VETO MESSAGES

OF

HON. ALFRED E. DRISCOLL

Governor of New Jersey

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

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VETOES

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 164

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 164.

The general purpose of this bill is to control the disposition of carcasses of dead animals, so as to avoid the spread of livestock diseases which has been traced to the improper handling of such carcasses and their transportation from farms to disposal plants.

In order to carry out the purpose of the bill efficiently, however, it is necessary to avoid conflict with existing jurisdiction of the State Health Department and to extend the protection of the bill to include the transportation of carcasses of domestic animals from outside the State into the State.

Accordingly, I am returning herewith Assembly Bill No. 164 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Amend page 1, section 1, line 11, by inserting after the word "inspection" and before the period, the following: ", or under the supervision of the State Department of Health".

Amend page 1, section 1, line 13, by deleting after the word "dead" the words "domestic animals" and inserting in lieu thereof the word "livestock".

Amend page 2, section 5, line 5, by deleting the word "Board" and inserting in lieu thereof the word "Department".

Amend page 3, section 7, lines 1-8, by deleting all of said section and inserting in lieu thereof the following:

"7. Any person desiring to transport carcasses of domestic animals or meat-packing house refuse into New Jersey from without this State, or outside the State from within this State, shall obtain a license for such purpose from the Department in the same manner, under the same conditions, and upon payment of the same fee as the operator of a disposal plant which is located in this State. Each conveyance used by such person on the highways of New Jersey, and the records kept by him, shall meet the requirements of this act and regulations adopted hereunder, and shall be subject to inspection, either within or without the State, in the discretion of the Department. Any disposal plant operated outside the State by any such licensee shall be subject to inspection in the discretion of the Department, as a condition of such license.".

Amend page 5, section 12, line 2, by inserting after the word "plants" the words "pursuant to this act,".

Amend page 7, section 19, by deleting all of said section and inserting in lieu thereof the following:

"19. This act shall take effect January first, one thousand nine hundred and fifty-four.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 165

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Assembly Bill No. 165.

This bill is in large part the outgrowth of the campaign of the Department of Law and Public Safety, under the

direction of Attorney General Parsons, to clean up news stands and other places which may offer questionable publications for sale. The State's campaign has been based upon education and customer influence upon the dealers. Several departments of the State have co-operated in this program, including the Department of Public Utilities, the Department of Education and the Department of Health.

As a matter of legislation the problem is particularly difficult in that any good law must avoid censorship by legislative decree on the one hand and interference with normal distribution of desirable publications on the other. The present bill represents a sincere effort to avoid these two extremes, and it is worthy of a reasonable opportunity to prove its effectiveness. Unfortunately, in the course of the amending process, the body of the bill was amended without conforming the title.

Accordingly, I am returning herewith Assembly Bill No. 165 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

Amend the Title, lines 1 and 2, by deleting the words "newspapers, magazines and other publications" and inserting in lieu thereof the words "goods, wares, publications or other articles".

Amend the Title, line 2, by deleting "subtitle ten" and inserting in lieu thereof "Chapter 170".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 173

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 173.

The object of the bill is to protect the existing pension rights of employees of a newly created borough where the employee has performed part of the required period of service in the municipality from which the new borough was created.

The bill intends to incorporate employees of such a newly created borough into the present law concerning pensions for borough employees, which is Chapter 262, P. L. 1949. Instead of amending that law, the bill purports to amend section 43:12–63 of the Revised Statutes although there is no such section of the Revised Statutes. The reference made by the bill is apparently to the New Jersey Statutes Annotated.

Accordingly, I am returning Assembly Bill No. 173 herewith for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, delete the Title in its entirety, and insert in lieu thereof the following:

"An act to amend 'An act concerning the retirement and pensioning of certain persons holding office, position or employment in boroughs,' approved May twenty-eighth, one thousand nine hundred and forty-nine (P. L. 1949, c. 262)."

On page 1, section 1, delete lines 1 and 2 in their entirety and insert in lieu thereof the following:

"1. Section one of the act of which this act is amendatory is amended to read as follows:"

On page 1, line 3, delete the section number "43:12–63" and insert in lieu thereof the section number "1".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 18, 1953.

ASSEMBLY BILL No. 240

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 240.

The purpose of this bill is to include the Marine Corps League of the United States among the list of veterans' organizations with respect to which a public employee may attend a state or national convention under a leave of absence with pay. Through an inadvertence, another veterans' organization which had already been included in the list was omitted in the course of the legislation. The bill also fails to place a limit on the number of days leave with pay that may be granted where the employee is a duly authorized representative of two or more of the enumerated organizations.

Accordingly, and with the approval of the sponsor, I am returning herewith Assembly Bill No. 240 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 13, before the word "Marine' insert a comma.

On page 1, section 1, line 14, after the word "Association," insert the words "War Veterans Public Employees Association,".

On page 2, section 1, line 21, after the word "convention", delete the period and insert the following: ", provided that no person shall be entitled to such leave or leaves of absence including in the aggregate more than five working days in the year."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
LEON S. MILMED,
Counsel and Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 265

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 265.

The general purpose of the bill, as introduced, was to clarify existing law regarding pre-marital blood testing and to establish uniform serological testing and reporting procedures. The bill was intended to make only one substantive change in the present law, in that it would permit a report of a blood test to be waived upon certification of a duly licensed physician that a female applicant for a marriage certificate was near the termination of her pregnancy, or that the death of one or both applicants was imminent. Such a waiver could be had only upon certification of the physician that he had taken blood samples adequate for serological testing from such applicant or applicants, except one whose death was imminent, and had forwarded the same to the State Department of Health.

In the course of enactment, an amendment was added to section 5 of the bill in the apparently mistaken impression that the pre-marital blood test might require the acceptance of any medical or related assistance against a disease which might appear to be present, regardless of the applicant's religious convictions in respect to medical treatment. No such requirement is contained in the bill.

I am advised by the Commissioner of Health that the amendment "would create a menace to public health". It would destroy the benefits to public health provided by laws in existence for many years which require all persons desiring to marry to have their blood tested to determine whether they are ill or infected with a venereal disease. These pre-marital blood testing laws do not require any person to accept any medical or related assistance whatsoever.

Accordingly, I am returning herewith Assembly Bill No. 265 for reconsideration and with the recommendation that

amendments be made to the bill (Second Official Copy Reprint) as follows:

On page 2, section 2, line 4, after the word "test," insert the word "or".

On page 3, section 5, line 10, strike out the words "No per-".

On page 3, section 5, lines 11 through 15, delete entire lines.

On page 4, section 7, lines 1 and 2, delete the words "July first, one thousand nine hundred and fifty-three" and insert in lieu thereof the word "immediately".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 282

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 282.

This bill has the laudable purpose of establishing sound procedures to be applied in the formation of new school districts. In order to properly effectuate the objective of the measure, however, it is necessary to first correct certain obvious technical errors which appear in it.

Accordingly, I am returning herewith Assembly Bill No. 282, for reconsideration and with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 1, section 1, line 14, before the word "possible" delete the word "is" and insert the word "as".

On page 4, section 6, line 4, after the words "Conservation and" insert "Economic".

On page 5, section 10, lines 1 and 2, delete the words "Section 18:5–3 of the Revised Statutes" and insert in lieu thereof the words "section seven of this act".

On page 6, section 12, line 6, delete the word "ration" and insert in lieu thereof the work "ratio".

On page 7, section 14, line 5, insert a parenthesis after the word "indebtedness".

On page 7, section 14, line 6, after the word "district" delete the parenthesis.

On page 7, section 16, line 1, after the section number "16" insert a period.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 287

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 287.

This bill has the desirable purpose of permitting an emergency commitment to a State, county or municipal hospital of a person found suffering from a nervous or mental illness or from a psychosis caused by drugs or alcohol. Such an emergency commitment would be permitted under the bill only when the patient is incapable of executing a voluntary application for admission, and only upon the certificate of a duly licensed physician and at the discretion of the officer in charge of the institution.

Under the bill the emergency admission is limited to a period not exceeding seventy-two hours (excluding Saturdays, Sundays and holidays). I am advised that the time allowed would be insufficient for a proper and complete examination of the patient under many circumstances. In view of the expanding mental health facilities which this State has undertaken, it will be appropriate to give such a patient the benefit of a complete examination before he is discharged.

Accordingly, I am returning herewith Assembly Bill No. 287 for reconsideration and with the recommendation that amendment be made to the bill (Second Official Copy Reprint) as follows:

On page 1, section 1, line 9, delete "seventy-two hours," and insert in lieu thereof "seven days".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 288

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration, and with my objections, Assembly Bill No. 288.

The object of this measure is to bring within the regulatory features of the Perishable Agricultural Commodities Licensing and Bonding Law (R. S. 4:11–15 et seq.), agents, brokers, commission merchants and dealers engaged in the business of purchasing poultry and poultry products.

The amendment proposed to R. S. 4:11–20 (relating to the surety bond to accompany the application for a license)

does not conform to the classifications of persons to be licensed, as defined in R. S. 4:11–15. In addition, the bill has an immediate effective date. A reasonable period of time should be provided for the new groups covered by the legislation to make application for license to the Secretary of Agriculture, file the required surety bond, and to have the Secretary of Agriculture process the application.

Accordingly, I am returning herewith Assembly Bill No. 288 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

On page 3, section 3, lines 7 to 9, delete the words ", for buyers of fruits and vegetables and for buyers of poultry and at least five hundred dollars ($500.00) for buyers of eggs," and insert in lieu thereof the words "(except that any such bond accompanying the application of any person for a license to engage in or carry on the business of agent, broker, commission merchant, or dealer for the purchase of eggs only shall be in the sum of at least five hundred dollars ($500.00))".

On page 3, section 4, line 1, delete the word "immediately" and insert in lieu thereof the words "January first, one thousand nine hundred and fifty-four".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 297

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 297.

The purpose of this bill is to clarify and improve the school election law. If it is to accomplish its objective, however, several amendments are required in order to conform its provisions with the terms of Assembly Bill No. 195, which has already been approved and is now P. L. 1953, c. 255, changing the title of district clerks of boards of education to that of secretary.

Accordingly, I am returning herewith Assembly Bill No. 297 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

Amend page 3, section 3, line 6, by deleting the words "district clerk" and inserting in lieu thereof the word "secretary".

Amend page 4, section 5, line 3, by deleting the words "district clerk" and inserting in lieu thereof the word "secretary".

Amend page 5, section 7, line 14, by deleting the words "district clerk" and inserting in lieu thereof the word "secretary".

Amend page 7, section 8, line 9, by deleting the words "district clerk" and inserting in lieu thereof the word "secretary".

Amend page 9, section 10, line 36, by deleting the words "district clerk" and inserting in lieu thereof the words "secretary of the board".

Amend page 9, section 10, line 40, by deleting the words "district clerk" and inserting in lieu thereof the words "secretary of the board".

Amend page 9, section 10, line 44, by deleting the words "district clerk" and inserting in lieu thereof the words "secretary of the board".

Amend page 11, section 12, line 9, by deleting the words "district clerk" and inserting in lieu thereof the words "secretary of the board".

Amend page 11, section 12, line 14, by deleting the words "district clerk" and inserting in lieu thereof the words "secretary of the board".

Amend page 11, section 13, line 8, by deleting the words "district clerk" and inserting in lieu thereof the words "secretary of the board".

Amend page 11, section 13, line 9, by deleting the word "district" and inserting in lieu thereof the words "secretary of the board".

Amend page 12, section 13, line 10, by deleting the word "clerk".

Amend page 12, section 16, line 3, by deleting the entire line and inserting in lieu thereof the following: "18:7–69. A secretary appointed under the title of district clerk or a secretary appointed as provided in section 18:7–68 of this Title, shall have all of the powers and perform all of the duties provided by law to be exercised or performed by a district clerk including the following:".

Amend page 13, section 16, line 30, by deleting the words "district clerk" and inserting in lieu thereof the word "secretary".

Amend page 13, section 16, line 32, by deleting the words "district clerk" and inserting in lieu thereof the word "secretary".

Amend page 13, section 17, lines 1 and 2, by deleting the words "July first, one thousand nine hundred and fifty-three" and inserting in lieu thereof the word "immediately".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 324

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 324.

This bill is related to Senate 260, which has been approved and is now P. L. 1953, c. 297. That bill increased the jurisdiction of County District Courts in automobile negligence cases to three thousand dollars. The purpose of the present bill is to authorize transfer to the County District Court by the assignment judge of the Superior Court or the judge of the County Court of an action which is pending in the Law Division of either of those courts where the amount in controversy is within the jurisdiction of the County District Court. The present bill does not take into account the change in the jurisdiction of the County District Court accomplished by Senate Bill No. 260. It is obvious that both bills should conform to each other.

Accordingly, I am returning herewith Assembly Bill No. 324 for reconsideration and with the recommendation that amendment be made to the bill (Second Official Copy Reprint) as follows:

Amend page 1, section 1, lines 2, 3 and 4 by striking out the words "in dispute in such action does not exceed, exclusive of cost, the sum or value of one thousand dollars ($1,000.00)," and insert in lieu thereof the words "is one within the jurisdiction of the county district court,".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 380

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Assembly Bill No. 380.

This measure provides for the registration with the State Board of Medical Examiners of bio-analytical laboratories and the licensing by the board of the directors of such laboratories.

One of the sections of the bill (Section 26) would amend Section 45:9–1 of the Revised Statutes relating to the composition of the State Board of Medical Examiners. This same section was amended in other respects by the Legislature this year when it adopted Assembly Bill No. 456, which I approved and which is now Chapter 233 of the Laws of 1953. Approval of Assembly Bill No. 380 in its present form would nullify the amendments to R. S. 45:9–1 made by Assembly Bill No. 456. To preclude this result, Section 26 of Assembly Bill No. 380 should be amended to incorporate the amendments to R. S. 45:9–1 made by Assembly Bill No. 456.

The bill in its present form, also fails to cover out-of-State laboratories which establish pick-up points in New Jersey and thereby compete with laboratories in this State, as well as expose our people to the same dangers as an unregistered laboratory of this State. The penal provisions of the bill, as passed, also come into effect before the licensing sections could be operative.

Accordingly, I am returning Assembly Bill No. 380 herewith for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

Amend page 8, section 21, line 5, by inserting after the word "director," the following: "or who solicits, receives, accepts or delivers material originating from the human body on behalf of any bio-analytical laboratory located without this State and which is not under the direction of a licensed bio-analytical laboratory director and registered under this act, or similarly licensed and registered under the laws of the State in which it is located,".

On page 10, section 22, line 47, after the words "three hundred" delete the comma.

On page 10, section 22, line 49, after the words "five hundred" delete the comma.

On page 11, section 26, line 13, delete the word "term" and insert in lieu thereof the word "terms".

On page 11, section 26, line 15, delete the words "each of whom shall be licensed" and insert in lieu thereof the words "and shall possess a license".

On page 11, section 26, line 15, after the words "his or her" insert the word "respective".

On page 11, section 26, line 15A, delete the words "this State" and insert in lieu thereof the words "New Jersey".

On page 12, section 26, line 23, before the word "board" insert the word "said".

On page 12, section 26, line 26, before the word "board" delete the word "the" and insert in lieu thereof the word "said".

On page 12, section 26, immediately following line 37, insert the following new paragraph:

"The Governor shall appoint two chiropractors who are licensed to practice chiropractic in the State of New Jersey to serve for a term of three years each and until their successors are appointed and qualify, who shall be available to assist the board in the administration of sections four, five, six, seven, eight, nine, twelve, fifteen and sixteen of chapter two hundred thirty-three of the laws of one thousand nine hundred and fifty-three which act supplements chapter nine of Title 45 of the Revised Statutes, and contains this amendment to this section. Within the limits of available appropriations therefor each such chiropractor shall be paid a fee of ten dollars ($10.00) for each applicant assigned to him for examination and when designated and authorized by the board to do business on behalf of the board outside of the State shall receive fifty dollars ($50.00) per day and when performing authorized official duties in or out of the State shall be reimbursed for all proper expenses incurred in the performance of such duties."

On page 15, section 28, line 58, delete the word "or".

On page 15, section 28, line 61, after the word "thereof" delete the period and insert in lieu thereof "; or".

On page 15, section 29, line 1, after the word "immediately" insert ", except that Section 21 hereof shall take effect January 1, 1954.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 406

To the General Assembly:

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

The general purpose of this bill is to protect a newspaper against the loss of its qualification to accept legal advertising under the requirement that it shall be "published *continuously* in the municipality where its publication office is situate for not less than two years". There are occasions when a purely involuntary suspension of publication would work an undue hardship under this provision. The bill as drawn, however, still fails to meet the objections expressed in my message of last year with respect to a similar bill and, in addition, it is in conflict with Assembly 642, which has been approved.

Accordingly, I am returning herewith Assembly Bill No. 406 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Amend page 1, section 1, line 11, by inserting after the word "general" the word "paid".

Amend page 2, section 1, line 22, by inserting after the word "publication" the words "for a period not exceeding six months,".

Amend page 2, section 1, lines 22 and 23, by striking out the words "failure or unavailability of operating facilities, equipment or personnel from whatever cause," and insert in lieu thereof the words "mechanical or electrical failure of typesetting equipment or printing presses or the unavailability, due to conditions beyond the control of the publisher, of paper or other materials and supplies necessary for operation, or resulting from a labor dispute with a recognized labor union,".

Amend page 2, section 1, line 25, by striking out the words "one week after it again becomes possible" and

inserting in lieu thereof the words "said period of six months".

Amend page 2, section 2, line 12, by inserting after the word "general" the word "paid".

Amend pages 2 and 3, section 2, lines 23 through 26, by striking out all of said lines and inserting in lieu thereof the following: "publication for a period not exceeding six months resulting from loss, destruction, mechanical or electrical failure of typesetting equipment or printing presses or the unavailability, due to conditions beyond the control of the publisher, of paper or other materials and supplies necessary for operation, or resulting from a labor dispute with a recognized labor union, and any newspaper so affected shall not be disqualified hereunder in the event that publication is resumed within said period of six months.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 433

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 433.

This bill and Assembly 266 both deal with the salaries payable to court attendants. The permissive schedule incorporated in this bill is in irreconcilable conflict with the provisions of Assembly 266. The objectives of both bills may be accomplished by amendment of the present measure.

Accordingly, I am returning herewith Assembly Bill No. 433 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

Amend page 1, section 1, line 4, by omitting the word "six" and inserting in lieu thereof the word "three".

Amend page 1, section 1, line 8-18, by inserting after the word "salary" the following: "to be fixed by the sheriff, with the approval of the board of chosen freeholders,".

Amend page 2, section 1, line 34, by inserting after the word "ninth" the words "and each succeeding".

Amend page 2, section 1, line 38, by deleting the words "one hundred and seventy-five" and inserting in lieu thereof the words "three hundred".

Amend page 2, section 1, line 41, by inserting after the words "County Court," the words "the Juvenile and Domestic Relations Court and".

Amend page 2, section 1, line 52, after the word "respectively" delete the following ", but not more" and insert in lieu thereof a period.

Amend page 2, section 1, delete lines 53, 54 and 54A in their entirety.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 473

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 473, for the following reasons:

It is stated that this is an unfair practice and not a price control bill, although one of its objectives is undoubtedly to prevent price wars in the sale of gasoline at the retail level. The bill would make it unlawful and a violation of the act (Section 4 (a)) for any distributor, refiner, wholesaler or supplier (hereafter referred to as the distributor) to offer, or for any retail dealer to accept, a rebate, concession, allowance, discount or benefit, of any kind whatsoever, in connection with the sale or distribution of motor fuel or other products marketed by the distributor; (b) for any distributor to lease or make a contract on condition, promise, etc., that the lessee shall not use or deal in goods, wares, merchandise, supplies, etc., of a competitor of such distributor, except as to gas when pumps are furnished by the distributor; and (c) for any distributor to discriminate in tank wagon price between different retail dealers purchasing the same grade of branded motor fuel.

The bill alleges: "Certain discriminations and practices, services or facilities furnished involving the sale of motor fuel have been and are demoralizing and disorganizing the retail sale of motor fuel business" in New Jersey.

A report by Dun and Bradstreet listing the rate of failures for 1952 in 24 selected retail lines, discloses that gas stations had the lowest rate of failure—5 for each 10,000 concerns as compared to 70 for each 10,000 engaged in the retail sale of appliances, radio and T.V. Retailing, an analysis of the report disclosed, was relatively a much safer business to engage in than either wholesaling or manufacturing.

Assembly Bill No. 473 is the product of a study by a Gasoline Study Commission which, during 1952, devoted a

very substantial amount of time and thought to the manifold problems confronting the petroleum industry. Prior to the creation of the Gasoline Study Commission in 1952, a Gasoline Study Committee in 1951 filed a report on this subject, in which it concluded, *inter alia,* that the problems confronting the industry did not call "for some form of governmental control" and that any "legislation fixing the margin of profit would tend to be in opposition to our fundamental concept of free enterprise, and undoubtedly affect the future price of the commodity." With this conclusion I find myself in complete agreement. This committee held: "Price fixing with its artificial support is an invitation to maintain the status quo." The committee pointed out a fact recognized by many, that although "New Jersey is among the Nation's leading state-wide markets for petroleum products, the marketing field is somewhat overcrowded, a factor which itself leads to spirited competition for sales." In conclusion, the committee recommended "that only those marketing laws now applicable to the retail sales of gasoline in the State of New Jersey be utilized in governing the extent of the widespread sporadic competition among dealers."

The Gasoline Study Commission, in its report dated February 16, 1953, stated its opposition to a proposed cost survey and said that such a procedure would "result in price fixing" and that such legislation would "tend to eliminate rather than preserve the free enterprise system . . .".

I commend the members of the Legislature who have devoted much time to a serious consideration of current practices within the industry. I know from my conferences with representatives of the Commission that it is their desire to help the little businessmen of this State, and to stabilize a tremendously important industry.

It is a proper task of government to strive to create an economic environment in which private enterprise can grow and flourish, and in which the small businessmen and economic units, as well as those of greater size, may reap the just rewards of their industry, prudence and mental and physical talents. In the United States we have developed a strong and healthy economy that has been called upon to carry worldwide burdens. This is in large measure the result of our adherence to the private enterprise system, with its enlightened self-interest and its incentive to those who

are prepared to invest their capital as well as their labor in industrial activities. Accordingly, while we may adopt legislation designed to promote competition and protect this private enterprise system, we should be chary of legislation, in whatever guise, which may, in fact, curtail competition. For the heavy hand of bureaucracy is far more likely to stifle than to stimulate the lifeblood of our economic well-being, private initiative and private enterprise.

It has been held that the sale of gasoline is not a business "affected with the public interest" (*Williams* vs. *Standard Oil Co.,* 278 U. S. 235 cf. *Reingold* vs. *Harper,* 6 N. J. 182 and *Sperry & Hutchinson Company* vs. *Margetts,* 25 N. J. Super. 568). Even though a business is affected with the public interest, legislative regulations, if they are to survive judicial test, "must be reasonable in their nature, directed to the prevention of real evils and adapted to the accomplishment of their avowed purpose. Under the guise of protecting 'the general welfare, there cannot be arbitrary interference with business or irrational or unnecessary restriction.' . . .". (*Sperry & Hutchinson Co.* vs. *McBride,* 307 Mass. 408, 425).

On the other hand, "it is not always essential that a business be wholly affected with a public interest to be subject to regulation." (*Lane Distributors, Inc.* vs. *Tilton,* 7 N. J. 349, 365).

A careful study of Assembly 473, however, clearly discloses that in its present form it is unconstitutional and would undoubtedly be struck down by either the State or Federal courts. A naked assertion by the Legislature of "a public interest," if not supported by the facts or incorporated in legislation truly designed to promote the public interest, will not pass judicial scrutiny. One's business is not clothed with a public interest unless it bears "such a substantial and definite relation to the public interest as to justify an indulgence of the legal fiction of a grant by the owner to the public of an interest in the use." (*Tyson & Bro.* vs. *Banton,* 271 U. S. 418. *Fairmount Creamery Company* vs. *Minnesota,* 274 U. S. 1). Furthermore, within the same industry different activities sought to be regulated may result in different judicial conclusions with respect to the right of the State to regulate.

The general public welfare is the paramount interest that must be protected and promoted. This general public welfare must take precedence in our consideration over any class or special interest.

To the extent that the purpose of the present bill is to prevent predatory pratices designed to promote monopolies, there is undoubtedly much to be said in favor of the objective of its sponsors. Apart from constitutional questions, and my own deep concern and doubts with respect to the wisdom of governmental regulations of the kind here proposed, from a practical point of view, it seems to me that the proposed bill will not accomplish its avowed objectives. Indeed, a strict interpretation of the provisions of the bill might very well ruin many of the very parties whom it seeks to save. For example, a large single distributor, owning and operating a single station or a limited number of stations, pursuant to the proposed law, if it chose to do so could precipitate a predatory price war which would present the industry with the unpleasant dilemma of enlarging the price war to cover the entire State or leaving the local retailers in the area to suffer the consequences. A distributor would undoubtedly be reluctant to help a retailer meet local competition if the consequences of his act required him to reduce prices throughout the State, thereby precipitating the very situation which the sponsors of this bill so earnestly desire to restrain.

In its blanket condemnation of all discounts (section 4 a), the bill would appear to be in restraint rather than in favor of private enterprise and wholesome competition. Strictly construed, it would undoubtedly deprive retailers of the benefits that they now derive from their diligence, skill and industry. Uniform discounts for timely payment, or based on quality or quantity, are a traditional part of the private enterprise system. They tend to reward diligence and industry.

Fortunately, the Legislature is not lacking an opportunity to effectuate its major objectives. A federal statute, known as the Clayton Act, as amended in 1936 by the Robinson-Patman Act, 15 U. S. C. A. 13 et seq., offers a tried and tested method of preventing practices that are likely to destroy competition in private enterprise.

In section 11 of Assembly Bill No. 473, the task of enforcing the provisions of the bill is delegated to the Di-

rector of the Division of Taxation in the Department of the Treasury. There are presently approximately more than 10,000 service station operators in New Jersey. There are 35 persons or corporations that may be described as distributors, and a large number of other persons and corporations who would presumably come within the purview of the act and subject to the regulation of the Director. The State is presently collecting, pursuant to R. S. 54:39–30 (retail fuel dealer license fees), approximately $60,000 annually. This entire sum is required for the administration of Chapter 163 of the Laws of 1938, an act to regulate the retail sale of motor fuels. Undoubtedly, therefore, additional funds would be required to carry out and enforce the provisions of this bill. No appropriation has as yet been provided for this purpose by the Legislature. In the event the Legislature after a reconsideration of the issues raised by this bill determines that some action in this field is necessary, the effective date should be changed to July 1st, 1954 so that an appropriation may be included in the budget for the next fiscal year.

Accordingly, I am returning Assembly Bill No. 473 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

On page 3, section 4, line 1, after the word "act" and before the colon, insert the words "for any distributor, refiner, wholesaler or supplier, with intent to injure competitors or destroy or substantially lessen competition".

On page 3, section 4, line 2, delete the line in its entirety and insert in lieu thereof the words "(a) To offer".

On page 3, section 4, line 3, delete the words "any retail dealer to accept".

On page 3, section 4, line 6, after the word "supplier" delete the semi-colon and insert the following words "except that this shall not apply to discounts uniformly applied for timely payments, quantity, or quality; or ".

On page 3, section 4, line 7, delete the line in its entirety and insert in lieu thereof the words "(b) To lease or make".

On page 3, section 4, line 8, after the word "understanding" insert the words ", where the effect of such lease, contract on condition, promise, agreement or understanding may be to substantially lessen competition".

On page 3, section 4, line 13, after the word "fuel" delete the period and insert "; or".

On page 4, section 4, line 14, delete the line in its entirety and insert in lieu thereof the words "(c) To".

On page 4, section 4, line 15, after the word "discriminate" insert the words ", either directly or indirectly,".

On page 4, section 4, line 16, delete the line in its entirety and insert in lieu thereof the words "ing the same grade, quality or quantity of branded motor fuel, except to meet competition."

On page 4, section 4, line 17-24, after the word "supplier" delete the words "or retail dealer".

On page 6, section 14, line 1, delete the word "immediately" and insert in lieu thereof the words "July first, one thousand nine hundred and fifty-four".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 475

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 475.

This bill would permit any county to purchase fuel for heating purposes pursuant to "a contract with any person, firm or corporation . . . for any term not exceeding two years." While the present bill seems to have the purpose of assuring the legal validity of such a two-year contract, it could also have the unintentional effect of completely eliminating the competitive bidding requirements which have long been recognized as the best way of carrying on public purchasing.

Accordingly, I am returning herewith Assembly Bill No. 475 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 3, after the word "years" and before the period, insert the following: ", subject to the provisions of Chapter 25 of Title 40 of the Revised Statutes".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 488

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 488.

This bill as originally introduced in the Legislature would have required that any prisoner confined in any jail, workhouse or penitentiary under sentence who is, while so confined, sentenced to imprisonment in the State Prison, be immediately taken to the State Prison there to serve his State Prison sentence, and upon his release from the State Prison to be recommitted to the jail, workhouse or penitentiary to serve out the balance of his sentence therein. By an amendment to the bill the requirement to serve out the balance of the jail, workhouse or penitentiary sentence was deleted. The new provision would, in cases where the prisoner is sentenced to the State Prison for a term the minimum of which is equal to or exceeds the sentence then being served by him in the jail, workhouse or penitentiary, vacate the balance of the latter sentence and require the prisoner to be immediately taken to the State Prison there to serve only the State Prison sentence.

The stated purpose of the bill, as introduced, was to "avoid keeping prisoners facing such serious sentences from being kept in institutions which lack maximum security". I am in accord with this stated objective. However, the bill in the form presented to me presents the serious constitutional problem of legislation remitting sentences imposed by the courts—an inherent phase of the executive clemency power vested in the Governor under Article V, Section II, paragraph 1 of the State Constitution.

The purpose of the bill may be accomplished by amendment authorizing the sentencing court to direct, in its discretion, that the State Prison sentence run concurrently with the balance of the penitentiary sentence and that the prisoner be immediately taken to the State Prison there to so serve both such sentences.

Accordingly, I am returning Assembly Bill No. 488 herewith for reconsideration and with the recommendation that

amendment be made to the bill (Second Official Copy Reprint) as follows:

On page 2, section 1, delete lines 32 to 35, inclusive, in their entirety and insert in lieu thereof the following: "served by him in any jail, workhouse or penitentiary, the court imposing such sentence of imprisonment to the State Prison may, in its discretion, direct that the sentence to imprisonment in the State Prison shall be served concurrently with the balance of the sentence then being served by such prisoner in the jail, workhouse or penitentiary and that the prisoner shall be immediately taken to the State Prison by the sheriff, there to serve such sentence to imprisonment in the State Prison and the balance of the sentence then being served by such prisoner in the jail, workhouse or penitentiary, concurrently, in accordance with law."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 517

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 517.

The purpose of this bill is to add to the existing law on workmen's compensation, coverage for out-of-State service and for service on federal property by volunteer firemen. The Attorney General reports a similar bill has been enacted in New York. Assembly Bill No. 354, which has been approved and is now Chapter 340 of the Laws of 1953, added assistant county fire marshals to the group of covered firemen. The present bill conflicts with this earlier enactment and an amendment is necessary in order that they may conform.

Accordingly, I am returning herewith Assembly Bill No. 517 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Page 1, section 1, line 11, after the word "marshal" insert the words "and assistant county fire marshal,".

Page 2, section 1, line 20, delete "or".

Page 2, section 1, line 21, after "marshals" insert "or assistant county fire marshals".

Page 2, section 1, line 22, after "firemen" insert "or marshals".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 524

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Assembly Bill No. 524.

I am in accord with the object of this measure, i.e., to grant to municipalities establishing a joint municipal court full authority to determine upon the name of the court. However, the bill requires a technical amendment of a clarifying nature.

Accordingly, I am returning Assembly Bill No. 524 herewith for reconsideration and with the recommendation that an amendment be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 6, after the words "so established" delete the words "by one municipality".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 536

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 536.

The primary purpose of this bill is to overcome a legal question that has been raised with respect to the enrollment of the employees of the interstate agencies to which the bill relates in the State Employees' Retirement System. Some employees of these agencies have been enrolled in that system on the assumption that they were paid at least in part by the State and, consequently, were State employees. There has been an Attorney General's ruling to the contrary.

Ordinarily, a new pension bill should contain a provision requiring all future employees to join the system as a condition of employment. The present bill does not make this requirement for the reason that the employees affected are not in the classified service of the civil service. They may accordingly be treated in the same manner as unclassified employees who, under our statute, may be covered but are not required to become members.

In order to assure that those employees who do join the State system will be treated in the same manner as unclassified State employees, both for the purpose of contributions and benefits and for the purpose of accumulated service, the bill requires amendment.

Accordingly, I am returning herewith Assembly Bill No. 536 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Amend page 1, section 1, line 2, by inserting after the word "State", the word "employees' ".

Amend page 1, section 1, by deleting lines 9 and 10 and inserting in lieu thereof the following:

"Upon such enrollment, the said employees shall be subject to the same contribution and benefit provisions of the retirement system as State employees."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 538

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 538.

The purpose of this bill is to carry forward the state, county and municipal programs for the destruction of useless records, with important savings in costly office and storage space. While the bill has a meritorious objective it does not provide adequate safeguards for the preserva-

tion of records which may be of continuing public interest and importance. In this respect provision should be made in the bill for the extension of the State Records Committee established pursuant to Section 6 of the measure, to include in addition to the State officers mentioned, the Director of the Division of Local Government in the Department of the Treasury. This State Records Committee should be properly empowered to enact regulations governing the granting of consent by the Bureau of Archives and History to the destruction of public records.

In addition, Assembly Bills 274 and 275, which have already been approved, concern the destruction of certain records, after the passage of designated periods of time, in the offices of county clerk or register of deeds and mortgages. It was not the purpose of the latter two bills to subject them additionally to the requirements of Assembly Bill No. 538. In order to avoid possibility of conflict between the present bill and Assembly Bills 274 and 275, a further amendment to Assembly Bill No. 538 is required.

Accordingly, I am returning herewith Assembly Bill No. 538 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 2, immediately following line 12, insert the following new paragraph:

"As used in this act the word "bureau" means the Bureau of Archives and History in the Department of Education."

On page 2, section 3, line 5, after the word "bureau" and before the period insert the following words "; which consent may be given by said bureau only if the same is in conformance with regulations governing the granting thereof which shall be made and promulgated by the State Records Committee established by section six of this act".

On page 2, section 5, line 4, after the word "Committee" insert the words "established by section six hereof".

On page 2, section 6, line 2, delete the word "consisting" and insert in lieu thereof the words "which is hereby established in the State Department of Education and which shall consist".

On page 2, section 6, line 3, after the words "State Auditor," insert the words "the Director of the Division of Local Government in the Department of the Treasury".

On page 2, section 6, following line 5, insert a new paragraph as follows:

"The State Records Committee shall have the powers and duties prescribed for it herein and shall make and promulgate such regulations, not inconsistent with law, as may be necessary to adequately effectuate such powers and duties."

On page 2, section 8, line 4, delete the word "title" and insert in lieu thereof the word "act".

On page 3, section 9, line 11, after the word "bureau" and before the period, insert the words ", subject to regulations which shall be made and promulgated by the State Records Committee established by section six hereof".

On page 3, section 10, line 1, after the word "bureau" insert the words ", subject to regulations which shall be made and promulgated by the State Records Committee established by section six hereof,".

On page 4, section 12, line 2, before the word "shall" insert the words ", with the approval of the State Records Committee established by section six hereof,".

On page 5, section 16, line 1, after the word "shall" insert the words ", with the approval of the State Records Committee established by section six hereof,".

On page 5, section 17, line 3, change the word "script" to "scrip".

On page 5, following section 17, add the following new section:

"18. In the event of any inconsistency between the provisions of this act and the provisions of 'An act concerning certain papers and records on file in the offices of the county clerks and registers of deeds and mortgages, and supplementing Chapter 3 of Title 47 of the Revised Statutes,' approved July twenty-fifth, one thousand nine hundred and fifty-three (P. L. 1953,

c. 269) or of 'An act concerning the destruction or other disposition of certain papers on file in the offices of the county clerks, pertaining to the former courts of oyer and terminer, circuit courts, courts of common pleas, courts of quarter sessions and courts of special sessions,' approved July twenty-fifth, one thousand nine hundred and fifty-three (P. L. 1953, c. 270), the provisions of such other act shall prevail."

On page 5, section 18, line 1, change the section number "18." to section number "19."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 564

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 564.

This bill would validate acknowledgments or proofs of deeds, mortgages, or other instruments in writing, heretofore made or taken, including acknowledgments by attorneys in fact, notwithstanding any errors, omissions, or imperfections in such acknowledgments or proofs. The only proviso incorporated in the bill is that the deed, mortgage, or other written instrument must have been recorded for at least five years in the proper recording office.

The bill is not adequately circumscribed in scope and lacks the necessary proviso that no proceeding shall have heretofore been instituted in any court respecting the validity of any such deed, mortgage, acknowledgment or proof.

Accordingly, I am returning herewith Assembly Bill No. 564 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, Title, after the word "deeds" delete the remainder of the Title and insert in lieu thereof the words "or mortgages.".

On page 1, section 1, line 1, after the word "deeds" delete the remainder of the line and insert in lieu thereof the words "or mortgages".

On page 1, section 1, line 2, delete the words "ments in writing," at the beginning of the line.

On page 1, section 1, line 3, after the word "shall" insert the words ", if otherwise valid,".

On page 1, section 1, delete lines 4 to 7, inclusive, in their entirety and insert in lieu thereof the following: "for all purposes whatsoever, notwithstanding any imperfection in said acknowledgments or proofs; *provided, however,* that all such deeds or mortgages shall have been duly recorded for a period of at least five years in the proper recording office; *and provided, further,* that no actions or proceedings shall have heretofore been instituted in any court in respect to the validity of any such deed, mortgage, acknowledgment or proof."

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 566

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 566.

This bill relates to final decrees or judgments in foreclosure proceedings instituted under Chapter 149 of the Laws of 1943 by purchasers of tax sale certificates. The defect in the procedure required to be followed pursuant to that legislation, which this bill proposes to cure, is that the final decree or judgment in the foreclosure proceedings was not filed or recorded within two years from the date of the confirmation of the sale or such extended period of time as may have been granted. The bill, however, does not set forth any time limit for recording the decree or judgment.

In addition, in the process of enactment, words apparently intended to be included in the bill were omitted. An amendment is therefore required to avoid doubt as to its effect.

Accordingly, I am returning Assembly Bill No. 566 herewith for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 10, after the words "to foreclose" insert the words "resulting in".

On page 1, section 1, line 14, after the word "act" and before the period, insert the following words "; *provided,* that such final decree or judgment has been duly recorded not later than six months after the resolution releasing such condition is adopted by said governing body".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 615

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 615.

The bill proposes to remove a requirement of the present law requiring skimmed milk containers to carry a "metal tag or label" identifying the product with letters at least two inches in height. In its final form the bill would require the containers of skimmed milk, nonfat milk or nonfat fortified milk to be appropriately labelled in letters not less than one-eighth inch high. No distinction is made with regard to bottle cap labels and other types of labels. It was apparently overlooked that large quantities of skimmed milk are sold in containers which are usually imprinted in large bold type. The law should continue a requirement for larger letters on labels other than glass bottle cap labels where ample space is conveniently available, as a guide for all distributors so as to minimize any possibility of confusion on the part of consumers.

Accordingly, I am returning Assembly Bill No. 615 herewith for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

On page 3, section 2, line 6, delete the words "in letters not less than one-eighth inch high".

On page 3, section 2, line 7, after the word "be" and before the period, insert the following: ", in letters not less than one inch in height and the lines of which shall be at least one-eighth of an inch in width, except that in the case of glass bottles where the label appears on the caps thereof the lettering shall be not less than one-eighth of an inch in height".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 643

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 643.

The purpose of this bill is apparently two-fold: first, to bar from the use of the highways any farm machinery equipped with wheels that will damage the highways and, second, to remove the present necessity of a special permit now required where a farmer wishes to draw one vehicle behind another vehicle, where both are used exclusively as farm machinery or farm implements.

The present law authorizes the director to register such vehicles to use the highways for the purpose of moving them from one farm, or portion thereof, to another farm, or portion thereof, for an annual registration fee of one dollar. This special registration does not permit operation on the highway between sunset and sunrise and also is limited in other ways. The existing law as amended has become so encumbered with dependent clauses, however, that it is difficult to read, let alone understand.

Accordingly, I am returning herewith Assembly Bill No. 643 for reconsideration and with the recommendation that clarifying amendments be made to the bill (Official Copy Reprint) as follows:

Page 1, section 1, line 3, delete "commissioner" and insert "director".

Page 1, section 1, lines 7 through 16, delete all of said lines and insert in lieu thereof the following: "vehicles. The fee for such registration shall be one dollar ($1.00) per annum, whether the registration is issued for a yearly period or only a portion thereof. Any vehicle so registered may draw not more than one vehicle used exclusively on the farm and a vehicle so drawn need not be registered. A vehicle registered pursuant to this section shall not be:

(a) used to traverse more than five (5) miles of highway in traveling from one farm, or portion thereof, to another farm, or portion thereof; or

(b) used to deliver or transport any farm products, goods, wares or merchandise, except from one farm, or portion thereof, to another farm, or portion thereof, both owned or managed by the registered owner of the vehicle or vehicles; or

(c) operated on the highway at any time between sunset and sunrise; or

(d) operated on the highway if it is equipped with wheels of a type that will damage or will be likely to damage the highway, or if any vehicle drawn by it is equipped with such wheels; or

(e) operated upon the highway at a speed exceeding four (4) miles per hour if such vehicle, or the vehicle which it may be drawing, is not equipped with rubber tires on all wheels."

Amend page 2, section 1, lines 17 to 24, by deleting all of said lines.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.
August 17, 1953.

ASSEMBLY BILL NO. 653

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 653.

This measure would amend Section 2A:151–43 of the New Jersey Statutes which sets forth the list of those ex-

cepted from the application of N. J. S. 2A:151–41, (prohibiting the carrying of firearms or other weapons without licenses).

The proposed amendment relates to the exception made in the case of regularly employed members, including detectives, of the police department of any municipality, or any special policemen appointed by the governing body of any municipality; and provides that the exception shall extend to these officers "at all times while within the State of New Jersey."

I am advised that the Department of Law and Public Safety and an overwhelming number of county prosecutors have recommended that the exception granted to special policemen should be confined to that period during which they are actually engaged in the performance of their duties. Such a limitation would appear to be sound and entirely in keeping with the principle underlying amendments to N. J. S. 2A:151–43 adopted last year (P. L. 1952, c. 308.)

Accordingly, I am returning Assembly Bill No. 653 herewith for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 10, after the word "municipality," insert the words "at all times, while within the State of New Jersey,".

On page 1, section 1, lines 11 and 12, delete the words "at all times, while within the State of New Jersey" and insert in lieu thereof the words "while engaged in the actual performance of his official duties".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 77

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 77.

This is a permissive tenure bill dealing with superintendents of public works in any borough in a county of the second class, where the superintendent fulfills a certain description set forth in the bill. In general, the bill conforms to legislation previously approved, except that it does not safeguard the public interest by an appropriate retirement provision applicable to any person who might acquire life tenure under the terms of the bill.

Accordingly, I am returning herewith Senate Bill No. 77 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

> Amend page 1, section 1, line 14, by inserting after the word "provided" and before the period, the following:
>
> "; and that any such person may be retired by the governing body of said municipality when he shall have attained seventy years of age".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 91

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 91.

I am informed that the Burlington County Bridge Commission wishes to obtain the use from the State Highway Department of certain highway lands upon which to erect toll booths to relieve congestion on approaches to its bridges. This bill would allow any county, municipality, or any State department, agency, or commission to lease, lend, grant or convey to a county bridge commission at its request, upon "reasonable and fair" terms and conditions, "any real property which may be necessary or convenient to the effectuation of the authorized purposes of such county bridge commission, including public roads and other real property already devoted to public use."

The bill, prompted by a meritorious purpose, is so broad in scope and so completely lacking in provision for public notice or hearing that it is impractical to anticipate its possible effects. Since the conditions sought to be met do not require or warrant any such sweeping authority as the bill might convey, the legislation should be confined more closely to its immediate objective.

Accordingly, I am returning herewith Senate Bill No. 91 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Amend page 1, section 1, line 1, by deleting "county or municipality, or any".

Amend page 1, section 1, line 4, after the word "request," insert "with the approval of the State House Commission and ".

Amend page 1, section 1, lines 5 and 6, by deleting all of said lines and inserting in lieu thereof "State House Commission may deem reasonable and".

Amend page 1, section 1, line 12, by inserting after the word "use", and before the period, the words "; to the extent, however, that such real property may, in the judgment of the authorities concerned, and subject to the approval of the State House Commission, be required by the county bridge commission for the erection of toll booths".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 110

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 110.

This bill would authorize the board of trustees of certain parks to initiate the application of Subtitle one of Title 39 (Motor Vehicle and Traffic Regulation) of the Revised Statutes by written request to the governing body of the municipality in which the park is located. This bill differs from Senate Bill No. 111, in that it relates to parkways or other roadways open to or used by the public for purposes of vehicular traffic, in a park maintained in whole or in part by the municipality. This public character of the roadway would warrant the public protection afforded by Title 39 of the Revised Statutes.

Accordingly, I am returning herewith Senate Bill No. 110 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Amend page 1, section 1, lines 1-4, by striking out all of said lines and inserting in lieu thereof the following:

"1. The provisions of sub-".

Amend page 1, section 1, line 5, by deleting the word "made".

Amend page 1, section 1, line 8, by deleting the words "by permission of such trustees" and inserting a comma in lieu thereof.

Amend page 1, section 1, lines 9-12, by deleting all of said lines and inserting in lieu thereof the words "otherwise, within any park maintained in whole or in part by any municipality.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 130

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 130.

Under existing law (R. S. 18:5–51) the district clerk of a board of education in any municipality devoting his full time to the duties of his office acquires tenure during good behavior after three years of service. Under the present bill, any clerical or secretarial personnel who has acquired or shall acquire tenure in such position or employment with a school district and who has been or shall be appointed as district clerk, would have tenure in the office of district clerk. In effect, the bill would merely transfer tenure already acquired in one job to another job in which the law also provides protected tenure of office.

The bill might not accomplish its purpose, however, in view of the fact that Assembly Bill No. 195, which has been

approved and is now Chapter 255 of the Laws of 1953, has changed the title of "district clerk" to "secretary" as of July 1, 1953. In order to avoid confusion between the two bills, amendments are necessary.

Accordingly, I am returning herewith Senate Bill No. 130 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 4, after the words "district clerk" insert the words "or secretary".

On page 1, section 1, line 5, delete the words "district clerk" and insert the word "secretary".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 164

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 164.

This is the bill which has become known as "the woodchuck bill" among farmers and as "the hawk bill" among conservationists. Neither the woodchuck nor the hawk are the object of interest of those who have come to designate the bill as "the Sunday shooting bill."

It is even reasonable to view this bill as a law revision measure. The present law prohibits "going into the woods or fields with a firearm, except during the open seasons . . . ; *provided, however,* that this section shall not apply to the killing of crows, hawks, woodchuck and vermin which may be taken in any manner and at any time of the year, when in the act of destroying poultry, crops or property." (R. S. 23:4–25.) It has been represented that there is a

conflict between the last quoted proviso and R. S. 23:4–24 which flatly prohibits hunting on Sunday.

Among all the many citizens who have expressed a view on this subject, few if any have sought to grapple with the niceties of the law which says in one section that crows, hawks, woodchuck and vermin "may be taken in any manner and at any time of the year" and another section of the same law which says that no person shall hunt on Sunday.

The problem then is to resolve the legal haze and serve the objectives of wildlife conservation, the proper interest of the farmer in protecting his land, and the religious convictions of those who would maintain the Sabbath. If this can be done without calling upon each group to reconcile itself in part at least to the proper interest of the other, it would be an act of statecraft indeed.

After studying the various views at length, I am convinced that there has been ample room for misunderstanding as to the true purport of the legislation. It is not a woodchuck bill since it obviously covers hawks in addition to the other animals specified. Nor is it a hawk bill, since hawks are already subject to be shot when they are caught in the act of "destroying poultry, crops or property." Under the bill, it is plain that the guilt of the hawk might be something less and her risk of destruction something greater by one day in seven. Nor is this a Sunday shooting bill, in that the prohibition against Sunday hunting would remain fully effective except as to the farmer who may be engaged in protecting his own property. His battle against the elements, crop disease and pests goes around the clock and throughout the week. If these reasonable interests be admitted, they can be reconciled.

Accordingly, I am returning herewith Senate Bill No. 164 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Amend page 1, section 1, line 5, by inserting before the word "land" the word "farm".

Amend page 1, section 1, line 7, by deleting the word "hawks,".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:

RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 170

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 170.

The general object of this bill is to recognize the grossly unequal penalties which are imposed under laws of the several States for motor vehicle violations where the offense charged is driving under the influence of intoxicating liquor or narcotics. In some States a conviction results in a suspension or revocation of the driving privilege for three months whereas in our own State the period is two years. It is quite apparent that a system of law enforcement must be considered in all its parts, including not only the designation by which an offense is known but also the nature and character of the evidence generally required for a conviction and the severity of the penalty that may be imposed. It is well known that light penalties are apt to promote more numerous convictions, and that offenses of identical designation may in fact imply very different degrees of culpability among the different States.

Our policy of applying the most stringent penalties for driving a motor vehicle while intoxicated should not blind us to the realities of the reciprocal revocation provisions of our law. The present bill goes much too far however by limiting the period of suspension or revocation in this State to the maximum period for which the reciprocity driving privilege was revoked by the State in which the violation occurred. In effect this reduces our penal sanction to the least common denominator of other States. It has always been our policy, however, to lead rather than to follow in the development of laws and administration for safety on the highways. In order to reconcile this policy with the necessities of our reciprocal relations with other States, it is sufficient to give the Director of the Division of Motor Vehicles discretion as to the period of revocation or suspension provided that the period shall not be less than that required by the law of the State where the offense occurred

nor more than that required by our State law if the offense had occurred within this State.

Accordingly, I am returning Senate Bill No. 170 herewith for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Amend page 1, section 1, line 1, by deleting the word "licensed" and inserting in lieu thereof the word "resident".

On page 1, section 1, line 2, delete the word "driver," and after the words "revoked by" insert the words "lawful authority in".

Amend page 1, section 1, line 6, by inserting after the word "thereof," the words "the Director shall suspend or revoke".

Amend page 1, section 1, lines 7, 8, 9 and 10 by deleting all of said lines and inserting in lieu thereof the following: "such resident in this State, in the manner prescribed by section 39:5–30 of the Revised Statutes, for a period not less than that for which the reciprocity driving privilege was suspended or revoked in such other State nor more than the period for which the driving privilege would have been suspended or revoked had a conviction of a like offense occurred in this State.".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 185

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 185.

At the time this bill was introduced, there was another bill, Assembly Bill No. 294, which would have required a separate deer license, under our State laws regulating hunting and fishing. In view of the requirement of Assembly Bill No. 294 for such a separate deer license, Senate Bill No. 185 provided for the elimination of the tag to be worn on the back of the hunter in order to obviate the confusion that would ensue if different types of tags for different types of licenses would be required to be on the back at the same time.

Similarly, Senate Bill No. 185, as introduced, eliminated the present requirement for a special bow and arrow license in view of the provision for a special deer license contained in Assembly Bill No. 294, and in anticipation of the additional revenue that would be provided by such a license.

The special deer license bill, Assembly Bill No. 294, having failed to pass in the General Assembly, it is necessary to restore to Senate Bill No. 185 the existing provision of the law requiring a special bow and arrow license and requiring that gunners display a tag on their backs.

Accordingly, I am returning herewith Senate Bill No. 185 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Amend the title by striking out all of the second line and inserting in lieu thereof "Section 23:3–1".

Amend page 1, section 1, line 9, by inserting after the word "license." a new sentence to read as follows: "Nor shall any person engage in hunting or trapping unless he has in addition first procured a button or tag showing the number of the license and whether the

hunter or trapper is a resident or a nonresident; and such button or tag shall be worn in a conspicuous place on his outer clothing at the time of such hunting or trapping.''.

Amend page 1, section 1, line 10-14, by inserting after the word ''license'' the words ''and tag or button''.

Amend page 1, section 1, after line 17 by inserting the following paragraph:

''Any person found hunting or trapping without his button or tag conspicuously displayed shall be liable to a penalty of five dollars ($5.00) and costs to be recovered pursuant to the provisions of Title 23, chapter ten, of the Revised Statutes.''.

Amend pages 2 and 3, section 2, by striking out all of said section.

Amend pages 3 and 4, sections 3, 4, 5 and 6, by strikout all of said sections.

Amend page 4, section 7, line 1, by changing the section number ''7'' to section number ''2''.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 223

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 223.

This is a companion measure to Senate Bill No. 224. Together, both bills represent an outstanding contribution

to the law of municipal planning and subdivision control, upon which I have commented more fully in my message returning Senate Bill No. 224 for recommended amendments.

The present bill cannot stand alone since it refers to and, in effect, anticipates the enactment of Senate Bill No. 224, known as the "Municipal Planning Act (1953)." In view of the fact that the latter bill requires amendment, there are also clarifying amendments which would be helpful at this time, to eliminate a few remaining points of possible ambiguity in Senate Bill No. 223.

Accordingly, I am returning herewith Senate Bill No. 223 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

Amend page 1, section 2, lines 6 and 7, by deleting all of said lines and inserting in lieu thereof the following:

" 'Street' means any street, avenue, boulevard, road, lane, parkway, viaduct, alley or other way which is an existing State, county, or municipal roadway, or a street or way shown upon a plat heretofore approved pursuant to law or approved by official action pursuant to the Municipal Planning Act (1953), or a street or way on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats, and includes the land between the street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the street lines.".

Amend page 1, section 2, line 11, by deleting the entire line and inserting in lieu thereof the word "posed.".

Amend page 2, section 3, line 7, after the word "reserve" by inserting the words "for future public use".

Amend page 2, section 3, line 14, after the word "observe" by inserting the words "the reservation of".

Amend page 2, section 3, line 15, by inserting after the word "playgrounds." a new sentence as follows:

"During such period of one year or any extension thereof the applicant for the plat approval, and his assigns and successors in interest, may use the area so reserved for any purpose other than the location of buildings or improvements thereon, except as provided in section 9 of this act.".

Amend page 3, section 9, line 5, by deleting all of said line and inserting in lieu thereof the following:

"map, except as herein provided. Whenever one or more parcels of land upon which is located the bed of such a mapped street or drainage right of way, or any park or playground location reserved pursuant to section 3 hereof,".

Amend page 3, section 9, line 6, by deleting the words "location forms a part,".

Amend page 3, section 9, line 7, by deleting the word "such" and inserting in lieu thereof the words "a building".

Amend page 3, section 9, line 9, by deleting all of said line and inserting in lieu thereof the following:

"of its members, grant a permit for a building in the bed of such mapped street or drainage right of way or within such reserved location of a public park or playground, which will as little".

Amend page 4, section 10, line 3, after the word "map" where it first occurs by changing the comma to a semicolon and inserting a comma after the word "or" and after the word "map" at the end of the line.

Amend page 4, section 10, line 4, after the word "municipal" by inserting the words "street or".

Amend page 4, section 10, line 9, by changing the words "would require" to the word "required".

Amend page 5, section 12, line 4, by deleting the semicolon and inserting a comma.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 224

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 224.

This bill and Senate Bill No. 223 are companion measures resulting from my veto message concerning Assembly Bill No. 463 of 1952. As one spokesman for local government in this State has said, last year's bill "would have set municipal planning back twenty-five years." Many organizations and individuals have made an outstanding contribution in the intervening year to provide New Jersey with completely modernized municipal planning statutes.

The present bills are the co-operative work of the following organizations of New Jersey: Municipal Attorieys Institute, Municipal Engineers Association, Home Builders Society, Real Estate Association, Society of Professional Engineers and Land Surveyors, State Federation of Official Planning Boards, and the State Departments of Health and Conservation and Economic Development. In the course of a large legislative problem such as this, it is to be expected that the varying views of many groups and individuals had to be reconciled, and that it is unlikely that the final draft as enacted by the Legislature will completely agree with the views of any one group. It is a real pleasure for me to acknowledge the valuable contribution to the public welfare which has been made by the special committee of individuals representing these organizations.

In the course of the give and take which the drafting of this type of legislation must imply, a few provisions have crept in which are susceptible of an interpretation which, I am sure, was not the intention of the sponsors. Section 13, for example, could be construed so as to become a source of conflict and discord between county, State and Federal agencies, which are concerned with county-wide, State-wide and even nation-wide planning problems, and the municipal planning board which should properly be empowered to make recommendations with respect to the projects of these

other agencies. Other minor technical matters could also give trouble in the future.

Accordingly, I am returning Senate Bill No. 224 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

Amend page 3, section 3, line 8, by inserting after "board" the words "continued by section 27 of this act or".

Amend page 7, section 13, line 13, by deleting before the word "public" the word "the" and inserting in lieu thereof the words "any municipal"; and before the word "officer" inserting the word "municipal".

Amend page 7, section 13, lines 19 and 20, by deleting the sentence beginning with the words "Whenever such" including all of line 20.

Amend page 8, section 13, by deleting lines 21 and 22, inclusive, in their entirety and inserting in lieu thereof the following:

"Where the body which shall have overridden a recommendation of the planning board is a municipal body or agency, the action of such body shall not become final until the governing body of the municipality shall, by majority vote, approve its action in overriding the recommendation of the planning board".

Amend page 9, section 16, line 2, after the word "Statutes" insert ", as amended or supplemented,".

Amend page 16, section 26, lines 18 and 19 by deleting all of said lines and inserting in lieu thereof the following:

"heretofore created pursuant to Chapter 55 of Title 40 of the Revised Statutes or hereafter created under the provisions of this act".

Amend page 16, section 27, line 11, by deleting all of said line and inserting in lieu thereof the following:

"suant to this act for the regulation of subdivisions, in which".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 225

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 225.

This bill proposes to cover into the classified service of the Civil Service certain investigators and auditor-investigators employed in the Division of Motor Vehicles in connection with the Bus Excise Bureau. The employees concerned were appointed prior to the adoption of the State Constitution of 1947 under a statute which did not permit their appointment to be made subject to the provisions of Title 11 of the Revised Statutes, Civil Service. The statute, R. S. 48:4–29, prescribes that "The appointment . . . shall be free of the provisions and limitations imposed by Title 11, Civil Service . . .".

The bill should first amend R. S. 48:4–29 to place the positions within the classified service of Civil Service.

Accordingly, I am returning herewith Senate Bill No. 225 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, title, line 2, after the words "Public Safety," insert the words amending Section 48:4–29,".

On page 1, title, line 3, after the words "Title 11" insert a comma.

On page 1, following the enacting clause, insert the following new section 1:

"1. Section 48:4–29 of the Revised Statutes is amended to read as follows:

"48:4–29. The [commissioner of motor vehicles] Director of the Division of Motor Vehicles may appoint one or more auditors and investigators and such clerical assistants as he may deem necessary, subject to the

provisions of Title 11, Civil Service. [The appointment of auditors and investigators shall be free of the provisions and limitations imposed by Title 11, Civil Service. The appointment of clerical assistants shall be subject to the provisions of said Title 11.]

[The rate of compensation of all employees engaged in the administration of sections 48:4–20 to 48:4–34 of this title shall be fixed by the commissioner with the approval of the state commissioner of finance.]

On page 1, change the section numbers "1", "2" and "3" to section numbers "2", "3" and "4", respectively.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 229

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 229.

The object of this bill is to revise the schedule of compensation paid to jury commissioners. As originally introduced, the bill would have increased the annual compensation payable in counties of the first class to eighteen hundred dollars; in counties of the second class and counties of the third class having a population in excess of one hundred and ninety thousand to fifteen hundred dollars; and in all other counties to one thousand dollars. By an amendment to the bill, made in the Senate, the amount originally proposed for jury commissioners in counties of the first class was deleted, and the present compensation payable to these jury commissioners (nine hundred dollars per annum) was reinserted.

If the bill were approved in its present form, jury commissioners in counties of the first class would be paid six hundred dollars less each year than the amount which would be paid in counties of the second class and those counties of the third class having a population in excess of one hundred and ninety thousand. There is no sound reason why jury commissioners in counties of the first class should be paid less compensation than that which is proposed to be paid in less populated counties.

Accordingly, I am returning herewith Senate Bill No. 229 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, title, line 1, delete the words "in certain counties".

On page 1, section 1, lines 5 and 6, delete the words "nine hundred dollars ($900.00) per annum in counties of the first class;".

On page 1, section 1, line 7, after the words "in counties of", insert the words "the first class, counties of".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 241

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 241.

This bill would authorize the State House Commission, upon certification by the State Fish and Game Council that

certain lands located in the Borough of Glassboro are no longer required for public purposes, to convey the property to the Gloucester County Board of Agriculture, at a sales price which the Commission shall deem adequate. This measure has the approval of the Division of Fish and Game in the Department of Conservation and Economic Development.

The bill, however, fails to set forth the municipality in which the land proposed to be conveyed, and described in the bill, is located. For this reason an amendment is necessary.

Accordingly, I am returning herewith Senate Bill No. 241 for reconsideration and with the recommendation that an amendment be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 8, after the word "land" insert the words "situate in the Borough of Glassboro, in the County of Gloucester".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 264

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 264.

This bill presumes to limit the delegation of administrative power conferred by the Temporary Disability Benefits Law, with respect to the determination of when the exclusion of a class or classes of employees from a private plan "will result in a substantial selection of risk adverse to the State plan." One of the major principles upon which

our New Jersey system of cash sickness benefits was built was to encourage employers and employees to agree upon voluntary plans of cash sickness benefits which can be tailored to the conditions and opportunities for superior coverage within the various industries. I am pleased to note that this purpose has been amply fulfilled and that labor and management have, through the process of collective bargaining, been able in numerous cases to raise the standard of health and accident protection well above the minimum now required by our State law.

Since the State fund is already protected by the variable charges to employers, there can be no substantial objection to the limitation of unnecessary administrative discretion by specifying the conditions under which the question of adverse selection of risk may be considered. The bill, however, fails to specify one of the important factors which could operate as a basis of risk selection, namely, the average wage level of a particular class of employees. Wage level is important in this program for two reasons: first, there is a tendency on the part of higher paid employees to be able to maintain themselves in better general health and, therefore, to have occasion to make fewer claims for sickness benefits; and secondly, the manner in which contributions are computed affords an advantage to the fund where there is a greater percentage of covered workers earning three thousand dollars or more. We should be careful that in limiting administrative discretion, we do not dilute the substantive power to be exercised.

Accordingly, I am returning herewith Senate Bill No. 264 for reconsideration and with the recommendation that an amendment to the bill (Second Official Copy Reprint) be made as follows:

> Amend page 2, section 1, line 47, by inserting after the word "employees," the words "or by the wages paid such employees,".

Respectfully,

ALFRED E. DRISCOLL,
Governor.

[SEAL]
Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 273

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objection, Senate Bill No. 273.

To accomplish its objective this bill requires a technical amendment. Accordingly, I am returning it herewith for reconsideration and with the recommendation that an amendment be made to the bill (Second Official Copy Reprint) as follows:

On page 1, section 1, line 6, after the word "this" delete the word "amendatory".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 284

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 284.

This is a companion bill to Senate Bill No. 283 which has been approved. The purpose of the present bill is to revise the schedule of fees applicable in courts of limited criminal jurisdiction. Unfortunately the title is defective in that it only refers to fees and costs in county district courts, and there is a further defective reference to county district courts in the first section of the bill.

Accordingly, I am returning herewith Senate Bill No. 284 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Amend the title by striking out the words " in county district courts" and inserting in lieu thereof "of courts of limited criminal jurisdiction and of their officers".

Amend page 2, section 1, line 38, by deleting the words "county district".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 343

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 343.

In the course of the past seven years, one of the most constructive achievements of the Legislature, working in co-operation with the Executive branch, has been the enactment of the "Temporary Disability Benefits Law", commonly known as cash sickness benefits. This was pioneering legislation, and to this day only three other states—California, New York and Rhode Island, have comparable laws. Our New Jersey law is today providing security against loss of earnings due to non-occupational sickness and accident for some 1,900,000 covered workers and their employers.

The present bill would impart a novel feature to this type of insurance protection. It is intended to require the State Plan and all private plans to pay benefits retro-

actively for the first seven days of disability (now a non-compensable waiting period), whenever a claimant suffers a disability lasting twenty-eight days.

The retroactive payment for the waiting week does not exist in the laws of any of the other three states which have cash sickness benefit plans. It does not appear, I am informed, in any private plans qualified under our New Jersey law. A similar provision was inserted in our unemployment compensation law only last year, but in this respect the nature of the two programs is distinguishable.

In view of the administrative problem, as compared with the limited benefit, that this proposal would bring to the system, I am frankly doubtful whether it is in the best interest of a liberal tradition. It may well be preferable to increase the maximum benefit rate or to provide for an earned dependent's benefit. Either of these tested and worthy improvements for both unemployment compensation and temporary disability benefits, are likely to be more difficult to adopt once the retroactive payment of the waiting week is established.

Regardless of these considerations of legislative policy, certain amendments are required if the bill is to carry out its intended purpose.

Accordingly, I am returning herewith Senate Bill No. 343 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Amend page 2, section 1, lines 18 and 19, by deleting the words "and prior to July first, one thousand nine hundred and fifty-three," and inserting a comma in lieu thereof.

Amend page 2, section 1, lines 32–41, by deleting all of said lines and inserting in lieu thereof a new subsection (c) to read as follows:

"(c) With respect to periods of disability commencing on or after January first, one thousand nine hundred and fifty-four, when benefits become payable with respect to the twenty-eighth consecutive day of disability the claimant shall be eligible to receive benefits as appropriate with respect to the first seven days of such period of disability, provided that such benefits,

together with all other benefits payable to any individual, shall not exceed the maximum total benefits payable to such individual in any twelve-month period.''

Amend page 3, section 2, lines 9 and 10, by deleting the words ''third consecutive week next following the first seventh'', and inserting in lieu thereof ''twenty-eighth''.

Amend page 3, section 2, line 12, by deleting the word ''each'' and inserting the word ''such'' in lieu thereof.

Amend page 3, section 2, line 18, by inserting after the word ''inflicted'' the word ''injury,''.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 364

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 364.

This bill has the general purpose of making it a crime for any person to remove, alter or obliterate a trade-mark, distinguishing or identification number or manufacturer's serial number on or from any appliance, machine or apparatus. Motor vehicles (being already covered with respect to such acts under Chapter 127 of Title 2A of the New Jersey Statutes) are specifically excepted from the provisions of the measure except those running upon or guided by rails or tracks. The object of the bill is to prevent fraud by dealers in household appliances particularly, although the coverage is broader.

The way the bill is drawn any home owner who removes a trade-mark or number on a piece of his own property for purely personal reasons would technically become a violator of the criminal law, even though he may not have sold the appliance or have any intention of selling it. This would be an unfortunate consequence of a desirable piece of legislation.

Also, if this measure, after proper amendment, is to have any likelihood of effective enforcement, it would seem desirable to modify the penalty in accordance with the recent policy of the Legislature, so that the offense will be under the Disorderly Persons Law, rather than a misdemeanor.

Accordingly, I am returning herewith Senate Bill No. 364 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 3, delete the word "who" and insert in lieu thereof the words "engaged in the business of selling tangible personal property or in the maintenance and repair of such property who, by his own act or through any agent or employee,"

On page 1, section 1, line 11, delete the word "guilty".

On page 1, section 1, line 12, delete the words "of a misdemeanor" and insert in lieu thereof the words "a disorderly person".

On page 2, section 2, line 3, after the word "person" delete the words "who knowingly possesses or who acquires" and insert in lieu thereof the words "who shall knowingly acquire".

On page 2, section 2, line 4, after the words "sale or resale," insert the words "and who shall knowingly possess,".

On page 2, section 2, line 10, delete the word "guilty".

On page 2, section 2, line 11, delete the words "of a misdemeanor" and insert in lieu thereof the words "a disorderly person".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 366

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 366.

This measure would amend that section of the "Private Detective Act of 1939" which prohibits persons licensed by the Division of State Police under that Statute, or their officers, directors, employees, operators or agents, to wear, carry or accept any badge or shield purporting to indicate that the person is a private detective or investigator or connected with the private detective business. The amendment would permit any such licensee or any officer, director, employee, operator or agent thereof who is acting as a guard or performs any special service and while in uniform and on the premises where he is so acting, to wear a badge or shield inscribed with the name of the license holder, the number and the word "Guard" or "Special Service". The apparent objective of the bill is to provide for more effective industrial plant protection service.

The exercise of the privilege afforded by this amendment should, I am advised by the Division of State Police, properly be limited to the premises of the employer of the licensee. Although this limitation was apparently intended, it is not clearly stated in the bill.

Accordingly, I am returning herewith Senate Bill No. 366 for reconsideration and with the recommendation that amendment be made to the bill (Official Copy Reprint) as follows:

> On page 1, section 1, line 9, after the word "premises" insert the words "of the employer of the licensee".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 379

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 379.

This bill was introduced for the purpose of correcting technical errors existing in certain of the statutes. Section 8 of the bill would correct such an error appearing in the first section of Chapter 236 of the Laws of 1952 which set out to amend R. S. 18:2–4.

Senate Bill No. 15, which was approved on March 19, 1953, contains an amendment to R. S. 18:2–4 which is not incorporated in Senate Bill No. 379. An amendment is necessary to conform the present bill with Senate Bill No. 15, which is now P. L. 1953, c. 18.

Accordingly, I am returning herewith Senate Bill No. 379 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 2, section 3, line 15, after the word "clerks" delete the colon and insert in lieu thereof a semi-colon.

On page 8, section 8, line 49, after the words "State Board of Education in" delete the word "an" and insert in lieu thereof the words "a civil".

On page 8, section 8, line 50, delete the words "of debt" appearing at the beginning of the line.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 381

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 381.

This bill would establish a new pension fund for Alcoholic Beverage Control law enforcement officers. Our chief actuary reports that he is satisfied that the bill "contains the best practical solution of this problem at this time." It will be highly desirable if other groups of law enforcement officers could eventually be included within a single state law enforcement officers' pension fund.

Since the present bill has been recommended as actuarially sound, in general, the legislation may be viewed as a constructive solution of a long standing problem. It contains two defects, however. The title does not indicate that the bill makes an appropriation, and the actuary has indicated that in order to assure the participating members that their contribution rates for the benefits provided will not be unduly increased in future years because of an unfavorable mortality experience, it is necessary to amend the bill.

Accordingly, I am returning herewith Senate Bill No. 381 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Amend the title by inserting after the word "fund," the words "and making an appropriation therefor".

On page 3, section 2, line 4, delete the word "July" and insert in lieu thereof the word "October".

On page 9, section 7, line 13, delete the word "servicement" and insert in lieu thereof the words "service retirement".

On page 10, section 8, line 11, delete "(a)" and insert in lieu thereof "(2)".

On page 14, section 13, lines 27 and 28, delete the words "sixty per centum (60%)" and insert in lieu thereof the words "seventy-five per centum (75%)".

On page 15, section 16, line 21, delete the word "survime" and insert in lieu thereof the word "survive".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 394

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 394.

This bill if it is to accomplish its purpose requires a technical amendment. Accordingly, I am returning it herewith for reconsideration and with the recommendation that an amendment be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 4, delete the word "judgment" and insert in lieu thereof the word "judgments".

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 102

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 102 for the following reasons:

Under present law Saturdays during July and August are considered "as public holidays," with respect to the transaction of business in public offices of the State, counties and municipalities. The purpose of this bill is to extend the period during which Saturdays are such public holidays to include June 15 through September 15.

While I am most sympathetic to the interest of public employees in this bill, and have again given that interest most thoughtful consideration, we must continue to be conscious of the fact that public offices exist only for the convenience and service of the public. I am informed that municipalities already have power to close municipal offices on the four Saturdays in question wherever local conditions indicate that such action would be warranted by the public convenience. I regret that there is nothing in the present bill which differs from previous measures with respect to which I have been constrained to withhold approval.

Accordingly, I am constrained to return Assembly Bill No. 102 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 160

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 160, for the following reasons:

This bill would require an immediate expenditure by the State to the extent necessary to purchase uniforms for correction officers at the State Prison, the Prison Farms at Leesburg and Rahway and the Reformatories at Bordentown and Annandale. It would also require the State to make an annual grant of $50.00 to each such correction officer who has completed the required period of probation and has been permanently appointed, for the purpose of repairing or replacing the uniform.

The bill carries no appropriation to support the proposed immediate and mandatory expenditure. In this respect it is in conflict with that provision of Article VIII, Section II, paragraph 2 of the State Constitution which prohibits the drawing of any money from the State Treasury "but for appropriations made by law."

I am, accordingly, returning the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 196

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 196, for the following reasons:

The purpose of this bill is to limit any printing which is done in a State Prison to the use of "hand-set type and hand-fed printing presses." Representatives of the printing industry have been most energetic and resourceful in presenting the arguments in favor of the bill. The basic argument has been that it would encourage the proper training of printers in our State Prison as part of the vocational rehabilitation of these men. It has been added that handwork would employ more men than mechanized work.

After the most serious consideration of these and other arguments, I am convinced that if the bill were to become law it would be a step backward which could do far-reaching harm to an enlightened prison administration. It may well be that the objectives of the sponsor and supporters of the bill, to replace machines with hand labor, may be accomplished by administrative action without the limitations and implications of precedent presented by this measure. The objection is certainly not to putting more men to doing printing by handwork, but rather to our fear of a legislative precedent.

The State use principle, upon which our prison industries are operated, limits the use of prison production solely for the use of the penal institutions themselves and for other tax supported institutions and agencies. If we were to depart from the freedom of the prison management to select the manner in which prisoners are to be trained with respect to printing, it would be perfectly logical to accept comparable restraints with respect to other products.

The State Use Division of the Department of Institutions and Agencies is engaged in production of items concerned with 33 different activities. While these institutional industries are of importance to the rehabilitative programs of our institutions, as well as to our taxpayers who realize

the savings resulting from their operation, the total production of the State Use Division amounted to only 15.48 per cent of the State's purchases last year.

If printing in State institutions is to be limited to hand methods, it would not be long before we would be faced with demands to limit sewing to hand methods and to eliminate the use of machines in the various State Use Industries where they are employed. This would represent a great loss in morale as well as in production among the wards of the State. The whole value of the printing activity performed in the prisons might well be impaired insofar as prison administration is concerned, once it became apparent to the prisoners that their production was inconsequential and that they were merely being kept busy rather than being engaged in work which, to them, is interesting as well as time-consuming. A prison industries' system for State use must be diversified and of interest to the prisoners, as well as in accord with sound rehabilitation procedures. This point was forcefully made by the report of the Governor's Committee to Examine and Investigate the Prison and Parole Systems of New Jersey (November 21, 1952) which states on page 35:

> ". . . All those who had short-sightedly opposed the extension of a reasonably diversified system of productive industries, none of which would be large enough to offer any serious competition to free labor and all of which would be producing goods for the use of the departments and agencies of the State and its political subdivisions, must accept their share of the blame for the situation at the time of the riots. Every citizen should feel deeply concerned, not only over the heavy burden which maintaining prisoners in idleness imposes on the taxpayers, but also for the low morale and feeling of bitterness which inevitably develop in the minds of idle prisoners and frequently break out in destructive and costly demonstrations."

Accordingly, I am constrained to return herewith Assembly Bill No. 196 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 224

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 224, for the following reason:

In view of the decision in *McCutcheon* vs. *State Building Authority, et al.*, decided by the New Jersey Supreme Court, June 8, 1953, this bill can no longer be effective.

For this reason, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 235

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 235, for the following reasons:

This bill would introduce an actuarially unsound feature into an existing county employees' pension system. It would deprive some members of the pension fund in question of the security of additional resources in that fund by offering the estates of certain deceased employees a refund of 75 percent of the employee's contribution where the employee dies before retiring, leaving no surviving spouse, children under 18 years of age, or parent.

The purpose of pension legislation is to protect the employee and his close dependents. It is not to create an estate.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 237

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 237 for the following reasons:

The stated purpose of this bill is "to limit the lien of certificates of indebtedness of the Unemployment Compensation Commission." The statement appended to the bill observes that "Other State taxes are limited to ten years and there is no reason for a longer period of limitation on unemployment contributions."

The State of New Jersey, with respect to unpaid contributions, penalties and interest due to the unemployment compensation and temporary disability benefit funds, however, does not have the advantage of any automatic tax lien, as it has with respect to other unpaid taxes. Where the State does have an automatic tax lien, there has been a trend in recent years to limit the effective period of such a lien to ten years, but there has been no precedent to limit the effectiveness of a lien arising out of a judgment taken for nonpayment of taxes.

There are two different theories involved, the automatic lien which accrues in the case of other State taxes and the judgment for unemployment compensation contributions which arises upon the filing by the Division of Employment Security of a certificate of debt with the clerk of the Superior Court. In the case of the automatic lien the agency administering the tax may have taken no action whatsoever to audit the tax and reduce the State's claim to a specified

amount due. In the case of a judgment arising under the present statute the Division of Employment Security is required to take formal action to make a certificate stating the amount of the employer's indebtedness and describing the liability under the statute. Once a judgment is entered it is a matter of record and the employer has a complete remedy by statute to have it set aside and discharged. It is his own failure to act rather than any inchoate lien of the State which may cause the lien of the judgment to remain unsatisfied for any period longer than ten years. It is also noted that this measure is in conflict with Senate Bill No. 396, which has already been approved.

Accordingly, I am constrained to return Assembly Bill No. 237 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL NO. 250

To the General Assembly:

I am returning herewith, without my approval, Committee Substitute for Assembly Bill No. 250, for the following reasons:

Having the laudable purpose of advertising the natural advantages of our great State, this bill would require passenger car motor vehicle registration plates to be imprinted with the words "Garden State." There might be some advantages to be derived from this form of embellishment of motor vehicle license plates, but upon full consideration I am impressed with the disadvantages. In order to achieve the result desired by the bill, it will be necessary to have larger license plates at extra cost and perhaps some in-

convenience to motorists, since any reduction in the size of the present lettering could not be considered. The registration plate itself, moreover, is an important legal device evidencing compliance with the laws of the State of New Jersey, and it should be confined to that purpose without the detraction of any mottoes or phrases. The doubtful quality of the advertising that might be expected from the proposal does not, in my judgment, warrant either the increased cost or the possible loss of public appreciation of the purpose of the license plates.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 266

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 266, for the following reasons:

There appears to be an irreconcilable conflict between this bill and Assembly Bill No. 433. In order to achieve the objectives of the present measure, the provisions of both bills have been incorporated in the amendments in my message returning Assembly 433, without my approval.

Accordingly, I am constrained to return Assembly Bill No. 266 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 285

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 285, for the following reasons:

This bill is identical with Assembly Bill No. 244 of 1952 and deals with the personnel policies of counties, municipalities and school districts operating under Title 11 of the Revised Statutes (Civil Service). In returning that bill to the Legislature last year, without my approval, I pointed out that in 1951 the State Government adopted a policy of increased vacation time for older employees. I stated that:

> "From the point of view of the administration of State government, we believe that this was a desirable policy and we have been prepared to adjust our finances accordingly. It is the responsibility of those in charge of the administration of local government to decide for themselves upon the best policy to follow with respect to vacation time. State law has guaranteed all employees a certain minimum vacation. It has not placed any ceiling on vacation time. In any local government where longer vacations are desirable, the local governing bodies have full power and responsibility to apply such policies as they find in the best interest of their employees and of their public responsibility, commensurate with the salary scales and other working conditions in each separate local government."

For these reasons, I am returning Assembly Bill No. 285 herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 308

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 308, for the following reasons:

This is a bill to divide between the county and the municipality fines received under the State Motor Vehicle Act where a municipal police officer makes the arrest or complaint. At present, all such fines are paid to the county to be used for road work. The bill would divide these fines by allocating 50 percent to the county and 50 percent to the municipality by which the police officer is employed.

A redistribution of fines in this way would have the undoubted merit of recognizing the very real progress our municipalities have made in improving traffic law enforcement. It is my hope, however, that some form of direct State aid, possibly an increase in grants from highway revenues, could be used for this purpose.

The present bill has three serious disadvantages. First, it would take from the counties money which is now being used for road purposes and divide that money into relatively small amounts which, separately administered, would undoubtedly provide less benefit to the people of the county. Secondly, it would invite the possibility of speed traps (by which I mean discriminatory arrests of nonresidents of a municipality). I am happy that one of the products of our judicial reform program has been to eliminate completely this old practice. Thirdly, and perhaps most important, the bill would only serve to take from one pocket and add to the other, insofar as the taxpayer is concerned. Each taxpayer supports both county government and municipal government, and what he gains in nontax revenues at the municipal level he would lose at the county level, in addition to the other disadvantages of the bill.

Accordingly, I am constrained to return Assembly Bill No. 308 herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 341

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 341, for the following reasons:

This is another woodchuck bill. Like Senate Bill No. 164, it has for its purpose the granting of greater authority to farmers to seek out and exterminate these rodents. Since Senate Bill No. 164 affords this right to the farmer in a wider and presumably more effective manner, that bill is the more appropriate vehicle for legislative enactment on this subject.

Accordingly, I am constrained to return the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 355

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 355, for the following reasons:

In view of the fact that Senate Bill No. 244 which has been approved and is now Chapter 110 of the Laws of 1953, completely covers the subject matter of the present bill, there can be no useful purpose served by its enactment into law.

Accordingly, I am constrained to return the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 365

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 365, for the following reasons:

The object of this bill is to reduce the population required for a five-member township committee in the townships of Atlantic and Ocean counties. The bill is in irreconcilable conflict with Assembly No. 611, which I am also returning without my approval.

The present bill would authorize the townships affected to establish a ward basis of representation on the township committee, such wards being designated by the bill as "districts." The bill fails to take into account existing provisions of R. S. 40:144–1 et seq. for the division of townships into wards where the township has a population of more than 7,000, and would lead to confusion between the two sources of authority for ward representation.

The mechanics of the bill for the installation of the system of district representation are intended to provide that "no more than three members of the township committee shall be elected in any one year." To accomplish this purpose, the township committee is given power to provide by ordinance for the time when the township committeemen shall be elected and for the extension of the term of any incumbent beyond the term for which he was elected. These are charter-making powers which can be exercised only by the Legislature under our State Constitution.

On June 22nd, long after the present bill was introduced in the Legislature, the Joint Legislative Committee to Study the Effect of the 1950 Census on County and Municipal Offices, made its report to the Legislature regarding the effect of the so-called "Freeze Acts." The report recommended that the whole question of changes in the structure of local government, due to increased population determined by the 1950 Federal census, should be reviewed by the various local governments affected, in light of the findings of the report. After an opportunity for such review, the

report also recommended, the Legislature should reconsider the problem. An orderly approach to this subject, as well as the long-run best interests of the municipalities affected, requires us to follow the recommendations of the Joint Legislative Committee's report.

In any event, there can be no nomination or election of additional township committeemen before the primary and general elections of 1954, and the Legislature will have ample opportunity to consider this problem in the light of the committee's report at its next session.

Accordingly, I am constrained to return Assembly Bill No. 365 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 379

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 379, for the following reasons:

The only purpose of this bill is to require the pension payable to a widow, under the Board of Health pension fund in the City of Paterson, to be increased from $2,000 to $3,600 per annum. It requires a mandatory increase in pension benefits payable under a municipal pension fund which is already actuarially unsound. It has been the policy of this Administration to require additional pension fund benefits to be supported by provision for additional contributions, wherever the State has undertaken to legislate on local pension questions.

For many years the Legislature and the Governor have been working together to achieve security for State, county and municipal employees through soundly financed State and local pension funds. It has been our purpose to establish these funds on a sound actuarial basis, so that their members could be assured that when the day came for retirement there would be no question of the ability of their public employer to meet the expected pension benefits. Our achievements toward this end have been recognized in actuarially sound benefits under the State Employees' Retirement System, the consolidation and strengthening of local police and firemen's pension rights, to mention only two examples of many. During the same time, we have been faced with a disturbing continual flow of noncontributory pension bills for the benefit of particular employees who have not been members of the established pension systems. These bills have at least had the minimum virtue of not being mandatory on the local governing bodies.

In pension legislation especially, the law cannot be cold and insensitive to the human values involved in long and faithful service by an employee for a public employer. When the time for retirement arrives, whether because of age or disability, there is a mutual benefit to the employer and the employee in having a satisfactory pension system available. Lacking such a system, local authorities have from time to time sponsored permissive legislation, which has been adopted, authorizing pensions for particular employees whose cases appear to them to be especially meritorious. This practice must in the long run be demoralizing to other employees who are not treated equally well. This effect is not lessened, however necessary it may be to make up for the failure of counties, municipalities and school districts to assume their proper pension obligations on the orderly basis of membership in a sound pension system. Those who must contribute a working lifetime for pension benefits upon retirement, cannot but look upon special pension legislation for the benefit of particular employees doing similar work as a form of favoritism which is discouraging and discriminatory. Furthermore, they must know that such legislation places in grave doubt the very security they have been seeking.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 390

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 390, for the following reasons:

The general purpose of this bill is, according to the statement, to allow the county boards of election additional time to "take care of the insertion of new registration sheets and transfers" in the permanent registration binders. Unfortunately the bill depends upon a change in the scheduled time for the delivery of the signature copy registers to the municipal clerk in which a special election, primary election for the general election, or a general election is to be held. Such deliveries, according to amendments made by the bill, would be "on or before the Saturday preceding" the election in each case. This would leave inadequate time for the addressing and mailing of sample ballots by the various district boards of election after they receive the registers from the respective municipal clerks. Even if the district boards were to find it physically possible to mail the ballots prior to the election day it is most unlikely that the voters would receive them in time to be of any use. While the purpose of the bill is undoubtedly salutary it appears to require further study.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*

RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 392

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 392, for the following reasons:

As to any city of the second class having more than 130,000 inhabitants, the present bill would eliminate the existing mandatory requirement for revision of ward lines whenever the population of any ward in the city shall exceed the population of any two other wards in the city. If this bill were to become law the readjustment of wards would be left in the discretion of the governing body. This important provision for adequate representation of the legal voters of any city should be a matter of right not of discretion in any governing body.

The long range best interest of effective local self-government demands that no segment of any city's population should be deprived of its proper representation on the governing body. The only justification for a ward system of representation is to afford such sectional representation. If that purpose can be defeated there would be no reason to continue a ward system at all.

Accordingly, I am constrained to return the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 414

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 414, for the following reasons:

There is and should be a clear responsibility on the part of government for the education of our mentally-retarded children. They have every right to participate in a properly organized, appropriately planned, community educational program. Our task is to see to it that the plan adopted will not only be feasible but will in fact achieve the high purpose that has motivated those who have supported this bill.

It is with the greatest regret therefore that I find myself unable to add my approval to this bill, which has worthy objectives. The bill would take effect almost a year hence, July 1, 1954, and it is my sincere hope that a start will be made toward the achievement of its objectives by the immediate establishment of the position of Director of Education for the Physically and Mentally Handicapped, in the State Department of Education. I am informed by the Commissioner of Education that, due to current economies, the Department is able, within existing appropriations, to establish this position. It may be anticipated that the first duty of a new director would be to bring together all of the various groups concerned with the problem of mentally retarded children to complete the development of the legislative program which this bill seeks to achieve.

While the sponsor of the present measure and his associates have spared no effort to develop a satisfactory and workable program, the bill has the united opposition of the Department of Education, the State Federation of District Boards of Education, and the New Jersey Education Association, as well as numerous superintendents of schools throughout the State. In the face of the contrary counsel of all of these educators, whose abiding interest in the welfare of all the children of our State is beyond question, it would be untimely to adopt a legislative program of such far-reaching consequences to the public schools of New Jersey.

Because of the deep concern of the State with the problems and needs of mentally deficient children, a commission to study the subject was established by the Legislature in 1950. Although much of its task has been accomplished, the commission has not yet been able to submit its final findings and recommendations. It has, however, submitted an interim report, dated March 10, 1953, in which it recommended that the responsibility for administering all organized classes, including day training classes as well as special classes, for the mentally handicapped, be undertaken by local boards of education under the close supervision and guidance of the State Department of Education, and that home training and residential school programs remain, as at present, a function of the State Department of Institutions and Agencies.

The present bill does not conform to those recommendations, but makes the public school system responsible for all mentally retarded children whose parents desire them to receive instruction through the public schools, except children who are either unable to care for their personal physical needs or who are dangerous to themselves or to others. Thus, the public school system must, under this bill, provide special services and instruction for many children who should, in the opinion of the commission, be the responsibility of the Department of Institutions and Agencies.

The State Department of Education has not yet been able to complete a survey which it has undertaken, to determine the full extent of the problems of handicapped children in this State, the estimated cost to the local districts of an appropriate program for such children, and the amount of State aid necessary therefor. Although it is apparent that substantial expenditures by the State will be needed to aid the school districts in such a program, no accurate estimate can yet be made as to the cost to the local districts of providing the services called for under this bill. Until the extent of the problem is known and a reasonable program developed within the abilities of boards of education to provide, it would not be wise to increase their financial burden by asking them to assume the affirmative responsibility set forth in the bill.

The bill combines old legislation designed to serve the physically handicapped with new provisions for the mentally retarded, but our educational leaders advise that the

problems of educating the physically handicapped and educating the mentally handicapped differ in many important respects.

The bill would not take effect, in any event, until July 1, 1954. The Commission to Study Problems and Needs of Mentally Deficient Persons, in its interim report of March, 1953, has already carried the problem closer to solution than ever before. That commission, the New Jersey Association for Retarded Children, and the Department of Education, together with representatives of the school districts, and other interested groups could, I am sure, perfect this legislation in time for early action next year so that there would be no delay in achieving its ultimate objectives. If Assembly Bill No. 414 were to become law at the present time, however, it would clearly face resistance and considerable ill-feeling among the local boards of education, in addition to its serious administrative defects and unresolved problems of public policy. I am requesting all interested parties to take up the subject of Assembly Bill No. 414 without delay, and to be ready to present their unified judgment to the next session of the Legislature.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 418

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 418, for the following reasons:

This measure would permit the extension for an additional two-year period of any contract heretofore entered into between the Administrator of the Public Housing and

Development Authority and any municipality, involving veterans' emergency housing projects under the Veterans' Emergency Housing Act (c. 323, P. L. 1946, as amended and supplemented). The extension would be allowed where the governing body of the municipality prior to the termination of the five-year emergency period set forth in the act, adopts a resolution stating that a need for emergency housing continues to exist in such municipality.

Under the Veterans' Emergency Housing Act, numerous projects have been constructed and erected and many buildings owned by municipalities have been converted for the purpose of creating housing accommodations for Veterans of World War II. It has been a source of personal satisfaction to me, that New Jersey has had the benefits of a $50,000,000 veterans emergency housing program, which has been proportionately greater than any other state.

The projects include both temporary and permanent units. Under the present policy of the Administrator, approved by the Veterans' Services Council, temporary projects are extended where the governing body of the municipality adopts a resolution declaring a continuing need; permanent projects are not extended. The reason being that, if contracts for temporary projects are not extended, the buildings are removed from the site and demolished, thus decreasing the number of housing accommodations available in the municipality; whereas, in the case of permanent projects, the project is sold pursuant to the act and the regulations, thus in no way decreasing the number of housing accommodations within the municipality and permitting continued occupancy by veteran-occupants.

In some municipalities there are both temporary and permanent projects of various types. The provisions of this bill would not permit a municipality to extend a contract with regard to one particular project and to withhold extension with regard to another since, under its terms, the adoption of a resolution by a governing body automatically extends all contracts.

The present administration of this act and the regulations permit consideration of all requests for extension of contracts and the Administrator and the Veterans' Services Council, despite the general policy set forth above, will extend contracts regarding permanent projects in indi-

vidual cases so as to avoid extreme hardship and enable municipalities and the State to obtain the best price for the project.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 444

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 444, for the following reasons:

This measure would validate affidavits, acknowledgements and proofs of deeds, mortgages and other writings, and the certificates thereof, heretofore taken or made before or by any commissioner of deeds in and for this State, or foreign commissioner of deeds for this State, or notary public of this State, who had been duly appointed but had failed to properly qualify, or whose term of office had expired or whose commission was void at the time of taking such affidavit, acknowledgement or proof. The provisions of Assembly Bill No. 444, like those of Assembly Bill No. 128 of 1952, a substantially identical measure which was returned to the Legislature on May 27, 1952, without my approval, are entirely too broad. It would circumvent many statutory provisions enacted for the protection of the public requiring certain instruments to be sworn to before an officer who possesses present authority to do so.

As I stated in my message accompanying the return of Assembly Bill No. 128 of 1952:

> "There are a number of validating acts on the statute books covering certain instances of the kind treated

in this measure. Carefully circumscribed bills to meet hardship situations would appear appropriate, but a blanket validation of the type proposed by the instant measure is undesirable."

For these reasons, I am constrained to return Assembly Bill No. 444 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 490

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 490, for the following reasons:

The legislation establishing the county employees' pension fund which would be affected by this bill prescribes as a general rule that from and after July 1, 1943, any employee who is or becomes a member of such retirement system may not withdraw therefrom and shall not be entitled to a refund of any moneys theretofore and thereafter deducted from his salary under that pension plan. The section then goes on to list two classes of exceptions: the first, where the employee separates from the county service through his discharge, resignation, or for any reason other than retirement; and second, where the service of an employee is terminated by his death. Assembly Bill No. 490 would add a third exception to the general rule. It would provide for the return of what amounts to one-half of the employees' contributions to the fund in the event that the employee retires under some other pension act.

As I have pointed out on numerous occasions—even more important than the extent of a pension program is the

knowledge that it is secure. The whole policy of this Administration has been to build sound employees' pension systems. Assembly Bill No. 490, by adding the additional exception to the general rule referred to above, would further weaken the position of the county employees' pension fund affected. Accordingly, mindful of our policy to strengthen, rather than weaken, our pension programs I cannot, as a matter of principle, support the further exception contemplated by this measure without adequate provision being made in the legislation for its cost.

I am, accordingly, returning this bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 492

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 492, for the following reasons:

This bill would authorize the establishment of county boards of parole in counties wherein county penitentiaries are maintained. The board, under the terms of the bill, would consist of three members, the warden of the penitentiary, the chief probation officer of the county, and a third member to be appointed from among the citizens of the county by the judges of the County Court. The bill prescribes that the warden and chief probation officer may each designate an assistant to act "with full power, in his place and stead at any meeting of the board of parole".

The county parole board so established would have exclusive parole authority with regard to all inmates under sentence in the penitentiary who have served at least 60

days of the sentence imposed upon them, except those committed under a sentence which provides that a fixed portion of the sentence must be served in custody and the remaining portion on probation.

The bill would, accordingly, remove from the authority of the State Parole Board jurisdiction to hear and determine parole applications by prisoners in county penitentiaries serving terms having a maximum greater than one year, as conferred by Section 35 of the 1948 Law establishing the State Parole Board (P. L. 1948, c. 84). That legislation (Chapter 84 of the Laws of 1948), established for the first time in New Jersey modern, forward-looking parole procedures which are generally recognized as among the best in the Nation. In the 1952 volume setting forth the Report by and Research Studies Prepared for the American Bar Association Commission on Organized Crime entitled "Organized Crime and Law Enforcement" there appears the following pertinent comment: "In a few jurisdictions the quality of the paroling authorities is emphasized, chiefly in New York, New Jersey, Michigan, California, and the federal government. Parole operates at its best in these jurisdictions."

There appears to be no sound reason for transferring from the State Parole Board parole authority with regard to prisoners serving sentences in county penitentiaries. Moreover, I am advised that several of the provisions of the bill are not in keeping with tested and well-established parole procedures.

Accordingly, I am constrained to return Assembly Bill No. 492 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 528

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 528, for the following reasons:

This bill would permit the use of red identification lights of the blinker type on the front of "Any vehicle owned by active members of first aid squads and rescue squads, employed to provide ambulance service for any community in the State, and any vehicle used to augment the police force of any community, municipality or county in the State, . . ." These first aid and rescue squads are the pride of communities throughout our State, for their efficient life-saving work in time of greatest need. Our natural inclination is to favor any legislation which might appear helpful to them, but it is necessary to keep in mind the general needs of all forms of emergency vehicles.

Legislation adopted in 1951 extensively revising and modernizing the State motor vehicle traffic code included an amendment to R. S. 39:3–50. The section as amended prescribes in part that: "No person shall drive or move any vehicle or equipment upon any street or highway equipped with any device or lamp thereon capable of or displaying a light visible from directly in front thereof, of any other color than permitted by this section, [that is, white, yellow or amber] except: (a) an authorized emergency vehicle or (b) a vehicle authorized by a permit issued by the director [of motor vehicles]". The same section of the law authorizes the director, "when necessary, in his discretion, for the reasonable and safe movement of traffic," to issue permits authorizing vehicles to be equipped with lamps, visible from directly in front of the vehicles, displaying lights of other colors. It would accordingly appear that ample statutory procedures are available to meet the needs of the groups covered by the bill consistent with the reasonable and safe movement of traffic.

To add a rigid statutory provision to existing law could do more harm than good. The red blinker light is useful to emergency vehicles, including the first aid ambulances, only so long as such lights are not commonly used by other

vehicles. The average motorist could well become immune to the red warning signals if their use was extended to an increasing number of vehicles which to all intents and purposes give the appearance of private automobiles. The State Coordinating Council on Traffic and Safety has advised against the bill.

I am, therefore, constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 611

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 611, for the following reasons:

The general purpose of this bill is to establish new population classifications for the number of township committeemen required in townships in Atlantic, Monmouth and Ocean Counties. Unfortunately, the bill is in conflict with Assembly No. 365, which relates to Atlantic and Ocean Counties and also purports to authorize the establishment of wards in the election of township committeemen in the townships of those counties.

While the present bill amends R. S. 40:146–2, it expresses no legislative policy with respect to the companion Section R. S. 40:146–3, which permits the voters of any township having less than the population required for a five-member township committee to determine to increase the membership from three to five members by referendum. In the absence of such a policy, it is undesirable to legislate on the section amended by the bill.

Our statute regulating the number of township committeemen is one of the few remaining municipal charter provisions of uniform character throughout the State. The township as a form of government has a long tradition in our State, and it is most difficult to distinguish between townships according to the county in which they are located. Legislation which attempts to do so obviously casts a serious constitutional doubt upon the governments of the affected townships.

On June 22nd, long after the present bill was introduced in the Legislature, the Joint Legislative Committee to Study the Effect of the 1950 Census on County and Municipal Offices, made its report to the Legislature regarding the effect of the so-called "Freeze Acts." The report recommended that the whole question of changes in the structure of local government, due to increased population determined by the 1950 Federal census, should be reviewed by the various local governments affected in light of the findings of the report. After an opportunity for such review, the report also recommended, the Legislature should reconsider the problem. An orderly approach to this subject, as well as the long-run best interests of the municipalities affected, requires us to follow the recommendations of the Joint Legislative Committee's report.

In any event, there can be no nomination or election of additional township committeemen before the primary and general elections of 1954, and the Legislature will have ample opportunity to consider this problem in the light of the Committee's report at its next session.

Accordingly, I am constrained to return Assembly Bill No. 611 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 621

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 621, for the following reasons:

In 1951 an act was passed (P. L. 1951, c. 223) to provide for the pensioning of "Any person who has been in the employ of any township in any county of the second class of this State for a period of twenty-five years and has at the present time attained the age of seventy years. . . ." The act provides that such retirement shall be in the discretion of the local governing body and that the pension shall be at a rate "not to exceed one-half the annual salary or compensation of such employee at the time of his retirement." While general in terms, the act was obviously special in effect to the extent that it could only apply to persons who had then fulfilled the required conditions.

The present bill would convert the 1951 law into a permanent noncontributory pension plan under which township employees could be retired in the discretion of the governing body upon a pension not exceeding one-half pay. The difficulty with the bill from the employee standpoint is that the township would have a good reason to refrain from joining the actuarially sound State employees' pension fund, and at the same time the employee would not know until it was too late whether or not he was to be the beneficiary of the township's largess. The bill would place pressure upon every township committee, on the other hand, to provide a pension for every employee even though the accumulated burden of such payments might be greater than the township taxpayers could reasonably be expected to bear. The only sound way in which to provide for the general requirements for retirement of township employees upon pension is through membership in an actuarially sound pension system. This principle is further developed in my messages of this date accompanying the return of Assembly Bills No. 235 and No. 379.

Accordingly, I am constrained to return Assembly Bill No. 621 herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL NO. 637

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 637, for the following reasons:

This bill purports to require the sum of $50,000 which has been appropriated to the Department of Conservation and Economic Development for flood control purposes, to be paid over to the boards of chosen freeholders of the counties of Passaic and of Morris. The bill would require the counties to use the funds jointly for the purposes of flood control in those counties. While the county governing bodies have a very proper interest in the manner in which the funds are expended, it would be a most unfortunate precedent to require the distribution of a form of State aid in the manner proposed. The department of the State Government which has been charged with the administration of the funds has agreed to co-operate with the counties to assure the most effective program. Furthermore, at the present time a committee including representatives of the counties and the State Administration is presently engaged in the difficult task of developing such a program. Any further legislative direction, under the circumstances, could in the long run do more harm than good.

Accordingly, I am constrained to return the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 641

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 641, for the following reasons:

This bill is similar in purpose to Assembly Bill No. 260, of 1952, which I was constrained to return without my approval. The present bill, like last year's measure, purports to represent a revision of the commission form of government law, known as the Walsh Act. It proceeds on the assumption that there are over sixty municipalities operating under that law, and that the people of those municipalities, constituting almost one-half of the population of the State, are in agreement on the changes in their municipal charters that this bill would bring about. In common with last year's measure, the present bill does not appear to have had the benefit of any citizen participation in this charter-making activity. If the bill were to become law, it would change the charter without any action on the part of the citizens of the municipalities affected. In fact it would interrupt the orderly consideration of charter change which is now proceeding in the largest city of our State.

Many practical politicians as well as students of government have asserted that "Commission government is on the way out." The original promoter of commission government, the city of Des Moines, Iowa, has abandoned it. If tinkering could fix it, certainly the city which practically owned the copyright would have found the way. Experience has taught that the commission plan is basically unsound, and that the best way to correct its defects is to adopt another form of government. In those municipalities where the people desire such improvement, the Legislature has provided, in the enactment of Chapter 210 of the Laws of 1950, for a complete set of alternative modern charters.

Few of the objections expressed in the message of last year relating to Assembly Bill No. 260 are met in Assembly Bill No. 641 of this year. The amendments contained in the present bill to deal with the question of the assignment of

departments, the executive power of the mayor, and existing weaknesses in the formulation and adoption of the municipal budget, are basically subject to the same objections that I expressed last year.

Despite the fact that an important judicial decision, affecting the question of "park bench commissioners" has been handed down by our Supreme Court (*Grogan* vs. *De Sapio,* 11 N. J. 308 (1953)) since last year, the present bill approaches the matter of the assignment of departments in a manner similar to that employed in last year's bill. It would require the board of commissioners to assign powers and duties "to appropriate departments; . . .". The bill adds the proviso that this shall be done "in good faith, . . . in order that there may be as nearly as possible an appropriate distribution of the various divisions, bureaus, officers and functions of government among the departments." In the first instance, the board of commissioners would determine what is meant by this use of the term "appropriate," apparently in two different senses of the word. In the last analysis, it would be left to the courts to determine what is "appropriate," and experience prior to 1927 proves that the courts are not suitably equipped to the exercise of any such supervision over the board of commissioners.

A continued distrust of commission government is evidenced in the further provision of the same section that an assignment once made to "appropriate departments" may not be changed, altered or in any manner modified during the term of office of the commissioners unless by resolution adopted by a two-thirds vote. As I stated last year, the whole idea of good organization implies reasonable flexibility to make changes as new conditions and experience develop. In effect, the present bill would seek to reinstate a provision governing assignment of departments which was discredited and abandoned as long ago as 1927, and would go even further in freezing decisions thereunder against change, unless four members of a five-member board of commissioners could agree.

This year's bill differs from last year's in that the present measure purports to establish the Director of the Department of Revenue and Finance as the "budget director" under the commission form of government. There is no requirement that the office of Mayor and of Director of

Revenue and Finance shall be held by the same man. Even if this new "budget director" were a workable office, which does not appear to be the case, the separation of the office of Mayor from the reconstituted office of Director of Revenue and Finance could very well become a new cause for friction under commission government. There would, in effect, be two chief executives, neither of which would be separately elected for the office by the voters. The Mayor would still have no veto power but he would be given a new power of "investigating" with which to heckle his fellow commissioners, and would remain to be chosen by the commission at its organization meeting. The Commissioner of Revenue and Finance, who would be given a new power to submit the municipal budget, the items of which could not be increased without a two-thirds vote of the entire board, would also be chosen at the organization meeting of the commission. It has been said that "the commission plan has a built-in incentive to discord," and that "the allocation of functions and the mayorality becomes a matter of secret or even public 'horse trading'." With two posts of special power to divide among five commissioners, these possibilities are enhanced, and the problem of dividing them among three commissioners becomes even more complex.

A greater incentive to discord is not offset by any workable character or benefits to be derived from the proposed budget section. The section contains no provision for orderly formulation of the budget or even for public hearing on the budget requests of the separate commissioners in advance of their submission to the "budget director." The section would require the commissioners to submit their "portion of the budget" on or before January 10th of each year. It is only a little more than a month later that the local budget law requires the board of commissioners to approve the municipal budget. The Commissioner of Revenue and Finance, as budget director, is given neither the time nor the facilities to do more than pay lip service to the idea of a single budget for the city. Once the budget is adopted, moreover, the bill is devoid of any power in the budget director to control its operation, and each commissioner would return to his former status as a law unto himself with respect to his "portion of the budget."

Once again these basic changes, however unworkable, would be imposed upon the citizens of the sixty-one cities

of this State that are operating under the Walsh Act. Again the bill fails to recognize the principle of home rule which would allow the voters of each municipality to decide for themselves whether or not they want to make the changes in their charter that the bill would impose. Under our Constitution of 1947, moreover, the governing body of any commission-governed municipality is free to apply to the Legislature for a special act to accomplish these changes. Under existing law, the Legislature has adopted the policy that any such special act would be referred by referendum to the voters of the municipality affected.

In summary, the present bill would make some worthwhile changes in the mechanical aspects of the commission government law, to conform it to the election law. Its principal provisions, however, would make fundamental changes in the official relationships of commission government without the consent of the voters affected. It is reasonable to anticipate that these changes might be worse rather than better than the present law. The bill comes at a time moreover, when it could only serve to confuse and confound the issue of charter reform in the City of Newark, a reform movement initiated by the voters of that city themselves. The duly elected charter commission of the City of Newark, in its recently issued *Preliminary Report*, of August 8, 1953, has in fact recognized this situation as follows (pages 25-26 of the Report):

> "The Charter Commission has rejected the idea of trying to correct the defects of the commission form of government, either by Walsh Act amendments or by special charter. At best, this would be an inferior solution to the city's needs, and would fail to remove the basic evils of commission government. Retention of the commission plan in any form would mean a continuation of the philosophies and traditions that have developed over a period of 36 years.
>
> "The idea that each commissioner is autonomous would necessarily continue. The lack of a legislative check on the administration would continue to plague the city's operations. The confusion of politics and administration would go on. The mixture of legislative and administrative powers would continue. Control of administration would still be distributed among five individuals, with little chance for effective leader-

ship and responsibility. In fact, there is great likelihood that the mayor or commissioner of revenue and finance would become a political whipping boy as the other four commissioners use him as an excuse for their own errors. A clean break with the past is necessary if any permanent improvement is to come from charter revision. Such a break cannot be made by trying to patch up a system of government that has been tried and found wanting, not only in Newark, but in cities throughout the country, many of which have already tried one or more of the suggestions now being made to improve commission government in New Jersey."

In recognition of the need for mechanical improvements of the Walsh Act, I have approved two bills which incorporate some of the changes that would have been made by Assembly Bill No. 641, namely Assembly 299 and Assembly 646. It is with sincere regret that I find myself unable to concur in the major points of public policy that have been raised by this second effort to correct the admitted defects in the commission form of government law.

For these reasons, I am returning Assembly Bill No. 641 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

ASSEMBLY BILL No. 649

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 649, for the following reasons:

This bill is a special or private act. The preamble to the bill discloses that one William McCorkell was the owner of certain personal property within the State and died intestate leaving no surviving spouse, heirs or known kindred capable of inheriting the property. Under these circumstances Section 2A:37–12 of the New Jersey Statutes prescribes that "such personal property, of whatsoever nature the same may be, shall escheat to the State."

The bill proposes to distribute the property, after payment of debts, funeral charges and other expenses, in three parts: one part to each of two individuals and their respective wives, and a third part to the New York Foundling Hospital. I am informed that the property includes accumulative savings and United States Bonds.

Without otherwise passing upon the merits of the bill, its enactment into law would run contrary to the prohibition contained in Article VIII, Section III, Paragraph 3 of the Constitution of 1947 that "No . . . appropriation of money shall be made by the State . . . to or for the use of any society, association or corporation whatever."

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 63

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 63, for the following reasons:

The subject matter of the amendment to the "Private Detective Act of 1939" proposed by this bill is adequately covered in Senate Bill No. 366, which I am also returning today for reconsideration and amendment.

Accordingly, I am constrained to return this measure herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 66

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 66, for the following reasons:

This bill would create a new county district court judgeship in Ocean County. It would also require the appointment of a clerk and a sergeant-at-arms and authorize the employment of deputy clerks, assistants, clerical assistants, and other employees, for the county district court.

An examination of the work of the courts in Ocean County fails to justify any need for a separate district court judge

in the county affected. The present status of the calendars in Ocean County in both the district court and the County Court is sound. As of March 31, 1953, the County Court list had only 48 active cases pending at issue untried, none of which were instituted prior to the year 1951. As of December 31, 1952, there were 111 active district court cases plus 418 cases not considered active because the summons had not been served. It is apparent that the present status of the calendars would not justify an additional judge.

The total number of hours on the bench of the Ocean County judge holding a district court has averaged 59 per cent less than the time spent by the part-time County Court judges holding district court in other counties. Based on the volume of judicial business, a separate district court judge in the county would have only about 16 per cent of the average volume of contested matters handled by the separate district court judges in the counties where they are in office.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 92

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 92, for the following reasons:

The manner in which county boards of elections are appointed would be changed by this bill so as to require the chairman of each State committee to meet with twenty-one different committees for the making of such appointments. At present, the chairman of the State committee of each of the two political parties nominates and the Governor commissions the members of the Board of Elections.

Under the bill, a committee would be constituted for each county consisting of the chairman and vice-chairman of the county committee, the State committeeman and the State committeewoman, and the State chairman, who would jointly make the nomination, and the term of office would be extended from two to four years.

There appear to be advantages in the present law, which vests the executive responsibility for the making of the nominations in the chief executive officers of the two political parties. Moreover, the State chairman is in a good position to receive recommendations from each county committee and to consult with the State committeemen and committeewomen.

Accordingly, I am constrained to return Senate Bill No. 92 herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT.
August 17, 1953.

SENATE BILL No. 111

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 111, for the following reasons:

Under existing law, "any corporation or other institution of a public or semipublic character not for pecuniary profit" may initiate the application of the provisions of Title 39 of the Revised Statutes with respect to certain semipublic or private streets and roads by written request to the governing body of the municipality in which such property is located. The present bill would extend this power to any person or corporation owning and operating an apartment house or apartment project containing ten or more apartments. The present statute would also allow

the operation of the Motor Vehicle and Traffic Act, once invoked, to be rescinded by action of the private parties.

The police power is an exercise of the sovereign power of the State and is delegated to municipal corporations by virtue of historical practice recognized by the courts. It is a power which can be exercised only by the duly elected representatives of the people for governmental purposes.

The present bill would detract from this basic character of the public power in that it would permit the provisions of the Motor Vehicle and Traffic Act to be invoked for private purposes, that is, to control parking and the use of roads and paths on private property, regardless of whether such use was related in any way to the operation and control of traffic on public streets and highways. While the bill has a beneficial objective, it unfortunately falls outside the constitutional limits of delegated legislative power.

I am, accordingly, constrained to return the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 123

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 123, for the following reasons:

This bill would make an "if, as and when" appropriation to the Department of Labor and Industry in the amount of $86,000. The Department has not requested this bill, since it is obviously free to direct any such request to the appropriate authority at the time of the preparation of

the Annual Budget and to the legislative committees on appropriations when the Budget is before them for consideration.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 155

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 155, for the following reason:

I am informed that prior to the passage of this bill by the Legislature, the proposed beneficiary passed away. Under the provisions of the bill, the pension privileges would have been effective during life-time only.

I deeply regret the circumstances that compel me to return this measure to you.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 159

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 159, for the following reason:

I am informed that prior to the passage of this bill by the Legislature, the proposed beneficiary passed away. Under the provisions of the bill, the pension privileges would have been effective during life-time only.

I deeply regret the circumstances that compel me to return this measure to you.

Respectfully,

ALFRED E. DRISCOLL,
Governor.

[SEAL]
Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 161

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 161, for the following reasons:

Following extensive studies of the subject by the Commission on State Administrative Reorganization, legislation was adopted in 1947 providing for the complete reorganization of the structure and functions of the State Department of Health and the co-ordination and consolidation of public health activities. That legislation is eminently sound and has proved its value by providing a well-rounded agency through which the people of the State are afforded the highest standards of public health administration.

Senate Bill No. 161 would reintroduce the old concept of looking upon the Public Health Council as a forum for the expression of the special interests of the various professional and technical groups. This proved to be an undesirable feature which was abandoned by the Legislature in the reorganization program for the State Department of Health.

Moreover, there is ample opportunity within the present framework of the legislation establishing the Council for appointments to be made from among the dental profession as well as other professions which have an abiding interest in public health matters.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 162

To the Senate:

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

The purpose of this bill is to compel the Board of Public Utility Commissioners, in fixing the "just and reasonable" rates of certain public bus transportation companies, to base the rate on the so-called "operating ratio." The bill would apply to only such common carrier whose annual gross operating revenue "as determined or estimated by the board, exceeds the depreciated book value of the property of the carrier used and useful in its business," subject to the "consent" of the carrier.

It is generally recognized that rate making is a proper legislative function. The Board of Public Utility Commis-

sioners, to which the Legislature has lawfully delegated its rate fixing power, when it fixes rates is carrying out the policies established by the Legislature. The policy heretofore established by the Legislature is to be found in the statement in R. S. 48:2–21(b) that rates shall be "just and reasonable." While R. S. 48:2–21(b) requires the board to conform to standards of "reasonableness," it does not specifically state what the Legislature regards as "reasonable." Accordingly, it was left to the courts by judicial decision to define standards of "reasonableness." Neither the Board of Public Utility Commissioners nor, for that matter, the Legislature, may establish a rate which the court would be compelled to hold "unjust, unreasonable, insufficient or unjustly discriminatory or preferential." The Board of Public Utility Commissioners has heretofore been and, indeed, should be entrusted with broad discretion in the exercise of its authority. Senate Bill No. 162 appears to me to limit rather than define the broad discretionary power now vested in the Board of Public Utility Commissioners. The authority of the Board ought not to be limited by arbitrary rules, however well intended. As Mr. Justice Heher stated in *Atlantic City Sewerage Company* vs. *Board of Public Utility Commissioners,* 128 N. J. Law 359, 366, affirmed 129 N. J. Law 401, "There is no formula making for certainty in the exercise of this authority. The estimation of the fair value base is not controlled by arbitrary rules. It is not 'a matter of formulas,' but rather of 'a reasonable judgment' grounded 'in a proper consideration of all relevant facts.' "

In some respects Senate 162 is similar to Assembly Bill 650, which I was obliged to veto in 1951. There are, however, notable differences. The 1951 bill was permissive. The present bill is mandatory. Senate 162 apparently presents a choice of procedure to the utility, as evidenced by the language "the board shall with the *consent* of the carrier and without determining a rate base, fix such rates, . . .". (emphasis added) No such choice is presented to the Board of Public Utility Commissioners. The bill takes the regulation of rates out of the hands of the Board of Public Utility Commissioners and, in effect, vests it in the carrier. The choice of method of fixing the rates is, through the necessity of the carrier's consent, given the carrier. All of this is an undesirable departure from sound tradition and practice.

Furthermore, the 1951 bill (Second Committee Substitute —Second Official Copy Reprint) authorized the Board of Public Utility Commissioners to "fix rates on the basis of an operating ratio" if it found "that the operations of the carrier have been conducted in an honest, efficient and economical manner" and the "burden of proof as to the reasonableness of the operating expenses" was on the auto bus operator. The last two quoted provisions are not found in the present bill.

It is likewise significant that the 1951 bill provided "that in the application of such operating ratio the operating revenue deductions, including charges for depreciation and taxes, shall not be less than ninety per centum (90%) nor more than ninety-five per centum (95%) of the total operating revenues resulting from such rates, to the extent that the board may find it *just and reasonable.*" (emphasis added) In the first printing of the Second Committee Substitute for the 1951 bill (Assembly 650) it was provided "that in the application of such operating ratio the operating revenue deductions, including charges for depreciation and taxes, shall not be less than eighty-five per centum (85%) nor more than ninety per centum (90%) of the total operating revenues resulting from such rates.

It is, perhaps, because the same ratio may provide one carrier with a lush reward for its services to the public while failing to provide another company with a return sufficient to meet interest charges, that the attempt in 1951 to place a floor and ceiling under and over operating revenue deductions was not included in the present bill.

In the current bill, Senate No. 162, no particular ratio is specified, this task apparently being left to the Board of Public Utility Commissioners.

It is significant that Senate 162, as introduced, defines operating ratio as "that proportion which operating expenses, including changes for depreciation and taxes (exclusive of Federal income taxes) bears to total operating revenues." As finally adopted by the Legislature, operating ratio is defined in Senate 162 to mean "that proportion which operating expenses, including charges for depreciation and taxes, bears to total operating revenues." It is therefore apparent from legislative history of the two bills, in which an effort has been sought to substitute oper-

ating ratio for a return on a rate base, that the operating ratio theory is not as simple as its advocates would have us believe, in fact there are many conflicting views on the subject.

While some regulatory bodies have fixed rates upon the basis of operating ratio, it is interesting to note that the ratios sought or approved have varied from 84.58 per cent to 93.8 per cent. Thus far, apparently, there has been no final determination as to what operating ratio would be "just and reasonable" to the owner and operator, as well as to the very important rate payers. I doubt if any such final determination is possible as changing circumstances will require different ratios.

In the course of my consideration of this bill, there was submitted to me by a proponent an article by Charles Allen Wright, entitled "Operating Ratio—A Regulatory Tool," published in the January 1st, 1953 issue of "Public Utilities Fortnightly." Mr. Wright, in his article, concedes: "It is unfortunate that the decisions to date offer rather little guidance as to the operating ratio which transit companies should be allowed."

That this situation currently exists is due, in my judgment, to the fact that the operating ratio is neither a simple nor easily applied yardstick to determine rates. In fact, the application of the theory may, in the long run, harm the carrier as much as it may harm the rate payer, dependent upon the skill, resourcefulness and the extent of the discretionary power vested in the administrative agency. The "operating ratio" relates operating expenses to operating revenues and determines what proportion of the revenues are left over. But whether the margin left over is "just and reasonable" requires the Public Utility Commissioners to take into consideration many other factors.

Among these factors, inevitably, it seems to me, must be the amount of invested capital. For, while we must consider the risks assumed by those engaged in the management of our utilities, these risks are related to capital invested in the enterprise by the owners.

Those who are familiar with the intricacies of rate making will undoubtedly acknowledge that the determination of "proper operating expenses" may be almost as difficult and time-consuming as the determination of "a rate base."

As I read the bill, it seems to me susceptible to the interpretation that where the carrier elects to adopt an operating ratio, the Board of Public Utility Commissioners is required to relate operating expenses to total operating revenues without any substantial right of inquiry as to whether or not the expenses incurred were either proper or reasonable.

Likewise, the proposed law appears to require the Board of Public Utility Commissioners to accept the carrier's book value. This mandatory feature, coupled with the failure of the bill to clearly give the Board authority to review book values, raises serious issues that should be clarified before a bill on this subject is enacted into law.

In the event the Board of Public Utility Commissioners determines that the best method in any given case to achieve "just and reasonable" rates is to adopt an operating ratio, there should be no doubt with respect to the Board's authority to review book value, just as there should be no doubt as to its authority to review salaries and, in fact, all operating expenses.

Even more fundamental is the clear right and obligation of the administrative agency in fixing rates to consider "all the elements properly entering into the ascertainment of a reasonable return for supplying the public need" (*Public Service Co-ordinated Transport* vs. *State,* 5 N. J. 196, 217). A comment by the Supreme Court in the last cited case (page 217) may be pertinent at this point: "There are a number of formulae useful in the determination of fair value: depreciated original cost, depreciated prudent investment, reproduction cost of the property less depreciation, cost of reproducing the service as distinct from the property, and there are undoubtedly others. But the Board is not bound to and, indeed, should not use any single formula or combination of formulae in arriving at a proper rate base, for the determination of fair value is not controlled by arbitrary rules or formulae, but should reflect the reasonable judgment of the Board based upon all the relevant facts." Just as the Board should not be bound to a single formula in its determination of fair value, so it should not be bound by the arbitrary rule sought to be imposed by this bill for all relevant facts must at all times be open for its consideration and the subject of its judgment.

While it has been alleged that the present bill is designed primarily to help small bus companies, two facts stand out: (1) it applies to all bus companies; and (2) there are indubitably cases where the bill may hurt, rather than help the operator of a few busses. This is particularly true if the bill became law and should be construed as limiting the general jurisdiction of the Board of Public Utility Commissioners under R. S. 48:2–21.

I am certain that the provisions of Title 48 presently empowers and authorizes the Board of Public Utility Commissioners to meet every reasonable basic objective of Senate Bill No. 162.

There is presently a commission engaged in the task of revising Title 48 of the Revised Statutes. It is anticipated that this commission will file its report during the next legislative session, and I have been assured that it will give painstaking consideration to the issues raised by this bill. An opportunity should be given to this commission to complete its work and to make its recommendations prior to the adoption of major legislation with respect to the fixing of rates.

Our primary objective must always be to achieve just and reasonable rates. This objective, I believe, can best be accomplished by vesting in a competent board a broad discretionary power, rather than by the adoption of mandatory requirements which, however beneficial they may be to one or more parties at any given time, may prove very detrimental at another time under different circumstances and conditions. Neither the executive, legislative or judicial branches of our government should impose any barriers to the accomplishment of elemental fair play, that is, "just and reasonable" rates. All these branches of the government should scrupulously avoid the imposition of arbitrary rules that may slow the accomplishment of this objective.

Accordingly, I am constrained to return Senate Bill No. 162 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 175

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 175, for the following reasons:

Existing law permits a local board of health to adopt ordinances and rules for the licensing and regulation of any person engaged in the production, distribution or sale of milk or cream within its jurisdiction. It may impose an annual license fee not to exceed two dollars for each wagon or vehicle used in such distribution or sale. While the measure of the license fee is determined by the number of vehicles, the fee is, in fact, imposed in order to help defray the expense of inspection in order to carry out health regulations.

The power of municipal governing bodies to license and regulate vehicles, on the other hand, is a general power in which there is no distinction between those carrying dairy products and those carrying other types of products. If there is any overlap between the health ordinances and general municipal regulations, it would appear to be due to the special costs of inspection in the milk and dairy products business.

I am, accordingly, constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 188

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 188, for the following reasons:

This bill proposes to establish a non-contributory pension of $7,500.00 annually for any member of the National Guard, seventy years of age, who performed the duties of Inspector General of the New Jersey National Guard during any world war and has been a member of the National Guard for a period of at least twenty years. To the extent that the bill requires the pension to be paid from State funds, unsupported by any appropriation in the bill, the measure is in direct conflict with that provision contained in Article VIII, Section II, paragraph 2 of the State Constitution prohibiting the drawing of any money from the State treasury "but for appropriations made by law."

Accordingly, I am compelled to return Senate Bill No. 188 herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 189

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 189, for the following reasons:

The financial problem presented by non-contributory pensions for veterans engaged in public office or employ-

ment has been a subject of intensive legislative consideration for a number of years. It does not appear that the extension of the non-contributory benefits proposed by the present bill has heretofore been recommended as the result of any of the studies of veterans' pension legislation.

Senate Bill No. 189 would provide that in computing the 20 years of service required to qualify for a veteran's pension, there shall be included the period of service, if any, as a member of the Congress of the United States from the State of New Jersey. This could have a most unfortunate result. For example, an officer or employee of a county or a municipality, as well as of the State, could be employed for a relatively short time within the State, and the State, county or municipality, as the case may be, would be obligated to pay him a life pension of one-half pay. In its extensive attention to the general question of the veteran's pension provision, the Legislature has recognized the financial embarrassment that the statute in its present form presents to all levels of government in this State. To add a further burden based upon service for the federal government would be neither wise nor justified under the circumstances.

In principle, a pension may be looked upon as a form of deferred compensation for services rendered. Inasmuch as the State and its political subdivisions do not pay a salary for service in Congress, it is impossible to reconcile credit for such service toward a pension which is to be paid by the State or one of its political subdivisions. Where the employer has not received the service and has not been obligated to pay compensation, there could be no reasonable justification for imposing an obligation to provide a non-contributory pension.

Accordingly, I am constrained to return Senate Bill No. 189 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 243

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 243 for the following reasons:

A similar bill, Senate Bill No. 179 of 1952, was adopted by the Legislature at its regular session last year. The latter bill proposed a per diem compensation of twenty-five dollars, but not more than twenty-five hundred dollars for any one fiscal year, for each member of the Employment Security Council in the Department of Labor and Industry. Senate Bill No. 243 proposes a per diem compensation of thirty dollars, but not more than three thousand dollars for any one fiscal year, for each member of this Council.

Legislation of this type would run counter to the major policy underlying the administrative reorganization program of 1948. In my message accompanying the return, without my approval, of Senate Bill No. 179 on May 27th, last year, I pointed out that:

> "The Council is not an administrative agency and is not unlike the advisory councils that exist in a number of other divisions in the Executive Branch of the Government. Some of our most effective citizen participation in government has come from volunteer citizens who at most are reimbursed for necessary expenses. For example, there is the State Board of Control of Institutions and Agencies, the State Board of Agriculture, the State Board of Education, the Planning and Development Council, the Veterans' Services Council, the Fish and Game Council and the Banking Advisory Board, to name but a few. If the Employment Security Council is to be compensated it would then be appropriate to compensate the numerous other citizen boards and commissions of an advisory nature. This is a policy which would depart from long established precedent in this State, and would be a step away from the valuable tradition of citizen volunteer services in government which we have established in New Jersey.

"It is recognized that no State funds would be involved by the adoption of this measure, since payment for the Council would come from funds made available by the Federal Security Agency for administrative purposes. This is an insufficient reason to depart from the basic principle of citizen participation. It is pertinent to observe that these funds are themselves the product of taxes paid by New Jersey taxpayers and that the National Government collects far more from the citizens of the states than it allocates to the states for the administration of Unemployment Compensation. As I have heretofore pointed out, this unfortunate, unfair and expensive arrangement should be corrected by appropriate action of the National Government."

For these reasons, I am constrained to return Senate Bill No. 243 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 247

To the Senate:

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

The general purpose of the present bill is to provide for the allocation of cost in connection with the care of patients sent to the State Diagnostic Center. Under present practice, the State charges the counties for the cost of maintaining the individuals that are referred from the county courts. In the case of sex offenders, the State absorbs half of the cost and the county pays the other half.

This bill would require that the order of commitment contain a determination of the person's legal settlement so that the cost of maintaining sex offenders would be transferred from the county in which the crime was committed and the individual tried, to the county of legal settlement. If there were no county of legal settlement, the entire cost would be borne by the State under the provisions of the bill.

The expenditure for the Diagnostic Center for 1952 was $270,700. (and is in excess of that amount for 1953). As against that expenditure, the State realized $5,723, during the 1952 fiscal year, under the provision requiring the counties to pay fifty per cent of the cost of sex offenders, and $95,666. as the reimbursement for all cases committed by the courts under Section 11 of the act authorizing the Diagnostic Center (Laws of 1946, chapter 118, section 11). It thus appears that the State is already providing the major part of the expense of operating the Diagnostic Center. The county in which a crime is committed and a case tried has the normal cost of custody of the offender where there is a commitment to a county institution including medical, psychiatric and advisory services in connection therewith. Legal settlement cannot be and should not be an issue in connection with punishment or treatment related to the commission of a crime. Nor should the State be asked, in light of its present support of the Diagnostic Center, to absorb any further cost due to lack of proof of legal settlement.

Accordingly, I am constrained to return the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:

RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 272

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 272, for the following reasons:

Although this legislation is designed to effectuate a meritorious purpose, it is piecemeal in character and would, if signed into law, create a highly inequitable situation.

The bill would amend Section 43:16–3 of the Revised Statutes which relates to pensions payable to widows, children and dependent parents of certain policemen and firemen who are retired from service, or continue in service after becoming eligible for pension, or who die, not while on duty, before becoming eligible for a service retirement pension.

The widow qualifying under the existing law receives a pension so long as she remains unmarried for the use of herself and the children of her deceased husband, if any, under 18 years of age. If the deceased policeman or fireman leaves no widow but does leave children under 18 years of age, or if the widow dies leaving children of the deceased policeman or fireman under 18 years of age, then the pension which the widow would have received had she survived is payable to the children.

Senate Bill No. 272 would require the payment of one-half of the widow's pension to a child or children of the deceased policeman or fireman by a former wife. If the widow remarries she would forfeit her share of the pension benefit but the benefit payable to the children would continue.

The bill fails to provide the same protection to children, by previous marriages, of policemen or firemen who lose their lives while on duty.

Accordingly, I am returning Senate Bill No. 272 herewith for further study and consideration by the next regular session of the Legislature.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 296

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 296, for the following reasons:

The purpose of this measure is to require the State Treasurer to transfer from the State Disability Benefits Fund, in his custody, the sum of $50,000,000 to the Unemployment Compensation Trust Fund, in the custody of the Secretary of the Treasury of the United States. In 1948, when the State Disability Benefits Law was adopted, the sum in question was transferred from Federal custody to State custody and was used for two purposes: First, to provide ample funds with which to start the disability benefits fund into operation; and secondly, to provide investment earnings out of which cash sickness benefits to the unemployed sick could be paid without assessing individual employers for the cost of such benefits.

It is now suggested that the transfer of this large fund back to Washington would have the effect of producing a reduced rate of contribution by employers to the Unemployment Compensation Trust Fund. In this connection, it is proper to note that employers were afforded a tax reduction, amounting to some $26,000,000 dollars, concurrently with the transfer into the Disability Benefits Fund of the same moneys in 1948. The force of the argument in favor of the bill is considerably lessened, moreover, when it is recognized that all covered employers could become liable, under this bill, to a new assessment of up to 5/100 of 1 per cent upon taxable wages to provide for the expense of paying cash sickness benefits to the unemployed sick.

Even were the net difference to be favorable to employers, the proposed bill would require the State Treasurer to sell securities of a value of approximately $55,000,000 to realize $50,000,000 in cash to be transferred to the Unemployment Compensation Fund. This is due to the fact that investments in this fund are principally in obligations of the United States government, the price of which has declined over the past few years. This is a loss which the State might properly take were there any real necessity for it. Under present conditions, however, it would be improvident to sustain a loss of almost $5,000,000 in order to make a

transfer from one fund to another fund where both funds are operating in the service of employers and employees of this State.

The Knowland Act (section 1607 (f) of the Internal Revenue Code) authorized the withdrawal of the $50,000,000 from what are known as "worker contributions" to unemployment compensation, for the payment of disability benefits. It may be noted in passing that the Federal statute makes no provision for the return of these moneys, although it is conceivable that the Federal government would accept the retransfer. While, as a matter of law, once contributions are made to either the Unemployment or the Disability Benefits Fund they lose their identity as employers' contributions or employees' contributions, the Federal statute clearly conditioned the right of withdrawal to such moneys as could be attributed to worker contributions. For this reason, the $50,000,000 is commonly looked upon by employees as their contribution. Under the circumstances, it could become a matter of general public concern that this money is retransferred for custody in Washington solely to benefit employers.

The Disability Benefits Law is relatively new in operation and in experience. It has not had to face any substantial period of unemployment and the consequent heavy charges for benefits to the unemployed sick. It has only this year come to the point where the current payments of benefits has for a time exceeded the current receipts from contributions. If this trend were to continue in the normal course of administration, the withdrawal and readjustment of assets called for by this bill might have disturbing consequences. In view of the sacrifice of investment values that would be required, and the questionable effect it would have on the security of the Disability Benefits Fund, the bill has been fairly criticised as "economically unsound." Even if this were not the case, there are extensive conflicts in the bill with the provisions of Senate No. 258, which has been approved and is now Chapter 219 of the Laws of 1953, which would prevent its approval in any event.

For these reasons, I am constrained to return herewith Senate Bill No. 296 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:

RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 320

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 320, for the following reasons:

This bill would authorize the Department of Conservation and Economic Development to convey, in the name of the State, certain property situated on the right-of-way line of the Bayhead-Manasquan canal to one Tillie Burley, at a price to be determined by the Planning and Development Council.

By Chapter 333 of the Laws of 1950, as amended by Chapter 14 of the Laws of 1951, the Legislature established the policy and purpose of the State "to co-operate with the United States in a project for the improvement of the New Jersey Intracoastal Waterway." In order to effectuate that policy and purpose the Commissioner of Conservation and Economic Development was authorized to convey to the Federal government, on behalf of the State, on terms and conditions to be agreed upon, the State's right, title and interest in lands, easements, water rights and structures, other than bridges, which the State heretofore owned or acquired and used for the construction, operation and maintenance of the Manasquan-Bayhead canal.

Pending the completion of negotiations between the Department of Conservation and Economic Development and the Federal government for such conveyance to the United States and the determination of plans for the improvement of the intracoastal waterway, it would appear to be advisable to withhold approval from this measure.

Accordingly, I am returning the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 326

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 326, for the following reasons:

This bill has the commendable purpose of providing some way in which a law enforcement officer may arrange for the temporary hospitalization of an individual in his custody who appears to be mentally ill and, because of his illness, is likely to injure himself or others if allowed to remain in the usual place of confinement. The decision as to whether such a person is of unsound mind and dangerous to himself and the public should not be made by a sheriff, keeper of a jail, chief of police or other police official. This type of determination would be authorized by the bill, which contains no provision for examination by a physician or psychiatrist. Nor does the bill require that the "place of temporary confinement" be to a place which is equipped to render medical service.

There is undoubtedly need for an appropriate statute to take care of emergency situations, but we must be conscious of our responsibility to individuals who are confined and of their legal rights to be protected against improper confinement. No useful purpose can be served if an individual is confined in any place within the county or municipality unless such confinement results in active diagnostic service to determine the cause of the individual's condition. While it may not be a satisfactory substitute, a law enforcement officer confronted with the situation to be covered by this bill, could apply for the commitment of the individual involved through the normal procedure of the courts, upon certification of two physicians. Since additional judges are now available in the several counties as a result of the reorganization of our court system, such procedure may prove to be adequate in the large majority of cases.

It is my hope that this question will receive further study and that a properly worked-out bill will eventually be enacted.

Accordingly, I am constrained to return the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 347

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 347, for the following reasons:

The general purpose of this bill is to provide for reimbursement to livestock owners "Whenever, as the result of an outbreak of a contagious or infectious disease of cattle, the disease results in death of an animal or animals, . . ." such reimbursement would be at the full "market value of the animals immediately prior to the time when they became so diseased or were ordered slaughtered."

This would be a most extraordinary assumption of public responsibility for the normal hazards of the cattle growing industry. The law already provides for a one-half reimbursement, based upon an appraisement limited generally to $100.00 for registered animals and to $40.00 for all others, where the animals are slaughtered or otherwise disposed of as directed in R. S. 4:5–9. Any further extension of this form of compensation would not be justified. This view is confirmed by the disapproval of this bill by the State Board of Agriculture.

Accordingly, I am constrained to return this bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 348

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 348, for the following reasons:

This bill contemplates reimbursement to dairy farmers, to the extent of the appraised value, for milk condemned and withheld from market by reason of a quarantine established as a result of "an outbreak of a contagious or infectious disease of livestock or man."

I agree with the recent determination of the State Board of Agriculture that this measure is not justified. In addition, it should be pointed out that the bill incorporates no standards to guide the Committee (which is created by the bill) in making its appraisal of the value of the condemned milk. This would appear to be in conflict with requirements laid down in decisions of the highest court of the State.

For these reasons, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL NO. 359

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 359 for the following reasons:

This bill would amend section 39:5–39 of the Revised Statutes to provide for the payment in all cases of a fee of twenty dollars ($20.00) (for making an examination and testifying in the proceeding, if so required) to "Any physician, who examines any defendant charged with the violation of section 39:4–50 of the Revised Statutes at the request of an enforcement officer, . . ." R. S. 39:4–50 relates to the offense of operating a motor vehicle while under the influence of intoxicating liquor or a narcotic or habit producing drug. The fee is to be paid by the State, if the complainant in the proceeding is the Director of Motor Vehicles, a member of his staff, a member of the State Police, or a law enforcement officer of any other State agency. It is to be paid by the county if the complainant is any other law enforcement officer.

While the objective of the measure is in keeping with sound traffic law enforcement, no appropriation has been provided to meet any increased costs to the State which may be involved.

Accordingly, I am constrained to return Senate Bill No. 359 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 374

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 374, for the following reasons:

By its terms, this bill would validate all sales of lands and premises heretofore made at public auction or private sale by any municipality.

In my disapproval of previous similar legislation, that is, Assembly Bill No. 58 of 1947 and Senate Bill No. 58 of 1949, I pointed out that although sound reasons may exist in particular instances for the validation of conveyances made despite certain technical defects, I cannot affix my approval to a bill which, in effect, would excuse the failure to comply with any and all safeguards imposed by law.

For the same reasons, I am constrained to return Senate Bill No. 374 herewith without my approval.

Respectfully,

ALFRED E. DRISCOLL,
Governor.

[SEAL]
Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 375

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 375, for the following reasons:

This bill would apparently single out for special treatment, in the matter of appointment of a county adjuster, counties of the third class having a population of less than 125,000 inhabitants.

Aside from the fact that the language in the bill is somewhat ambiguous, R. S. 30:4–34, providing for the designation of county adjuster, is reasonably general legislation which has apparently operated well for many years. There would appear to be no sound reason for establishing the special classification proposed by the measure.

I am, accordingly, constrained to return the bill herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 398

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 398, for the following reasons:

This bill has the laudable object of seeking to provide a basis for coverage under the Social Security Act and Chapter 253 of the Laws of 1951, as amended, of employees of certain joint meetings, provided for by Article 2 of Chapter 63 of Title 40 of the Revised Statutes. In an effort to accomplish this purpose, the bill would change the legal character of such joint meetings by constituting them bodies corporate and politic.

The statutes applicable to joint meetings contemplate that the municipalities participating in these joint sewerage projects comprise what amounts, generally, to an intermunicipal partnership relationship. To convert such a relationship into a corporate structure by legislative fiat, such as proposed by Senate No. 398, would undoubtedly result in endless confusion and much litigation.

It is my hope that the Legislature will further consider this problem and adopt comprehensive legislation to accomplish the desirable stated objective of the measure.

Accordingly, I am constrained to return Senate Bill No. 398 without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 401

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 401, for the following reasons:

This measure has the laudable objective of further rewarding those policemen who receive awards for heroism from "any duly organized State-wide police association."

The bill would, however, if approved, be in conflict with the express provisions of Article VII, Section I, paragraph 2 of the State Constitution which requires that "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."

Accordingly, I am constrained to withhold my approval from this measure.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: *Governor.*
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE BILL No. 412

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 412, for the following reasons:

The object of this bill is to validate certain sales heretofore made at public auction by municipalities of land to which the municipality had title in fee simple, as well as all proceedings had in connection with such sales, where the sale was made subject to condition as to use of the property or the buildings and structures to be erected thereon. The validation would take effect notwithstanding that the sale was not made to the highest bidder as required by law, but was made to a person who in the opinion of the governing body of the municipality was by reason of his experience best qualified to comply with the terms and conditions of sale.

This measure would run counter to the salient features of existing legislation governing public sales by a municipality which has determined to sell lands or buildings or rights and interests therein not needed for public use. These well-established procedures, designed to protect the public interest in public property, should not be relaxed.

Accordingly, I am constrained to return this bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE JOINT RESOLUTION No. 4

To the Senate:

I am returning herewith, without my approval, Senate Joint Resolution No. 4, for the following reasons:

This resolution would create a highway study commission and would authorize the expenditure of $50,000 "from the sums appropriated to the State Highway Department as of July 1, 1952." There is a substantial question whether such a retroactive appropriation can be given effect. The work that the study commission would do, moreover, is already being done by the Planning Section of the State Highway Department and by the Planning Division of the State Department of Conservation and Economic Development.

Experience has proved that such a commission without an appropriation would be so handicapped as to be unable to perform any useful service. If the appropriation carried in the bill were to be effective, the expenditure would duplicate the work being done by the other two State departments. It is my hope that those questions of policy which the Legislature wishes to have investigated can be brought to the attention of the two departments concerned with this work, so that the necessary factual data may be developed in the normal course of State administration.

Accordingly, I am constrained to return this resolution without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 17, 1953.

SENATE JOINT RESOLUTION No. 7

To the Senate:

I am returning herewith, without my approval, Senate Joint Resolution No. 7, for the following reasons:

This resolution directs the Department of Conservation and Economic Development to undertake a special study of flood control for the Passaic valley.

Many studies similar to that contemplated by Senate Joint Resolution No. 7 have been made in the past. Until agreement on a flood control program is reached by the upper and lower regions of the Passaic valley, further surveys would appear to serve no useful purpose while entailing considerable expense.

Moreover, the Department of Conservation and Economic Development, together with a committee including representatives of the counties affected, is presently engaged in the difficult task of developing an effective flood control program for the Passaic valley.

For these reasons, I am constrained to return Senate Joint Resolution No. 7 herewith without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Governor.

Attest:
RUSSELL E. WATSON, JR.,
Secretary to the Governor.

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