not specify the kinds of benefits which may be provided, nor does it limit in any way the coverage which may be provided. While there is merit to the concept of dental insurance for public and private employees, any program which does not place realistic limits on the benefits to be provided has the potential of creating an excessive burden on the taxpayers of the governmental unit agreeing to undertake such a program. The citizens of this State are already overburdened by the property tax, which is the major revenue producer. Programs in the nature of dental insurance, while beneficial and even desirable, must be examined in light of the absolute need for fiscal restraint at all levels of government.

For these reasons I cannot, in good conscience, sign this legislation. There are many demands on the limited financial resources of our local governmental units, and it would be fiscally unwise to add to these burdens dental insurance programs without statutorily defined limitations.

Accordingly, I return herewith Senate Bill No. 163, without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

SENATE BILL No. 189

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 189, without my approval, for the following reasons:

This bill amends the law relating to the use of I.D. cards for the establishment of age 21 in the purchase of alcoholic beverages. It would relieve the alcoholic beverage licensee

from the responsibility of obtaining a written statement from the youthful purchaser, in addition to the I.D. card, that the purchaser is, in fact, 21 years of age. Further, this bill repeals a section of the law which provides that the presentation of an I.D. card shall not relieve the alcoholic beverage licensee of any obligations or responsibilities otherwise imposed on him by law.

With the enactment into law of Senate Bill No. 992 of 1972, the age of majority has been reduced from 21 to 18. This permits the purchase of alcoholic beverages by persons 18 years of age and over. In light of this substantial change in the law which has direct application to the purchase of alcoholic beverages, I do not feel it is appropriate at this time to make another substantial change in the alcoholic beverage law regarding the establishment and proof of legal age for purchase.

Accordingly, I feel that I must return Senate Bill No. 189 without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

SENATE BILL No. 512

To the Senate:

Senate Bill No. 512 seeks to transfer the New Jersey Council on the Arts from the Department of State to the Department of Community Affairs. After reviewing the powers and duties of the Council, I am of the opinion that this transfer will not be beneficial.

Accordingly, pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 512, without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

SENATE BILL No. 706

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 706, without my approval, for the following reasons:

Senate Bill No. 706 would enable New Jersey to become a signator to an interstate environmental compact with other jurisdictions which adopt a substantially similar law "in accordance with applicable Federal legislation" as referred to in Article 4 of the proposed legislation. It purports to allow New Jersey to participate in the national environmental protection program pursuant to a bill which failed of passage in the last session of the Congress in Washington, United States Senate Bill No. 907. That Federal bill had been amended so that Senate Bill No. 706 would appear not even to have met the requirements of the last version of the Federal bill. Since the United States Congress has not finished considering a bill to grant preconsent to states entering environmental compacts and such legislation has not been adopted yet and is subject to perhaps even further changes, it would appear that Senate Bill No. 706 is premature.

If the Federal legislation is passed and it becomes desirable to enter into environmental compacts, then appropriate legislation which meets the requirements of Federal law, the laws of other states and the specific circumstances may be considered.

I am, therefore, returning Senate Bill No. 706 without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

SENATE BILL No. 711

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 711, without my approval, for the following reasons:

This bill would provide a system of absolute preferences based upon residency in the initial appointment of municipal policemen and firemen by separating applicants into the following classes:

I—Residents of the municipality.

II—Other residents of the county in which the municipality is situated.

III—Other residents of the State.

IV—All other qualified applicants.

In making appointments, the appointing authority would first appoint all those eligible in Class I, and then those in each succeeding class.

Veterans would receive preference over non-veterans in their particular class but would not receive preference over non-veterans in a preceding class.

Insofar as this bill would apply to municipalities which have adopted Civil Service, it is unconstitutional. It violates Article VII, Section I, Paragraph 2 of the New Jersey Constitution which provides:

> "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; except that preference in appointments by reason of active service in any branch of the military or naval forces of the United States in time of war may be provided by law."

The bill would substitute residency either within the municipality, county or State in place of the merit and fitness ascertained by competitive examination as the basis for initial appointment in violation of the Constitutional mandate.

Aside from the Constitutional problem, S-711 has other substantial defects which prevent me from signing it. Rather than upgrading the quality of appointments to the police and fire departments, it has the potential of downgrading the caliber of these appointments. Residents of the municipality, county or State with low qualifying test scores would be appointed prior to persons with higher scores who are not residents of, first, the municipality; next, the county; or, finally, the State.

Further, this legislation would provide no assurance that a policeman or fireman, once appointed on the basis of his local residence, would continue to reside within the municipality, county or State. There is no requirement that he continue such local residence during the term of his service, nor is there any incentive to do so. Further, there is no similar requirement for purposes of promotional examinations. Once appointed, he could move his residence freely. Experience has shown that a great number of policemen and firemen do, in fact, move out of the municipality after their appointment.

Another questionable feature of this bill is its effect on veterans' preference. Under existing law, veterans who qualify for appointment to the police and fire departments are placed at the top of the eligibility list. Disabled veterans are, in turn, placed at the head of the veterans' grouping. Under the provisions of S-711, veterans, including the disabled, who are not residents of the municipality, county or State cannot be appointed until after residents of each group in turn (who may or may not be veterans) are first appointed. This would, in effect, destroy New Jersey's laws and time-honored tradition under the Constitution providing a preference in appointment for veterans. I strongly oppose such a weakening of our veterans' preference laws.

In addition, the bill has several administrative shortcomings. Instead of the present single list of persons eligible for appointment with all veterans at the head of the list, four separate lists of eligibles would be required, each with veterans grouped according to their residency class. Further, the bill does not specify at what point in time the applicant must be a resident to qualify for the preference —whether at the time of advertising for testing, the time of testing or the time of appointment—nor is there any duration of residency set forth—whether it be a day, a

month or a year. Such indefiniteness and uncertainty make administration of this proposal guesswork at best.

For these reasons, I feel that I must return Senate Bill No. 711 without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

SENATE BILL No. 849

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 849, without my approval.

This bill would appropriate, through the Department of Higher Education, an additional $500,000 for the acquisition of minor capital equipment by county colleges.

I am certain that this additional appropriation would have been used to acquire equipment that would be of value to our county colleges, but at this time the State does not have the fiscal resources to pay for such a program, desirable as it is. Eight hundred thousand dollars ($800,000) was appropriated for this purpose in the budget for this year, and the current fiscal condition demands that departures from the budget be permitted only for the most compelling emergencies. The county colleges are already well into the current school year, and it should be possible to postpone additional acquisitions without undue hardship.

Accordingly, I herewith return Senate Bill No. 849, without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 9, 1973.

SENATE BILL No. 1228

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 1228 without my approval.

Senate Bill No. 1228 seeks to extend the CATV franchise moratorium period from December 17, 1972 to February 17, 1973. Since I recently signed into law Senate Bill No. 840 as chapter 186 of the Laws of 1972, which provides for the regulation of community antenna television systems, there is no need for any further consideration of this bill.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

SENATE JOINT RESOLUTION No. 14

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Joint Resolution No. 14, without my approval.

This Joint Resolution requests that I designate May 19, 1972 as "Civil Service Day" in the State of New Jersey.

Recognizing that the New Jersey Civil Service Association has contributed to the betterment of all public employees in this State, on May 8, 1972 I issued a proclamation naming May 19, 1972 as "Civil Service Day." It is therefore unnecessary for me to sign Senate Joint Resolution No. 14.

Accordingly, I herewith return Senate Joint Resolution No. 14, without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 16, 1972.

SENATE JOINT RESOLUTION No. 19 OCR

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Joint Resolution No. 19 OCR, without my approval, for the following reasons:

Senate Joint Resolution No. 19 OCR purports to create a 5 member "Hackensack Meadowlands Environmental Review Study Commission" to study the study and master plan of the Hackensack Meadowlands Development Commission, which was created by the Hackensack Meadowlands Development and Reclamation Act, P. L. 1968, c. 404 (the "Meadowlands Act"). It also purports to appropriate the sum of $45,000 by this resolution for that purpose.

In my opinion, a joint resolution is an inappropriate vehicle for the appropriation of moneys. There is a serious question as to whether this complies with the Constitution and joint resolutions have been vetoed in the past on this ground.

I firmly believe that consideration of the environmental impact of any development of the Hackensack meadowlands is essential. The plan formulated by the Hackensack Meadowlands Development Commission (the "Commission") pursuant to the Meadowlands Act was promulgated after lengthy study. I believe that a study of a study under the circumstances is wasteful duplication, particularly since the Commission is required by its enabling legislation to take into account environmental impact in formulating the master plan, and to consider the other areas of study referred to in section 4 of Senate Joint Resolution No. 19 OCR. In addition, this resolution would appear to impose, by

implication at least, a six month moratorium on the implementation of the Commission's master plan. Such further delay would be unconscionable as to all interested parties.

I note that the Declaration of Purpose in Section 1 of Chapter 404 of the laws of 1968 (N. J. S. A. 13:17–1) recites:

> "*. . . that these areas need special protection from air and water pollution and special arrangements for the provision of facilities for the disposal of solid waste; that the necessity to consider the ecological factors constituting the environment of the meadowlands and the need to preserve the delicate balance of nature must be recognized to avoid any artificially imposed development that would adversely affect not only this area but the entire State*; that it is the purpose of this act to meet the aforementioned needs and accomplish the aforementioned objectives by providing for a commission transcending municipal boundaries and a committee representing municipal interests. . ."
>
> (Emphasis added.)

Article V of the Meadowlands Act (N. J. S. A. 13:17–9 to 13:17–22) spells out specific requirements and procedures for the preparation and adoption of the master plan by the Hackensack Meadowlands Development Commission. There must be complete statements and a "report presenting the objectives, assumptions, standards and principles which are embodied in the various interlocking portions of the master plan." There are requirements for public hearings and consultation with various agencies and a requirement for providing for adequate solid waste disposal facilities.

Section 10 of the Meadowlands Act (N. J. S. A. 13:17–11) makes provision for including:

> "(a) . . . (1) the use of land and buildings, residential, commercial, industrial, mining, agricultural, park and other like purposes; (2) service-water supply, utilities, sewerage, and other like matters; * * * (5) water, forest, soil conservation, flood control, and other like matters; * * * (7) the distribution and density of population . . ."
>
> * * * * *
>
> "(b) The plan may also include codes and standards covering land use, comprehensive zoning, subdivisions, building construction and design, * * * *and the control of air and water pollution and solid waste disposal which has been approved by the State Department of*

Health [now the State Department of Environmental Protection] *and other subjects necessary to carry out the plan or to undertake a workable program of community improvement.''* (Emphasis added.)

Section 12 of the Meadowlands Act further provides that all subdivisions, site plans, buildings and other development must be in accordance with the master plan.

From the foregoing, it can be seen that the Hackensack Meadowlands Development Commission is charged with responsibility for a comprehensive study of potential development of the meadowlands. Since its inception in 1969, the Meadowlands Commission has spent countless hours and substantial sums of money in developing a balanced plan. Conservation and development of some 11,000 acres in the Hackensack Meadowlands has been delayed for the past two years while the Meadowlands Commission, its staff and consultants, worked on a master plan. Public hearings were held on the proposed plan in March of 1972, and as a result the Meadowlands Commission extended the moratorium on development pending formal promulgation of the master plan for an additional period of time, so that all of the comments made could be studied and evaluated. I am advised that changes in the original plan have been made to meet the constructive suggestions.

Another objection that I have to Senate Joint Resolution No. 19 OCR is that it appears to delay further the work of the Hackensack Meadowlands Development Commission and its ultimate objectives. To delay without justifiable cause is to frustrate the balanced improvement of an area long neglected and abused.

For all the foregoing reasons, I herewith return Senate Joint Resolution No. 19 OCR without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 22, 1972.

SENATE BILL No. 900

To the Senate:

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 900 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

On Page 14:

"105-100. *Division of Criminal Justice*"

* * * * *

Section 1, Line 11 C "Courts ..... $27,685"

This item is reduced to $23,000.

* * * * *

"Total Appropriation, Division of Criminal Justice ..... $1,981,472"

This item is reduced to $1,976,787.

On Page 26:

"Total Appropriation, Department of Law and Public Safety ..... $60,872,871"

This item is reduced to $60,868,186.

On Page 85:

"*Rutgers, The State University*
570-100. *General University*"

* * * * *

"33970. Institutional Support $19,956,665

Sub-Total, General Operations .. $102,008,695"

* * * * *

"Total All Operations ..... $124,608,695"

These items are reduced to $19,856,665; $101,908,695 and $124,508,695, respectively.

On Page 85:

"Sub-Total Appropriation, General University ..... $56,806,685"

This item is reduced to $56,706,685.

On Page 86:

"Services Other Than Personal.... ($5,724,448)"

This item is reduced to ($5,624,448).

On Page 87:

"572-100. *Agricultural Experiment Station*"

* * * * *

"33130. Extension and Public Service ..... $2,495,662"

This item is reduced to $2,366,662.

* * * * *

"Sub-Total General Operations .... $10,224,712"

This item is reduced to $10,095,712.

* * * * *

"Sub-Total Appropriation, Agricultural Experiment Station ..... $8,052,116"

This item is reduced to $7,923,116.

* * * * *

"Salaries: Officers and employees.. ($7,582,863)"

This item is reduced to ($7,453,863).

* * * * *

"Total Appropriation, Rutgers, The State University ..... $64,858,801"

This item is reduced to $64,629,801.

On Page 91:

"Total Appropriation, Department of Higher Education ..... $244,495,477"

This item is reduced to $244,266,477.

On Page 137:

"Total Appropriation, General State Operations ..... $869,560,336"

This item is reduced to $869,326,651.

On page 157:

Under "DEPARTMENT OF COMMUNITY AFFAIRS

800-150. *Administrative Division—State Aid*"

* * * * *

"To Waterford Township for purchase of land ..... $11,316"

This item is deleted in its entirety.

On Page 158:

"Sub-Total Appropriation $36,817,316

Sub-Total Appropriation, Administrative Division ..... $37,251,376"

These items are reduced to $36,806,000 and $37,240,060 respectively.

On Page 159:

"Total Appropriation, Department of Community Affairs ..... $37,924,676"

This item is reduced to $37,913,360.

* * * * *

"Total Appropriation, State Aid... $1,095,431,237"

This item is reduced to $1,095,419,921.

On Page 173:

"Grand Total Appropriation ..... $2,047,924,209"

This item is reduced to $2,047,679,208.

Senate Bill No. 900 is the general appropriations bill for the fiscal year ending June 30, 1973.

The Appropriations Committee increased the recommended budget by $1,126,867. I have concurred in the majority of these recommendations. However, there are several items with which I cannot agree fully, and have accordingly eliminated or reduced them.

On Page 14 there is an item to reimburse Burlington County for State Grand Jury proceedings in the amount of $27,685, which includes some ordinary costs. Pending legislation provides for reimbursement to counties for extraordinary costs resulting from statewide Grand Jury matters. An undesirable precedent would be set if the State paid the ordinary cost of the Burlington County proceedings; hence, I have reduced this amount to $23,000, representing the extraordinary costs.

The budget for Rutgers University as contained in the Appropriations Bill includes a sum of $50,000 for the City of New Brunswick and $50,000 for the City of Camden as payment for municipal services rendered by these municipalities on behalf of the State University. These sums were items which I did not include in the regular budget message. In view of the fact that regular payments will be made to these municipalities in fiscal year 1973 under the provisions of the Municipal Aid Program financed through the Department of Community Affairs I have eliminated these items, thus reducing the total appropriation to Rutgers University by $100,000.

Under the appropriation for the Agricultural Experiment Station there is an amount of $129,000 for salaries for an expanded Federal Nutrition Program. This appropriation would fund 10 positions under the expanded program. In the fiscal year 1972 budget this same amount was deleted from the recommendation in anticipation of Federal funds to expand the program and this should continue into the fiscal year 1973.

Under the Department of Community Affairs the amount of $11,316 was included against the purchase of State land by Waterford Township. Since there is an unequal exchange of property involved, it is undesirable for the State to reimburse a Township to make up the difference in the value of the exchanged property simply to permit the municipality to return the $11,316 to the State as payment for the difference.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 30, 1972.

SENATE BILL No. 901

To the Senate:

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 901 at the time of signing it, this statement of the items, or parts thereof, to which I object so that each item, or part thereof, so objected to shall not take effect.

On Page 5:

"395-901. *Division of Employment Security —Administration Fund*

Paul Shalita, individually and as agent for Harvey L. Stern, 445 West State Street, Trenton, New Jersey, for rent of premises in Camden and services rendered in connection therewith, payable from Federal funds received for the operation of the Division of Employment Security, $14,250.00."

This item is reduced to $10,343.00.

On Page 6:

"61100. *State and Local Highway Systems— State Highway Construction*

Brookfield Construction Company, 521 Fifth Avenue, New York, New York, c/o Herman V. Traub, Esquire, 295 Madison Avenue, New York, New York 10017, for losses incurred in the construction of Route 80, Section 5-S, to be paid from funds appropriated for the Construction of State Highway System, $226,966.00."

This item is deleted in its entirety.

On Page 7:

"731-100. *State Prison, Trenton*

Anthony T. Campanile, c/o State Prison, Trenton, New Jersey, for injuries received during a fight in dining area, payable after release from the institution, from funds appropriated to the Department, $1,365.00."

This item is deleted in its entirety.

On Page 8:

"732-100. *State Prison, Rahway*

Patrick J. Saarloos, c/o State Prison, Rahway, New Jersey, for loss of personal property, payable forthwith, from funds appropriated to the Department, $325.00.''

This item is deleted in its entirety.

Herbert F. Smith, Jr., c/o State Prison, Rahway, New Jersey, for loss of personal property, payable forthwith, from funds appropriated to the Department, $400.00.''

This item is deleted in its entirety.

''John B. Williams, c/o State Prison, Rahway, New Jersey, for loss of personal property, payable forthwith, from funds appropriated to the Department, $100.00.''

This item is deleted in its entirety.

Senate Bill No. 901 is a supplemental appropriations bill for the fiscal year ending June 30, 1972. Authorizations for the payment of certain claims filed against the State of New Jersey are included in the bill.

Among these claims is Account No. 395-901, Paul Shalita, which I believe has been approved in an excessive amount. Computation of the legislative award was apparently based on an inflated figure for the rental of the premises involved, computed on the basis of square footage. I have reduced this item to $10,343.00, based on a computation of $3.00 per square foot which more closely approximates the rental which the State was paying under the lease of approximately $2.87 per square foot based upon 13,490 square feet, less the May rental payment of $3,147.

The claim of Brookfield Construction Company has been consistently contested by the Department of Transportation and has, in the past, been disapproved twice by former Governor Hughes and twice by me. For the reasons stated below, I am deleting entirely this claim from Senate Bill No. 901, which I have signed today. The Brookfield Construction Company claim was re-submitted to the Legislative Claims Committee without the introduction of new evidence. The claimant relied upon the record of past hearings before the Claims Committee and was again opposed by the Department of Transportation. I do not believe that the conditions set forth in my disapprovals of this claim

on June 29, 1970 and June 24, 1971, have been met. I note that on June 29, 1970 I stated the following:

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

The Legislature has adopted Senate Bill No. 969, which I am presently considering, and I expect to act on it shortly. Enactment of Senate Bill No. 969 will allow the presentation of this claim in court, the proper forum for resolving the complex factual and legal differences in this claim, unless the case is settled by agreement of the parties prior to a court determination.

The claim of Anthony E. Campanile is not approved because there is no indication of any negligence on the part of the Department of Institutions and Agencies. It is significant to note that another inmate who was injured in exactly the same incident had his claim rejected by the legislative sub-committee on claims. The Department of Institutions and Agencies has consistently disapproved the payment of compensation to inmates injured by other inmates where there has been no negligence on the part of the Department.

The claims of Patrick J. Saarloos, Herbert F. Smith, Jr. and John B. Williams have been deleted because they would establish an undesirable precedent in compensating prisoners for loss of personal property caused by other prisoners during disturbances at the prison.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 2, 1973.

ASSEMBLY BILL No. 227 (2ND OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 227 (2nd OCR), with my objections for reconsideration.

This bill would permit a person who has been arrested for any offense in New Jersey to immediately petition the court for the expungement of his arrest records, of any evidence of detention related to that arrest and of any proceedings related to that arrest, when the arrest resulted in a dismissal of the proceedings, in an acquittal, or in a discharge of the proceedings without a conviction.

After expungement of the records, the arrest, and any proceedings related to the arrest, would be deemed not to have occurred and the arrested person would be entitled to answer in the negative when asked whether he had ever been arrested.

An expungement provision creates immediate conflict with the need of law enforcement authorities to maintain records necessary to fulfill their functions in the prevention and detection of crime. At issue are the tools law enforcement agencies need to exercise their powers of investigation. As Chief Justice Weintraub stated concerning the scope of record keeping by law enforcement authorities in *Anderson v. Sills,* 56 N.J. 220, 229 (1970):

> "The basic approach must be that the executive branch may gather whatever information it reasonably believes to be necessary to enable it to perform the police roles, detectional and preventive."

The approach to retaining records must be equally as broad.

There may be situations where the police have no reason to retain an arrest record as when the arrest was an admitted mistake. In such a situation it may be appropriate to expunge the arrest record. However, if the police legitimately believe that the record is necessary for law enforcement purposes, expungement would be inappropriate.

The primary objective of any expungement statute is to insulate the person from any disabilities or adverse effects resulting from the information sought to be expunged. The only danger in maintaining arrest records is the possible effects of dissemination of the fact of the arrest or the practical necessity that an arrested person must indicate that he has been arrested on employment applications.

The possible adverse effects of an arrest record can be prevented without physically destroying the information or removing it from police files. Police records can be sealed so that there will be no dissemination and provision can be made so that an arrested person, whose arrest record has been sealed, can answer in the negative when an application for employment requests information concerning that arrest. Sealing, therefore, achieves the purposes of both the police and the arrested person. It enables law enforcement agencies to retain the record for their needs and protects the arrested person from the possible adverse effects resulting from the arrest.

In some situations where an arrest does not result in a conviction, neither expungement nor sealing should be permitted. For example, if a plea bargaining agreement results in the dismissal of unrelated offenses involving separate arrests, those arrest records are, and will continue to be, extremely meaningful and useful to the police despite the dismissal of the offense. There is no justifiable reason why such information should not continue to be used as it is presently being used.

Assembly Bill No. 227 (2nd OCR) does not distinguish between those arrests which should not be expunged and those which should. Neither does it provide a procedure for sealing of records to protect the arrested person yet not deprive the police of the tools necessary to fulfill their functions.

Therefore, I respectfully return Assembly Bill No. 227 (2nd OCR) for reconsideration and recommend that it be amended as follows:

Page 1, Title, Line 1: After "expunging" insert "and sealing of"

Page 1, Section 1, Line 2: After "high misdemeanor" insert "under the laws of New Jersey"

Page 1, Section 1, Line 5: Delete "immediately" insert "at any time"

Page 1, Section 1, Line 8: Delete "proceedings occurred" and insert "judgment of acquittal, discharge or dismissal was entered"

Page 1, Section 1, Line 9B: Delete "section" and insert "act"

Page 1, Section 1, Line 9C: Before "Upon" insert "2."

Page 1, Section 1, Line 9C: Delete "reading and" and insert "the"

Page 1, Section 1, Line 9C: After "filing" insert "of"

Page 1, Section 1, Line 10: Delete "10" and insert "15"

Page 1, Section 1, Line 10: Delete "30" and insert "45"

Page 1, Section 1, Line 11: After "matter" delete "," and insert "."

Page 1, Section 1, Line 11: After "matter." delete "a" and insert "A"

Page 1, Section 1, Line 11: Delete "which" and insert "this"

Page 1, Section 1, Line 12: Delete "in the usual manner" and insert "pursuant to the Rules of Court"

Page 1, Section 1, Line 12: After "upon" insert "the Attorney General, upon"

Page 1, Section 1, Line 13: Delete "and"

Page 1, Section 1, Lines 15 and 16: Delete "or if a State Police officer made the arrest, upon the Superintendent of Police" and insert "and upon the chief law enforcement officer of any other law enforcement agency of this State which participated in the arrest"

Page 1, Section 1, Line 17: Delete "At the time so appointed the court shall"

Page 1, Section 1, Lines 18-22: Delete in their entirety.

Page 2, Section 1, Lines 23-28: Delete in their entirety.

Page 1, Section 1, Line 17: After "order." insert new sections as follows:

"3(a) At the time appointed for the hearing, if there is no objection from those law enforcement agencies notified

of the hearing, and no reason appears to the contrary, the court may grant an order directing the clerk of the court and the parties upon whom notice was served to expunge from their records all evidence of said arrest including evidence of detention related thereto and specifying those records to be expunged.

(b) If an order expunging the records is granted by the court, all the records specified in the order shall be removed from the files and placed in the control of a person who shall be designated to retain control over all expunged records and who shall ensure that the records or the information contained therein is not released for any reason. In response to requests for information or records on the person who was arrested, the law enforcement officers and departments shall reply, with respect to the arrest and proceedings which are the subject of the order, that there is no record.

4(a) If an objection is made by any law enforcement agency upon which notice was served, the court shall determine whether there are grounds for denial. If the court determines there are no grounds for denial it may grant an order directing the clerk of the court and the parties upon whom notice was served to seal their records of said arrest, including evidence of detention related thereto, and specifying those records to be sealed.

(b) If an order sealing the records of arrest is granted by the court, any law enforcement officers and departments who receive requests for information or records on the person against whom the arrest was entered shall reply, with respect to the arrest and proceedings which are the subject of the order, that there is no record. Such sealed records and information may be maintained by any law enforcement agency originally possessing such records and information, but such information shall be utilized only within the department and sufficient precautions shall be taken to insure that the sealed records and information are not revealed to anyone outside the law enforcement agency which continues to maintain the records or information.

Inspection of the files and records, or release of the information in the files and records, which are the subject of the sealing order, to anyone other than a person within the law enforcement agency in which the arrest records were sealed, may be permitted only by the court upon motion

for good cause shown, and any such motion and any order granted pursuant to such motion shall specify the person or persons to whom the records and information are to be shown.

5. If the court determines there are grounds for denial, the court shall not grant an order to expunge or seal the records of the arrest or evidence of detention related thereto.

6. For the purpose of this act 'grounds for denial' shall exist:

a. when the usefulness of the information of the arrest and the proceedings to law enforcement authorities and to anyone who might obtain such information outweighs the desirability of having a person, who has been acquitted or against whom charges have been dismissed or discharged, freed from any disabilities attached to the arrest which preceded that acquittal, dismissal or discharge.

b. when dismissal resulted from a plea bargaining agreement or when acquittal, discharge or dismissal occurred after exclusion of highly probative evidence upon invocation of an exclusionary rule not directed to the truth of the evidence excluded.

7. If an order expunging or sealing a record of arrest is granted, the arrest and any proceedings related thereto shall be deemed not to have occurred and the petitioner may answer accordingly any question relating to their occurrence.

8. This act shall apply to arrests which occurred prior to and which occur after enactment of this act. No court order pursuant to this act shall prohibit the filing of reports required under the Controlled Dangerous Substances Registry Act of 1970, P.L. 1970, c. 227 (C. 26:2G–17 et seq.).''

Page 2, Section 1, Line 29: Before ''For'' insert ''9''

Page 2, Section 2 Line 1: Delete ''2'' and insert ''10''; delete ''section'' and insert ''act''.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 2, 1973.

ASSEMBLY BILL No. 336 (2ND OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 336 (2nd OCR), with my objections, for reconsideration.

Assembly Bill No. 336 (2nd OCR) requires that a tag be placed on any used, rebuilt, reconditioned or repossessed household appliance, indicating to a prospective purchaser this fact in at least 10 point type. Placing a tag which misrepresents the status of an appliance is a disorderly persons offense. The Attorney General is given the power under the bill to enjoin actual or prospective violations of the act.

The disorderly persons offense in this bill is a specific form of consumer fraud which the Attorney General may now enjoin. Currently, N.J.S. 56:8–1 et seq. establishes procedures for the Attorney General to enjoin and recover costs for any consumer fraud. The procedure established in this bill for the specific situation of consumer fraud might be considered as a limitation upon the procedures established in N.J.S. 56:8–1 et seq. Such a construction would not be in the interest of the public. Yet, I do agree that the criminal penalty contained in this bill is desirable for it increases the protection for the consumer with respect to this one form of consumer fraud. However, it should be specifically provided in this bill that the general procedures already established to deal with consumer frauds are not intended to be limited by the procedures established in Assembly Bill No. 336 (2nd OCR).

Accordingly, I respectfully recommend the following change in Assembly Bill No. 336 (2nd OCR):

Page 2, Section 4, Line 6: After "thereof" insert "; provided, however, that nothing in this act shall limit the powers of the Attorney General and the

procedures with respect to consumer fraud in N.J.S. 56:8–1 et seq.''

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 421 (3rd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 421 (3rd OCR), with my objections, for reconsideration.

This bill provides that the owner of a motor vehicle, who has leased the vehicle to an independent contractor, shall not be liable for any parking violation under Title 39 of the Revised Statutes when the motor vehicle is under the control of the independent contractor, unless that violation was caused by the owner's failure to maintain the vehicle. A procedure is established for notification by the owner to the municipal clerk of the municipality issuing the violation of the name and address of the lessee of the vehicle. Failure to notify the municipal clerk may result in liability of the owner for the parking violation.

Assembly Bill No. 421 (3rd OCR) is limited to parking violations under Title 39. Most parking violations are not under Title 39 but are violations of municipal ordinances or regulations issued by State authorities. There is no justifiable reason for so limiting the protection provided in Assembly Bill No. 421 (3rd OCR) to violations under Title 39 of the Revised Statutes. All parking violations should be included.

Assembly Bill No. 421 (3rd OCR) limits the protection provided the owner of the motor vehicle to situations in which the vehicle is leased to an independent contractor. Here, again, there is no reason to limit the protection provided in the bill to such a narrow situation. Regardless of

who the lessee of the motor vehicle is, the owner should not be held responsible for the parking violation.

The bill does not condition the exemption from liability for the parking violation upon the owner's providing the name and address of the lessee of the vehicle. While Section 3 of the bill indicates that the owner may be held liable in the event he fails to provide notice, I am of the opinion that the exemption from liability should be conditioned upon providing the name and address of the lessee.

Assembly Bill No. 421 (3rd OCR) is unclear as to whether an owner who provides the name and address of the lessee is required to attend the hearing on the parking violation. Since there may be situations in which the owner is claimed to be responsible for the violation because the violation was caused by mechanical failure resulting from the owner's failure to maintain the vehicle, a procedure should be specified in the bill to indicate under what circumstances the owner must attend the hearing on the traffic violation. Furthermore, a procedure should be indicated to provide the owner with notice that the lessee intends to claim the violation was due to the owner's failure to maintain the vehicle.

The language "clerk of the magistrate" is utilized in Section 2 of the bill. The term "magistrate" is obsolete and appropriate alternative language should be substituted. The bill gives the Director of the Division of Motor Vehicles the authority to prescribe the form upon which the court is notified the name and the address of a lessee. The form of the notarized statement is an administrative determination which should be made by the Administrative Director of the Courts rather than the Director of the Division of Motor Vehicles. Similarly, the determination in any given case of who should be subject to the penalty for the parking violation when the owner fails to provide the required notice should be left to the discretion of the court, clearly indicating that the court has the discretion to find the owner liable in such a situation.

Accordingly, I herewith return Assembly Bill No. 421 (3rd OCR) for your reconsideration and recommend the following changes:

Page 1, Section 1, Line 1: Before "The owner" insert "a."

Page 1, Section 1, Line 2: Delete "to an independent contractor"

Page 1, Section 1, Line 3: After "Title" insert ", under any municipal ordinance, or under regulations issued by State authorities,"

Page 1, Section 1, Lines 4, 5: Delete "independent contractor, unless that parking violation was caused by a mechanical failure of the vehicle which resulted from the owner's failure to maintain the vehicle" insert "lessee; provided that, upon notice of a parking violation,"

Page 1, Section 2, Line 1: Delete "2. Upon notice of a parking violation,"

Page 1, Section 2, Line 2: After "vehicle" insert "which was"

Page 1, Section 2, Lines 2, 3: Delete "to an independent contractor shall notify" insert "at the time of the violation notifies".

Page 1, Section 2, Lines 3, 4: Delete "magistrate of the municipality issuing the violation" insert "court where the case is pending"

Page 1, Section 2, Line 5: Delete "giving" insert "of"

Page 1, Section 2, Line 5: Delete "independent contractor" insert "lessee"

Page 1, Section 2, Lines 6, 7: Delete "Director of the Division of Motor Vehicles" insert "Administrative Director of the Courts"

Page 1, After subsection 2: Insert subsection as follows:

"b. After providing the name and address of the lessee, the owner shall not be required to attend a hearing on the offense, unless notified that the offense may have been caused by mechanical failure of the vehicle which resulted from the owner's failure to maintain the vehicle.

c. Paragraph a. of this section shall not apply to any parking violation which was caused by mechanical failure of the vehicle which resulted from the owner's failure to maintain the vehicle.

The lessee of the motor vehicle who intends to claim the violation resulted from the owner's failure to maintain the vehicle shall notify the clerk of the court where the case is pending and the owner of the vehicle of this claim within 5 days after receiving notice of the violation or at least 7 days prior to the date the case will be heard by the court, whichever is later."

Page 1, Section 3, Line 1: Delete "3" insert "d"

Page 1, Section 3, Line 1: Delete "Failure" insert "If the owner of the vehicle fails"

Page 1, Section 3, Lines 1, 2: Delete "section 2 of this act may result in the liability of" insert "paragraph a. above, the court hearing the violation may take such action as the interests of justice require, including finding".

Page 1, Section 3, Line 2: After "vehicle" insert "liable"

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

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 440 (2d OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 440 (2d OCR), with my objections, for reconsideration.

This bill would amend the New Jersey Corporation Business Tax Act by adding an additional exemption from the franchise tax imposed thereunder (P. L. 1945, c. 162, Sec. 3; C. 54:10A–3). The exemption proposed would exempt "corporations not for profit . . . where the primary purpose thereof is to provide for its shareholders or members housing in a retirement community as same as is defined under the provisions of the "Retirement Community Full Disclosure Act" P. L. 1969, c. 215 (C. 45:22A–2(b)).

This proposed exemption is intended to benefit retirement communities organized as cooperative corporations. I am in complete sympathy with the many senior citizens who live on fixed incomes and are often in need of real estate tax relief, and recognize that they are unable to benefit from the annual real estate deduction which would otherwise be

available to them. Hopefully, the enactment of this bill will result in reduced maintenance charges to members of such cooperatives. However, this bill is technically deficient since its enactment would delete C. 211, Section 4, P. L. 1972 approved by me December 29, 1972, which exempted corporations operating regular route bus service within the State pursuant to R. S. 48:4–3. In order to correct this oversight, I herewith return Assembly Bill No. 440 (2nd OCR) for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, after line 8 insert

"(b) corporations which operate regular route autobus service within this State under operating authority conferred pursuant to R. S. 48:4–3, provided, however, that such corporations shall not be exempt from the tax on net income imposed by section 5 (c) of P. L. 1945, c. 162 (C. 54:10A–5 (c));"

Pages 1 and 2, Section 1 reletter subparagraphs "(b)" through "(g)" as "(c)" through "(h)".

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 22, 1973.

ASSEMBLY BILL No. 520 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 520 OCR, with my objections, for reconsideration.

Assembly Bill No. 520 OCR would amend Chapter 303 of the Laws of 1968 (itself in large part an amendment to the private sector mediation law) to add certain enumerated unfair practices to the authority of the Public Employment Relations Commission ("P.E.R.C.") established pursuant to Chapter 303. The bill is limited to this area of unfair practices. However, in striving for this limitation the bill

provides language which could be construed to override all existing law relating to civil service in Title 11 and the education laws of Title 18A to make P.E.R.C. the exclusive agency for handling unfair employer-employee labor practice complaints. Overriding all other laws goes beyond the usual approach in the private sector law. Moreover, we must be careful to preserve the rights of our public employees under the existing civil service merit system. Destruction or substantial erosion of our civil service laws would be, in my opinion, ill-conceived, detrimental to our dedicated employees and could, under certain circumstances, violate the New Jersey Constitution.

While Chapter 303 of the Laws of 1968 cries out for drastic changes, this bill in its present form would accentuate the existing deficiencies. The numerous serious problems which have arisen under Chapter 303 are not dealt with in this bill. Experience on the municipal, county and state levels of government has shown that Chapter 303 has serious deficiencies and needs substantial revision, rather than the piecemeal approach evinced by Assembly Bill No. 520 OCR.

Despite differing views, it is obvious to those administering the complex functions of government in modern society that there are significant differences between labor relations in the public sector and in the private sector. For instance, it is obvious that in the public sector the purpose of operations of government is service. These services cannot be provided on a profit basis and funds are not easily raised, or at least revenues are not readily increased. We must be continually mindful of the fact that any substantial revenues are raised through taxation, and our taxpayers today are under a very heavy burden. The authority of a public employer to bargain is quite different from that of a private employer. The public employer is in reality the public. At the State, county and municipal levels final approval of the budget must be received from the respective legislative bodies which must in turn seek approval ultimately of the taxpaying public. Furthermore, most governmental functions are essential today, whether it be police, fire protection, road maintenance, tax collection, mailing of checks for unemployment, welfare or medicaid, or motor vehicle licensing and inspection services.

A brief review of the history of Chapter 303 of the Laws of 1968, which was enacted in some haste, is appropriate:

Chapter 303 was actually engrafted on the private sector mediation law (C. 100, P. L. 1941), and some of the sections of Chapter 303 are common to that law. Thus, instead of having a separate law for private sector labor problems and a separate law for public sector labor problems, as do many states, including New York, New Jersey has a hybrid law which was artificially contrived and constructed by an intermeshing and commingling of two laws. In my view, such a situation is not conducive either to good government or to effective personnel relations. Former Governor Richard Hughes recognized this and the many deficiencies contained in Chapter 303. Indeed, the bill which became Chapter 303 (Senate Bill No. 746 of 1968) was returned on September 10, 1968, by Governor Hughes, without his signature with extensive recommendations for amendments. Only three days later this bill repassed both houses and became law over the conditional veto and recommendations therein of the then Governor Richard J. Hughes. Since that time many legislators have indicated to me serious regrets about having enacted legislation that was not understood and so woefully inadequate, and which to date has caused the most serious problems and had greatest impact at the municipal level in its relatively limited lifetime. Experience at other levels of government is gradually evolving and showing a similar pattern.

In my view, comprehensive total revision of the P.E.R.C. law is needed. However, I recognize that there may be some difficulties in achieving the total revision necessary. It seems obvious that if there is to be an unfair practices section within the present framework of the law, and I believe one is necessary, then it is essential to correct those deficiencies in Chapter 303 which would be compounded if unfair practices were adopted without changes. The amendments which I suggest today are only those which constitute a first step and are related to the unfair practices problem, including clarifying procedural steps and providing time limitations on filing complaints. For instance, a board made up of public members, as I advocate, rather than partisans, should not be confronted with an apparent conflict of interest situation as can occur under the present structure. Likewise, it is necessary to differentiate between management personnel and non-management personnel.

I agree, as did former Governor Richard J. Hughes in his veto message covering Chapter 303, with the concept that an effective employer-employee relations law in the

public sector, as well as in the private sector, should provide for unfair practices violations, although a review of the illegal work stoppages in New Jersey indicates that the overwhelming majority of those situations were caused by differences of opinion between the parties and not because of unfair practices. In addition, the reference to the grievance procedures as an unfair practice should be stricken because Chapter 303 of the Laws of 1968 provides for such grievance procedures in Section 7 (N.J.S. 34:13A–5.3).

Without these limited revisions which I suggest today as a minimum, I believe there will eventually be chaos in public sector employer-employee relations in New Jersey should Assembly Bill No. 520 OCR be adopted in its present form.

Accordingly, I herewith return Assembly Bill No. 520 OCR for reconsideration and recommend that it be amended as follows:

1. *Page 1, Title, Line 1*: After "An Act to" insert "amend and".

2. *Page 1, Title, Line 3*: After "303" insert "and amending P.L. 1968, c. 303".

3. *Page 1, Section 1, Line 15*: After "sentative" insert "recognized or certified as the exclusive representative of employees in an appropriate unit".

4. *Page 1, Section 1, Line 16*: Delete "the appropriate" and insert "that".

5. *Page 1, Section 1, Lines 16-17*: Delete "or concerning grievances of said employees or representative".

6. *Page 1, Section 1, Line 18*: After "representative" insert "provided, however, that the performance by an employer of any duty imposed upon it by law shall not be construed as a refusal to negotiate in good faith, and whenever a public employer is obligated by law to submit a budget, it shall not be considered an unfair practice or a refusal to negotiate in good faith on the part of the public employer who, pursuant to that obligation to submit a budget, includes a specific amount for increased salaries and changes in fringe benefits."

7. *Page 2, Section 1, Line 32*: After "unit" insert "concerning terms and conditions of employment of employees in that unit."

8. *Page 2, Section 1, Line 37*: After "empowered" insert "as hereinafter provided".

9. *Page 2, Section 1, Line 38*: Delete "This".

10. *Page 2, Section 1, Line 39*: Delete in its entirety.

11. *Page 2, Section 1, Line 40*: Delete "statute".

12. *Page 2, Section 1, Line 43*: After "party" insert "or person a complaint stating the charges in that respect and containing".

13. *Page 2, Section 1, Line 45*: After "thereof" insert "provided that no complaint shall issue based upon any unfair practice occurring more than 4 months prior to the filing of the charge unless the person aggrieved thereby was prevented from filing such charge by reason of service in the armed forces, in which event the 4 months period shall be computed from the day of his discharge."

14. *Page 2, Section 1, Lines 45-47*: Delete "rules of evidence prevailing in courts of law or equity shall be followed but shall not be controlling" and insert "provisions of the Administrative Procedure Act (C. 52:14B–1 et seq.) shall be applicable."

15. *Page 2, Section 1, Line 50*: Delete "finding" and insert "findings" in lieu thereof.

16. *Page 2, Section 1, Line 51*: After "fact" insert "and conclusions of law".

17. *Page 2, Section 1, Line 51*: After "party" insert "or person".

18. *Page 2, Section 1, Line 52*: After "party" insert "or person".

19. *Page 2, Section 1, Line 53*: Delete "affirmative".

20. *Page 2, Section 1, Line 56*: Delete "representative".

21. *Page 2, Section 1, Line 57*: Delete "of the employee organization or" and after "charge" insert "or his authorized representative."

22. *Page 2, Section 1, Lines 61 and 62*: Delete "Appellate Division of Superior".

23. *Page 2, Section 1, Line 62*: After "Court for an" insert "appropriate".

24. *Page 3, Section 1, Line 63*: After "hereof," insert "in accordance with the Rules of Court."

25. *Page 3, Section 1, Line 63*: Delete "and its findings of".

26. *Page 3, Section 1, Lines 64 through 73*: Delete in their entirety.

27. *Page 3, Section 1, after Line 73*: Insert new Sections 2, 3, 4, 5 and 6 as follows:

"2. Section 3 of P.L. 1941, chapter 100 (C. 34:13A–3) is amended to read as follows:

3. When used in this act:

(a) The term "board" shall mean New Jersey State Board of Mediation.

(b) The term "commission" shall mean New Jersey Public Employment Relations Commission.

(c) The term "employer" includes an employer and any person acting, directly or indirectly, on behalf of or in the interest of an employer with the employer's knowledge or ratification, but a labor organization, or any officer or agent thereof, shall be considered an employer only with respect to individuals employed by such organization. This term shall include "public employer" and shall mean the State of New Jersey, or the several counties and municipalities thereof, or any other political subdivision of the State, or a school district, or any special district, or any authority, commission or board, or any branch or agency of the public service.

(d) The term "employee" *in the private sector* shall include any employee, and shall not be limited to the employees of a particular employer unless this act explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of or in connection with any current labor dispute or because of any unfair labor practice and who has not obtained any other regular and substantially equivalent employment. This term, however, shall not include any individual taking the place of any employee whose work has ceased as aforesaid, nor shall it include any individual employed by his parent or spouse, or in the domestic service of any person in the home of the employer, or employed by any company owning or operating a railroad or railway express subject to the provisions of

the Railway Labor Act. [This term shall include public employee, i.e. any person holding a position, by appointment or contract, or employment in the service of a public employer, except elected officials, heads and deputy heads of departments and agencies, and members of boards and commissions, provided that in any school district this shall exclude only the superintendent of schools or other chief administrator of the district.]

(e) *The term "public employee" shall include any public employee, and shall not be limited to the employees of a particular public employer unless this act explicitly states otherwise.*

This term shall include any person holding a position, by appointment or employment in the service of a public employer, except elected officials, heads and deputy heads of departments and agencies, members of boards and commissions, other managerial executives, confidential employees, individuals employed as supervisors and members of the organized militia.

(f) The term "representative" is not limited to individuals but shall include labor organizations, and individual representatives need not themselves be employed by, and the labor organization serving as a representative need not be limited in membership to the employees of, the employer whose employees are represented. This term shall include any organization, agency or person authorized or designated by a public employer, public employee, group of public employees, or public employee association to act on its behalf and represent it or them.

(g) *The term "confidential employee" means one whose access to confidential personnel files or information concerning the administrative operations of a public employer and functional responsibilities or knowledge in connection with the issues involved in the collective negotiations process would make membership in any appropriate negotiating unit incompatible with his official duties.*

(h) *The term "supervisor" means any individual having authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, evaluate, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of*

a merely routine or clerical nature, but requires the use of independent judgment.

(i) *The term "managerial executive" refers to persons who formulate management policies and practices, and to those who are charged with the responsibility of effectuating and making operative such management policies and practices."*

3. Section 6 of P.L. 1968, c. 303 (C. 34:13A–5.2) is amended to read as follows"

"6.(a) There is hereby established in the Division of Public Employment Relations a commission to be known as the New Jersey Public Employment Relations Commission. This commission, in addition to the powers and duties granted by this act, shall have in the public employment area the same powers and duties granted to the labor mediation board in sections 7 and 10 of chapter 100, P.L. 1941 and in sections 2 and 3 of chapter 32, P.L. 1945. There shall be a chief executive officer and administrator who shall devote his full time to the performance of his duties exclusively in the Division of Public Employment Relations.

(b) This commission shall make policy and establish rules and regulations concerning employer-employee relations in public employment relating to dispute settlement, grievance procedures and administration including enforcement of statutory provisions concerning representative elections and related matters. The commission shall consist of [7] *3 public* members to be appointed by the Governor, by and with the advice and consent of the Senate, *one of whom shall be designated as Chairman by the Governor.* [Of such members, 2 shall be representative of public employers, 2 shall be representative of public employee organizations and 3 shall be representative of the public including the appointee who is designated as chairman.] Of the first appointees, [two] *one* shall be appointed for [2 years] *1 year*, [two] *one* for a term of [3] *2* years and [three] *one*, [including the chairman,] for a term of [4] *3* years. Their successors shall be appointed for terms of 3 years each, *and until their successors are appointed and qualified*, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whose office has become vacant.

The members of the commission shall be compensated at the rate of [$50.00] *$100.00* for each day, or part thereof,

spent in attendance at meetings and consultations and shall be reimbursed for necessary expenses in connection with the discharge of their duties.''

4. The terms of office of the present members who are representative of public employers and public employees on the New Jersey Public Employment Relations Commission shall terminate on the effective date hereof. The public members of the commission in office on the effective date of this act shall continue in such office until the expiration of their respective terms.

5. Section 7 of P.L. 1968, chapter 303 (C. 34:13A–5.3) is amended to read as follows:

''7. Except as hereinafter provided, public employees shall have, and shall be protected in the exercise of the right, freely and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity; provided, however, that this right shall not extend to any *supervisor or* managerial executive. [except in a school district the term managerial executive shall mean the superintendent of schools or his equivalent, nor, except where established practice, prior agreement or special circumstances, dictate the contrary, shall any supervisor having the power to hire, discharge, discipline, or to effectively recommend the same, have the right to be represented in collective negotiations by an employee organization that admits nonsupervisory personnel to membership, and the fact that any organization has such supervisory employees as members shall not deny the right of that organization to represent the appropriate unit in collective negotiations] *Except in the case of a written agreement made prior to the effective date of this act, no supervisor, confidential employee, or managerial executive shall have the right to be represented in collective negotiations. The fact that any employee organization has any supervisory, confidential employee or managerial executive as members shall not deny the right of the organization to represent the public employees in an appropriate unit*; and provided further, that, except where established practice, prior agreement, or special circumstances dictate the contrary, no policeman shall have the right to join an employee organization that admits employees other than policemen to membership. The negotiating unit shall be defined with due regard for the community of interest among the employees concerned, *and the joint responsibilities of the public employer and public employees to serve the public.*

Voluntary determination and agreement of unit composition shall not be made in conflict with the provisions of this act. [but the commission shall not intervene in matters of recognition and unit definition except in the event of a dispute.]

Representatives designated or selected by public employees for purposes of collective negotiation by the majority of the employees in a unit appropriate for such purposes or by the majority of the employees voting in an election conducted by the commission as authorized by this act shall be the exclusive representatives for collective negotiation concerning the terms and conditions of employment of the employees in such unit. Nothing herein shall be construed to prevent any official from meeting with an employee organization for the purpose of hearing the views and requests of its members in such unit so long as (a) the majority representative is informed of the meeting; (b) any changes or modifications in terms and conditions of employment are made only through negotiation with the majority representative; and (c) a minority organization shall not present or process grievances. Nothing herein shall be construed to deny to any individual employee his rights under Civil Service laws or regulations. When no majority representative has been selected as the bargaining agent for the unit of which an individual employee is a part, he may present his own grievance either personally or through an appropriate representative or an organization of which he is a member and have such grievance adjusted.

A majority representative of public employees in an appropriate unit shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees without discrimination and without regard to employee organization membership. [Proposed new rules or modifications of existing rules governing working conditions shall be negotiated with the majority representative before they are established. In addition, the majority representative and designated representatives of the public employer shall meet at reasonable times and negotiate in good faith with respect to grievances and terms and conditions of employment.]

For the purposes of this act, to negotiate collectively is the performance of the mutual obligation of the employer and the majority representative of the employees to meet

at reasonable times and negotiate in good faith with respect to the terms and conditions of employment, and the execution of a written agreement signed by the authorized representatives of the public employer and the majority representative incorporating any agreement reached; provided that such obligation does not compel either party to agree to a proposal or require the making of a concession and provided further that such obligation does not compel either party to negotiate with respect to obligations or duties imposed upon it by law.

When an agreement is reached on the terms and conditions of employment, it shall be embodied in writing and signed by the authorized representatives of the public employer and the majority representative.

Public employers shall negotiate written policies setting forth grievance procedures by means of which their employees or representatives of employees may appeal the interpretation, application or violation of policies, agreements, and administrative decisions affecting them, provided that such grievance procedures shall be included in any agreement entered into between the public employer and the representative organization. Such grievance procedures may provide for binding arbitration as a means for resolving disputes.''

6. Nothing in this act or the act to which this is a supplement shall conflict with, impair, supersede or abrogate the provisions of either Title 11, Civil Service of the Revised Statutes, or Title 18A, Education, of the New Jersey Statutes, or the rules and regulations issued pursuant thereto, or to deny to any individual public employee his rights provided thereunder. Any right of appeal granted under Title 11 or Title 18A to any public employee shall be exclusive, any law or agreement to the contrary notwithstanding.

28. *Page 3, Section 2, Line 1*: Delete ''2'' and insert ''7''.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 30, 1973.

ASSEMBLY BILL No. 529

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 529 with my objections, for reconsideration.

This bill would prohibit the receipt or acceptance of any gratuity, bonus or gift in connection with the rental of real property with the understanding that such a gratuity, bonus or gift would procure an advantage over others in obtaining the rental of the real property.

I fully support the intent of this bill to protect consumers from being victimized due to a shortage in rental properties. However, I feel the bill can be strengthened by specifically prohibiting the solicitation of a gratuity or gift in addition to prohibiting the completed transaction. There may be many situations where a consumer is approached to pay a sum of money to obtain advantage over others but will be unwilling to participate in such a scheme. The conduct of persons who approach the consumer for this purpose should be punishable even if they are unsuccessful in obtaining the gratuity or gift from the consumer.

The prohibition in Assembly Bill No. 529 could be interpreted to reach a fair and honest reduction in rent resulting from arm's length bargaining because of the term "bonus". A reduced rental could be interpreted to be an indirect "bonus". The situation intended to be prohibited by the use of the term "bonus" is circumscribed by the term "gift". The deletion of the term "bonus" will consequently not affect the intended purpose of the bill and will eliminate the possibility of a misinterpretation of the bill.

For these reasons, I return herewith Assembly Bill No. 529 for reconsideration with a recommendation that it be amended as follows:

Page 1, Title: Delete ", bonuses".

Page 1, Section 1, Line 1: After "indirectly," insert "solicits," requests, demands,".

Page 1, Section 1, Line 2: Delete ", bonus".

Page 1, Section 1, Line 9: Delete ", bonus".

Page 1, Section 2, Line 1: After "gratuity" delete ",".

Page 1, Section 2, Line 2: Delete "bonus".

Page 1, Section 2, Line 4: Delete ", bonus"

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 602

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 602, with my objections, for reconsideration.

This bill adds a provision to the Law Against Discrimination, P. L. 1945, c. 169 (C. 10:5–12), making blockbusting unlawful discrimination. The prohibition includes blockbusting based on race, creed, color, national origin, ancestry, age, marital status or sex.

I wholeheartedly support this attempt to add an additional method of dealing with licensed realtors who engage in this practice and to reach persons other than brokers. Nevertheless, the inclusion of "age" in the blockbusting prohibition requires, though reluctantly, that I conditionally veto Assembly Bill No. 602.

In the Law Against Discrimination, P. L. 1945, c. 169, sect. 11 (C. 10:5–12), "age" is included as a basis for unlawful discrimination in the area of employment. However, "age" is not included in those portions of the

Law Against Discrimination which prohibit discrimination in housing. Compare subsections 11(a), (b) and (c), as amended by P. L. 1962, c. 37, sect. 7, with subsections 11(g), (h) and (i), as amended by P. L. 1970, c. 80, sect. 14. Similarly, the Federal Fair Housing Act, 42 U.S.C. 3604, does not include "age" within the federal blockbusting prohibition.

The inclusion of "age" within the prohibition against blockbusting would create an inconsistency within the Law Against Discrimination with the provisions of the act which prohibit discrimination in housing. This inconsistency should be eliminated by deleting "age" from the prohibition against blockbusting as opposed to including "age" within the prohibition against discrimination in housing. Age has not been and is not anticipated to be a factor in blockbusting. The inclusion of "age" as a factor in discrimination in housing, on the other hand, might prohibit the desirable senior citizen communities which presently are permitted for the exclusive benefit of senior citizens.

Accordingly, I herewith return Assembly Bill No. 602 for reconsideration and recommend that it be amended as follows:

On Page 5, Section 1, Line 191: Delete "age,".

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 720

To the General Assembly:

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

This bill amends R. S. 40:62–2 to provide that any municipality which operates any light, heat or power plant, or is

engaged in the business of transportation, keep its books, records and accounts with respect to such business in the same manner as all other books, records and accounts of the municipality. Presently, R. S. 40:62–2 requires that the books, records and accounts be maintained in the manner required by the Board of Public Utility Commissioners.

Municipal utilities are not generally under the jurisdiction of the Board of Public Utility Commissioners. I, therefore, see no need to require municipalities to maintain two sets of books and records in order to provide information in the form required by the Board on those municipal utilities covered by R. S. 40:62–2. Nevertheless, in those limited situations where the municipal utility provides service outside the municipality, the Board is responsible for setting the rates charged those outside the municipality. In order to fulfill this function, the Board must receive information in the form and manner they require. Consequently, it is necessary in these limited situations that the books, records and accounts be maintained in the form required by the Board.

Accordingly, I herewith return Assembly Bill No. 720 for your reconsideration and recommend it be amended as follows:

Page 1, Section 1, Line 2: Delete "Whenever any" and insert "Any"

Page 1, Section 1, Line 2: Delete "shall"

Page 1, Section 1, Lines 3-4: Delete "acquire, construct or engage, or is"

Page 1, Section 1, Line 6: Delete "such municipality" and insert "shall, with respect to such business"

Page 1, Section 1, Line 7: Delete "it," insert "it:"

Page 1, Section 1, Lines 7-16: Delete "shall (a) keep its books, records and accounts in the same manner as provided by statute for keeping all other books, records and accounts of the municipality, (b) comply with all rules, regulations and recommendations as to reasonable standards and service, and (c) for purposes of an annual report, shall file a copy of its Annual Report of Audit by a registered municipal accountant with the Board of Public Utility Commissioners, and the" and insert the following:

"a. keep its books, records and accounts in the same

manner as provided by statute for keeping other books, records and accounts of a municipality, and file with the Board of Public Utility Commissioners a copy of its Annual Report of Audit by a registered municipal accountant if the municipality provides light, heat or power only within the limits of the municipality;

b. keep its books, records and accounts and make reports to the Board in a manner and form and to the same extent as the Board shall from time to time require of other public utilities in similar businesses in all other situations;

c. comply with all rules, regulations and recommendations as to reasonable standards and service to the same extent as the Board shall from time to time require of other public utilities engaged in other similar businesses.

The''

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 22, 1973.

ASSEMBLY BILL No. 783 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 783 (2nd OCR), with my objections, for reconsideration.

This bill would amend the Governmental Unit Deposit Protection Act (C. 17:9–44) to provide that no collateral shall be required to secure any public deposit to the extent that such a deposit is insured by the Federal Deposit Insurance Corporation or any other federal agency which insures deposits. It also establishes an alternate method of computing the amount of security required under the act, and expands the definition of ''eligible collateral'' under the act to include ''mortgages insured by the United States of America or an instrumentality thereof as to payment of principal and interest'' and ''any other obligations authorized from time to time by the commissioner [of

Banking] pursuant to rule or regulation." Finally, the Commissioner of Banking is empowered to authorize the required collateral to be held in such manner as he deems consistent with the purpose of the act, in addition to the current statutorily approved methods of holding collateral.

I agree with the purpose of this bill, and I believe that it will allow the financial institutions of this State greater flexibility while still guaranteeing adequate security for deposits of public funds. It is my opinion, however, that the bill should be amended to allow only the actually insured or guaranteed portions of federally insured or guaranteed mortgages to be used as collateral for public deposits. Furthermore, I believe that the power to determine the types of obligations which may be used as collateral for the security of public deposits should not be delegated to an administrative agency.

Accordingly, I herewith return Assembly Bill No. 783 (2nd OCR) without my approval, and recommend that it be amended as follows:

1. *Page 1, Section 1, Line 22*: After "interest" insert "to the extent of such insurance or guarantee".

2. *Page 1, Section 1, Lines 22-24*: Delete "any other obligations authorized from time to time by the commissioner pursuant to rule or regulation,".

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 792 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 792 (OCR) for reconsideration.

This bill amends N. J. S. 2A:157–6 to permit certain third

class counties to increase the authorized number of county detectives from two to five and to permit the appointment of one detective as lieutenant of county detectives. The bill also establishes a minimum salary for the position of lieutenant of county detectives.

As originally introduced, the bill applied to counties of the third class having a population of less than 75,000 persons. An Assembly Committee Amendment to the bill reduced the population figure to 65,000 persons. As the Senate Committee Statement To Assembly Bill No. 792 (OCR) points out, by lowering the population requirements so that the provisions of the bill apply only to third class counties with a population of less than 65,000, the bill deprives the counties of Warren and Hunterdon of the statutory authority for appointing county detectives.

Accordingly, I am returning Assembly Bill No. 792 (OCR) for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 3: Delete "65,000" and insert "75,000"

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 7, 1973.

ASSEMBLY BILL No. 838 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 838 (2nd OCR) with my objections, for reconsideration.

Assembly Bill No. 838 (2nd OCR) increases the seat back height on school buses to 28 inches, provides that school bus seats meet certain minimum force standards and requires that the seats be equipped with passive restraint systems.

I wholeheartedly support efforts to provide greater protection for our children while riding in school buses. Any workable system to improve the safety and possibly save the lives of our school children has my emphatic endorsement. There are, unfortunately, several problems with Assembly Bill No. 838 (2nd OCR) which require this conditional veto.

The bill contains no definition for a "passive" restraint system. The federal government has been attempting to promulgate regulations describing a "passive" restraint system. However, until these federal guidelines are enacted, it would be virtually impossible to determine what type of seat would passively protect a child in a school bus. The requirements in the bill could not be administered without some specific guidelines as to what qualifies as a "passive" restraint system. It is doubtful anything less than the proposed federal standards could properly be termed a "passive restraint system".

Assembly Bill No. 838 (2nd OCR) would permit only a "passive restraint system". We should not limit the methods available to protect our children in school buses. Any restraint system, passive or active, which provides greater protection for our children should be permitted. When a passive restraint system is developed according to federal guidelines, it should be permitted in our school buses. Until that time, any other effective restraining system should be permitted.

Assembly Bill No. 838 (2nd OCR) requires that the driver's seat in a school bus be equipped with a passive restraint system. There is no method of passively restraining the driver because of the proximity of the windshield and of the steering wheel to the driver's seat. The bill would require the removal of the seat belt which is now required for the driver's seat. There is good reason to continue to require a seat belt on the driver's seat as opposed to a passive restraint system. A seat belt enables a driver to maintain maximum control over the vehicle, which is especially necessary in the event of an accident. Even if it were possible to create a passive restraint system for the driver's seat in a school bus, such a system might actually

have an adverse effect on the safety of the children in the bus.

While the above alone would require that I conditionally veto Assembly Bill No. 838 (2nd OCR), I must also indicate a procedural problem created by the bill. The bill applies to buses "acquired" after Juy 1, 1973. Because of a five to six month delay between the date on which a school bus is ordered and the date on which it is received, the bill would apply to buses ordered prior to any possible date of enactment of the bill and long prior to the effective date of the bill. The date on which buses are ordered should be utilized as the date on which buses must meet the requirements in the bill because this is the date which determines the nature of the bus which eventually will be delivered.

There is no empirical method of demonstrating the date on which a bus is "acquired." Retaining the date upon which a bus is acquired would prevent effective enforcement of the bill. To enforce the bill there must be some method of determining which buses must be equipped as provided in the bill when a bus is presented for its initial inspection. A dated order form can fulfill this function.

Accordingly, I herewith return Assembly Bill No. 838 (2nd 0CR) for reconsideration and recommend that it be amended as follows:

1. *Page 1, Section 1, Line 9:* Delete "passive"

2. *Page 1, Section 1, Line 9:* After "systems" insert ", active or passive,"

3. *Page 1, Section 2, Lines 2 and 3:* Delete "acquired on or after July 1, 1973" and insert "ordered 30 days after enactment"

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 30, 1973.

ASSEMBLY BILL No. 870 (2nd OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 870 with my objections, for reconsideration.

Assembly Bill No. 870 provides an extensive scheme for the registration, regulation and operation of snowmobiles. Many of the provisions in the act parallel provisions which are presently in the Motor Vehicle Statute and parallel procedures regulated by court rule.

I wholeheartedly support the principle of regulating snowmobiles to provide for the safe use and to prevent the misuse of this recreational vehicle. There are a number of legal deficiencies in Assembly Bill No. 870 which would result in invalidation of the law by the courts.

In a number of areas the bill attempts to establish court procedure which violates the constitutional mandate of separation of power. The bill also attempts to require the registration of snowmobiles used on private property in this State. This requirement extends beyond the State's regulation of motor vehicles and may well extend beyond the limits of the State's power in requiring the registration of motor vehicles.

The bill duplicates provisions which already exist in the law. A number of the procedural requirements of the bill with respect to offenses are already covered under the Motor Vehicle laws. The establishment of noise levels for snowmobiles is already provided for under The Noise Control Act, P. L. 1971, c. 418 (C. 13:1G–1 et seq.). The procedures already established under present law should be made applicable to the snowmobile rather than establishing a new procedure with respect to snowmobiles. In addition, by incorporating only a few of the offenses under the Motor Vehicle laws, the bill excludes a number of offenses which should be retained.

Accordingly, I herewith return Assembly Bill No. 870 for reconsideration and recommend it be amended as follows:

Page 1, Section 1, Line 6: Delete "engine-drawn" and insert "motor"

Page 1, Section 1, Line 8: Delete ", low-pressure tires"

Page 1, Section 1, Line 12: Delete "or law enforcement"

Page 1, Section 1, Lines 13–15: Delete in their entirety

Page 1, Section 1, Line 16: Delete "e" and insert "d"

Page 1, Section 1, Lines 20–22: Delete in their entirety

Page 2, Section 1, Lines 23–24: Delete in their entirety

Page 2, Section 2, Line 5: Delete "within the State" and insert "on or across a public highway or on public lands or waters"

Page 2, Section 3, Line 2: Delete "within the jurisdiction" and insert "on or across a public highway or on public lands or waters"

Page 2, Section 3, Line 6: Delete "all"

Page 2, Section 3, Line 9: Delete in its entirety

Page 2, Section 3, Line 10: Delete "b" insert "a"

Page 2, Section 3, Line 11: Delete "c" insert "b"

Page 2, Section 3, Line 12: Delete in its entirety

Page 2, Section 3, Line 13: Delete "e" and insert "c"

Page 2, Section 3, Line 15: Delete "f" and insert "d"

Page 3, Section 5, Line 2: After "him" insert "when a snowmobile is operated across a public highway or on public lands or waters"

Page 3, Section 6, Line 1: Before "No" insert "a."

Page 3, Section 6, Line 1: After "required" delete ":" and insert "for a snowmobile operated on private property."

Page 3, Section 6, Lines 2–8: Delete in their entirety

Page 3, Section 6, Line 9: Delete "c" and insert "b"

Page 3, Section 6, Line 9: Delete "For" and insert "No registration fee shall be charged for"

Page 3, Section 7, Lines 1–9: Delete in their entirety

Page 4, Section 7, Lines 10–34: Delete in their entirety

Page 4, Section 8, Line 1: Delete "8" and insert "7"

Page 4, Section 8, Line 3: Delete ", province, district"

Page 4, Section 8, Line 5: After "residence" insert "and conspicuously displays the registration number issued by the State or country of residence"

Page 4, Section 9, Line 1: Delete "9.a" and insert "8"

Page 4, Section 9, Lines 10–11: Delete in their entirety

Page 5, Section 9, Lines 12–17: Delete in their entirety

Page 5, Section 10, Line 1: Delete "10" and insert "9"

Page 5, Section 10, Line 9: Delete "as provided herein" and insert "when operating a snowmobile on public lands and waters or when crossing a public highway"

Page 5, Section 11, Line 1: Delete "11" and insert "10"

Page 5, Section 11, Line 3: Delete "10" and insert "7"

Page 5, Section 11, Lines 3–5: After "occurs" delete ", and to inscribe on such certificate, in the place provided, a record of such change of residence"

Page 5, Section 12, Line 1: Delete "12" and insert "11"

Page 5, Section 12, Line 12: Delete "of $5.00"

Page 5, Section 12, Line 13: Delete "In the event that such snowmobile was purchased through a"

Page 5, Section 12, Lines 14–16: Delete in their entirety

Page 5, Section 13, Line 1: Delete "13" and insert "12"

Page 6, Section 14, Line 1: Delete "14" and insert "13"

Page 6, Section 15, Line 1: Delete "15" and insert "14"

Page 6, Section 16, Line 1: Delete "16" and insert "15"

Page 6, Section 16, Lines 5–6: Delete in their entirety

Page 6, Section 16, Line 7: Delete "c" and insert "b"

Page 6, Section 16, Lines 8–10: Delete ", including provisions for issuance of snowmobile safety certificates for operation of snowmobiles by youthful operators"

Page 6, Section 16, Line 11: Delete "d" and insert "c"

Page 6, Section 16, Line 13: After "except" insert "that in the case of"

Page 6, Section 16, Line 13: After "those" insert "special events"

Page 6, Section 16, Line 14: After "Protection" insert "any regulations must be approved jointly by the director and the commissioner"

Page 6, Section 17, Line 1: Delete "17" and insert "16"

Page 6, Section 17, Lines 2–3: Delete "except as herein provided" and insert "on public lands or waters or across a public highway"

Page 6, Section 18, Line 1: Delete "18." and insert "17.a."

Page 6, Section 18, Line 1: Delete "controlled" and insert "limited"

Page 7, Section 18, Line 3: Before "No" insert "b."

Page 7, Section 18, Line 4: After "highway" insert "or within the right-of-way limits thereof"

Page 7, Section 18, Line 6: Delete "a." and insert "(1)"

Page 7, Section 18, Line 7: Delete "controlled" and insert "limited"

Page 7, Section 18, Line 16: Delete "b." and insert "(2)"

Page 7, Section 18, Line 17: Delete "way" and insert "highway"

Page 7, Section 18, Line 19: Delete "way" and insert "highway"

Page 7, Section 18, Line 26: Delete "street or" and insert "public"

Page 7, Section 18, Lines 29–37: Delete in their entirety

Page 7, Section 18, Line 37: After "vehicles." insert a new section as follows: "18. a. no person shall operate a snowmobile on the property of another without receiving the consent of the owner of the property or the person who has a contractual right to the use of such property;

b. no person shall continue to operate a snowmobile on the property of another after consent, as provided in subsection a. above, has been withdrawn."

Page 7, Section 19, Lines 2–7: Delete in their entirety

Page 8, Section 19, Lines 8–10: Delete in their entirety

Page 8, Section 19, Line 11: Delete "e" and insert "a"

Page 8, Section 19, Line 12: Delete "crash" and insert "protective"

Page 8, Section 19, Line 12: After "helmet" insert "approved by the director"

Page 8, Section 19, Lines 13–14: Delete "under the New Jersey Motor Vehicle Laws" and insert "as provided in sections 6 to 9 of P. L. 1967, c. 237 (C. 39:3–76.7 through 39:3–76.10)"

Page 8, Section 19, Line 15: Delete "f" and insert "b"

Page 8, Section 19, Line 21: Delete "g" and insert "c"

Page 8, Section 19, Line 24: Delete "h" and insert "d"

Page 8, Section 19, Line 27: Delete "i" and insert "e"

Page 8, Section 19, Line 30: Delete "j" and insert "f"

Page 8, Section 19, Line 33: Delete "k" and insert "g"

Page 8, Section 20, Line 6: Delete "any one person sustaining bodily injury or"

Page 8, Section 20, Lines 7–11: Delete in their entirety and insert "an amount or limit of $15,000.00, exclusive of interest and costs, on account of injury to, or death of, one person, in any one accident; and an amount or limit, subject to such limit for any one person so injured or killed, of $30,000.00, exclusive of interest and costs, on account of injury to or death of, more than one person, in any one accident; and an amount or limit of $5,000.00, exclusive of interest and costs, for damage to property in any one accident,"

Page 9, Section 21, Line 2: After "damage" insert "shall comply with the procedures in R. S. 39:4–129 and R. S. 39:4–130."

Page 9, Section 21, Line 2: Delete "to"

Page 9, Section 21, Lines 3–7: Delete in their entirety

Page 9, Section 22, Line 14: After "director" insert "and if the event is desired to be held upon public lands or waters a written authorization of the commissioner"

Page 10, Section 23, Line 2: Delete ", mufflers"

Page 10, Section 24, Line 17: Delete "From and after June 1, 1973, no snowmobile manufacturer"

Page 10, Section 24, Lines 18–23: Delete in their entirety

Pages 10–11, Section 27, Lines 1–6: Delete in their entirety

Page 11, Section 28, Lines 1–7: Delete in their entirety

Page 11, Section 29, Lines 1–4: Delete in their entirety

Page 11, Section 30, Lines 1–5: Delete in their entirety

Page 11, Section 31, Lines 1–4: Delete in their entirety

Page 11, Section 31, Lines 5–11: Delete in their entirety

Page 12, Section 31, Lines 5–11: Delete in their entirety

Page 12, Section 32, Lines 1–7: Delete in their entirety

Page 12, Section 33, Lines 1–3: Delete in their entirety

Page 12, Section 34, Line 1: Delete "34" and insert "27"

Pages 12, 13 and 14, Sections 35, 36, 37, 38, 39, 40, 41, 42 and 43: Delete in their entirety

Page 14, Section 44, Line 1: Delete "44" and insert "28"

Page 14, Section 44, Line 3: Delete "be guilty of a violation and"

Page 14, Section 45, Lines 1–7: Delete in their entirety

Pages 14–15, Section 46, Lines 1–8: Delete in their entirety

Page 15, Section 47, Line 1: Delete "47" and insert "29"

Page 15, Section 47, Lines 4–6: After "department" delete ", all fines and penalties resulting from violations of this act in regard to the operation and use of snowmobiles"

Page 15, Section 14, Line 7: Insert a new section as follows: "30. Owners and operators of snowmobiles shall, when operating a snowmobile across a public highway or on public lands or waters, comply with the following provisions of chapter 4 of Title 39 of the Revised Statutes: R. S. 39:4–48 through R. S. 39:4–51; R. S. 39:4–64; R. S. 39:4–72; R. S. 39:4–80; R. S. 39:4–81; R. S. 39:4–92; R. S. 39:4–96 through R. S. 39:4–98; R. S. 39:4–99; R. S. 39:4–100; R. S. 39:4–104; R. S. 39:4–129 through

R. S. 39:4–134; R. S. 39:4–203. The failure to comply with any of these provisions shall be a violation of this act and the penalty for such a violation shall be as provided in section 28 of this act rather than the penalty provided in the sections cited above.''

Page 15, Section 48, Line 1: Delete ''48'' and insert ''31''

Page 15, Section 49, Line 1: Delete ''49'' and insert ''32''

Page 15, Section 49, Lines 1–2: Delete ''120 days after its enactment'' and insert ''immediately''

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 887 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 887 (OCR), with my objections for reconsideration.

This bill would provide that a person sentenced to a State penal institution shall not be deemed to be a prior offender by virtue of the fact that he had previously been sentenced for another offense to a State penal institution of a state other than New Jersey if, at the time of the sentence for commission of such other prior offense, he was under 18 years of age.

Classification as a ''prior offender'' is important in determining eligibility for parole under our existing parole structure. An inmate who is a first offender is eligible for parole consideration after he has served ⅓ of his maximum sentence. If he is a second offender, he must serve ½ of his maximum sentence before he can be considered for parole. A third offender must serve ⅔ of his maximum and a fourth offender must serve ⅘ of his maximum before he is eligible for parole consideration.

Juveniles in New Jersey already receive this protection because a finding of juvenile delinquency is not considered an offense pursuant to N. J. S. 2A:4–39. I wholeheartedly support this legislation insofar as it avoids the "prior offender status" for persons who committed offenses in other states when they were minors. They must serve their sentence for their prior offense; however, I agree with the purpose of this bill to insure that the prior offense committed at an early age shall not have the effect of lengthening the time of service of sentence for a later offense.

Nevertheless, there are situations in other states when the juvenile is specifically treated as an adult offender as under N. J. S. 2A:4–15 in this State. In such situations the offender should not receive the protection afforded by Assembly Bill No. 887 (OCR) just as similar offenders in this State would not receive the protection provided by the bill. Furthermore, the bill is not clear as to whether the age of the minor should be related to the commission of the offense or the imposition of sentence therefor. In New Jersey, the age of the offender at the time of the commission of the offense determines treatment as a juvenile. This same test should be applied to offenders in other states.

Accordingly, I herewith return Assembly Bill No. 887 (OCR) for reconsideration and recommend it be amended as follows:

Page 2, section 1, line 56: after "time" insert "of the commission of"

Page 2, section 1, line 58: after "unless" insert " : (1)"

Page 2, section 1, line 60: after "imposed" insert ","

Page 2, section 1, line 61a: after "hereof" insert ", or (2) such person was specifically treated as an adult for the prior offense under a statute similar to N. J. S. 2A:4–15"

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 983 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 983 (OCR), with my objections, for reconsideration.

This bill would provide for an additional member on Local Redevelopment Agencies, so that the total number of commissioners on each agency would be an odd number, thereby reducing the possibility of deadlocks produced by tie votes. This is a companion measure to Assembly Bill No. 984 (OCR) which contains similar amendments to the "Local Housing Authorities Law."

I am in general agreement with the purpose of this legislation. It is my opinion, however, that the bill should be amended to also provide for an odd number of commissioners for each regional redevelopment agency, since such regional agencies are established by the same statutory section. I feel that the most appropriate method of accomplishing this is to eliminate the present provision which would permit the largest municipality in each regional agency to appoint one additional commissioner. I also feel that it is advisable to incorporate into this proposal a provision requiring the appointment of an additional member to any previously established Local Redevelopment Agency. A similar provision is contained in Assembly Bill No. 984 (OCR) which is a companion bill to this proposal.

Accordingly, I am returning Assembly Bill No. 983 (OCR) for reconsideration, with the recommendation that it be amended as follows:

1. *Page 1, Section 1, Line 11:* After "following" delete "term" and insert "terms".

2. *Page 1, Section 1, Line 14:* After "qualified.", insert "The governing body of a municipality which has heretofore created a redevelopment agency consisting of five members appointed by the governing body shall forthwith appoint one additional commissioner for a five-year term."

3. *Page 2, Section 1, Lines 31-35:* Delete "The governing body of the municipality which has the greatest population

of any of the municipalities creating such Regional Agency shall appoint one additional person as commissioner of the agency to serve for a term of 5 years and until his successor is appointed and has qualified."

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 984 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 984 (OCR), with my objections, for reconsideration.

This bill would amend the "Local Housing Authorities Law," P. L. 1938, c. 19, to provide an additional member on each housing authority, so that, considering the voting member which is appointed by the Director of the Division of Local Government Services in the Department of Community Affairs, each authority would have an odd number of commissioners, thus reducing the possibility of deadlock situations where the authority is unable to take effective action. The bill also specifies that the commissioner appointed by the Director shall serve for a term of five years, rather than at the pleasure of the Director.

I am in general agreement with the purpose of this bill, but there are several technical matters which I feel should be cleared up at this time. In the first place, although the bill provides a five-year term for the commissioner appointed by the Director of the Division of Local Government Services, it also retains that part of the prior law which provides that the Director may remove this commissioner and designate a new one at any time. To avoid any confusion which might result from this apparent conflict, I believe an amendment is necessary to stipulate that the state-appointed commissioner can be removed for cause only, after notice of the charges against him and an opportunity to be heard. Furthermore, this bill provides an

odd number of commissioners for local housing authorities, but fails to do so for the regional housing authorities authorized by the same statutory provision. In addition, the present law provides that regional authorities shall consist of six members, although the same section indicates that such a regional authority can consist of two or more municipalities and that each municipality shall appoint two commissioners, in addition to the state-appointed commissioner and the additional commissioner to be appointed by the largest municipality. These provisions are obviously inconsistent, and should be corrected at this time. In addition, an odd number of commissioners should be provided for regional housing authorities, by eliminating the additional member now given to the largest municipality.

Accordingly, I am returning Assembly Bill No. 984 (OCR), for reconsideration, with the recommendation that it be amended as follows:

1. *Page 1, Section 1, Line 20:* After "a", insert "county or".

2. *Page 1, Section 1, Line 21:* After "a", delete "municipal".

3. *Page 2, Section 1, Lines 39-42:* Delete "The authority shall consist of six members who shall be appointed and hold office for the terms as hereinafter provided."

4. *Page 2, Section 1, Lines 45-48:* Delete "The governing body of the municipality which has the greatest population of any of the municipalities creating the regional authority shall appoint one additional commissioner of the authority for a like term."

5. *Page 2, Section 1, Lines 57-58:* After "such person", delete "and designate a new one at any time or" and insert ", for inefficiency or neglect of duty or misconduct in office, after a public hearing at which he shall be afforded an opportunity to be heard, either in person or by counsel, and at least 10 days prior to the holding of which he shall be served with a copy of the charges. The Director also".

6. *Page 2, Section 1, Line 58:* After "caused by the", insert "removal,".

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 1143 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1143 (OCR), with my objections, for reconsideration.

This bill permits the governing body of a municipality to enter into a contract with other municipalities or other public utilities for the joint acquisition and ownership of electrical generating, storage and transmission facilities to service the municipality and outside of the municipality. Such contract may be for the anticipated useful life of the facilities. The bill waives the requirement to submit such joint facilities to public bids under P. L. 1971, c. 198 (C. 40A:11–1 et seq.). The bill also specifies that the acquisition of joint facilities may not be submitted to referendum provided the question of whether the municipality should acquire or construct these electrical facilities was at any time submitted to the voters in accordance with R. S. 40:62–15. Municipalities entering into such contracts are authorized to incur indebtedness in accordance with the Local Bond Law of New Jersey.

The necessity of obtaining electrical energy without causing greater pollution in our environment is now of paramount concern. Any solution to this problem requires large-scale planning and probably the investment of large amounts of capital. Existence of this problem and the need for its immediate solution prohibits the State from allowing the proliferation of small electrical utilities which could be fostered by Assembly Bill No. 1143 (OCR). If small municipal utilities were permitted to develop, as has occurred in the area of solid waste disposal, it would not be possible to find the necessary solutions to this problem without substantial money supplied by the government. The economic foundation of electrical public utilities would be eroded by municipalities contracting between themselves to purchase generating facilities for their municipal utilities. In addition, municipal utilities would not be subject to regulation by the Public Utility Commission, except to the extent that they provide service outside of the municipality. These utilities would not be subject to the long-

range planning for the State provided by the Board of Public Utility Commissioners.

I recognize that some municipal utilities with their own generating facilities already exist. Where a municipality has already made a substantial commitment by creating a municipal utility with its own generating facilities, I would not want to preclude that municipality from providing service to its residents.

Accordingly, I herewith return Assembly Bill No. 1143 (OCR) for your reconsideration and recommend that it be changed as follows:

Page 1, Section 1, Line 2: Delete "a" insert "any"

Page 1, Section 1, Line 3: Before "may" insert "owning or operating electrical generation facilities"

Page 1, Section 1, Lines 4, 5: Delete "with any other municipality or municipalities, or"

Page 2, Section 3, Lines 14, 15: Delete "other municipality or"

Page 2, Section 4, Line 4: Delete "other municipalities and"

Page 3, Section 4, Line 16: Delete "or distribution"

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 1433

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1433, with my objections, for reconsideration.

This bill corrects a typographical error in reference to the "Veterans Service Council" established pursuant to P. L. 1971, c. 344. Inadvertently, the term Veterans "Affairs" Council was used in Section 11 of that law.

A review of the veterans' laws generally indicates there exists a similarly named "Veterans' Services Council" pursuant to P. L. 1970, c. 33. These separate councils perform different functions; however, the similarity in their names has caused much confusion. Since the Veterans Service Council pursuant to P. L. 1971, c. 344 is most concerned with veterans' facilities, it is my recommendation that the name of that council be changed to "Veterans' Facilities Council."

Accordingly, I herewith return Assembly Bill No. 1433 for reconsideration and recommend that it be amended as follows:

Page 1, after the enacting clause, Line 2: Insert a new Section 1 as follows:

"1. Section 1 of P. L. 1971, c. 344 (C. 30:6AA–1) is amended to read as follows:

1. As used in this act, unless otherwise indicated by the context:

a. "Commissioner" means the Commissioner of the State Department of Institutions and Agencies.

b. "Council" means the [Veterans Service] *Veterans' Facilities* Council in the State Department of Institutions and Agencies.

c. "Member" means a person admitted to and receiving care in a veterans facility.

d. "Veteran" means a person who has been honorably discharged from active military service of the United States.

e. "Veterans facility" means any home, institution, hospital, or part thereof, the admission to which is under the jurisdiction of the State Department of Institutions and Agencies.

Page 1, Section 1, Line 1: Delete "1." insert "2."

Page 1, Section 1, Line 4: Delete "Veterans Service" and insert "Veterans' Facilities"

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 1439

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1439 with my objections, for reconsideration.

Assembly Bill No. 1439 provides that when a municipal police officer is conferred with county-wide police powers and is acting under lawful authority outside the limits of his municipality, he be afforded the pension, relief, disability, workmen's compensation, insurance, immunity from tort liability and other benefits he enjoys while working within the municipality.

The grant of protection under the bill is predicated upon the municipal police officer being conferred with county-wide police powers. There is presently no statutory authority for municipal police officers to be conferred with county-wide police powers. Since a county may act only with respect to those purposes which are authorized by statute or are reasonably inferred from a statutorily authorized purpose, statutory authority must be provided for municipal police officers to be granted county-wide police powers before the protection provided by Assembly Bill No. 1439 will become meaningful. Consequently, I recommend that authority be given to the prosecutor's office to create operational county-wide law enforcement units and that they be given the authority to designate, with the approval of the governing body of the municipality, municipal police officers as members of these special units with county-wide powers.

Accordingly, I herewith return Assembly Bill No. 1439 with the following recommendations:

Page 1, Title: Delete "concerning municipal police" and insert "relating to county-wide jurisdiction and rights of police officers in certain cases"

Page 1, Title: Delete "chapter 14 of Title 40A" and insert "chapter 158 of Title 2A"

Page 1, Section 1, Line 1: Insert a new section 1 as follows:

"1. County prosecutors shall have the authority, subject to the approval, by resolution, of the governing body of the county, municipality or county park commission, to designate county, county park or municipal police officers as members of special county-wide law enforcement units. Any police officer so designated by the county prosecutor, while remaining an employee of the county, municipality or commission, shall be under the direction of the county prosecutor and shall possess all the powers and rights necessary for the detection, apprehension and arrest of any offenders against the law within the territorial limits of said county notwithstanding the provisions of N. J. S. 40A:14–152."

Page 1, Section 1, Line 1: Delete "1" and insert "2"

Page 1, Section 1, Line 2: After "powers" insert "pursuant to section 1 of this act"

Page 1, Section 1, Line 3: After "municipality" insert "or beyond the scope of his original position"

Page 1, Section 1, Line 7: After "municipality" insert "or while performing duties within the scope of his original position"

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

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 1443

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1443 with my objections, for reconsideration.

Assembly Bill No. 1443 provides that when the term "minor", "minority", or "majority" is utilized in a will, deed, conveyance, gift, contract, trust or similar instrument

executed prior to January 1, 1973, that term shall be construed to refer to the age of 21 years unless a contrary intention appears.

P. L. 1972, c. 81 (C. 9:17B–1) reduced the age of majority from age 21 to age 18. This statute was signed into law on January 5, 1972 with an effective date of January 1, 1973. The enactment of P. L. 1972, c. 81 created a question with respect to the meaning of the terms "minor", "minority" or "majority" in instruments, especially wills, drafted before January 1, 1973. Assembly Bill No. 1443 would interpret these terms to mean age 21.

I agree with the need for clarification of these terms but I am of the opinion that they should be interpreted to mean age 18.

It is impossible with certainty to know the actual intent of a testator of a will executed prior to January 1, 1973. Prior to the enactment of P. L. 1972, c. 81, a person under the age of 21 could not obtain enjoyment of any legacy. A testator executing a will prior to January 1, 1973, therefore, had no alternative below the age of 21 as the age at which he might give a beneficiary the enjoyment of a legacy. There is strong reason to suggest that these terms, in wills executed after July 5, 1972, should not be interpreted as provided in Assembly Bill No. 1443. Interpreting the terms "minor", "minority", or "majority" in such wills to mean age 21 seems contrary to the reasonable intent of such a testator. After enactment of P. L. 1973, c. 81 it would have been clear to any testator that after January 1, 1973, the effective date of the act, the terms "minority" and "majority" would be interpreted to mean age 18. A testator wishing to have a legacy vest at an age other than 18 would have specified such age rather than using the general terms "minority" or "majority". The continued use of the general terms during the period from July 5, 1972 to January 1, 1973 emphasizes that the use of these terms prior to July, 1972 was not intended to mean age 21 but whatever age the Legislature indicated these terms would mean.

Enactment of Assembly Bill No. 1443 in its present form would lead to a number of anomalous results. Persons between the ages of 18 and 21 whose legacy vested after January 1, 1973 could not be divested of their interest by the enactment of Assembly Bill No. 1443. Yet, if the bill were enacted, thereafter, persons between the ages of 18 and 21

would not be able to inherit any legacy unless they could show a specific intent on the part of the testator that they should inherit. In addition, a person between the ages of 18 and 21, because of the lowering of the age of majority could be a fiduciary, an executor of a will or make his own will, but would not be able to inherit a legacy under Assembly Bill No. 1443. This result would be contrary to the policy underlying P. L. 1972, c. 81. Having made this policy decision, we should move forward in the same direction rather than taking a step backwards creating inconsistent results in specific areas.

P. L. 1972, c. 81 could not affect contract rights and was not intended to alter the provisions of the Uniform Gifts to Minors Act, N. J. S. 2A:14–21. The inclusion of the two instruments, "contracts" and "gifts", in Assembly Bill No. 1443 might erroneously imply that P. L. 1972, c. 81 affected those instruments drafted after January 1, 1973 utilizing the term "minority" or "majority". The references to these two types of instruments or conveyances may be deleted without affecting the interpretation of the terms "majority" or "minority" in instruments executed before January 1, 1973.

Accordingly, I herewith return Assembly Bill No. 1443 for your reconsideration and recommend it be changed as follows:

Page 1, Section 1, Line 1: Delete "Notwithstanding the enactment of P. L. 1972, c. 81, any" and insert "Any"

Page 1, Section 1, Line 2: Delete "gift,"

Page 1, Section 1, Line 2: Delete "contract,"

Page 1, Section 1, Line 6: Delete "21" and insert "18"

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 22, 1973.

ASSEMBLY BILL No. 1476

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1476 with my objections, for reconsideration.

This bill amends the law to allow an insurance company to be formed for the purpose of providing insurance coverage without regard to fault. This change is necessary to bring this section of the statutes into conformity with the "New Jersey Automobile Reparation Reform Act," P. L. 1972, c. 70.

I am in complete agreement with the purpose of the legislation. However, the deletion of subsection (d) of R. S. 17:17–1 must be inadvertent. That subsection is still necessary so that many insurance companies formed pursuant to that subsection can continue to sell automobile insurance.

Accordingly, I am returning Assembly Bill No. 1476 for reconsideration and recommend that it be amended as follows:

Page 2, Section 1, Lines 56 and 57: Delete "Deleted by amendment (P. L. 1971, c. 144)." and reinsert "Against bodily injury or death by accident, and upon the health of persons, including a funeral benefit to an amount not exceeding $100.00 or against loss or damage to automobiles or motor vehicles, or to wagons or vehicles propelled by a horse or team of any description, resulting from collision with moving or stationary objects, against perils to property arising from the use of elevators, aircraft, automobiles or other motor vehicles, or against loss by legal liability for damage to persons or property (including, if the insured is a state or a political subdivision of a state or a municipal corporate instrumentality of one or more states, loss by voluntary payments made by the insured under circumstances where the insured would have legal liability if it

were a private corporation) resulting from collision of automobiles, aircraft, or motor vehicles, or of wagons or vehicles propelled by a horse or team with moving or stationary objects."

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 1512

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 (b) of the Constitution, I herewith return Assembly Bill No. 1512, with my objections, for reconsideration.

This bill would provide an exemption from licensing fees for the taking of oysters or clams by senior citizens. The present law provides that residents shall pay not less than $1 but not more than $10 for such a license, and that non-residents shall pay $25. This proposed legislation also distinguishes between senior citizens, providing that a male applicant for a license shall not be charged a fee if he is 65 or more years of age, and that a female applicant shall not be charged a fee if she is 62 or more years of age.

I am in agreement that senior citizens should be given every possible benefit particularly with respect to such recreationally oriented activities. However, I am also aware that the license fee for residents and non-residents is established at different rates. Therefore, consistent with this policy, I strongly believe that such a distinction should be implemented in the area of benefits for senior citizens, and that only New Jersey citizens and residents should be entitled to claim such an exemption.

Also, I fail to perceive a valid distinction or reason to distinguish between eligible male or female applicants by age. There is no reason in policy why both male and female

applicants should not be eligible for such an exemption at age 62.

Accordingly, I herewith return Assembly Bill No. 1512 for reconsideration with the recommendation that it be amended as follows:

Page 1, Section 1, line 6: Delete the word "man" and insert "person".

Page 1, Section 1, line 7: Delete the words "65 or more years of age, or a woman".

Page 1, Section 1, line 7: After the word "age" omit "." and insert ", provided such person is a citizen and actual resident of this State."

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 2072

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 (b) of the Constitution, I herewith return Assembly Bill No. 2072 with my objections, for reconsideration.

Assembly Bill No. 2072 repeals the requirement for notice in a retail installment sales contract for the purchase of a motor vehicle that a purchaser required to provide insurance in connection therewith who does not secure liability insurance "may" have his license and registration revoked if he has an accident.

The portion of the notice indicating that a person "may" lose his license and registration if he does not obtain liability insurance is inconsistent with P. L. 1972, c. 197 (C. 39:6B–1 et seq.) which mandates that any vehicle operated on the public highways of New Jersey be covered by liability insurance. However, it would be inappropriate to entirely repeal the notice of the requirement for liability

insurance when the retail installment sales contract does not include such insurance. Indeed, the need for such a notice is increased with the advent of mandatory liability insurance.

Accordingly, I herewith return Assembly Bill No. 2072 for reconsideration and recommend that it be amended as follows:

Page 1, Title, Line 1: After "and" delete "repealing" and insert "amending".

Page 1, Section 1, Line 2: Delete "repealed." and insert "amended to read as follows:

32. Whenever, in the sale of a motor vehicle, the retail buyer is required, under the provisions of this act, to provide a policy of insurance and such policy of insurance does not contain the liability insurance [provisions of sections 3, 24, 25 or 26 of the Motor Vehicle Security Responsibility Law (P. L. 1952, c. 173)] *required by section 1 of P. L. 1972, c. 197 (C. 39:6B–1)*, the retail installment contract shall contain, immediately following the statement therein concerning insurance, the following notice printed prominently, in the form herein indicated or in such other form as may be approved by the commissioner, in 10-point type or larger:

"THIS DOES NOT INCLUDE INSURANCE ON YOUR LIABILITY FOR BODILY INJURY OR PROPERTY DAMAGE. WITHOUT SUCH INSURANCE, [YOUR LICENSE AND REGISTRATION MAY BE REVOKED IF YOU HAVE AN ACCIDENT] *YOU MAY NOT OPERATE THIS VEHICLE ON PUBLIC HIGHWAYS.*" "

Page 1, Section 2, Lines 1 and 2: Delete ", but shall be retroactive to January 1, 1973"

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 2, 1973.

SENATE BILL No. 4

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 4, with my objections, for reconsideration.

Senate Bill No. 4 would supplement Title 54 of the Revised Statutes to establish a procedure for the extension of time within which a taxpayer may file a local property tax appeal with a county board of taxation when a taxing district fails, for any reason, to send a timely bill to the taxpayer in accordance with the provisions of R. S. 54:4–64. Under present law, a county board of taxation has no jurisdiction to grant relief to a taxpayer whose appeal is filed after the deadline established by R. S. 54:3–21, even when the taxpayer has received no tax bill by that time.

I am in general agreement with the intention of the sponsor to provide taxpayers with additional time within which to appeal their tax assessments in those exceptional circumstances when the taxing district has not sent out tax bills sufficiently before the August 15 deadline to enable taxpayers to prepare petitions of appeal. R. S. 54:4–64 presently requires taxpayers to ascertain from local officials the taxes due upon their properties even if they receive no bill, yet many individual taxpayers are not aware of this requirement and instead wait to receive their tax bills before taking steps to contest their assessments. It is the intent of Senate Bill No. 4 to recognize this situation and permit limited exceptions to the present law.

The bill should contain certain additional, express limitations, however, which it does not now have. It is important that the determination regarding the failure of a taxing district to send bills be made by county tax boards, in disputed cases, on the basis of sworn statements of tax collectors and taxpayers. This would prevent taxing districts from having to send all tax bills by registered or certified mail, and it would prevent any taxpayer from abusing the intent of the law by making unsubstantiated claims that he did not receive his tax bill. Furthermore, it is essential for the Legislature to maintain the integrity of the

tax year so that a taxpayer can not challenge his assessment for the first time well after the time for normal administrative review has expired and after taxing districts have acted in reliance on their assessments. The retroactivity aspect of Senate Bill No. 4 is therefore undesirable. Because the existing statutory scheme provides that the county boards of taxation must hear and determine all appeals by November 15 and that further appeals must be taken to the Division of Tax Appeals by December 15, I am recommending that any extension of the August 15 deadline permitted under Senate Bill No. 4 be limited to no more than 30 days from the August 15 date. In addition, extensions should not be granted at all unless tax bills are not sent by July 15. It is not uncommon for taxing districts to fail to send bills out by June 1. However, the July 15 date should provide ample opportunity for taxpayers to prepare petitions of appeal.

I am also recommending that the scope of the taxpayers' appeals under Senate Bill No. 4 be broadened to permit appeals on the grounds of discrimination as well as on the grounds of dissatisfaction with assessed valuations. This would make the types of appeals permitted under this bill similar to those permitted under existing law.

One significant problem in connection with the sending of tax bills is not remedied by Senate Bill No. 4. Many taxpayers never receive their tax bills at all because they have signed a waiver authorizing the tax collector to send the bill directly to a mortgagee. Mortgagees, of course, have little interest in the amount of taxes assessed against properties because they do not have to pay the taxes with their own funds; they merely collect the taxes from their mortgagors and make timely payments to the taxing districts to protect their investments. The taxpayers may not know what taxes they have paid until they receive an itemized statement from their mortgagees at the end of the year, long after the August 15 appeal deadline has passed.

I am therefore recommending that Senate Bill No. 4 be amended to include a provision requiring tax collectors to send duplicate tax bills, for advice only, to those individuals assessed who have authorized their tax collector to send the original tax bill to their mortgagees.

For these reasons, I herewith return Senate Bill No. 4 for reconsideration and recommend that it be amended as follows:

1. *Page 1, Title, Line 2:* After "and" insert "amending and".

2. *Page 1, Section 1, Line 2:* After "upon" insert "the written application of the taxpayer and".

3. *Page 1, Section 1, Line 4:* After "taxpayer" insert "feeling".

4. *Page 1, Section 1, Lines 4 and 5:* Delete "in any manner because of" and insert "by" and after "property," insert "or feeling that he is discriminated against by the assessed valuation of other property in the county,".

5. *Page 1, Section 1, Line 7:* After "deliver" insert "a" and delete "bills" and insert "bill" in lieu thereof.

6. *Page 1, Section 1, Lines 7 and 8:* Delete "the individuals assessed in accordance with the provisions of R. S. 54:4–64" and insert "such taxpayer before July fifteenth. When the collector of the taxing district informs the county board of taxation that a tax bill was mailed or otherwise delivered to the taxpayer before July fifteenth, the county board shall determine whether the taxing district failed to send a tax bill to the taxpayer only after providing the collector and the taxpayer a reasonable opportunity to submit sworn statements regarding the sending and receipt of the tax bill".

7. *Page 1, Section 2, Line 4:* After "act" insert "; provided, however, that no such extension shall be for more than 30 days from the date otherwise provided by law".

8. *Page 1, Section 2, after Line 6:* Insert new Section 3 as follows:

"3. R. S. 54:4–64 is amended to read as follows:

"54:4–64. As soon as the tax duplicate is delivered to the collector of the taxing district, as provided in section 54:4–55 of this title, he shall at once begin the work of preparing, completing, mailing or otherwise delivering tax bills to the individuals assessed, and shall complete that work at least two months before the third installment of taxes falls due. He shall also, at least two months before the first installment of taxes for the year falls due, prepare and mail, or otherwise deliver to the individuals assessed,

a tax bill for such following first and second installments, computed as hereinafter provided at one-half of the complete tax last previously levied. *When any individual assessed has authorized the collector to mail or otherwise deliver his tax bill to a mortgagee or any other agent, the collector shall, at the same time, mail or otherwise deliver a duplicate tax bill to the individual assessed and shall print across the face of such duplicate tax bill the following inscription: 'This is not a bill—for advice only.'* The validity of any tax or assessment, or the time at which it shall be payable, shall not be affected by the failure of a taxpayer to receive a tax bill, but every taxpayer is put upon notice to ascertain from the proper official of the taxing district the amount which may be due for taxes or assessments against him or his property.''

9. *Page 1, Section 3, Line 1:* Delete ''3'' and insert ''4''.

10. *Page 1, Section 3, Lines 1 and 2:* Delete ''and shall be retroactive to June 1, 1971''.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

SENATE BILL NO. 220

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 220, with my objections, for reconsideration.

This bill would require every school board to notify the board of school estimate, where applicable, and the municipal governing body or bodies within 10 days if it intends to appeal to the Commissioner of Education the amount of money determined to be necessary for the use of the schools in the district for the next school year. This bill

would aid municipalities in their fiscal and budgetary planning, by insuring that they would be promptly notified whenever the board of education intends to appeal the amount of money to be appropriated for school purposes. Most school boards have in the past given such prompt notice to the municipal authorities, but I agree with the legislative determination that a statutory time limit is desirable to insure that all school boards will act on these important matters as soon as possible.

The decision in question is one which can vitally concern the quality of education in the particular school district in question. Therefore, while prompt action is highly desirable, the decision should not be made with undue haste. It is my belief that the 10 day period provided by this statute is too short to allow a school board to evaluate the situation and to reach an intelligent, informed decision. I am therefore suggesting that the time period be increased to 20 days.

Accordingly, I am returning Senate Bill No. 220, for reconsideration, with a recommendation that it be amended as follows:

1. *Page 1, Section 1, Line 12*: After "Within", delete "10" and insert "20".

2. *Page 1, Section 2, Line 9*: After "Within", delete "10" and insert "20".

3. *Page 2, Section 3, Line 24*: After "Within", delete "10" and insert "20".

4. *Page 3, Section 4, Line 21*: After "Within", delete "10" and insert "20".

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

SENATE BILL No. 319

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 319, with my objections, for reconsideration.

This bill provides that persons employed as county park police officers who are disqualified by age from taking the civil service examinations in question shall be placed in the classified service of the civil service, provided that they were continuously employed prior to August 1, 1964 on a temporary basis, and that they take and pass the applicable written and oral examinations and a physical examination compatible with age. The bill requires that the examinations be conducted by the Civil Service Commission within 30 days of the effective date of this act. It also stipulates that the police officers in question shall be placed in the classified civil service with permanent status, effective as of January 2, 1970.

I have no objection to permitting the individuals in question to take examinations despite the fact that they are disqualified by age from doing so under current law. It is my opinion, however, that certain amendments are necessary to make this proposal acceptable.

The Civil Service Commission would be unable to comply with the requirement that the examinations in question be conducted within 30 days of the effective date of this act. I therefore recommend that the bill be amended to require that the examinations be held as soon as practicable. It would likewise be impossible to design and administer a physical examination compatible with the age of each of the individuals in question, and oral examinations are not employed by the Civil Service Commission. The bill should therefore be amended to delete all references to oral and physical examinations.

It is also my firm conviction that the granting of permanent status to these individuals should not be retroactive, but should be effective only from the effective date of this act. Finally, the appointments in question were provisional

rather than temporary appointments, and the bill should be amended to reflect this fact.

Accordingly, I am returning Senate Bill No. 319, for reconsideration with the recommendation that it be amended as follows:

1. *Page 1, Section 1, Line 4*: After "on a", delete "temporary" and insert "provisional".

2. *Page 1, Section 1, Line 7*: After "written" delete "and oral".

3. *Page 1, Section 1, Lines 7-8*: After "examinations" delete "and a physical examination compatible with age".

4. *Page 1, Section 1, Line 9*: Delete "within 30 days of the effective date of this act", and insert "as soon as practicable".

5. *Page 1, Section 1, Line 10*: After "on a", delete "temporary" and insert "provisional".

6. *Page 1, Section 1, Lines 11-12*: After "employed on", delete "January 2, 1970" and insert "the effective date of this act".

7. *Page 1, Section 1, Line 13*: After "as of", delete "January 2, 1970", and insert "the effective date of this act".

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

SENATE BILL NO. 411

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 411, with my objections, for reconsideration.

This bill applies to situations where an Educational

Services Commission, a Jointure Commission, the Commissioner of Education, the State Board of Education, the Chancellor, the State Board of Higher Education or the board of trustees of any State college, or any officer, board or commission under his, its or their authority, takes over the operation of a school which was previously operated by a local school district, or where a local school district takes over the operation of a school which was previously operated by an Educational Services Commission, a Jointure Commission, the Commissioner of Education, the State Board of Education, the Chancellor, the State Board of Higher Education or the board of trustees of any State college, or any officer, board or commission under his, its or their authority. In either one of these situations, this bill would require that all teaching staff members shall continue in their respective positions in the school in question, and that all their rights of tenure, seniority, pension, leave of absence and other similar benefits shall be recognized and preserved. Additionally, the bill provides that any periods of prior employment in the school shall count towards the acquisition of tenure to the same extent as if the transfer of operational control had not occurred.

I am in full agreement with the legislative determination that the employment rights of teachers should not be destroyed by the types of transfers in question. This situation is in many ways similar to the problems that arise when local school districts combine into a regional district. In such a situation, N.J.S. 18A:13–42 specifically provides that the tenure and pension rights of the teachers in the local districts shall not be affected by the consolidation. That statute also specifies that periods of employment prior to such a consolidation shall count toward the acquisition of tenure in the regional district. It does not, however, purport to affect seniority, leave of absence and other similar benefits.

In the situations covered by this bill, I feel that fairness dictates that the tenure and pension rights of the transferred teachers be preserved, but it would be neither wise nor practical to attempt to preserve rights of seniority, leave of absence and other similar benefits by statute. In some instances, the public instrumentality taking over the school may not have the legal power to grant some of the benefits which were provided prior to the transfer. Furthermore, where the school is consolidated with other institu-

tions, or incorporated into a system of simliar schools, it would be inequitable to have the transferred teachers receiving benefits which differ from those given teachers already in such a system. Consideration must be given to the seniority rights of the teachers who are already in the system and any contracts negotiated between the representatives of these teachers and the unit taking over the school in question. In any case, matters of seniority, leave of absence, and other similar benefits are more appropriately handled through the collective bargaining process, where applicable, or through other appropriate procedures, and should not be imposed by law.

I believe that in referring to leave of absence rights, the drafters of this bill were primarily concerned with preserving any accumulated sick leave that the teachers in question had acquired prior to the transfer. If this is true, the bill should be amended in such a manner as to specifically deal with this problem, without affecting leave of absence rights which would accrue after the transfer.

This bill presently states that "all teaching staff members shall continue in their respective positions . . . ." Read literally, this would require a teacher to continue to teach in the school even if he wished not to do so. Conversely, this provision might be interpreted to require the retention of a teacher even though his position is no longer necessary and would otherwise be eliminated. Finally, it is unclear how long these teachers would have to be continued in their respective positions. The intent of this provision is apparently to guarantee the teachers in the school being transferred the same right to continued employment as they would have had in the absence of such a transfer.

In this regard, the provision requiring the recognition and preservation of tenure rights should be adequate to protect teachers who are under tenure. I believe that the most appropriate way of dealing with the reemployment rights of non-tenured teachers is to amend this bill to require that they must be given notice of whether they will be offered a contract for the coming academic year on or before April 30, in accordance with P. L. 1971, c. 436 (C. 18A:27–10 et seq.). This would give the non-tenured teachers the same rights they would have had if no transfer were to occur, while preserving the rights of the employer to decide whether to rehire a probationary teacher. Since

in some instances teachers may wish to remain in the present school district rather than being transferred with the school, it is best to require both the authority formerly operating the school and the one taking it over to make their intentions known by April 30.

Accordingly, I am returning Senate Bill No. 411, for reconsideration, with the recommendation that it be amended as follows:

1. *Page 1, Section 1, Line 7*: After "State," insert "all accumulated sick leave, tenure and pension rights of".

2. *Page 1, Section 1, Lines 7-8*: After "members" delete "shall continue in their respective positions".

3. *Page 1, Section 1, Line 8-9*: After "school" delete "and all of their rights of tenure, seniority, pension, leave of absence and other similar benefits".

4. *Page 1, Section 1, Line 10*: After "preserved" insert "by the agency assuming operational control of the school,".

5. *Page 1, Section 2, Line 7*: After "authority," insert "all accumulated sick leave, tenure and pension rights of".

6. *Page 1, Section 2, Line 8*: After "members" delete "shall continue in their respective positions".

7. *Page 1, Section 2, Lines 9-10*: Delete "and all their right of tenure, seniority, pension, leave of absence and other similar benefits".

8. *Page 1, Section 2, Line 10*: After "preserved" insert "by the board assuming operational control of the school,".

9. *Page 2, Section 2, after Line 16*: Insert a new section 3 as follows:

"3. For the academic year following any transfer of operational control under section 1 or section 2 of this act, both the local school board and the Educational Services Commission, Jointure Commission, Commissioner of Education, State Board of Education, Chancellor, State Board of Higher Education or the board of trustees of a State college, as the case may be, shall comply with the notice requirements of P. L. 1971, c. 436 (C. 18A:27–10 et seq.), to the same extent as if each had been the employer of all

teaching staff members of the school in question during the academic year preceding the transfer of operational control."

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

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 2, 1973.

SENATE BILL No. 466

To the Senate:

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

Senate Bill No. 466 provides that "Island Beach State Park shall from this day forward be preserved for posterity in its present state." I am acutely aware of the absolute necessity for the preservation of such remaining natural preserves as we are fortunate enough to have in New Jersey, especially in this period of rapidly diminishing open space and the resulting destruction of our natural resources. Island Beach State Park is indeed one of the finest natural expanses of barrier beach remaining on the East Coast, and it must be preserved.

The broad language of Senate Bill No. 466, however, would prohibit even normal maintenance and repair of the Park and its facilities by the Division of Parks and Forestry in the Department of Environmental Protection. I think it is as important to insure the proper preservation of this particular Park as it is to preserve open spaces generally. It is therefore the better course to provide for the preservation, maintenance and improvement of Island Beach State Park in such manner as the Division of Parks and Forestry determines will best perpetuate the Park's present physical state.

Accordingly, I herewith return Senate Bill No. 466 for reconsideration and recommend the following changes:

1. *Page 1, Section 1, Lines 7 and 8:* Delete "in its present state for posterity" and insert ", maintained and improved in such a manner as the Division of Parks and Forestry in the Department of Environmental Protection determines will best perpetuate the Park's present physical state".

2. *Page 1, Section 2, Line 2:* Delete "its present state" and insert "accordance with the terms of this act".

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

SENATE BILL No. 542 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 542 (OCR) for reconsideration.

This bill amends section 6 of P. L. 1948, c. 198 (C. 40:11A–6) to include the management and operation of on-street parking meters and facilities and the enforcement of laws and ordinances related to parking within the powers of municipal parking authorities, when authorized by the municipal governing body. Parking authorities now only have responsibility over off-street parking.

The statute, as presently written, includes within the responsibilities of the parking authority the "promotion of free movement of traffic and relief of traffic congestion on the streets of said area . . .". This responsibility can now only apply to off-street parking "areas" over which the authority has control. However, Senate Bill No. 542 (OCR) would broaden this responsibility to the entire "municipality" and would include on-street parking.

Under R. S. 39:4–202, a municipal ordinance dealing with the regulation of traffic and parking must be approved by the Commissioner of the Department of Transportation

before it can be effective. It is not clear from the wording of Senate Bill No. 542 (OCR) whether parking authorities would be subject to this same limitation when, under the expanded responsibilities in the bill, they act with respect to the regulation of traffic and on-street parking. This requirement of obtaining authorization from the Department of Transportation, when necessary, should be specified in the bill.

Accordingly, I herewith return Senate Bill No. 542 (OCR) without my approval and respectfully recommend the following changes:

Page 1, Section 1, Line 12: After "and" insert ", subject to the provisions of R. S. 39:4–202,"

Page 2, Section 1, Line 44: After "traffic" insert ", subject to the provisions of R. S. 39:4–202"

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 2, 1973.

SENATE BILL No. 646

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 646, with my objections, for reconsideration.

Senate Bill No. 646 would amend R. S. 17:45–22 to increase from $500.00 to $1500.00 the amount of death benefits which could be paid by a mutual benefit association which is exempted from the provisions of chapter 45 of Title 17 of the Revised Statutes. The bill would also amend R. S. 17:45–23 to increase from $300,000.00 to $500,000.00 the amount of assets which must be maintained by a mutual benefit association which is exempted from the provisions of chapter 45 of Title 17 of the Revised Statutes.

Within chapter 45 of Title 17 of the Revised Statutes there are two provisions exempting mutual benefit associations from the requirements of that chapter, R. S. 17:45–18 and R. S. 17:45–21. The former section, R. S. 17:45–18, exempts fraternal benefit associations. The section would also exempt associations conducting the business of life, health or accident insurance for profit or gain, which would be regulated under a separate chapter of Title 17 of the Revised Statutes. Associations which provide life insurance for a restricted group or organization such as those listed in R. S. 17:45–18 would also be exempted.

The other exemption section, R. S. 17:45–21, exempts associations which write policies with a maximum death benefit of $250.00, which have minimum assets of $250,000.00 and which meet certain other stated criteria. This type of association, unlike the associations exempted in the section previously discussed, is not related to or connected with any organization or group and can sell its policies to anyone in the State of New Jersey. Essentially, the association can function like an insurance company rather than an association of persons to provide insurance for their common welfare or mutual benefit.

Any association exempted from the provisions of chapter 45 of Title 17 of the Revised Statutes, either under R. S. 17:45–18 or R. S. 17:45–21, is essentially unregulated and uncontrolled by the Department of Insurance except for meeting the statutory requirements within each of the sections to qualify as an exempted association. The only justification for permitting an association which functions like an insurance company to continue to be unregulated is if, as the exemption was originally worded, the amounts of the policies that the association can write are very small. Originally, the maximum dollar figure for a policy was $250.00.

Subsequently, a new provision, R. S. 17:45–22, was enacted to raise the maximum amount an exempted association could pay on a policy to $500.00. Senate Bill No. 646 would again raise this maximum to $1500.00. The maximum amounts of a policy certainly should be adjusted to meet the reality of the value of money in today's society. However, I could not, in good conscience, triple the maximum amount an association which can function like an insurance company could write as a policy and continue to permit that association to be totally unregulated except for the con-

tinually changing requirements for exemption from regulation. Any justification for having non-fraternal unregulated associations is virtually eliminated by the tremendous increase in the face amount of the policy which can be written by such an association. Consequently, the increase in the permissible amount of a policy in Senate Bill No. 646 must be combined with the type of regulation to which any insurance company is subject for any association which is unrestricted in terms of persons who can become members of that association.

Accordingly, I herewith return Senate Bill No. 646 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 9: After "association" insert "; provided, however, that any mutual benefit association, to which the provisions of chapter 45 of Title 17 of the Revised Statutes do not, or shall not, apply because of the provisions of R. S. 17:45–21, shall be subject to all the provisions of law applicable to mutual life insurance companies, in the same manner and with the same effect as if the association was a mutual life insurance company".

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 22, 1973.

SENATE BILL NO. 682

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 682, with my objections, for reconsideration.

Senate Bill No. 682 would limit the liability of insurance companies participating in the New Jersey Insurance Underwriting Association (P. L. 1968, c. 129). Currently, each insurance company which writes property insurance in this State shares in the writings, expenses, profits and losses of the Association in the proportion that the net premiums of each member written in this State for the pre-

ceding calendar year bear to the aggregate net premiums written in the State by all members of the Association. Under Senate Bill No. 682, participation in the Association will continue to be according to this proportion. The share of the losses will remain according to this proportion but no member would be obligated to reimburse for losses in excess of 1% of its surplus to policyholders. Amounts in excess of this limit would be allocated among members who had not reached the 1% limit until such time as all members reached the 1% limit. Thereafter, losses would be borne according to the proportion of net direct premiums of the member to the net direct premiums of all members of the Association.

I agree that there should be some protection for insurance companies with smaller surpluses operating in New Jersey to ensure that they can continue to write insurance in this State. I do not feel, however, that 1% of the surplus of a company is the approximate maximum liability for a company. I believe 5% of a company's surplus is an appropriate maximum for any insurance company participating in the New Jersey Insurance Underwriting Association.

Accordingly, I herewith return Senate Bill No. 682 for reconsideration and recommend the following change:

Page 1, Section 1, Line 19: Delete "1" insert "5".

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 2, 1973.

SENATE BILL No. 698

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 698, with my objections, for reconsideration.

Senate Bill No. 698 would provide farmers with an option of using written logs rather than water meters for recording the diversion or withdrawal of surface, subsurface and percolating waters for farm purposes. In 1972, the Water

Policy and Supply Council in the Department of Environmental Protection adopted a resolution requiring that water meters be used to measure water supplies for irrigation purposes because reports made on the basis of computations from field logs had been generally inadequate.

There is no doubt that adequate monitoring and regulation of the State's water supplies is necessary to maintain the natural flow of our streams and the availability of our subsurface and percolating waters. It is therefore important for our farmers to keep accurate records of their uses of these water supplies. I am not ready to agree, however, that all farmers should be given open-ended authority to use only field logs or that all farmers must be subjected to the extra expense of having to purchase water meters if some are able and willing to maintain accurate and adequate field logs. The better approach would be to allow individual farmers to have the option of keeping field logs as long as they do so properly. If any farmer fails to maintain adequate records, he should then be required to purchase and use the necessary water meters.

Accordingly, I herewith return Senate Bill No. 698 for reconsideration and recommend that it be amended as follows:

1. *Page 1, Section 1, Line 11:* After "withdrawal" insert "; provided, however, that if the division determines at any time that a permit holder who has elected to keep a log or other record has failed to comply with the division's regulations regarding the keeping of logs or other appropriate records, an amended permit may be issued to such permit holder requiring the use of a water meter or meters for the keeping of records".

2. *Page 2, Section 2, Line 17:* After "withdrawal" insert "; provided, however, that if the division determines at any time that a permit holder who has elected to keep a log or other record has failed to comply with the division's regulations regarding the keeping of logs or other appropriate records, an amended permit may be issued to such permit holder requiring the use of a water meter or meters for the keeping of records".

Respectfully,

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

Attest:

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

SENATE BILL No. 918

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 918, with my objections, for reconsideration.

This bill amends the laws pertaining to The United Methodist Church. It provides that members of the church who are 18 years of age and older shall be entitled to vote at meetings, conferences, etc., and to otherwise participate in administrative functions. The bill also provides for the alteration or amendment of a certificate of incorporation of any church incorporated under this law by the filing of an appropriate certificate signed by the president or vice-president and secretary and acknowledged as in the case of deeds to real estate. The bill also clarifies some language in respect to the reversion of property belonging to or held in trust for any local church of The United Methodist Church that has become abandoned.

I am in agreement with the language of this bill insofar as it authorizes persons 18 or more years of age to vote and participate in church functions. It is consistent with the change in the age of majority in New Jersey from 21 to 18 years pursuant to P.L. 1972, c. 81. However, the bill does not amend Sections of P.L. 1968, c. 235, which require that trustees of the local church of The United Methodist Church must be 21 years of age. It is my recommendation that the age in this instance be similarly reduced to 18 years of age.

While this legislation authorizes changes in a certificate of incorporation upon the signature of either the president or vice-president and the secretary, no change is made in the language of the existing law which requires the certificate of incorporation of such churches to be executed by the duly elected trustees. It is my recommendation that the trustees be authorized to elect appropriate officers such as president, vice president and secretary for the execution of certificates of incorporation in the first instance.

Accordingly, I herewith return Senate Bill No. 918 for reconsideration and recommend that it be amended as follows:

Page 1, after enacting clause: Insert a new Section 1 and Section 2 as follows:

"1. Section 1 of P.L. 1968, c. 235 (C. 16:10A–2) is amended to read as follows:

1. When so authorized and directed by the charge conference of any unincorporated local church duly organized in accordance with the Discipline of The United Methodist Church, the board of trustees may incorporate, or if incorporated may reincorporate, such church in the following manner:

a. Pursuant to a resolution adopted by such board of trustees, a meeting of the membership of such church shall be called by notice in writing signed by the president or secretary of such board. Such notice shall state that at a specified date, time and place a meeting will be held for the purpose of incorporating or reincorporating such church, selecting a name therefor and electing trustees thereof. Such notice shall be posted conspicuously at the main entrance of the usual place of worship at least 10 days prior to the date of such meeting, and shall be read at each of the 2 morning services of worship, at least 1 week apart, preceding the date of such meeting.

b. At such meeting the district superintendent, or by his written designation the pastor, shall preside, and a secretary shall be elected to record the proceedings.

c. If at such meeting the members present and voting shall determine by resolution to incorporate or reincorporate such church, they shall similarly determine the name of the incorporated church and the number of its trustees which shall be 3, 6 or 9. Such members shall elect the number of trustees, decided upon, which trustees shall be not less than **[**21**]** *18* years of age, and ⅔ of whom shall be full members of The United Methodist Church. One-third of such trustees shall be elected to hold office until the end of the annual conference year in which elected, ⅓ until the end of the next succeeding annual conference year, and ⅓ until the end of the second succeeding annual conference year."

"2. Section 2 of P.L. 1968, 3. 235 (C. 16:10A–3) is amended to read as follows:

2. Whenever a local church of The United Methodist Church shall have resolved to incorporate or reincorporate at a meeting held for such purpose, as provided by section 1 of this act, the duly elected trustees *or appropriate officers elected by such trustees* shall execute and acknowledge, before any person authorized to take acknowledgment of deeds, a certificate of incorporation setting forth:

a. The place and date of such meeting;

b. The name of the incorporated church and the municipality and county in which it is located;

c. The names and respective periods of office of the trustees elected;

d. A statement that the members of the corporation shall be the members of the charge conference of such church as constituted in accordance with the Discipline of The United Methodist Church;

e. A statement that the corporation shall support the doctrine, and it, and all its property, both real and personal shall be subject to the laws, usages, and ministerial appointments of The United Methodist Church as are now or shall be from time to time established, made, and declared by the lawful authority of The United Methodist Church; and

f. The approval of the district superintendent of that district of the annual conference in which such local church is located.

Upon the filing of such certificate in the office of the clerk of the county in which such local church is located and in the office of the Secretary of State, such local church shall be a corporation by the name stated in such certificate, and the persons therein stated to be the elected trustees of such incorporated local church shall be authorized to serve for the terms for which they were elected and until their succcssors have been duly elected and qualified."

Page 1, Section 1, Line 1: Delete "1." insert "3."

Page 1, Section 1, after Line 16: Insert a new Section 4 as follows:

"4. Section 7 of P.L. 1968, c. 235 (C. 16:10A–8) is amended to read as follows:

7. The board of trustees of any local church of The United Methodist Church shall consist of 3, 6 or 9

members, as may be provided by the certificate of incorporation, each of whom shall be not less than [21] *18* years of age, and at least ⅔ of whom shall be full members of The United Methodist Church. The members of the board of trustees shall be divided into 3 classes, each class having an equal number of members, and the terms of office of one class shall expire at the end of each annual conference year.

An election of trustees of a local church of The United Methodist Church shall be held annually at a meeting of the charge conference. Trustees shall be elected by the charge conference unless the charge conference shall have previously ordered that election shall be by the membership of the church. At least 10 days' notice of the time and place of meeting for election of trustees shall be given to the members of the church in writing or from the pulpit or in the weekly bulletin. Such notice shall be given by the pastor or the charge conference or the district superintendent, and shall state the names of those trustees whose successors are to be elected.

Trustees shall be elected to succeed those whose terms expire at the end of the annual conference year in which such meeting is held, and to fill a vacancy or vacancies in any other class which has occurred since the last annual election; provided, however, that a trustee may be elected to succeed himself. The persons elected shall take office at the beginning of the ensuing annual conference year, to serve for a term of 3 years or until their successors have been duly elected and qualified; but any trustee elected to fill a vacancy shall serve only for the term of such vacancy.

Any vacancy in the board of trustees of a local church of The United Methodist Church may be filled until the next annual election by the charge conference of such church at any regular or special meeting."

Page 1, Section 2, Line 1: Delete "2." insert "5."

Page 2, Section 3, Line 1: Delete "3." insert "6."

Page 2, Section 4, Line 1: Delete "4." insert "7."

Respectfully,

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

Attest:

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 2, 1973.

SENATE BILL No. 982

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 982 with my objections, for reconsideration.

Senate Bill No. 982 would make a slight change in the State's Unemployment Compensation Law. In 1951, an amendment to the Unemployment Compensation Law was enacted to exclude from the definition of "employment" those services performed by a committee member or part-time officer of a labor union local when the remuneration for such services is less than $250 in a calendar year. Senate Bill No. 982 would increase the amount of remuneration in this exclusion from $250 to $1,000 in recognition of inflation and wage level changes since 1951. The amendment would apply to all services performed after January 1, 1971.

I am in agreement with the change which would be made in the amount of remuneration involved, but the retroactive aspect of the bill creates unnecessary and unacceptable problems. The United States Secretary of Labor must review and approve all State unemployment compensation legislation adopted pursuant to the Federal Unemployment Tax Act, and he has advised me that the effective date of January 1, 1971 set forth in Senate Bill No. 982 on page 9, line 356 should be changed to January 1, 1973 in order to avoid a problem of conformity with Federal law.

If the January 1, 1971 date were to become law in New Jersey, it could be construed to require New Jersey to refund 1971 and 1972 contributions which were made in compliance with the law in those years. However, federal law provides only for refunds of "erroneous" payments. Since the 1971 and 1972 contributions, being required by law, were not "erroneous" payments, they could not be refunded without creating a lack of conformity with Federal legislation. One consequence would be that the United States Secretary of Labor could refuse to certify for payment to New Jersey the amount otherwise available to this State for the purpose of assisting in the administration of our unemployment compensation law. 42 U.S.C. §§ 501

et seq. The other adverse consequence would be that employers could lose their credit against the Federal Unemployment Tax Act for the amount of contributions paid into the State Unemployment Compensation Fund if the law is found to be nonconforming. 26 U.S.C. §§ 3301 *et seq.*

These serious problems would be avoided if the change from $250 to $1,000 in R. S. 43:21–19(i)(7)(N) were made applicable to services performed after January 1, 1973.

Accordingly, I herewith return Senate Bill No. 982 for reconsideration and recommend the following change:

Page 9, Section 1, Line 356: Delete "1971" and insert "1973" in lieu thereof.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

SENATE BILL No. 1051

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 1051, with my objections, for reconsideration.

This bill provides that a municipal police officer charged with committing a crime may be suspended from his duties, but not without pay, until the case is finally adjudicated, except when he is charged with a high misdemeanor. I am sympathetic to the intent of this bill to relieve municipal police officers of the extreme financial hardships resulting from suspensions without pay. Nevertheless, there are situations in which a municipality should be permitted to suspend without pay, as where a grand jury has found sufficient credible evidence to return an indictment against the police officer or where the offense involves moral turpitude or dishonesty. In such situations, the decision of whether to suspend with or without pay should be left to the discretion of the municipality.

Furthermore, while the bill infers that an officer charged with a high misdemeanor may be suspended without pay, it is not clear from the wording of the bill whether such an officer may even be suspended.

Accordingly, I herewith return Senate Bill No. 1051 for reconsideration and recommend that it be amended as follows:

Page 1, Section 1, Line 2: After "officer" insert "is charged under the law of this State, another State, or the United States, with an offense"

Page 1, Section 1, Lines 2-4: Delete "brings charges against any person who in turn brings counter-charges against such police officer for reasons stemming from the charges brought by the police officer"

Page 1, Section 1, Lines 5-6: Delete "but not without"

Page 1, Section 1, Line 6: Before "pay" insert "with"

Page 1, Section 1, Line 6: Delete "him reaches final adjudication."

Page 1, Section 1, Line 6: After "against" insert "said officer is disposed of at trial, until the complaint is dismissed, or until the prosecution is terminated; provided, however, that if a grand jury returns an indictment against said officer, or said officer is charged with an offense which is a high misdemeanor or which involves moral turpitude or dishonesty, said officer may be suspended from his duties, without pay, until the case against him is disposed of at trial, until the complaint is dismissed or until the prosecution is terminated."

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

Page 1, Section 2, Line 5: Insert a new section as follows: "2. If a suspended police officer is found not guilty at trial, the charges are dismissed or the prosecution is terminated, said officer shall be reinstated to his position and shall be entitled to recover all pay withheld during the period of suspension subject to any disciplinary proceedings or administrative action."

Page 1, Section 3, Line 1: Delete "be" insert "is suspended with pay and is"

Page 1, Section 3, Line 2: Delete "as indicated in sections 1 and 2 of this act"

Page 1, Section 3, Line 3: Delete "he" insert "said police officer"

Page 1, Section 3, Line 4: Delete "from the beginning"

Page 1, Section 3, Lines 4-5: Delete "to the time when the case against him reaches final adjudication"

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 10, 1973.

SENATE BILL NO. 1127

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 1127, with my objections, for reconsideration.

This bill provides for reimbursement to the various counties when cases are transferred by the Chief Justice from one county to another to facilitate their disposition. The bill provides for reimbursement in the amount of $50.00 per case whether or not it is brought to trial, and $200.00 for each day or part of a day of trial. Certification of the claims for reimbursement will be processed through the office of the Administrative Director of the Courts. One-half of the claim is to be paid by the county from which a case is transferred. The other half of the claim is paid out of funds appropriated to the judiciary.

I am in complete support of the purpose and intent of this bill. This legislation will enable the Chief Justice to speed up the disposition of cases without placing an undue financial burden on any particular county.

The bill has a technical problem. It provides an appro-

priation of $75,000.00 for the fiscal year ending June 30, 1973. The appropriation should not be so limited to that particular year. This amount should be appropriated generaly to the judiciary to effectuate the purpose of this act.

Accordingly, I herewith return Senate Bill No. 1127 for reconsideration and recommend that it be amended as follows:

Page 1, Section 3, Line 2: Delete "for the fiscal year ending June 30, 1973"

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

SENATE BILL No. 1130

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 1130 with my objections, for reconsideration.

Senate Bill No. 1130 amends R.S. 48:2–13 to exempt from the Board of Public Utility Commissioners' jurisdiction autobuses with a capacity of not more than 20 passengers operating within not more than four contiguous municipalities in any county of the sixth class.

Senate Bill No. 1028, enacted June 7, 1973, becoming P.L. 1973, c. 158, also amended R.S. 48:2–13 to include "charter bus operation" and "special bus operation" as public utilities.

Senate Bill No. 1130 does not contain the amendment to R.S. 48:2–13 made by P.L. 1973, c. 158. Enactment of Senate Bill No. 1130 without this amendatory language might be viewed as repealing the amendment adopted by P.L. 1973, c. 158.

Accordingly, I am returning herewith Senate Bill No. 1130 with the following recommendations:

Page 1, Section 1, Line 12: After "autobus," insert "charter bus operation, special bus operation,"

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 29, 1973.

SENATE BILL No. 2148 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 2148 (OCR), with my objections, for reconsideration.

This bill provides for the establishment and certification of Health Maintenance Organizations (H.M.O.). The H.M.O. provides, or otherwise assures, the delivery of basic health maintenance and treatment on a prepaid basis to a voluntarily enrolled group within a certain geographical area. I wholeheartedly support this relatively new and innovative alternative method of providing health care services to the public. Yet, because of a number of problems in Senate Bill No. 2148 (OCR), I must conditionally veto the bill to ensure the best possible framework for providing this new health care delivery system.

The definition for basic comprehensive health services is incomplete. The definition for comprehensive health care services, which intends to include the basic services, improperly refers to "basic comprehensive *minimum* health care services." Furthermore, while the term "health care services" was deleted in the definition section of the bill, that term is still utilized throughout the bill. The definitions for comprehensive health care services and basic health services are so broad as to provide no guidance as to which services are included in basic services and which services

may be provided as comprehensive services. The determination as to which services should be minimally provided by a H.M.O. should be left to the Commissioner of Health. Similarly, the limitations upon which services may be provided by a H.M.O. should be determined by the Commissioner of Health. These amendments facilitate and simplify changes in these definitions in the future.

Senate Bill No. 2148 (OCR) assumes that a H.M.O. will file amendments to the information submitted within the application for a certificate of authority to operate a H.M.O. See Section 18a(1). No procedure, however, is provided within the bill to file amendments to the information submitted in the application with the commissioner. Such a procedure should be outlined and specifically included in the bill.

Sections 8 and 10 of Senate Bill No. 2148 (OCR) provide that enrollees in H.M.O.'s receive certain specified information. This information should be provided to any person who receives health care services through the H.M.O. H.M.O.'s are permitted to furnish health care services to persons other than enrollees. Such persons would not be protected by receiving the information required by Sections 8 and 10. Senate Bill No. 2148 (OCR) should be amended to ensure that all persons receive this information.

There is no provision within Senate Bill No. 2148 (OCR) for a statement of charges. A statement of charges is necessary for the Commissioner of Health and the Commissioner of Insurance to determine whether a proposed H.M.O. will be financially sound and will reasonably be expected to meet its obligations. In addition, a statement of charges should be provided to each enrollee.

The prohibited practices in Section 14 of the bill are enforced by the Director of the Division of Consumer Affairs. The Director of Consumer Affairs already has broad powers to act to prevent consumer frauds. Currently, N.J.S. 56:8–1 et seq. establishes procedures for the Attorney General to enjoin and to recover costs for any consumer fraud. It should be specifically provided in the bill that the general procedures already established to deal with consumer frauds are not intended to be limited by the enumeration of prohibited practices within Senate Bill No. 2148 (OCR).

A period of open enrollment should be included in the bill to permit maximum availability of the services of the H.M.O. to the members of the public within the geographical area served by the H.M.O. Provision should be made to permit those underwriting restrictions on the open enrollment which will preserve the financial stability of the H.M.O.

The primary responsibility for administering Senate Bill No. 2148 (OCR) and regulating H.M.O.'s is with the Commissioner of Health. Because a number of the functions and determinations required by Senate Bill No. 2148 (OCR) are within areas of concern of the Commissioner of Insurance, throughout the bill reference is made to the "commissioner or where applicable the Commissioner of Insurance. . ." The bill requires the Commissioner of Health to promulgate reasonable rules and regulations to carry out the act. Rules and regulations touching on the area of concern of the Commissioner of Insurance are to be promulgated after consultation with the Commissioner of Insurance. A provision should be added in the bill to specifically require the promulgation of rules and regulations designating which determinations and responsibilities are to be within the province of the Commissioner of Insurance. This will enable applicants and administrators of H.M.O.'s to know precisely who is to make the various determinations required by Senate Bill No. 2148 (OCR). It will also avoid any possible conflict in the administration of the act.

In addition, a number of technical changes need to be made in Senate Bill No. 2148 (OCR). Accordingly, I herewith return Senate Bill No. 2148 (OCR) for your reconsideration and recommend it be amended as follows:

Page 1, Section 2, Line 3, 4: Delete "comprehensive"

Page 1, Section 2, Line 4: After "health" insert "care"

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

Page 1, Section 2, Line 4: After "those services" insert ","

Page 1, Section 2, Line 6: After "services" insert ", designated by regulations promulgated by the commissioner"

Page 1, Section 2, Line 7: Delete "Comprehensive health" insert "Health"

Page 1, Section 2, Line 8: Delete "comprehensive minimum"

Page 1, Section 2, Line 9: Delete "included in the furnishing to"

Page 1, Section 2, Lines 10-12: Delete in their entirety. Insert "designated by regulations promulgated by the commissioner."

Page 4, Section 3, Line 66: Delete "11" insert "12"

Page 4, Section 3, Line 72: After "hereof" delete "." insert ","

Page 4, Section 3, Line 72: After Line 72 insert the following:

"(16) such other information as the commissioner may require to make the determinations required by section 4 hereof.

d. (1) a health maintenance organization shall, unless otherwise provided for in this act, file a notice describing any modification of the information required by subsection c. of this section. Such notice shall be filed with the commissioner prior to the modification. If the comissioner does not disapprove within 30 days of filing, such modification shall be deemed approved.

(2) the commissioner may promulgate rules and regulations exempting from the filing requirements of paragraph (1) of this subsection those items he deems unnecessary."

Page 4, Section 4, Line 22: Before "established" insert "has a procedure to"

Page 5, Section 4, Line 28: Delete "22" insert "23"

Page 5, Section 4, Line 48: Delete "and"

Page 5, Section 4, Line 50: Delete "13" insert "14"

Page 5, Section 4, Line 51: After "performed;" insert "and"

Page 5, Section 4, Line 51: After Line 51 insert the following:

"(e) the financial soundness of the health maintenance organization's arrangements for health care services and the schedule of charges used in connection therewith;"

Page 6, Section 4, Line 57: After "commissioner" insert "or the Commissioner of Insurance"

Page 6, Section 4, Line 60: Delete "21" insert "22"

Page 6, Section 5, Lines 29, 29a: Delete "comprehensive"

Page 7, Section 5, Line 38: After Line 38 insert the following:

"b. (1) a health maintenance organization shall file notice, with adequate supporting information, with the commissioner prior to the exercise of any power granted in subsection a.(1) or (2) of this section. The commissioner shall disapprove such exercise of power if in his opinion it would substantially and adversely affect the financial soundness of the health maintenance organization and endanger its ability to meet its obligations. If the commissioner does not disapprove within 30 days of filing, it shall be deemed approved.

(2) The commissioner may promulgate rules and regulations exempting from the filing requirements of paragraph (1) of this subsection those activities having a de minimis effect."

Page 8, Section 8, Line 29: Delete "and"

Page 8, Section 8, Line 32: After "complaints" delete "." insert "; and"

Page 8, Section 8, Line 32: After line 32 add the following:

"(v) the total amount of payment for health care services and the indemnity or service benefits, if any, which the enrollee is obligated to pay with respect to individual contracts, or an indication whether the plan is contributory or non-contributory with respect to group certificates."

Page 8, Section 8, Line 34: After Line 34 insert the following:

"b. (1) no schedule of charges for enrollee coverage for health care services, or amendment thereto, may be used by a health maintenance organization until a copy of such schedule, or amendment thereto, has been filed with and approved by the commissioner. The Commissioner of Insurance shall certify to the commissioner whether the schedule of charges meets the requirements of paragraph (2) of this subsection.

(2) such charges may be established in accordance with actuarial principles for various categories of enrollees, provided that charges applicable to an enrollee shall not be individually determined based on the status of his health. However, the charges shall not be excessive, inadequate, or unfairly discriminatory. A certification, by a qualified actuary, to the appropriateness of the charges, based on reasonable assumptions, shall accompany the filing along with adequate supporting information."

Page 8, Section 8, Line 35: Delete "b" insert "c"

Page 8, Section 8, Line 37: After "met" insert "and any schedule of charges if the requirements of subsection b. of this section are met"

Page 8, Section 8, Line 37: After "form" insert "or to use such schedule of charges"

Page 8, Section 8, Line 47: Delete "c" insert "d"

Page 8, Section 9, Lines 17, 18: Delete "Commissioner of Health" insert "commissioner"

Page 9, Section 10, Line 5: Before "services" insert "the available health care"

Page 9, Section 10, Line 11: After Line 11 insert new section as follows:

"11. a. After a health maintenance organization has been in operation 24 months, it shall have an annual open enrollment period of at least one month during which it accepts enrollees up to the limits of its capacity, as determined by the health maintenance organization, in the order in which they apply for enrollment. A health maintenance organization may apply to the commissioner for authorization to impose such underwriting restrictions upon enrollment as are necessary to preserve its financial stability, to prevent excessive adverse selection by prospective enrollees, or to avoid unreasonably high or unmarketable charges for enrollee coverage for health care services. The commissioner shall approve or deny such application within 30 days of the receipt thereof from the health maintenance organization. The Commissioner of Insurance shall certify to the commissioner the appropriateness of any requested underwriting restrictions.

b. Health maintenance organizations providing or arranging for services exclusively on a group contract basis may limit the open enrollment provided for in subsection a. to all members of the group or groups covered by such contracts.''

Page 9, Section 11, Line 1: Delete ''11'' insert ''12''

Page 9, Section 11, Line 9: Delete ''and''

Page 9, Section 11, Line 12: After ''filed'' delete ''.'' insert ''; and''

Page 9, Section 11, Line 12: After Line 12 insert the following:

''(c) the number, amount, and disposition of malpractice claims settled during the year by the health maintenance organization and any of the providers used by it.''

Page 9, Section 11, Line 15: After ''services'' insert ''and shall submit to the commissioner a summary report at such times and in such format as the commissioner may require''

Page 9, Section 12, Line 1: Delete ''12'' insert ''13''

Page 9, Section 12, Line 7: After ''permit'' insert ''with the approval of the Commissioner of Insurance''

Page 9, Section 13, Line 1: Delete ''13'' insert ''14''

Page 10, Section 13, Line 4: After ''performed'' insert ''in such amount and''

Page 10, Section 14, Line 1: Delete ''14'' insert ''15''

Page 11, Section 14, Lines 46, 47: Delete '', provided however that such usage shall conform to the requirements of section 14a.(3)''

Page 11, Section 14, Line 50: After ''Insurance.'' Insert ''Nothing in this act shall limit the powers of the Attorney General and the procedures with respect to consumer fraud in N.J.S. 56:8–1 et seq.''

Page 11, Section 15, Line 1: Delete ''15'' insert ''16''

Page 11, Section 15, Lines 1, 2: Delete ''with the consent of the Commissioner of Insurance''

Page 11, Section 15, Line 3: After ''regulations'' insert '', which have been approved by the Commissioner of Insurance,''

Page 11, Section 16, Line 1: Delete "16" insert "17"

Page 12, Section 17, Line 1: Delete "17" insert "18"

Page 12, Section 18, Line 1: Delete "18" insert "19"

Page 12, Section 18, Line 13: Delete "comprehensive"

Page 13, Section 18, Line 26: Delete "11" insert "12"

Page 13, Section 18, Line 31: After "act" delete "." insert "; or"

Page 13, Section 18, Line 31: After Line 31 insert the following:

> "(10) the health maintenance organization, or any person on its behalf, has advertised or merchandised its services in an untrue, misrepresentative, misleading, deceptive or unfair manner."

Page 13, Section 19, Line 1: Delete "19" insert "20"

Page 14, Section 19, Line 15: Delete "per" insert "under"

Page 14, Section 20, Line 1: Delete "20" insert "21"

Page 14, Section 20, Line 7: After "shall" insert "specify those determinations in this act which are to be made by the Commissioner of Insurance and shall"

Page 14, Section 21, Line 1: Delete "21" insert "22"

Page 14, Section 21, Lines 11, 12: Delete "commissioner" insert "Commissioner of Insurance"

Page 14, Section 21, Lines 12, 13: Delete "quality of health care services" insert "doing of an insurance business or contract with an insurer or hospital or medical services corporation,"

Page 14, Section 21, Line 15: Delete "Commissioner of Insurance" insert "commissioner"

Page 15, Section 22, Line 1: Delete "22" insert "23"

Page 15, Section 23, Line 1: Delete "23" insert "24"

Page 15, Section 23, Lines 12, 13: Delete "Disorderly Persons Law" insert "disorderly persons law"

Page 16, Section 24, Line 1: Delete "24' 'insert "25"

Page 17, Section 25, Line 1: Delete "25" insert "26"

Page 17, Section 26, Line 1: Delete "26" insert "27"

Page 17, Section 27, Line 1: Delete "27" insert "28"

Page 17, Section 28, Line 1: Delete "28" insert "29"

Page 18, Section 29, Line 1: Delete "29" insert "30"

Page 18, Section 30, Line 1: Delete "30" insert "31"

Page 18, Section 31, Line 1: Delete "31" insert "32"

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

SENATE BILL No. 2236

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(b) of the Constitution, I herewith return Senate Bill No. 2236, with my objections, for reconsideration.

This bill would eliminate the necessity to obtain a special permit for each trip that a commercial vehicle makes carrying a load which exceeds 96 inches in width, the State and Federal maximum width for vehicles, by establishing a right to an annual special permit allowing repetitive trips of loads not to exceed 105½ inches in width. An annual special permit would be subject to the same restrictions as the special permit issued for each trip.

I recognize that there are situations in which the 96-inch width limitation must be exceeded and that there are other situations in which it is economically unfeasible to operate within the 96-inch width limitation. When such situations are recurring, it would be beneficial to commercial interests to permit the Director of the Division of Motor Vehicles to issue annual permits, provided no safety hazard is presented. I do not agree with Senate Bill No. 2236 in its present form because it creates a right to an annual permit notwithstanding the fact that no need is demonstrated for an annual permit in a given situation.

An annual permit should be provided at the discretion of the Director of the Division of Motor Vehicles when need

is demonstrated and when no safety hazard is created. Such a procedure would permit the Director to make a determination in each individual case that an annual special permit was warranted under the circumstances.

Presently, there are no restrictions on the width of a vehicle under a special permit. The limitation within Senate Bill No. 2236 to widths of 105½ inches should, therefore, be eliminated.

Accordingly, I herewith return Senate Bill No. 2236 for your reconsideration and recommend the following changes:

Page 1, Section 1, Lines 5-7: Delete "shall, the provisions of any rule or regulation promulgated by the director to the contrary notwithstanding, be entitled" insert "may apply to the director"

Page 1, Section 1, Lines 8, 9: Delete "of $50.00" insert "to be set at the discretion of the director"

Page 1, Section 1, Line 9: Before "Such" insert "The director, in his discretion, may issue an annual special permit."

Page 1, Section 1, Lines 11-17: Delete "no such annual special permit or special single trip permit shall restrict the number of objects carried or require the dismantling, reduction in quantity, or reloading of any load, as long as the maximum outside width of any such commercial motor vehicle, tractor, trailer or semi-trailer, inclusive of load, does not exceed 105½ inches; provided further, however, that"

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 8, 1974.

ASSEMBLY BILL No. 122

To the Geenral Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the

Constitution, I herewith return Assembly Bill No. 122, without my approval.

Assembly Bill No. 122 would amend N.J.S. 18A:13–15 which grants power to the Board of Education of any regional school district to acquire for school purposes by purchase, condemnation, or otherwise lands not exceeding 45 acres which may be situated either partially or wholly in one or more municipalities outside the regional school district. This proposed legislation would further limit the power of such a Board of Education by prohibiting such acquisition if the parcel acquired would exceed 10% of the total acreage of the municipality where the real estate is located. The amendment limits such a prohibition to municipalities which do not exceed 150 acres in area.

While realizing that the purpose of this legislation may have been to solve a particular municipal problem, I consider it bad precedent to attempt to solve such problems by a statute which could preclude action by the appropriate administrative agency which is best equipped to handle them. Section 6:22–22 of the New Jersey Administrative Code limits the power of any Board of Education to acquire land for school sites without prior approval of the State Department of Education. Realizing that local municipal problems may be created by such acquisitions, I have full confidence in the State Department of Education to consider all factors in reviewing such acquisitions by the school board in question. Furthermore, it would be most undesirable to complicate the present law concerning school lands acquisition by the adoption of legislation which appears to attempt to solve only a very special problem.

Accordingly, I herewith return Assembly Bill No. 122 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
/s/ JOYCE J. HARBOURT,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 2, 1973.

ASSEMBLY BILL No. 155

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 155 without my approval.

In situations where a fire house or first aid or rescue squad headquarters is located upon or within 1,000 feet of a road, street or highway, Assembly Bill No. 155 would eliminate the present approval necessary for a municipality or a county to install a traffic control signal upon the road, street or highway within their respective jurisdictions. The bill contains a provision requiring approval but limits approval to the specific location of the traffic signal within the general area of a fire house or first aid or rescue squad headquarters. The bill specifically excludes the necessity for approval of the general location of such traffic signals.

The bill makes approval of the character, type, placing and operation of the traffic signal subject to the approval of the "director." This reference is presumably to the Director of the Division of Motor Vehicles. The Director of the Division of Motor Vehicles, however, no longer has the statutory authority to approve the installation of traffic signals. This authority was transferred to the Commissioner of the Department of Transportation. The Director of the Division of Motor Vehicles is no longer staffed or equipped to perform the function this bill would demand. Providing the Director with the necessary staff and equipment would result in unnecessary duplication.

The Commissioner only approves the installation of a traffic signal after the Department conducts an exhaustive engineering study to determine the need for the traffic control device in the general location and to determine whether a traffic control device would create a hazard if placed in the general location. Assembly Bill No. 155 would permit the installation of a traffic signal without these determinations being made by the Commissioner. The bill recognizes the need for the expert advice of the Department of Transportation in determining the specific location of the traffic signal but attempts to avoid the same expert

advice as to whether a traffic signal in the general location would create a traffic hazard.

While the purpose of the bill in facilitating the rapid and unobstructed movement of fire engines and emergency vehicles is commendable, this purpose should not be achieved at the expense of creating a hazard to the motoring public. Traffic signals should not be placed in locations without assurance that they do not create a safety hazard. Only by continuing the present requirement for approval by the Commissioner will there be assurance that an adequate study is made to enable a meaningful determination on the question of potential hazard prior to the installation of any traffic signal.

Accordingly, I am returning Assembly Bill No. 155 without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 26, 1973.

ASSEMBLY BILL NO. 365 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 365 (OCR), without my approval, for the following reasons:

This bill would authorize the Department of Institutions and Agencies to purchase residential care and treatment for patients in the State mental facilities. The purchase of care provided would be accomplished in the same manner as presently provided for care of the mentally retarded.

The Department of Institutions and Agencies was authorized to purchase residential care for the mentally retarded pursuant to P. L. 1965, chapter 59 (C. 30:4–165.2). The 1965 legislation for the mentally retarded was required because

of the shortage of beds and other space in the State schools for the retarded. It was necessary then to provide alternate means and facilities for the care and treatment of the mentally retarded. Such condition does not now exist in connection with the State psychiatric hospitals which provide for mentally ill patients. At the present time, there exists no similar situation of overcrowding in the State psychiatric hospitals. The discharge rate of patients from these hospitals is favorable.

Further, these psychiatric hospitals are more involved in community mental health services. The recent State psychiatric hospital sectionalization plan is designed to provide proper care and treatment for the mentally ill and thus avoid the concept of the "large impersonal" State institution. For these reasons, I feel it is unnecessary to establish two classes of public mental hospital patients—one residing in the public mental hospitals and the other residing in a private institution. The need for such distinction just does not now exist.

Accordingly, I feel that I must return Assembly Bill No. 365 (OCR) without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 22, 1973.

ASSEMBLY BILL No. 425 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 425 (OCR), without my approval, for the following reasons:

This bill would provide that anyone who transports alcoholic beverages onto the grounds of any county penal

institution, asylum or hospital for consumption by inmates or patients who are forbidden the use of alcoholic beverages, without the written permission of the appropriate authorities, is a disorderly person. This is inconsistent with existing law concerning the transportation of alcoholic beverages onto the grounds of public institutions. N. J. S. 2A:104–12 provides that any person who takes liquor (among other things) into any institution or place of detention in violation of the law or rules of the institution shall be guilty of a misdemeanor.

Existing law adequately covers this situation and, in fact, the prohibition is presently broader since it extends to transportation of liquor onto the grounds of the institution generally, whereas A-425 (OCR) is limited to situations involving the prisoner or inmate. Further, the misdemeanor penalty in the existing law should prove more of a deterrent than the disorderly persons offense which is provided in A-425 (OCR).

Accordingly, I feel that I must return Assembly Bill No. 425 (OCR) without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 26, 1973.

ASSEMBLY BILL No. 456

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 456, without my approval, for the following reasons:

This bill would require the Commissioner of Transportation, prior to licensing a proposed heliport or helistop, to

obtain a certificate from the appropriate municipal or county authority that the proposed facility is not contrary to provisions of existing zoning ordinances or other laws.

This bill is similar in principle to Assembly Bill No. 1449 (OCR) which I have vetoed. While A-456 would condition construction of heliports and helistops on favorable municipal ordinances, A-1449 (OCR) would condition construction of all airport facilities on a favorable result of a municipal referendum. The considerations I found to be persuasive and controlling with regard to Assembly Bill No. 1449 (OCR) are equally as applicable in connection with Assembly Bill No. 456.

The construction of helistops and heliports could be effectively precluded in any part of the State regardless of the needs of the people by this bill. This would not be in the public interest and would render the State Master Transportation Plan meaningless.

The Department of Transportation has promulgated rules and regulations governing aeronautical facilities setting forth requirements that must be met before a license for an aeronautical facility, including helistops and heliports, can be issued. The interrelationship between those regulations and local zoning and planning ordinances, while litigated in several instances, can hardly be deemed settled. Further, regulations, existing and needed from the point of view of environmental impact, are also relevant. To date, it has not been resolved that such State regulations as do exist preempt all efforts of local governmental units to exercise control. Perhaps that is a result to be avoided.

Equally necessary to avoid, however, is preemption by local governmental units of the power to make final decisions in this area.

Air transportation is regarded by all planners as a necessary and integral part of a sound transportation system. The convenient and proper location of necessary facilities for air transportation is vital to our State's future. Local communities are entitled to be protected against the visitation upon them of environmental hardships or unbearable nuisances. Similarly, the citizenry of the entire State is equally entitled to protection from having its best interests

frustrated by local ordinances which could produce results not required for local protection or the community's safety and welfare.

This is an area in which the Legislature could appropriately act. A sound balancing of the interests of local communities and those of the State's citizenry is required. The job must be done carefully and judiciously if our State is to prosper and its citizens, all of its citizens, enjoy full measure of protection. I do not feel that A-456 reflects an adequate consideration of or treatment of these problems.

I am therefore returning Assembly Bill No. 456 without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 8, 1974.

ASSEMBLY BILL No. 730

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 730, without my approval, for the following reasons.

This bill would bring taxicabs within the authority of the Public Utility Commission. It is supported by some owners and operators of taxicabs who complained, with some justification, that a multiplicity of municipal regulations and licensing procedures, often conflicting, impose upon the taxicab owner and operator a sometimes impossible burden. While sympathetic to the problem, I am of the opinion that this bill, as a cure, is worse than the malady.

Assembly Bill No. 730 would impose Public Utility Commission jurisdiction over the taxicab industry by including taxicabs within the definition of an "autobus". While handy as a short cut to achieving State regulation, the

device is inappropriate for the simple reason that taxicabs do in fact differ in material respects from, and undoubtedly ought to be distinguished from autobuses. For example, the Division of Motor Vehicles presently inspects all taxicabs within the State, while the Board of Public Utility Commissioners inspects autobuses. Autobus operators are required to provide the Board with adequate garages and facilities for inspection of their vehicles. Taxicab operators would be under a similar requirement to provide the facilities and garages to permit the inspection by the Board of Public Utility Commissioners. Yet, few taxicab operators would have the facilities and the place to permit proper inspection of their vehicles. In addition, taxicabs would be required to pay an excise tax under R. S. 48:4–20. The State may have to reimburse municipalities for miles of operation of taxicabs within the municipality under P. L. 1972, c. 211, § 7, which was an alternative to the franchise tax for autobuses provided by R. S. 48:4–14. The State is not prepared to meet such a requirement which was never intended to apply to taxicabs.

More importantly perhaps is the necessity for distinguishing between industries or businesses which operate taxicabs and those which operate autobuses. As presently regulated by the Public Utility Commission under Title 48 of the Revised Statutes, public utilities which operate autobuses cannot, for example, without the approval of the Public Utility Commission, sell or encumber their property, incur long-term debt, discontinue service or record transfers of stock which result in vesting controlling interest in the transferee. These are but exemplary of the many regulatory inhibitions applicable to those who operate autobuses under Title 48, but are sufficient to demonstrate that taxicabs, if they are to be regulated by a State agency, deserve treatment differing from that designed for autobus operators.

By way of further example, were this bill to become law, taxicabs would be subject to an annual assessment by the Board of Public Utility Commissioners under P. L. 1968, c. 173, § 1 (C. 48:2–59 et seq.), which would subject them to a minimum annual assessment of $50.00. Analysis indicates that not only would many of the provisions within Title 48

of the Revised Statutes be inappropriately applied to the taxicab industry, but further that their application would impose an undue burden upon the industry.

Finally, it is not clear from Assembly Bill No. 730 whether municipalities which presently license taxicabs would be preempted from such licensing even were the bill to be approved. A dual licensing system, which could result from implementation of Assembly Bill No. 730, could not possibly be beneficial to either the industry or the public.

I am not certain whether the taxicab industry in this State is susceptible to uniform statewide regulation. I am certain, however, that if the industry is to be regulated on a statewide basis a regulatory scheme devised specifically for taxicabs should be developed.

Accordingly, I herewith return Assembly Bill No. 730 without my approval.

Respectfully,

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

Attest:
/s/ JOYCE J. HARBOURT,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 2, 1973.

ASSEMBLY BILL No. 788 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 788 (OCR), without my approval.

Assembly Bill No. 788 (OCR) would authorize county bridge commissions to replace or reconstruct bridges which it owns, including bridges extending into other States.

It has been the public policy of this State since 1951 to prevent further involvement of county bridge commissions in interstate matters. See P.L. 1951, c. 284; P.L. 1951, c. 288; P.L. 1952, c. 333 and P.L. 1953, c. 453. As the result of that policy, the Burlington County Bridge Commission is the only county commission which operates interstate

bridges. It is apparent, therefore, that the proposed legislation has applicability only to the Burlington-Bristol Bridge and the desire of the commissioners to replace that structure with a larger and more modern structure. While I understand and applaud the desires of the commissioners and the legislators representing that area in our State Legislature, there are insurmountable obstacles to the replacement or reconstruction of the existing bridge by the Commission;

1. As the result of the public policy enunciated in P. L. 1951, the State of New Jersey entered into a binding contract with the State of Pennsylvania and Delaware River Joint Toll Bridge Commission to construct a free toll bridge (I-895) in the same area as the Burlington-Bristol Bridge which would be constructed with 90% federal funds, with 5% each from New Jersey and Pennsylvania.

2. Most importantly, even if all other legal obstacles could be removed, it is conceded by all counsel and all interested parties that the consent of the Commonwealth of Pennsylvania would be required in order to carry out the proposed project. We have been formally advised by the Commonwealth of Pennsylvania in writing, through its Department of Transportation, that this project would be opposed, and that every effort would be made to prevent the implementation of the proposed legislation. Since that consent is required and we are on notice that it will not be given, my signature to the bill under consideration would be a futile act. My signature to this legislation would raise the expectations of the Burlington County citizenry when the evidence is clear under present circumstances that realization was impossible. In this sensitive area of interstate relations, cooperation between Pennsylvania and New Jersey is essential. Before such legislation can be considered, it is absolutely essential that prior consent be obtained from the Commonwealth of Pennsylvania.

Until such consent is forthcoming, I have no alternative but to return Assembly Bill No. 788 (OCR) without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 26, 1973.

ASSEMBLY BILL No. 876 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 876 (OCR), without my approval, for the following reasons:

This bill would increase the filing fee for claims in the division of small claims of the county district court from $2.10 for the filing of a summons to $7.00 therefor in the case of claims for more than $200.00. The fee for claims exceeding $200.00 would thus be equal to the filing fee in the county district court generally. The filing fee for claims of $200.00 or less would continue to be $2.10.

Under existing law, the monetary jurisdiction for claims in the small claims division of the county district court is a maximum of $200.00, except for those actions seeking a return of security deposit in landlord and tenant cases where the maximum jurisdiction is $500.00. The $500.00 maximum in landlord and tenant cases was established pursuant to chapter 188 of the Laws of 1970, apparently to provide a quick and inexpensive remedy in those situations where a security deposit was disputed between landlords and tenants. The effect of this bill would be to eliminate the quick and inexpensive remedy just recently established for these landlord and tenant cases. There would thus be no advantage obtained or incentive for bringing these actions in the small claims division as compared to the county district court generally.

I cannot support this legislation since it is regressive and, further, it places an added burden of increased fees on those least able to pay the increased costs. I am advised that the revenue which would be produced by this legislation is minimal. Further, there is no additional burden of work on the court personnel due to the amount in dispute in these matters.

Accordingly, I feel that I must return Assembly Bill No. 876 (OCR) without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 26, 1973.

ASSEMBLY BILL No. 1004 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 1004 (OCR) without my approval, for the following reasons:

This bill would modify the present ban on the open burning of vegetative waste materials established by the Department of Environmental Protection in an administrative regulation which became effective on January 1, 1973. The bill would require the Department to issue annual open burning permits to those persons and firms who demonstrate that it is not technically or economically feasible to dispose of such materials by alternative methods. A permit holder would be allowed to burn only when the Department reported by means of a telephone information service that air quality conditions in the district of the permit holder were sufficiently good to accept additional burning.

It is agreed by both proponents and opponents of this bill that New Jersey suffers from a particularly severe air pollution problem. Strong measures must be adopted to prevent the further deterioration of the quality of our air and to restore it to a healthful, natural condition. The State is required to meet certain ambient air quality standards regarding particulate matter under the federal Clean Air Act of 1970, and if the State fails to meet these standards, the federal government may itself establish a plan prohibit-

ing open burning. I believe it is the better practice for our own officials to determine how best the State can meet the mandated air quality standards than for the federal government to do so. I have full confidence in the ability of our Department of Environmental Protection to administer a reasonable method of preventing the unnecessary despoliation of our natural resources.

In addition, I cannot disregard the experience of the past ten and one-half months during which the Department's ban on open burning has been in effect. Despite predictions of adverse consequences from the impending ban, as with the Department's prior ban on the burning of leaves, there has been on the contrary a remarkable ability of our citizens and industries to utilize the available alternative methods of disposal of vegetative waste materials. As we have all seen so often in the past, necessity is the mother of invention. Where tree limbs and agricultural refuse in other years were burned, in 1973 they were chipped, shredded, buried or disked into the topsoil. New jobs have been created to reduce vegetative waste to manageable proportions and new uses have been found for materials which were formerly treated as waste. The use of wood chips as mulch, for example, has greatly increased in this State since January. Furthermore, the 60,000 tons of wood chips which New Jersey industry imports every year can now be provided locally. The primary users of wood in New Jersey, such as loggers, sawmills and pulpmills, are presently able to dispose of 95% of their "wastes" by selling them at a profit. Similar results might be obtained with many types of vegetative waste materials. In short, our technological abilities are such that we no longer need to resort to burning as the easiest and least expensive way to dispose of wood residues. Rather than release unnecessary and excessive particulates into the air we breathe, we must use wood wastes productively. They should be either returned directly to the soil, as natural processes would do without man's intervention, or they should be used in one of the many established or developing markets for wood residues.

I veto this measure with full awareness that over the short run, until the weight of our technology can be brought fully to bear on the problem, disposal without burning may

increase costs of such things as land clearing, development and highway construction. I am convinced that economies achieved at the expense of environmental deterioration are false economies paid for too dearly by our citizenry over the long run. As a people we have for too long worshipped at the temple of such false economy. Illusory savings have brought us to a juncture where our rivers, our streams and the air we breathe can be cleansed if at all only by the expenditure of enormous sums of money. We can not continue with the creation of such a legacy for our children.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 26, 1973.

ASSEMBLY BILL NO. 1081

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 1081 without my approval.

This bill would require retailers to segregate liquid drain cleaners containing sulfuric acid, sodium hydroxide or liquid potassium hydroxide and to display them along with a sign 1 foot by 2 feet in size "warning of the dangers and health hazards resulting from the use of such cleaners." Violation of this requirement would be a disorderly persons offense.

Mere segregation and warning of the dangers of a particular product do not guarantee any protection for the public. A label or warning would mean little to a child who might accidentally come into contact with this type of cleaner. The Federal Poison Prevention Packaging Act of 1970 is an example of legislation which does help to protect the public. The Act requires child resistant caps on the cleaners covered by Assembly Bill No. 1081. Child resistant caps will help to protect a child who might accidentally play with one of these cleaners. Assembly Bill

No. 1081, therefore, does not represent the proper approach of legislation intended to protect the public.

The Federal Hazardous Substances Act, 15 U.S.C. 1261 (1960), supersedes all State laws requiring warnings on the labels of the products covered by Assembly Bill No. 1081. Even though Assembly Bill No. 1081 does not require an additional warning on the label, a serious question arises as to whether the bill would violate the import of the federal statute in requiring an additional warning at the point of display of the product. In addition, Assembly Bill No. 1081 does not clearly indicate the form of warning required at the point of display of the drain cleaners. It would be difficult, if not impossible, for a retailer to insure he was meeting the bill's requirement of "warning of the dangers and health hazards resulting from the use of such cleaners." The ambiguity of this language places an unreasonable and unmanageable burden upon retailers. The ambiguity may also render this penal statute unconstitutionally vague.

For all of the above reasons, I herewith return Assembly Bill No. 1081 without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 26, 1973.

ASSEMBLY BILL No. 1130 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 1130 (OCR), without my approval.

This bill would provide a vested pension right for members of the Prison Officers Pension Fund who have completed 15 years as active members of that fund. This deferred pension would be payable at age 55.

Such a vested pension right has been made available to the prison officers in question as a result of Senate Bill No. 2310, which I signed into law on June 1, 1973 and is now chapter 156 of the Public Laws of 1973.

Accordingly, I herewith return Assembly Bill No. 1130 (OCR), without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 8, 1974.

ASSEMBLY BILL NO. 1232

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 1232, without my approval, for the following reason:

Assembly Bill No. 1232 purports to amend the New Jersey High Voltage Proximity Act (P. L. 1948, c. 249 § 1; C. 34:6–47.1 et seq.) to prohibit an employer from either requiring or permitting an employee to work on electrical power lines of certain voltages unless such lines are either deenergized before such work is commenced or unless such work is performed through methods which do not include the handling of such lines with gloves.

Advocates of the legislation maintain that it is a measure required to insure the safety of such employees. Opponents of the measure maintain that it is not required for safety reasons and would have the effect of either greatly increasing costs of such work with such costs ultimately being visited upon the consumers in the form of increased rates or of substantial inconvenience to the consuming public as a result of intermittent service interruptions. Such reliable

advice as I have been able to obtain leaves me uncertain as to which, opponents or advocates, are right.

I am persuaded, however, that safety measures such as this, where required, are better handled administratively than legislatively. I note that current regulation under the Federal Occupational Safety and Health Act of 1970 permits the handling of such voltages with the use of gloves. While this does not establish conclusively that reasonable safety requirements do not compel a contrary conclusion, it does suggest that our Bureau of Engineering and Safety in the Department of Labor and Industry can bring to this issue the kind of expertise and continuing review it deserves.

We are faced with an energy crisis. The public interest will require that utilities greatly expand their electrical generation and distribution systems. At the same time, this administration has concluded that it is in the interest of our citizenry to have New Jersey continue to regulate in areas such as this rather than deferring to Federal regulation. Implementation of that policy still requires both legislative and administrative action on a comprehensive basis at an early date. We feel that this particular problem can best be handled as part of that effort and ultimately through the administrative process.

This particular bill, ironically, is illustrative of the merit of handling such problems where possible administratively. Were the bill signed, section 2 of the present law (C. 34:6–47.2) as it would be amended could be construed to permit non-qualified employees, that is employees other than those described in section 8 of the act (C. 34:6–47.8), (who include employees of electrical companies) to work on such high voltage lines, where without approval of this act, they would not be permitted to do so. The present law requires that the Commissioner of Labor and Industry approve methods or devices used to work on such lines by non-qualified persons prior to the performance of such work. The language of this bill would eliminate this approval requirement with respect to voltages in excess of 13,200 volts, although retaining it for the lower voltages. Therefore, the original policy to prohibit such non-qualified

persons from working on such lines could be frustrated. I do not believe this to have been the intention of the sponsors of this legislation. Thus, even if persuaded that this legislation were required as a matter of policy, I could not sign it in its present form.

I am therefore returning Assembly Bill No. 1232 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JOYCE J. HARBOURT,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 26, 1973.

ASSEMBLY BILL No. 1449 (OCR)

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 1449 (OCR), without my approval, for the following reasons:

This bill would require a referendum prior to the acquisition or development of land in a municipality for the establishment of an airport or other similar facility. A majority of those voting in the municipality and also in the county involved would have to approve, otherwise the airport could not be built by a county, municipality or other person.

This bill has numerous problems. While it apparently seeks to control development of airports by persons other than counties and municipalities, the procedure for a referendum is limited to situations where counties or municipalities pass a resolution stating an intent to establish an airport. No procedure for a referendum is specified for the case of an airport to be established by someone other than a county or municipality.

Further, the use of the term "or other person" causes grave uncertainty. This phrase is not defined. It cannot thus be determined whether it is meant to cover only private persons and entities or whether it also includes all public entities such as the State of New Jersey or the Port of New York and New Jersey Authority. If this language were interpreted to include all public entities, the bill could effectively preclude the construction of airports in any part of the State regardless of the needs of the public. This would not be in the public interest and would render the State Master Transportation Plan meaningless.

The Department of Transportation has promulgated rules and regulations governing aeronautical facilities setting forth requirements that must be met before a license for an aeronautical facility can be issued. The interrelationship between those regulations and local zoning and planning ordinances, while litigated in several instances, can hardly be deemed settled. Further, regulations, existing and needed from the point of view of environmental impact, are also relevant. To date, it has not been resolved that such State regulations as do exist preempt all efforts of local governmental units to exercise control. Perhaps that is a result to be avoided. Equally necessary to avoid, however, is preemption by local governmental units of the power to make final decisions in this area.

Air transportation is regarded by all planners as a necessary and integral part of a sound transportation system. The convenient and proper location of necessary facilities for air transportation is vital to our State's future. Local communities are entitled to be protected against the visitation upon them of environmental hardships or unbearable nuisances. Similarly, the citizenry of the entire State is equally entitled to protection from having its best interests frustrated by local referenda which could produce results not required for local protection or the community's safety and welfare.

This is an area in which the Legislature could appropriately act. A sound balancing of the interests of local communities and those of the State's citizenry is required. The job must be done carefully and judiciously if our State

is to prosper and its citizens, all of its citizens, enjoy full measure of protection. I do not feel that A-1449 reflects an adequate consideration of or treatment of these problems.

I am therefore returning Assembly Bill No. 1449 (OCR) without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 8, 1974.

ASSEMBLY BILL No. 1548

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 1548, without my approval, for the following reasons:

This bill would provide $1,365.00 for Anthony T. Campanile, an inmate of the State Prison, for personal injuries resulting from a fight and disturbance with another inmate at the State Prison.

A claim for this same amount was submitted on behalf of Mr. Campanile in Senate Bill No. 901 (1972). That claim was deleted by me by a line item veto. The reasoning for my veto of that claim is just as valid and appropriate now in connection with this bill as it was then in connection with the line item veto of Senate Bill No. 901. Mr. Campanile's injuries resulted from his involvement in a disturbance with another inmate. There has been no evidence indicating negligence on the part of any institutional official and, further, there has been no evidence that the incident could have been prevented or guarded against by prison officials or personnel.

This position is consistent with the long established policy of the Department of Institutions and Agencies to dis-

approve payment of compensation to inmates for injuries caused by other inmates where there has been no neglect or lack of responsibility on the part of the Department or any of its employees.

Accordingly, I feel that I must return Assembly Bill No. 1548 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JOYCE J. HARBOURT,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

ASSEMBLY BILL No. 2045

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 2045 without my approval.

Assembly Bill No. 2045 would permit the creation and operation of a joint borough police force in two or more contiguous boroughs within a county of the Third Class with a combined total population of between 2,000 and 2,500 inhabitants. On August 2, 1973, I signed the Interlocal Services Act, P. L. 1973, chapter 208 (C. 40:8A–1, *et seq.*), which authorizes all municipalities in the State to provide for joint services including police services. The enactment of the Interlocal Services Act renders Assembly Bill No. 2045 unnecessary.

Accordingly, I am herewith returning Assembly Bill No. 2045 without approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 8, 1974.

ASSEMBLY BILL No. 2119 OCR

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Bill No. 2119 OCR, without my approval, for the following reasons:

This bill would amend R. S. 34:1–47 by adding two members to the Board of Boiler, Pressure Vessel and Refrigeration Rules. The proposed new members would be one operator of hoisting machinery and one operator of excavation machinery. This board presently exercises rule-making power over the indicated activities and would obtain the additional power of rule-making with respect to hoisting and excavation machinery.

This bill would also amend R. S. 34:7–1 and require operators of cranes, derricks, hoists, conveyors or similar machines used for hoisting purposes over 25 horsepower and any machine over 25 horsepower used for construction, demolition or excavation work to be licensed.

I have received no information which would compel me to believe that this bill is necessary in the interests of safety nor that the additional members to be added to the Board of Boiler, Pressure Vessel and Refrigeration Rules are required.

I am, therefore, returning Assembly Bill No. 2119 OCR without my approval.

Respectfully,

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

Attest:
/s/ JOYCE J. HARBOURT,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 8, 1974.

ASSEMBLY JOINT RESOLUTION No. 25

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Assembly Joint Resolution No. 25 without my approval.

This Resolution directs the Department of Transportation, with the assistance of the Inter Agency Task Force and the Intergovernmental Relations Commission, to conduct a feasibility study for the restoration of rail service in the eastern corridor of Bergen County, an area served by the Erie Lackawanna, Northern Branch, the West Shore and the New York, Susquehanna and Western railroads.

The Inter Agency Task Force and the Intergovernmental Relations Commission do not have the staff nor the funds to conduct such a detailed feasibility study. The Department of Transportation has several superficial studies which have been made in this area. These studies, while sufficient as a foundation upon which to conduct a proper feasibility study, are themselves too superficial to constitute a feasibility study. Further in depth investigation and analysis is needed.

The Department of Transportation is without the necessary funds to conduct the thorough and complete study directed by the Resolution. The Department has indicated in a fiscal note on Assembly Joint Resolution No. 25 that approximately $170,000 would be necessary to conduct the feasibility study. Unless these funds are provided for the Department, Assembly Joint Resolution No. 25 cannot be implemented.

A similar problem was created by Assembly Joint Resolution No. 24, which directed a study to determine the feasibility of including the southern area of Hudson County as part of the comprehensive plan for the development of the terminal and transportation facilities of the Port of New York district. The Department of Transportation estimated

the cost of conducting such a feasibility study would be approximately $75,000. The Legislature similarly failed to appropriate any funds to pay the cost of this feasibility study. I signed Assembly Joint Resolution No. 24, recognizing that the Department would have to strain in order to conduct the study without an additional appropriation.

The signing of Assembly Joint Resolution No. 24 without an appropriation absolutely prohibits a similar action with respect to Assembly Joint Resolution No. 25. It would cost approximately 2½ times the cost of the feasibility study directed by Assembly Joint Resolution No. 24 to conduct the feasibility study directed by Assembly Joint Resolution No. 25. Such a costly undertaking cannot be initiated without funds being provided, especially in light of the burden already placed on the Department of Transportation by Assembly Joint Resolution No. 24.

Accordingly, I herewith return Assembly Joint Resolution No. 25 without my approval.

Respectfully,

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

Attest:
/s/ JOYCE J. HARBOURT,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 29, 1973.

SENATE BILL No. 242

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 242, without my approval, for the following reasons:

Senate Bill No. 242 would permit the Commissioner of the Department of Health to contract with any voluntary non-profit hospital in New Jersey to pay 50% of the approved costs of an early drug detection program conducted by the hospital. The early drug detection program could include educational, drug counseling, psychiatric and psy-

chological, telephone emergency capability, individual self-help and group therapy, and individual and community prevention programs. The bill appropriates $150,000 for these contracts.

Throughout this administration I have actively sought to wage the war against drug abuse which has debilitated too many of our youth. The drug programs in our county clinics and some private clinics have expanded substantially due to the efforts of this administration.

Certainly there is room for and a need for hospitals to participate in drug detection programs. I hope that hospitals, which have been reluctant in other states to become involved in drug programs, will become involved in such programs in New Jersey. These programs, however, can be much more economically conducted through county and private clinics. The educational programs and telephone emergency services can be more effectively and more economically performed by agencies other than hospitals.

In light of today's high costs within hospitals, the appropriation in the bill would support few projects and certainly would not enable a project to continue for any length of time. A relatively large percentage of the appropriation would be consumed by administrative costs in reviewing requests by hospitals, approving changes and reviewing programs. Economic efficiency, therefore, dictates that the present county clinics, already engaged in drug problems, rather than hospitals be used for these types of programs in order to obtain the maximum services for the public with the limited resources available.

I am, therefore, returning Senate Bill No. 242 without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 29, 1973.

SENATE BILL No. 296

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 296 without my approval.

Senate Bill No. 296 amends the applicable portions of Title 18A dealing with school elections to provide for a permanent record of those persons voting in such elections in the "signature copy register" which is the permanent record of a voter's signature comparisons taken prior to voting in elections.

While I agree with the intent of the bill to provide a permanent signature record in school elections, the economic and administrative impact of Senate Bill No. 296 requires that I not approve the bill.

Presently, the "signature copy register" provides space for primary, general and special or municipal elections. There is no space in the present register to add the signatures from the two school elections which would be held annually. Therefore, it would be necessary to enlarge the signature copy register in order to provide space for such signatures.

There is a technical deficiency in Senate Bill No. 296 in that it does not properly provide for an enlarged signature copy register. R. S. 19:31A–7 establishes the form of the register. Any change in the form of the signature copy register would necessitate amendment to R. S. 19:31A–7 which Senate Bill No. 296 does not amend.

More importantly, however, are the fiscal and administrative implications of the enlargement of the signature copy record. Contrary to the fiscal note accompanying Senate Bill No. 296, there would be tremendous costs associated with enlarging the register. If Senate Bill No. 296 were approved, new, larger registers would have to be purchased. The old registers, some of which provide space for signatures into the 1980's, would become obsolete. The pages within the registers, the unused pages and registers on hand for new registrations and the pages and registers

which have already been ordered would also become obsolete. The power files utilized by some counties, which files are designed for the present registers, would have to be replaced at a very high cost. New binders would have to be purchased, new pages would have to be purchased, and the present filing space for all signature copy registers in the State of New Jersey would have to be immediately duplicated to accommodate the new set of registers. The present registers would have to be retained and additional space provided for the new registers. In addition to these costs, every voter in the State would have to be reregistered in order to provide a new signature comparison for the new signature copy registers. The administrative cost to accomplish this is incalculable.

Relatively few people in the State vote in school elections. The enormous costs associated with complying with Senate Bill No. 296 are, therefore, unwarranted. Accordingly, I feel I must return Senate Bill No. 296 without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 29, 1973.

SENATE BILL NO. 444

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 444, without my approval, for the following reasons:

Senate Bill No. 444 would amend the Unemployment Compensation Law to exclude from coverage officers or any other employees of any building and loan association, except where the services of such persons constitute the principal employment of the individual. Under existing law, the salaries of such persons are subject to the Unemployment Tax. Even if this bill were to become law, to give effect to its objective of excluding the services of such part-

time officers and employees of building and loan associations from such Unemployment Tax, such services must also be exempted from the Federal Unemployment Tax Act. However, an analysis of the Federal law indicates that such services, would be considered employment subject to Federal unemployment taxation. If the building and loan associations employing such part-time officers and employees were open at least 20 days per year in 20 separate weeks, such an association would be considered an employer within the meaning of the Federal law. The combinations of such circumstances would result in the Federal unemployment taxation of such services and therefore the proposed amendment would be ineffective to exclude such services from State taxation. Those few cases where Federal taxation would not result would be minimal.

However, I do not disapprove this bill merely on the basis of the technical problems described above, but also on the grounds that the effect of non-payment of such Unemployment Taxes to the State of New Jersey would deplete the New Jersey Unemployment Trust Fund established to receive such moneys which is presently administered by the Secretary of the Treasury. Although the fiscal impact of this bill may appear relatively small in this respect, I consider it unacceptable in light of the current pressures for the payment of unemployment compensation. Furthermore, a portion of the taxes collected under the present law are also used to fund the State Disability Benefits Fund and these amounts, although also small, would also be lost if this amendment is enacted.

I finally conclude that the general direction of such unemployment legislation is toward increased rather than decreased coverage and that it would be difficult to justify the exclusion of such employees and employers from coverage.

I am, therefore, returning Senate Bill No. 444 without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 2, 1973.

SENATE BILL No. 464

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 464, without my approval, for the following reasons:

This bill supplements chapter 11 of Title 30 of the Revised Statutes, requiring hospitals and nursing homes to conduct fire drills at least once a month at irregular intervals. The bill also amends R. S. 30:11–4, including the failure to hold such fire drills as punishable conduct.

Senate Bill No. 464 is technically deficient in that it amends and supplements a portion of the law which has been preempted and impliedly repealed. Chapter 11 of Title 30 provided a procedure for licensure of nursing homes and hospitals. The State Board of Control of the Department of Institutions and Agencies was authorized to promulgate and enforce rules, regulations and minimum standards of nursing and hospital care.

A comprehensive measure for the licensure and regulation of all health care facilities subsequently was enacted, transferring the functions, powers and duties of the State Board of Control, and the Commissioner of the Department of Institutions and Agencies, to the Department of Health, (P. L. 1971, c. 136, C. 26:2H–1 et seq.). The definition of "health care facility" includes hospitals and nursing homes (P. L. 1971, c. 136, Sect. 2, C. 26:2H–2). The standards and requirements for the licensure and the maintenance of health care facilities and the penalties for failure to comply with those standards and requirements are included within P. L. 1971, c. 136, C. 26:2H–1 et seq. This newer, more comprehensive licensure provision has preempted and impliedly repealed the licensing provision contained in chapter 11 of Title 30 of the Revised Statutes. Any new requirements affecting a health care facility should supplement or amend the applicable sections of P. L. 1971, c. 136, C. 26:2H–1 et seq.

Furthermore, Senate Bill No. 464 makes no provisions for situations where a patient should not or cannot be evacuated from a hospital or nursing home. While it may be advisable

to ensure that a definite procedure is established to evacuate a hospital or nursing home and that employees and patients, when feasible, are familiar enough with such a plan to enable evacuation, any legislation designed to achieve this purpose must recognize that the medical condition of some patients necessitates that they not be moved except in an actual emergency.

For these reasons, I must return Senate Bill No. 464 without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 29, 1973.

SENATE BILL No. 492 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 492 (OCR), without my approval, for the following reasons:

This bill would exempt from the New Jersey Transfer Inheritance Tax property passing to a testamentary trustee by virtue of any contract of insurance heretofore or hereafter in force insuring the life of a resident or non-resident decedent and the proceeds of which are paid at the death of such decedent to such trustee for the benefit of a beneficiary of the insurance contract.

Under present law, life insurance proceeds payable to the trustee of an inter vivos trust are exempt from the transfer inheritance tax whereas life insurance proceeds passing to a testamentary trust are taxable.- S-492 (OCR) would treat both types of trusts consistently by exempting each from the transfer inheritance tax.

I agree that both types of trusts should be treated in the same manner for tax purposes. The existing distinction in their tax treatment has no economic or other rational basis.

It is my belief, however, that these life insurance proceeds should, in fact, be subject to the transfer inheritance tax and not exempt as provided in this bill.

The taxation of the proceeds of life insurance was treated in depth in the report of the New Jersey Tax Policy Committee. The committee found that valid reasons exist for taxing these items as other assets in an estate. It was also the position of the committee that the tax apply to trusts of life insurance proceeds whether established through inter vivos or testamentary trusts. The committee further recommended that appropriate dollar exemptions be provided to exempt portions of life insurance proceeds to the extent that they provided basic protection and security to surviving widows and children. I agree with this approach.

While it is impossible to effect all the recommendations of the Tax Policy Committee, especially those requiring an income tax as a foundation, it is my belief that those recommendations which can stand on their own and are otherwise meritorious should be implemented. S-492 (OCR) is inconsistent with the recommendations made by the Tax Policy Committee for improvement of the New Jersey death tax structure and is unacceptacle to me.

It is my suggestion that the Legislature consider legislation which would tax the proceeds of life insurance passed through inter vivos trusts in the same manner as proceeds of life insurance passed through testamentary trusts for purposes of the New Jersey transfer inheritance tax. Further, consideration should be given to the exemption of specific dollar amounts of these life insurance proceeds to insure that basic protection for surviving spouses and children is provided.

Accordingly, I feel that I must return Senate Bill No. 492 (OCR) without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 22, 1973.

SENATE BILL No. 588 (2nd OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 588 (2nd OCR), without my approval.

This bill provides for accelerated tax foreclosure proceedings by municipalities against property with uninhabited structures found to be in substantial violation of the Hotel and Multiple Dwelling Law (P. L. 1967, c. 76), and either hazardous to the public health, safety and welfare or unfit for human habitation. In such cases, the two-year redemption period of R. S. 54:5–54 is reduced to 90 days.

I agree that there is a great need for accelerated foreclosure proceedings to permit municipalities to eliminate abandoned and hazardous structures, but this bill is not technically sufficient to accomplish its purpose. Its reliance on the Hotel and Multiple Dwelling Law requires that the accelerated foreclosure proceedings be restricted to structures subject to that law. Furthermore, the bill is silent on the issue of what forum will decide whether violations of the Hotel and Multiple Dwelling Act exist, whether the structure is unoccupied, and whether it is hazardous to the public health, safety and welfare or unfit for human habitation.

Finally, the bill fails to provide for notice and an opportunity to be heard to the parties whose right of redemption will be tolled by the accelerated foreclosure proceedings. This failure casts doubt on the constitutionality of the bill as well as its wisdom. Where property rights are involved, procedural due process requires an opportunity to be heard on such notice as is in keeping with the character of the proceeding and adequate to safeguard the right entitled to protection. *State v. Standard Oil Company,* 5 *N.J.* 281, 305 (1950), affirmed 341 U.S. 428 (1951).

Because of the problems discussed above and the doubts concerning the validity of the proposed procedures, I can not in good conscience sign this bill. Since, however, I

recognize the need for legislation enabling municipalities to eliminate abandoned and hazardous buildings, a new bill dealing with this problem will be introduced shortly.

Therefore, I herewith return Senate Bill No. 588 (2nd OCR) without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 29, 1973.

SENATE BILL NO. 622

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 622 without my approval.

This bill amends P. L. 1971, c. 414 (C. 2A:62A–4) to add certain specified employees of nonprofit organizations engaged in youth activities as persons granted immunity from civil damage suits for reporting a person to the principal, his designee, the school physician or school nurse in an attempt to help such person cure his dependency upon or illegal use of a controlled dangerous substance or a chemical compound as defined in P. L. 1965, c. 41, section 1 (C. 2A:170–2.5).

P. L. 1971, c. 414 is intended to facilitate the identification of those youths with drug problems so that they may obtain the necessary medical assistance to cure their drug problem. The statute as presently written accomplishes this desired purpose.

All those persons now granted immunity are responsible for the control over youth in the school. Immunity attends only those reports made to the highest administrators of the school, the principal, his designee, the school physician or school nurse. P. L. 1971, c. 390 (C. 18A:40–4.1) enacted prior to any grant of immunity, provides the procedure to

immediately determine the accuracy of any such report made to the principal. An immediate medical examination is made of the pupil to determine whether he is under the influence of a controlled dangerous substance. This procedure enables a prompt determination of the accuracy of any report, thus, insulating the child from any lingering doubt or aspersions with respect to his dependency upon or use of a controlled dangerous substance. Only with this type of procedure can the grant of immunity insure that those with drug problems in need of medical assistance will receive such aid and insure that the reputation of the youth, upon whom the report is made, is adequately protected.

Senate Bill No. 622 would expand the immunity to include counselors and staff members of nonprofit organizations engaged in youth activities such as Boys Clubs and Young Men's and Young Women's Christian and Hebrew Associations. These individuals are normally active with youth when school is not in session, either on weekends, after school or in the summer. Yet, Senate Bill No. 622 would require these persons to report suspected drug use or dependency to supervisory personnel within the school. A staff member or a counselor of a nonprofit youth organization may not even know what school a particular youth attends. Even if the school the youth attends is known, it would not be possible to coerce the child to go to the school to use the examination procedures established by P. L. 1971, c. 390. The next time the child was in school in the normal course of events might well be too late to utilize the examination procedures because of the short duration of the symptoms of drug use.

The grant of immunity in Senate Bill No. 622, therefore, is not accompanied with a procedure to identify a reported youth as a user of drugs. Consequently, the expansion of immunity would not accomplish the original purpose of the statute, i.e., to obtain medical assistance for persons who are dependent upon or use controlled dangerous substances. Furthermore, there would be no protection for youth with respect to the expansion of immunity in Senate Bill No. 622.

The voluntary nature of the relationship between youth and staff members of organizations to which Senate Bill No. 622 would extend immunity, prohibits the establishment of a procedure similar to P. L. 1971, c. 390. The procedure established by that statute can function in the school situa-

tion only because of the ability of the school to require a medical examination.

Accordingly, I herewith return Senate Bill No. 622 without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 22, 1973.

SENATE BILL NO. 772

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 772 without my approval, for the following reasons:

This bill adopts the song "I'm From New Jersey" as the State song of New Jersey. I believe a State song is a musical representation of the pride and honor of citizens for their State. It not only affects those here today, but represents a legacy to future generations which will probably set the tone of their patriotism to New Jersey.

The importance of the State song requires that the selection process involve careful and deliberate choice. The decision should not result from the relative perseverance of the sponsors of particular songs. Proper consideration necessitates obtaining expert advice and providing alternative selections. These selections should then be evaluated by the people.

The New Jersey Tercentenary Commission conducted a song contest to find a song suitable as a State song. The Commission selected four winning tunes and lyrics. The song in the present legislation was not one of these winners although it was one of the songs presented to the Commission for consideration. The Commission refused to designate one of the winners as the official State song believing that only public acceptance could truly make a song the State song.

I firmly believe that without wide public support, no song can be a real State song. However, I also believe that only when the public or interested groups are presented alternatives from which to choose, will their endorsement or acceptance of a song be meaningful. While I recognize that tastes differ so that unanimity concerning a particular selection will probably never be achieved, the selection process should ensure that the largest possible number of citizens are in favor of the song.

The present legislation did not result from a decision-making process which ensured New Jersey the best possible song as its State song. For this reason, I cannot in good conscience sign this legislation.

Accordingly, I am returning Senate Bill No. 772 without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 8, 1974.

SENATE BILL No. 1017

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 1017, without my approval, for the following reasons:

This bill would increase the fee for constables and sergeants-at-arms of the county district courts in connection with the collection of funds on an execution or writ of attachment. Presently, the constable or sergeant-at-arms is entitled to receive $0.10 on each dollar of the first $500.00 collected. He receives $0.02 on each dollar collected in excess of $500.00. Under the language of the bill, the constable's or sergeant's-at-arms fee would be increased to $0.10 on each dollar of the first $1,000.00 collected and he would receive $0.05 on each dollar in excess of $1,000.00.

There has not been any increase in the percentage of sums collected which may be charged as fees since 1957. It has been argued, however, that spiraling inflation over the same time period has undoubtedly increased the average size of the sums collected by such officials, thus automatically effecting increases in revenue to the persons collecting such funds. On balance, I am inclined to believe that an increase in the percentage collected, to be allowed as fees, is warranted. The difficulty I have, however, is that there exists insufficient information upon which to make an intelligent judgment as to whether the increases specified by this bill are fair and appropriate.

Moreover, my inquiry in this area has forced me to conclude that the laws under which constables and sergeants-at-arms of the county district courts now operate are a maze of ambiguities, incongruities and insufficiencies. The jurisdiction, duties and functions of these officials are defined inadequately. In fact, procedures and practices vary dramatically from county to county. One of the results is that fees which may be fair and appropriate in one county would be inadequate or excessive in another. But this, from the public's point of view is the lesser problem. More important is a redefinition and standardization of the role such officials ought to play in our system of justice and the collection of obligations.

Finally, it should be noted that complaints have been made which lead us to believe that a few of those engaged in this area have been guilty of the type of abuses which have led us to call elsewhere for the regulation of collection agencies. It is probable that both the citizen and the vast majority of decent people who serve as constables and sergeants-at-arms ought to be protected from the consequences of the unseemly conduct of such few.

For the foregoing reasons, it is my recommendation that the Legislature expeditiously make a thorough study of the laws under which constables and sergeants-at-arms operate. In this manner, the propriety and fairness of the entire system, as well as the subject of fees, can be properly evaluated and appropriate legislation enacted.

Accordingly, I feel that I must return Senate Bill No. 1017 without my approval.

Respectfully,

[SEAL] /s/ WILLIAM T. CAHILL,
Attest: *Governor.*
/s/ JOYCE J. HARBOURT,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
February 22, 1973.

SENATE BILL No. 1106

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 1106 without my approval.

Senate Bill No. 1106 would require the Director of the Division of Motor Vehicles to reinstate the driving privileges of any person subject to recurrent convulsive seizures, periods of unconsciousness or loss of motor coordination who has not suffered a convulsive seizure or a period of unconsciousness or impairment of his motor coordination for a one year period.

The present regulations of the Division of Motor Vehicles provides for a two year seizure-free period before approval for a driver's license. Those persons who have not been seizure-free for a two year period may apply for an exception to the two year period. In cases where there is some doubt, a medical panel reviews the case and issues a recommendation as to whether, medically, the person should be approved for licensure. In the majority of cases reviewed, the medical panel has approved licensure prior to the expiration of the two year waiting period.

This procedure provides adequate protection for those persons who have been denied a driver's license but, because of their particular medical problem, do not have to wait the entire two year period before having their driving

privileges restored. At the same time, this procedure ensures that those with a medical condition which should prevent them from driving a vehicle until they have experienced the entire two year period without having a seizure or suffered a period of unconsciousness, will not be driving on New Jersey highways. The two year waiting period is reasonable and necessary for the adequate protection of the motoring public of the State.

Accordingly, I am returning Senate Bill No. 1106 without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 2, 1973.

SENATE BILL NO. 1112

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 1112 without my approval.

This bill would authorize the Borough of Seaside Heights, Ocean County, to make permanent the appointment to its police department of Stanley Matejkowski, presently serving as a member of the police department of another municipality, without loss of benefits, and notwithstanding that he is over the maximum age for appointment required by law.

I am compelled to withhold my approval from this bill because of the failure to comply with the notice provisions governing special legislation. Article IV, Section VII, Paragraph 5 of the Constitution forbids the passage of any private, special or local law unless public notice of the intent to apply for such a law and its general object have been given at such time and in such manner as is provided

by law. R. S. 1:6–1 provides this constitutionally mandated notice must be published at least one week before introduction of the bill in question. Public notice of intention to apply for Senate Bill No. 1112 was first published on July 17, 1972, the same day that the bill was introduced in the Senate. This bill would not, therefore, become law, even if I were to sign it.

Accordingly, I am returning Senate Bill No. 1112 without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 2, 1973.

SENATE BILL No. 1121 (OCR)

To the Senate:

Pursuant to Article V, Section I, paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 1121 (OCR) without my approval.

Senate Bill No. 1121 (OCR) would amend Rule 27 of the Evidence Act of 1960 (C. 2A:84A:21), which presently grants a newspaperman a privilege to refuse to reveal the source of news which has been published. The proposed amendments would expand the newspapermen's privilege to include persons connected with a "news media", would list various proceedings in which the privilege applies, and would provide an additional privilege not to reveal "any news or information", whether or not it is disseminated. In addition, two new statutory sections are proposed, one seeking to limit the circumstances in which a waiver of the privilege will occur and the other defining the terms "News media" and "News."

The broad and liberal privilege already granted by N. J. S. 2A:84A–21 to a person "engaged on, connected with or employed by a newspaper" would, thus, be expanded by Senate Bill No. 1121 (OCR). The proposed amendment

would not only expand the persons to whom the privilege is granted, but would also broaden the privilege to apply to news, as well as to source. New Jersey's present law, N. J. S. 2A :84A–21 (Rule 27) provides:

> "Subject to Rule 37, a person engaged on, connected with, or employed by, a newspaper has a privilege to refuse to disclose the source, author, means, agency or person from or through whom any information published in such newspaper was procured, obtained, supplied, furnished, or delivered."

By contrast, the proposed legislation would give an absolute privilege to those "engaged on, engaged in, connected with or employed by a *news media*" for the "purpose of gathering, procuring, transmitting, compiling, editing or disseminating news," not only as to the source of the news, but as to the news itself.

It should be pointed out immediately that we are aware and supportive of the vital and essential role of the news media in our society, and especially of its initiative and leadership in many of the reforms in our country, particularly in relation to local, state and federal government.

The news media, supported by the First Amendment and court decisions such as *New York Times v. Sullivan,* 376 U.S. 254 (1964), have, along with our citizens, benefited from this guaranteed "free flow of information". It should also be noted that the granting of privilege to any person or group under the laws of our country and our state is extremely limited. Historically, this privilege was granted only to the patient, client, penitent, who was thus protected from disclosure by the physician, lawyer and clergyman, but even this privilege was not absolute.

At common law, there was no privilege for a journalist to refuse to disclose either the source or content of news. See *In re Grunow,* 84 N.J.L. 235 (Sup. Ct. 1913). There is no newsman's privilege in England, Canada or Australia, except in certain defamation actions. See *Carter,* "The Journalist, His Informant and Testimonial Privilege", 35 N.Y.U.L. Rev. 1111 (1960). Nor is there presently a federal privilege to refuse to reveal the source or content of the news. See, e.g., *Garland v. Torre,* 259 F. 2d 545 (2d Cir. 1958), *cert.* denied, 358 U.S. 910 (1958).

The law surrounding the newspaperman's privilege has been settled for the present by the United States Supreme

Court in *Branzburg v. Hayes,* 408 U.S. 665 (1972), in which all the divergent philosophies involved were discussed. The majority opinion confirmed that there is no Constitutional privilege for a newspaperman to refuse disclosure of a source or information. The public's right to have all available evidence, especially in a grand jury proceeding, and the need to protect persons and property with fair and effective law enforcement and remedies have been held by the court majority to outweigh the uncertain burden which the lack of the privilege may impose upon the flow of news. Even the dissenting opinion by Justices Stewart, Brennan and Marshall would balance the free flow of information against the need for disclosure in cases of compelling public interest.

New Jersey's present law provides extraordinary protection for the responsible newspaperman and gives assurance that, if the source is not disclosed, he cannot be compelled to testify as to the identification of the source or information which would reveal the source.

But, as has been stated by our courts, any privilege involves competing societal objectives. The newspaperman's privilege thus represents competition between two public interests — the desire to obtain information through newspapers and the right of the public to obtain truth through grand jury and court proceedings.

In the September/October 1972 issue of the Columbia Journalism Review, a comment on this competition between public interests was made by Fred W. Friendly, former president of CBS News, now Edward R. Morrow Professor of Broadcast Journalism at Columbia. Mr. Friendly wrote:

> "The journalist, on the other hand, needs to understand that because he has certain professional privileges, he is not a privileged character who is above the law. There are times when the First Amendment clashes with other parts of the Constitution, and it is the courts' responsibility to determine where the balance rests. It may sound heretical for a journalist to utter such thoughts, but every Amendment can't always prevail."

While freedom of the press is one of our most important constitutional principles, there are other very well accepted rights of our citizens which clearly come in conflict with this principle. In our American system of government, checks and balances have always played a major role in the

control of unlimited power. It is no more acceptable to have the press all powerful than it is to have government all powerful. Each has a legitimate and important role to play in our democracy.

No segment of our society should be all powerful without checks and balances. Responsibility must parallel power. It is for this reason that Senate Bill No. 1121 (OCR) must be examined most carefully as to definitions, construction, constitutionality, and particularly the results that could occur if this legislation were to become the law of our state.

Let us consider some aspects of the proposed amendments as presently written:

1. The expansion of the privilege in Senate Bill No. 1121 (OCR) could permit undisseminated news or information on any issue to be arbitrarily withheld from the public by the reporter or news media. This is the very antithesis of the argument that the public is entitled to a free flow of information. The press has, with justification, fought for the "right to know". This "right" should apply not only to government, but to all segments of our society, including the press, under prescribed circumstances. The absolute privilege to withhold news, when combined with the waiver provision, could open the way to the partial, self-serving, partisan disclosure of only selected portions of information received by a member of a news media, thereby frustrating the public's right to know. In effect, it could permit censoring of news by the very people who have fought censorship throughout the entire history of our country.

2. A reporter on assignment could be an eye witness to a crime and might not be required to report the occurrence. This is contrary to historical precedent and to our system of justice.

3. A reporter could receive information that a crime was to be committed, and yet he might not be forced to divulge his source or his information before or after the event.

4. The language in the bill would appear to prevent disclosure of information in any civil suit. Thus, a newspaper could charge a citizen of New Jersey with criminal activity, citing a "reliable source". Even assuming the information is totally false and there is no "reliable source," the injured citizen would not be permitted to unmask the falsity of the charge.

5. The bill, as written, is so broad that it could be argued it would extend the privilege to *anyone* connected with a "news media". This means that anyone who decided to put out a publication, or who works for a publication, or is employed in any capacity, regardless of circulation, quality of personnel, lack of responsibility, etc., could assert the privilege.

6. The definitions of "news media" and "news" are so nebulous they might permit one who cruises the streets in a sound truck or who stands on a corner shouting through a bullhorn to claim to be utilizing "mechanical or electronic" means of disseminating the news to the general public. Further confusion is created by these definitions inasmuch as they do not serve to define the terms "news" and "news media". The definitions are circular; each term employing the other and resulting in no clear definition of either term.

7. The bill provides that any person connected with a news media on whose behalf news is disseminated has a privilege to refuse to disclose the source of information received, *and* any information itself. Might not a person who distributes handbills on a street corner to members of the general public be considered as falling within the definition proposed by this bill? If the handbills contain scurrilous attacks on others in the guise of "news", could not the persons responsible refuse to reveal the "sources" of such information? These are the very incongruities that a broad, undefined bill such as this invites.

8. By attempting to designate specifically the proceedings to which the privilege will apply, the bill is in conflict with New Jersey Rule of Evidence 2(1), which delineates the scope of all the privilege rules. In fact, the language in the bill may be more restrictive on the extent of the privilege than the existing rule.

Another troublesome problem in considering any absolute press shield law was emphasized by comments made by Lester Markel, retired Sunday editor of the New York Times, in a recent article.

Mr. Markel wrote:

> ". . . Because the press, pretending to believe that there is no credibility gap and asserting its near-infallibility, countenances no effective supervision of its operations; it has adopted a holier-than-thou attitude,

citing the First Amendment and in addition the Ten Commandments and other less holy scripture. For example, the American Society of Newspaper Editors recently voted more than three-to-one against the establishment of any grievance committee, even one under its own auspices.

"Thus the stalemate: the public favors some kind of press council; the editors will have none of it. Question: What has happened to *pro bono publico?* Sooner or later the press must recognize that it has a semipublic status and should be subject therefore to the same kind of scrutiny it applies to other public and semipublic institutions; and, most of all, it must realize that it must be responsible as well as free because only if it is responsible and responsive can its freedom be assured."

The press has been one of the important institutions in our society dedicated to fighting special privilege, wherever it exists. Now, some members of the press are seeking for themselves the ultimate special privilege — total and absolute immunity that, as one journalist recently testified in Washington, would go "beyond anything enjoyed today by anyone but absolute monarchs". There are responsible spokesmen for the press who have serious reservations about an absolute shield law. Mr. Friendly issued this warning in his Columbia Journalism Review article:

". . . A shield law must be precisely drawn. It should provide protection from prosecutors and others bent on fishing expeditions, but at the same time be limited enough not to produce all-purpose immunity for journalists. The shield law and the guidelines by which journalists work must be structured in such a way as to provide protection for the public's need to know, but not be a sanctuary for those who because of fear, special interests, or just plain irresponsibility are seeking a privileged place to hide."

Realistically, our whole judicial system has as its goal the obtaining of truth. The news media, operating within that system, have great strength and are provided with adequate protection by the privilege now granted under New Jersey law. New Jersey is one of only seventeen states in the nation having a statute which protects confidential sources of news information.

Senate Bill No. 1121 (OCR) was understandably an immediate and compassionate reaction to an unfortunate situation which resulted in a New Jersey newspaperman being incarcerated. Had he not voluntarily printed the name of his source, he would have had immunity and, in all probability, this reaction would not have occurred. This particular newsman had complete protection under our existing statute. He chose, however, to waive the immunity granted by naming the source of his information. His conviction for contempt of court was appealed to the Supreme Court of the State of New Jersey where Chief Justice Joseph Weintraub, during oral argument, expressed his deep concern on the issue of immunity for newsmen. The Chief Justice asked counsel for the defendant:

> "You don't dispute the fact that the Grand Jury was well within its obligation in investigating a publicized charge of corruption? You don't question that?"

In answer to the argument that there might be impairment of "free flow" of the news, the Chief Justice asked:

> "What do you mean by free flow? If anyone tried to enjoin you from printing a story I would be interested. That would be free flow. You are talking about assuming a free flow, but you want to keep it confidential while making it public."

The debate over freedom of the press versus other constitutional guarantees to our citizens has raged since the beginning of the history of this country. Certainly, each new generation should examine this probelm with fresh ideas and in light of contemporary history. Today the problem may need reexamination with particular emphasis given to the very sincere apprehensions expressed by the news media. This does not mean, however, that we should react precipitously and recommend a solution that may generate new and more serious problems than those we seek to correct. There is no crisis which calls for hasty action. Emotions may understandably run high when a reporter is jailed. Emotions cannot, however, be permitted to be the basis for legislation that has such far reaching effects as the proposed statute.

This, indeed, is a very difficult and complex problem because there are critical constitutional questions involved. These include the conflict, at times, between the freedom of the press provided by the First Amendment and the right

of every person to face his accuser guaranteed by the Sixth Amendment, and between the right of government to have evidence and the need to preserve the free flow of news. This problem is one that merits the most careful and intensive study and consideration, as it now is receiving on the Federal level in Washington.

Before taking further action on this all-important issue, I would strongly urge the Legislature to await the completion of the hearings in Washington and the decision of the Congress of the United States.

If the Legislature then so desires, it can direct an appropriate Joint Legislative Committee to conduct public hearings to permit representatives of the news media, the State Bar Association, legal scholars, law enforcement officials and interested private citizens to express their views. This, then would provide the kind of thoughtful study and careful definition on which the Legislature should base a final determination in seeking a responsible balance of the rights of government, the private citizen and the news media.

I am, therefore, returning Senate Bill No. 1121 (OCR) without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

SENATE BILL No. 1125

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 1125, without my approval.

This bill would amend the Police and Firemen's Retirement System law to include full-time employees of the inspector force of the Division of Motor Vehicles. These employees have been included in the Police and Firemen's Retirement System pursuant to the provisions of Senate

Bill No. 2310, which I signed into law on June 1, 1973, and is now chapter 156 of the Public Laws of 1973.

Enactment of this legislation is therefore unnecessary to bring these motor vehicle inspectors into the system, and such action would in fact jeopardize the status of the other law enforcement officers brought into the system by Senate Bill No. 2310.

Accordingly, I herewith return Senate Bill No. 1125, without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 12, 1973.

SENATE BILL NO. 1190

To the Senate:

Pursuant to Article V, Section I, Paragraph 14(a) of the Constitution, I herewith return Senate Bill No. 1190, without my approval, for the following reasons:

This bill amends the State Health Benefits Program to require the State to pay health insurance premiums for State employees who retired on or after July 1, 1967 after having completed 25 years or more of service as a member of a State administered retirement system. Presently, the State pays these premiums for State employees who retired on or after July 1, 1972 with 25 years of service or more.

Employees who retired as members of the State administered retirement systems on or after July 1, 1964 are eligible for benefits under the State Health Benefits Program. This bill, while it applies retroactively to cover those persons retiring on or after July 1, 1967, omits persons otherwise eligible who retired between July 1, 1964 and July 1, 1967. There appears to be no valid reason for making

this legislation retroactive and yet omitting from its coverage a large group of State employees who would otherwise be eligible. Legislation such as this is discriminatory and results in inequity.

It is my recommendation that the Legislature consider a bill to include all retired State employees having 25 or more years of service who retired on or after July 1, 1964. In this manner, all those persons similarly situated and similarly in need would receive fair and equitable treatment. In this regard, I feel the cost ramifications of the bill presently before me and the recommendations I make herein should be made abundantly clear. The increased cost to the State for including State employees who retired on and after July 1, 1967 is $473,000. This is the cost of the bill presently before me. The cost which would be required to include all eligible State employees (those retiring on or after July 1, 1964) would be an additional $636,240. In effect, the total cost to include all these eligible State employees would be slightly in excess of $1.1 million. It is my belief that the Legislature, if it is going to act in this area, should include all those otherwise eligible and not arbitrarily omit those otherwise deserving who retired between July 1, 1964 and July 1, 1967.

If the Legislature is prepared to pass a bill broad enough to include all retired State employees otherwise eligible for these benefits and in addition make the necessary appropriation therefor, I would be disposed to sign such a bill.

Accordingly, I feel that I must return Senate Bill No. 1190 without my approval.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 26, 1973.

ASSEMBLY BILL No. 1547

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Assembly Bill No. 1547, at

the time of signing it, this statement of the part thereof to which I object, so that such part so objected to shall not take effect.

CLAIM

DEPARTMENT OF THE TREASURY

235-100-560. DIVISION OF BUILDING AND CONSTRUCTION

M. J. Doyle, Inc. $183,585.06

This item is reduced from $183,585.06 to $110,000.00.

The appropriation in this bill would provide $183,585.06 as payment of a claim by M. J. Doyle, Inc. for additional cost items incurred in conjunction with the Hunterdon State School Project due to delays during construction.

This claim has been the subject of extensive study by the Division of Building and Construction in the Department of the Treasury, the State agency which reviews construction contracts. In addition, several meetings were held between representatives of M. J. Doyle, Inc. and the Division of Building and Construction, seeking to resolve the differences in connection with this claim. Offers and counter-offers were made for the purpose of settlement. However, no accord was reached.

I am reducing the appropriation in this bill from $183,575.06 to $110,000.00. This reduced amount approximates the lowest settlement figure which M. J. Doyle, Inc. was willing to accept at one point in the settlement negotiations. It is substantially more than the top offer of $75,000.00 which was made to M. J. Doyle to settle this claim. While several items in the Doyle claim were disputed by the Division of Building and Construction, it is recognized in retrospect that several of these could be considered to be borderline. It is appropriate, therefore, that the previous offers by the State be increased to $110,000.00.

In addition, the State was required to expend $39,200.00 for correction of defective work discovered subsequent to the settlement discussions and, to that extent, the adjusted appropriation in this bill represents a sizable increase over any offers previously made by the State.

It is impossible to determine the amount which should be paid on this claim with 100% accuracy. There is no scientific way to resolve the differences of M. J. Doyle, Inc. and the

Division of Building and Construction as to point of view or dollar amounts for particular items. I feel the $110,000.00 appropriation which I have provided in this bill represents a fair and equitable determination of this claim based upon the existing circumstances.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1973.

SENATE BILL No. 2250

To the Senate:

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 2250, at the time of signing it, this statement of the items or parts thereof to which I object, so that each item or part thereof so objected to shall not take effect.

On Pages 8 and 9:

"Office of Fiscal Affairs"

* * * * *

"004.102. *Division of State Auditing"*

* * * * *

"New positions ..... ($23,632)
Salaries ..... $824,639"

* * * * *

"Sub-Total Appropriation ..... $946,539"

These items are reduced to $15,780; $816,787; and $938,687, respectively.

On Page 9:

"004.103. *Division of Budget Review"*

* * * * *

"New positions ..... ($95,566)
Salaries ..... $237,722"

Sub-Total Appropriation ..... $253,222''

These items are reduced to $31,627; $173,783; and $189,283, respectively.

On Page 10:

''Total Appropriation, Office of Fiscal Affairs ..... $1,765,265''

This item is reduced to $1,693,474.

On Page 40:

''330. *Department of Agriculture*
Environmental Management
41100. *Disease Control and Agricultural Development Services''*

* * * * *

''41130. Resource Development Services $410,477''

* * * * *

''Total Appropriation ..... $1,697,985''

These items are reduced to $310,477 and $1,597,985, respectively.

''Soil Conservation ..... ($100,000)''

This item is deleted in its entirety.

On Page 42:

''Total Appropriation, Department of Agriculture ..... $3,518,640''

This item is reduced to $3,418, 640.

On Page 61:

''400. *Department of Environmental Protection''*

* * * * *

''*Recreation Management*
46100. *Recreation Opportunities*

* * * * *

46110. Parks Management ..... $4,797,330''

* * * * *

''Total Appropriation ..... $6,543,825''

* * * * *

"Services Other Than
Personal ..... ($505,213)"

These items are reduced to $4,772,330; $6,518,825; and $480,213, respectively.

On Page 64:

"Total Appropriation, Department of
Environmental Protection ..... $29,534,942"

This item is reduced to $29,509,942.

On Page 73:

"540. *Department of Higher Education*"

* * * * *

"33000. *Higher Education Institutional Programs*
550-100. *Glassboro State College*"

* * * * *

"33970. Institutional Support ..... $ 3,052,987"

"Total Appropriation ..... $14,558,896"

* * * * *

"Services Other Than
Personal ..... ($808,661)"

These items are reduced to $3,002,987; $14,508,896; and $758,661, respectively.

On Page 80:

"*Rutgers, The State University*
570-100. *General University*"

* * * * *

"33970. Institutional Support $24,362,182

Sub-Total, General Operations ..... $112,275,806"

* * * * *

"Total All Operations ..... $137,275,806"

* * * * *

"Appropriation, Exclusive of Land
Grant Interest ..... $63,988,565"

* * * * *

"Sub-Total Appropriation, General University ..... $63,994,365"

* * * * *

"Services Other Than Personal ..... ($6,638,944)"

These items are reduced to $24,162,182; $112,075,806; $137,075,806; $63,788,565; $63,794,365; and $6,438,944, respectively.

On Page 82:

"572-100. *Agricultural Experiment Station*
33110. Separately Budgeted Research . $5,019,582"

* * * * *

"Sub-Total General Operations ..... $10,496,541"

* * * * *

"Total All Operations ..... $12,796,541"

* * * * *

"Sub-Total Appropriation, Agricultural Experiment Station ..... $8,323,945"

These items are reduced to $4,954,582; $10,431,541; $12,731,541; and $8,258,945, respectively.

"Improve asparagus marketing system ($65,000)"

This item is deleted in its entirety.

On Page 83:

"Total Appropriation, Rutgers, The State University ..... $72,318,310"

This item is reduced to $72,053,310.

On Page 88:

"Total Appropriation, Department of Higher Education ..... $265,423,161"

This item is reduced to $265,108,161.

On Page 131:

"Total Appropriation, General State Operations ..... $999,885,478"

This item is reduced to $999,373,687.

On Page 135:

"State Aid"

* * * * *

"400. *Department of Environmental Protection*
State Aid Programs
41300. *Resource Management*"

* * * * *

"41330. Marine Lands Management .. $2,620,282"

* * * * *

"Sub-Total Appropriation ..... $3,987,282"

These items are reduced to $2,350,000 and $3,717,000, respectively.

On Page 136:

"To the town of Keansburg for repayment to the State for costs incurred on their behalf due to contract overruns on hurricane protection projects ..... ($270,282)"

This item is deleted in its entirety.

On Page 137:

"Total Appropriation, Department of Environmental Protection ..... $5,175,006"

This items is reduced to $4,904,724.

On Page 156:

"Total Appropriation, State Aid .. $1,270,391,033"

This item is reduced to $1,270,120,751.

On Page 162:

"Capital Construction"

* * * * *

"540. *Department of Higher Education*"

* * * * *

"33000. *Higher Education—Institutional Programs*"

* * * * *

"572-170. *Agricultural Experiment Station*

Blueberry-Cranberry Research Station at Oswego	$195,000
Research and Development Center, Centerton	45,000
Fruit Research Center, Cream Ridge	30,000
Total Appropriation	$270,000"

These items are deleted in their entirety.

"Total Appropriation, Department of Higher Education	$11,710,000"

This item is reduced to $11,440,000.

On Page 169:

"Total Appropriation, Capital Construction	$116,474,486
Grand Total Appropriations	$2,386,750,997"

These items are reduced to $116,204,486 and $2,385,698,-924 respectively.

Senate Bill No. 2250 is the general appropriations bill for the fiscal year ending June 30, 1974.

The appropriations Committee increased the budget recommended by this Administration by $6,145,273. I have concurred in a number of these increases, but there are some items with which I cannot fully agree. I have therefore either reduced these items or deleted them entirely from the appropriations bill. In addition, some budget recommendations have upon further examination been found to have been not fully justified and I have reduced these items.

On pages 8 to 10 are the appropriations for the Office of Fiscal Affairs. The budget message recommended the appropriations as they appear in Senate Bill No. 2250. However, the appropriate statements and supporting forms showing justifications and data for the budget requests had not been furnished to the Division of Budget and Accounting when the budget message was prepared and they were not submitted until May 9, 1973, so that an analysis of the

budget request could be made only recently. Upon review of those justifications I find that there is insufficient justification for the rapid staff expansion which would be permitted by the appropriations for the Office of Fiscal Affairs. While I recognize the importance of this office and its increased responsibilities, I have reduced the appropriations for the several divisions by a total of $71,791. This has the effect of providing for 17 new budgeted positions, rather than the 22 requested. These 17 new positions cost $195,167 and represent a 15.2% increase in the salary account of the office over the present amount of $1,283,951. I am confident that with its existing staff of 99 and the additional 17 positions, the Office of Fiscal Affairs will be able to fulfill its responsibilties fully.

The Appropriations Committee added $100,000 to the Department of Agriculture budget for soil conservation grants. However, the appropriations bill already contains a $100,000 appropriation for this purpose under a new program established by Chapter 49 of the Laws of 1972, administered by the Department of Environmental Protection. I have eliminated the duplication of grant moneys from the Department of Agriculture budget.

The budget for the Department of Environmental Protection contains an appropriation under Parks Management for $25,000 to Maurice River Township as a payment in lieu of taxes. There is no authority for this payment and I have eliminated it. Any legally authorized in lieu payments are provided in Senate Bill No. 2250 for State-owned lands. Similarly, on page 73, the Appropriations Committee added $50,000 for payments in lieu of taxes to the Borough of Glassboro for the land occupied by Glassboro State College. The budget for the College already contains $2,500 for the in lieu of tax payments required by law, and I have eliminated the additional $50,000 because there is no authorization for it.

Uunder the appropriations for Rutgers University, I have eliminated $200,000 which the Appropriations Committee added for payments in lieu of taxes of $100,000 each to New Brunswick and Camden. The budget already contains $165,000 in authorized in lieu payments to New

Brunswick. No such payments are authorized for Camden. Each of these cities is receiving additional State funds under the Municipal Aid Program and the Safe and Clean Streets Program, and I have determined that amounts beyond those included in my budget message should not be added for individual cities.

On page 82, the Appropriations Committee added $65,000 to improve the asparagus marketing system. If the improvement of this marketing system is of high priority, the asparagus producers should assume the cost themselves. The State of New Jersey has greater priorities than this which must be met first. I have eliminated this item.

The State aid grants under the Department of Environmental Protection were increased substantially over what the Department had requested. The additional amount of $270,282 added by the Appropriations Committee on page 136 for the town of Keansburg is unjustified. This amount was to have been repaid to the State for its advance to the Federal government on behalf of Keansburg for the financing of a beach erosion and hurricane control project. Other municipalities have repaid the State for such advances and it would be unfair to them if the State were to relieve Keansburg alone of this responsibility. I have therefore deleted this item.

Under capital construction, the Appropriations Committee added $270,000 for three separate projects related to the Agricultural Experiment Station under the auspices of Rutgers University. These items were not requested by either the University or the Department of Higher Education. The appropriations would further research efforts benefiting the agricultural industry, and it would be appropriate in this time of pressing demands upon State moneys for the industry rather than the State to finance these projects. The items deleted amount to $1,052,073 and reduce the total amount to be appropriated for the 1974 fiscal year to $2,385,698,924.

Respectfully,

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

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1973.

SENATE BILL No. 2251 (OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 15 of the Constitution, I am appending to Senate Bill No. 2251 (OCR), at the time of signing it, this statement of the items or parts thereof to which I object, so that each item or part thereof so objected to shall not take effect.

On Page 1:

"330. Department of Agriculture
41100. *Disease Control and Agricultural Development Services*
Extraordinary—
Indemnities, hog cholera eradication, pursuant to P.L. 1973, c. 66 ..... $50,000

Total Appropriation, Department of Agriculture ..... $50,000"

This item is deleted in its entirety.

Senate Bill No. 2251 (OCR) is the supplemental appropriations bill for the fiscal year ending June 30, 1973. The bill provides for a $50,000 supplemental appropriation to the Department of Agriculture for indemnification payments to some farmers for the value of hogs which were destroyed during the recent threat of a hog cholera epidemic in this State. Prior to the enactment of Chapter 47 of the Laws of 1973 on March 2, farmers were indemnified under these circumstances at certain statutory maximum amounts. The effect of Chapter 47 was to remove the statutory maximum ceilings on indemnification and to permit indemnification based on the appraised value of the slaughtered animals, less any salvage value. The $50,000 included in Senate Bill No. 2251 (OCR) would be for farmers whose animals were destroyed before the effective date of Chapter 47. However, the increased indemnification amounts provided for in Chapter 47 were not made effective

retroactively, and there is no statutory authorization for increased payments to farmers whose animals were destroyed before March 2, 1973. The Legislature would have to enact legislation making such increased payments retroactive before they would be valid. I have therefore deleted this item from Senate Bill No. 2251 (OCR).

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 14, 1974.

ASSEMBLY BILL No. 547 OCR (1973)

STATEMENT

I am filing Assembly Bill No. 547 OCR (1973) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill would amend Section 1 of P. L. 1968, c. 288 (C. 2A:170–69.7) to require the erection of a wall or a fence of a height of not less than 7 feet above the road level adjacent to a junkyard to attempt to hide the junkyard from the view of the public. The bill would also require the erection of such a structure at a height of not less than 7 feet above ground level along other portions of the premises to attempt to obstruct the view from dwelling houses of any adjoining owner or resident. The latter fencing, however, would be limited to a height of 10 feet in order to achieve such obstruction. Furthermore, the bill would pro-

hibit the piling of junk or material within the junkyard at a level higher than the fence. A violation of this statute would be a disorderly persons offense.

Although the purpose of this bill is laudable and is consistent with the policy to discourage the sight pollution of the environment by the unregulated storage of junk within the policy of c. 152, P. L. 1970, the Junkyard Control Act (C. 27:5E–1), I can envision a situation whereby the view from highways and dwelling houses adjacent to certain junkyards would not be obstructed although the operator of the junkyard had literally complied with the provisions of the bill.

Furthermore, I am advised that to comply with the requirements of this bill could invoke an economic hardship upon both junkyard dealers who perform a valuable service by ridding our streets of abandoned motor vehicles and the processor of large quantities of abandoned motor vehicles who are required to stack them to such a height that they would be unable to comply with the terms of the bill and to continue their valuable and necessary business which results in the re-cycling of such materials. It is clear from the events that are happening in our State and Nation today, that such effort to encourage the re-cycling of solid waste should not be hindered. It is clear that if private interests are forced out of the junkyard business, government will have to enter the field with resulting expense to taxpayers. This would be particularly unnecessary and comes at a time when it is essential to restrain government spending. Therefore, I recommend that thorough study be given to the economic impact of such legislation before it is enacted.

Accordingly, I am filing Assembly Bill No. 547 OCR (1973) in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: January 14, 1974.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 549 OCR (1973)

STATEMENT

I am filing Assembly Bill No. 549 OCR (1973) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

Assembly Bill No. 549 OCR (1973) would require the labeling of certain frozen foods offered for sale at wholesale or retail where such food has been frozen and then thaws. The proposed label is as follows:

"This article of food was frozen and has thawed. It is unlawful for wholesale and retail establishments and ill-advised for consumers to refreeze this article."

Violation of this statute subjects a person to a fine of not more than $1,000. If signed, the bill would take effect 60 days thereafter. I was required to veto a similar bill (Assembly Bill No. 877 OCR (1971)) on December 2, 1971 because of a number of defects. Although this bill would appear to correct most of those defects, in my veto message of Assembly Bill No. 877 OCR (1971), I stated that I had asked the Commissioner of Health to study the entire problem of frozen foods and to make recommendations for a complete frozen food code for New Jersey. These regulations have been drafted and published in the New Jersey Register. Although they are not yet effective, it is my belief that when such regulations have been promulgated in final form, they will effectively solve the problem raised by Assembly Bill No. 549 OCR (1973).

Accordingly, I am filing Assembly Bill No. 549 OCR (1973) in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: January 14, 1974.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 911 (OCR) (1972)

To the General Assembly:

I am filing Assembly Bill No. 911 (OCR) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

Assembly Bill No. 911 (OCR) would require any employee of a person or a firm licensed by the Bureau of Narcotics and Dangerous Drugs who has access to controlled dangerous substances to obtain a certificate from the Chief of Police in the municipality of residence or the Superintendent of State Police if a non-resident indicating the employee has not been convicted of an offense involving a controlled dangerous substance. Any employer who fails to display a certificate for an employee after the employee has had access to a controlled dangerous substance for 30 days is subject to suspension or revocation of his certificate of registration issued pursuant to Chapter 14 of Title 45 of the Revised Statutes.

While I support any appropriately drawn measure to insure that persons who have been convicted of crimes involving controlled dangerous substances do not have access to controlled dangerous substances in employment situations, there are a number of inconsistencies in Assembly Bill No. 911 (OCR) which prevent me from approving the bill.

The employers who must have their employees certified are those licensed by the "Bureau of Narcotics and Dangerous Drugs". The federal government licenses any person or firm which dispenses controlled dangerous substances. This licensing is done by the Drug Enforcement Administration. The functions of the Bureau of Narcotics

and Dangerous Drugs were merged into the Drug Enforcement Administration together with a number of other functions. Assembly Bill No. 911 (OCR), therefore, contemplates a federal licensing scheme as the basis for certification requirements in New Jersey. It is not altogether clear whether the licensing records of the federal government would be readily available to make the necessary determinations as to which employers were required to have their employees certified.

The inappropriateness of having federal licensures as the basis for certification in New Jersey is even more evident because there is a similar procedure in New Jersey to register rather than license persons or firms distributing controlled dangerous substances which is performed by the Division of Nacotics and Drug Abuse in the Department of Health pursuant to P. L. 1970, c. 266 (C. 24:21–1 et seq.). Approximately 15,000 persons or firms are registered by the Division including pharmaceutical corporations, doctors, hospitals, nursing homes and pharmacists. If the number of persons registered in New Jersey were utilized as the basis for certification, as many as 100,000 employees would have to obtain certification in order to comply with Assembly Bill No. 911 (OCR). This would be a tremendous administrative task which could be acomplished only at great cost. The bill does not indicate who would bear these costs of certification. Since no specific provision is included permitting charging a fee for certification, it may well be the entire financial burden would fall upon the State.

The penalty for failure to display a certificate is revocation of a certificate of registration issued pursuant to Chapter 14 of Title 45 of the Revised Statutes. This penalty is inconsistent with the requirement of having employees certified because the penalty applies to persons who are registered while the requirement to obtain certification applies to persons who are licensed.

The revocation of registration would seem to be a reference to the registration performed by the Division of Narcotics and Drug Abuse rather than to the licensure by the Bureau of Narcotics and Dangerous Drugs. However, even this reference to registration is inconsistent because only

those employers registered pursuant to Chapter 14 of Title 45 of the Revised Statutes would be subject to revocation penalty. The registration performed by the Division of Narcotics and Drug Abuse is pursuant to Chapter 21 of Title 24.

The only persons registered under Chapter 14 of Title 45 of the Revised Statutes are pharmacists. Consequently, while all dispensers of controlled dangerous substances would be required to have employees certified, only pharmacists would be subject to revocation of their registration for failure to comply with this requirement. Any penalty provision should be applicable to all persons required to have their employees certified.

Accordingly, I herewith file Assembly Bill No. 911 (OCR) without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: January 14, 1974.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,

ASSEMBLY BILL No. 1179 (1972)

I am filing Assembly Bill No. 1179 in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

The bill was passed on November 29, 1973 and provides for the licensing of audiologists and speech pathologists. While I have on many occasions during my term recommended licensing or regulation, I remain convinced that the State should undertake to regulate the activities of those engaged in business and professions only where the public interest demonstrably requires it. I am not convinced that

licensing and regulation are required in this area. At its regular meeting held on July 11, 1973, the State Board of Medical Examiners expressed the opinion that at the present time there is no necessity for the licensing of audiologists and speech pathologists. Specifically, the Board of Medical Examiners feels that Assembly Bill No. 1179 is too restrictive, would impose unnecessary costs and administrative burdens on the Board, and is not required for the protection of the health, safety and welfare of the public or to avoid any possible consumer abuse. Under these circumstances I believe that the matter should be thoroughly reviewed before a licensing bill such as this one becomes law.

Accordingly, I am filing Assembly Bill No. 1179 without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: January 14, 1974.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 1505 (1973)

STATEMENT

I am filing Assembly Bill No. 1505 (1973) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill creates the Rahway River Authority and is in legitimate response to the numerous floods in the Rahway River Basin in Essex, Middlesex and Union Counties. However, realizing the very real and personal hardship already visited upon citizens of the basin, I would consider it holding out false hope to sign this bill in its present form.

The massive expenditure of funds required to alleviate flooding in the Rahway River Basin has not been provided for by this bill which imposes a complex and monumental task of planning for not only flood control but also other water management problems, such as water pollution and potable water supply planning. These activities are currently the responsibility of the Department of Environmental Protection and in my opinion are best handled by that Department.

Furthermore, I must point out the bill fails to provide for any gubernatorial veto of any action of the authority nor does it require specific approval of a proposed bond sale to finance authority projects. In accordance with principles of accountability for all State functions, I recommend that if new legislation is presented to the Legislature, that such provisions be specifically included.

However, although I have set forth what I consider substantial objections to signing this bill, I am not unmindful of the problems of the citizens of the Rahway River Basin. Therefore, I have already directed the Commissioner of Environmental Protection to immediately offer recommendations and a specific plan of action, as well as coordinating with the United States Army Corps of Engineers, who I am advised are already taking steps to control floods in the basin, in order to present a plan for flood control at the earliest possible date. I am hopeful that the implementation of this plan, together with appropriate action of the Congress of the United States, will permit flooding in the Rahway River Basin to be alleviated.

Accordingly, I am filing Assembly Bill No. 1505 in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: January 14, 1974.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY BILL No. 2299 (1973)

STATEMENT

I am filing Assembly Bill No. 2299 (1973) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill would authorize the Township of Marlboro, Monmouth County, to make permanent the appointment of Kenneth Miller to the municipal police department, notwithstanding that he is unable to pass the physical performance test required by the rules and regulations of the Civil Service Commission. During the last four years I have approved many special acts concerning municipal police appointments, but the vast majority of these bills waive only the age or height requirements for permanent appointment to the police force. The few exceptions concerned a particular medical condition or a specific portion of the physical performance test, such as the "chin up" requirement.

This proposal goes far beyond any of the previously enacted special police appointment bills, in that it waives the entire physical performance test. I believe that such waiver is overly broad, and would establish a very bad precedent. I am convinced that the physical performance test is an appropriate component of the selection process for municipal police officers, and that a waiver of the entire test would be detrimental to the public interest and unfair to other applicants for the position.

Accordingly, I am filing Assembly Bill No. 2299 (1973) in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: January 14, 1974.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY JOINT RESOLUTION No. 23 (1972)

STATEMENT

I am filing Assembly Joint Resolution No. 23 (1972) in the State Library without my approval.

This joint resolution would designate January 15, 1973 as "Rahway Kiwanis Golden Anniversary Day" in Rahway.

On January 12, 1973 I signed a proclamation designating January 15, 1973 as "Rahway Kiwanis Golden Anniversary Day". There is, therefore, no need for any further consideration of this joint resolution.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: January 14, 1974.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY JOINT RESOLUTION No. 2003 (1973)

STATEMENT

I am filing Assembly Joint Resolution No. 2003 in the State Library without my approval.

This joint resolution would designate the week of January 28-February 3 as "Blood Donor Week" in New Jersey.

On January 26, 1973 I signed a proclamation designating the week of January 28-February 3 as "Blood Donor Week" in New Jersey. There is, therefore, no need for any further consideration of this joint resolution.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: January 14, 1974.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

ASSEMBLY JOINT RESOLUTION No. 2007 (1973)

STATEMENT

I am filing Assembly Joint Resolution No. 2007 in the State Library without my approval.

This joint resolution would declare the month of April, 1973, as "Cancer Control Month" in the State of New Jersey.

On March 21, 1973 I signed a proclamation designating the month of April, 1973, as "Cancer Control Month" in the State of New Jersey. There is, therefore, no need for any further consideration of this joint resolution.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: January 14, 1974.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

SENATE BILL No. 707 (OCR) (1972)

STATEMENT

I am filing Senate Bill No. 707 (OCR) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

Senate Bill No. 707 (OCR) amends the definition of "police officer" in the Police Training Act, P. L. 1961, c. 56 (C. 52:17B–67), to include court attendants and county correction officers. The consequences of the addition of these law enforcement officers in the definition of "police

officer'' is that county correction officers and court attendants are required to receive the three month training given to police officers.

The Police Officers Training Course includes areas which are not relevant to the functions of court attendants and county correction officers. Permitting these officers to receive police training would fail to maximize the utilization of available space in police training courses. Many police officers throughout the State are waiting for vacancies so that they may obtain police training.

This Administration recognized the need for specialized training for correction officers and court attendants and therefore created the Division of Correction and Parole Officers Training School in the Department of Institutions and Agencies. This Division has begun to provide the specialized corrections training needed for court attendants and county correction officers. Any legislation providing for training of court attendants and county correction officers should provide that they receive the specialized corrections course which was designed specifically to meet their training needs. Enactment of Senate Bill No. 707 (OCR) would not provide the appropriate training for county correction officers and county court attendants.

Accordingly, I must file Senate Bill No. 707 (OCR) without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: January 14, 1974.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

SENATE BILL No. 748 (1972)

STATEMENT

I am filing Senate Bill No. 748 (1972) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays

excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill would except from the usury laws of the State certain loans of $5,000 or more which are secured by any interest in warehouse receipts, bills of lading, negotiable instruments, stocks, bonds, certificates of deposit and other securities subject to chapter 8 of Title 12A of the New Jersey Statutes (The Uniform Commercial Code). The apparent rationale for this provision is that holders of these securities are sufficiently sophisticated so that they do not require the protection of the usury law.

I have serious questions as to whether holders of these types of securities, and particularly holders of certificates of deposit and bonds, are really as sophisticated in financial matters as this bill presumes. Furthermore, our usury law has been rendered virtually meaningless by the many statutory provisions excluding broad classes of loan transactions from the provisions of the usury statute. These statutory exclusions have created a great deal of confusion in regard to maximum permissible interest on various loans, and indicate the necessity for a thorough review of the usury law itself and the permissible rate of interest thereunder.

Since this bill received final legislative approval on January 8, 1974, there has been insufficient time for this administration to conduct the thorough review necessitated by the important policy questions involved. I am therefore constrained to file Senate Bill No. 748 (1972) in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: January 14, 1974.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.

SENATE BILL No. 812 (1972)

STATEMENT

I am filing Senate Bill No. 812 in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

Senate Bill No. 812 amends N. J. S. 2A:151–43 to add an exemption from the prohibition against carrying a firearm for county correction officers and sheriff's officers. Under N. J. S. 2A:151–43, sheriff's officers acting as court attendants are presently exempted from this prohibition while in the discharge of their duties. Similarly, county correction officers are presently exempted from this prohibition while in the performance of their duties under N. J. S. 2A:151–43. The additional exemption provided for in Senate Bill No. 812 would consequently only provide an exemption for these officers to carry a handgun while they are off-duty.

The Gun Control Act established the requirement that persons desiring to carry a handgun obtain a permit to carry. One of the prerequisites to obtaining such a permit is demonstration of a "need" to carry the handgun.

Exemptions from the prohibition against carrying a weapon such as provided in Senate Bill No. 812 circumvent the necessity of obtaining this permit to carry. In addition, the exemption created by Senate Bill No. 812 would tend to proliferate the carrying of handguns thereby increasing the likelihood of accidental use or the misuse of these dangerous weapons, even though they would be in the hands of some highly qualified and well trained peace officers. Such increased risks should be undertaken only when there is a definitive identifiable need to subject the individuals concerned and the public to those increased risks.

Since "need" is the criteria used for issuing permits to carry, I see no reason, in the limited situation involving the carrying of handguns off-duty by these officers, to circumvent the necessity of obtaining a permit to carry. The permit procedure allows in each individual case an opportunity to demonstrate a need to carry a handgun ensuring that the public and the officers will not be exposed to any greater risk from firearms than is absolutely necessary.

Accordingly, I am filing Senate Bill No. 812 without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: January 14, 1974.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,

SENATE BILL No. 923 (OCR) (1972)

STATEMENT

I am filing Senate Bill No. 923 (OCR) (1972) in the State Library without my approval.

Under the provisions of Article V, Section I, Paragraph 14(b) of the Constitution, this bill does not become a law if it is not signed within the 45-day period, Sundays excepted, following the adjournment sine die of the Legislature. In these circumstances there is no provision for a veto, but I deem it to be in the public interest to state my reasons for deciding not to sign the bill.

This bill would grant tenure to any secretary to a county court judge in any county of the second class with a population of less than 305,000, if such secretary has held the position in question continuously for 19 or more years prior to September 24, 1972. According to the Senate Judiciary Committee Statement to this bill, only one county would be affected by this proposal.

This legislation is intended to avoid the provisions of R. S. 11:22–2, which places this position in the unclassified service. The intent of this statutory provision was to permit

each judge to choose his own secretary, a policy which would seriously be undermined by this bill.

I have grave doubts about the constitutionality of this proposal. Although it has been carefully clothed in the language of a general law, the bill is clearly special legislation in its effect and scope. Article IV, Section VII, Paragraph 9 (5) of the State Constitution expressly prohibits any private, special or local law "creating, increasing or decreasing the . . . tenure rights of any public officers or employees." This bill clearly does create tenure rights, and the restriction to one county and one court within that county, together with the selection of a term of 19 years and a particular date, makes it clear that it is special legislation in its purpose and effect. If the constitutional provision in question can be so easily evaded, it will certainly become a nullity.

I also oppose this bill on policy grounds. I believe it is quite unwise to single out one individual in the unclassified service for special treatment and give him permanent Civil Service status without an examination. Individuals similarly situated in other counties would not be afforded the benefits of this act, nor would individuals in the county in question who serve as secretaries to judges of courts other than the county court. The classification of this bill is not based on any substantial differences among these individuals, and it is therefore unduly discriminatory.

I am also convinced that the State should not deviate from the present policy of allowing each judge to select his own secretary. The very nature of the position mandates that a judge must have a secretary in whom he has complete trust and confidence. Neither the Legislature nor the Governor should interfere with the power of the judiciary to select its own confidential employees.

For these reasons, I cannot in good conscience sign this legislation. I am, therefore, constrained to file Senate Bill No. 923 (OCR) (1972) in the State Library without my approval.

/s/ WILLIAM T. CAHILL,
Governor.

Dated: January 14, 1974.

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A. 587	(OCR) Provides a procedure for expungement of the record of conviction of the crime of possession of marijuana under certain sections of the law which were revised or repealed by the New Jersey Controlled Dangerous Substances Act.	Conditional	8

Subject	*Bill*		*Type of Veto*	*Page*
S.	220	Requires school boards to notify the board of school estimate and the municipal governing bodies within 10 days if they intend to appeal to the Commissioner of Education the amount of money determined to be necessary for the next school year.	Conditional	96
S.	296	Amends Title 18A dealing with school elections to provide for a permanent record of those persons voting in such elections.	Absolute	154

SENIOR CITIZENS see TAXATION, S. 282

See also FEES, A. 34 (2nd OCR)
LICENSING, A. 1512

SNOWMOBILES

A.	870	(2nd OCR) Provides for the registration, regulation and operation of snowmobiles.	Conditional	71

SOCIAL SECURITY see TAXATION, S. 282

STATE PARKS

S.	466	Provides for the preservation of Island Beach State Park.	Conditional	103

STATE SONG

S.	772	Adopts the song "I'm From New Jersey" as the State song of New Jersey.	Absolute	163

TAXATION

A.	440	(2nd OCR) Amends the New Jersey Corporation Business Tax Act to provide additional exemption for non-profit corporations which provide for its share holders or members housing in a retirement community.	Conditional	50
S.	4	Establishes a procedure for the extension of time within which a taxpayer may file a local property tax appeal within a county board of taxation.	Conditional	93
S.	282	Amends the definition of "income" for senior citizens tax deductions to exclude social security payments, Federal Railroad Retirement Act payments and federal, state, county and municipal pensions or disability payments.	Conditional	16
S.	492	(OCR) Exempts from the New Jersey Transfer Inheritance Tax property passing to a testamentary trustee.	Absolute	158

TAXICABS

A.	730	Brings taxicabs within the authority of the Public Utility Commission.	Absolute	135

Subject	*Bill*		*Type of Veto*	*Page*
TEACHERS				
	S. 411	Requires that teaching staff members shall continue in their respective positions and that all their rights and benefits shall be recognized and preserved in situations where any officer, board or commission takes over the operation of a school which was previously operated by a local school district.	Conditional	99
TRAFFIC SIGNALS				
	A. 155	Eliminates the present approval necessary for a municipality or a county to install a traffic control signal within 1,000 feet to fire house, first aid or rescue squad headquarters.	Absolute	130
TRANSPORTATION				
	AJR. 25	Directs the Department of Transportation to conduct a feasibility study for the restoration of rail service to Bergen County.	Absolute	151
UNEMPLOYMENT COMPENSATION				
	S. 444	Amends the Unemployment Compensation Law to exclude from coverage officers or any other employees of any building and loan association, except where the services of such persons constitute the principal employment of the individual.	Absolute	155
	S. 982	Increases the amount of remuneration in the State's Unemployment Compensation Law.	Conditional	114
VETERANS				
	A. 1433	Corrects a typographical error in reference to the "Veterans Service Council".	Conditional	83

VOCATIONAL SCHOOLS see BONDS, A. 1367