

VETO MESSAGE ON ASSEMBLY BILL NO. 40

This bill is an amendment to the Unemployment Compensation Act and permits the Commission to compromise unpaid penalties, interest and contributions when "an employer is financially unable, or his assets are insufficient, to discharge his liability."

I consider this unwise legislation. I realize that there are undoubtedly instances where, because of an employer's insolvency, the State will be unable to collect any of the money which is due it.

However, the enactment of legislation as broad and unlimited as this act is, without providing any formula whatsoever as the basis for compromise, would in my judgment lead to unlimited abuse of discretion.

The act does not attempt to say when an employer is unable to meet his obligation. Consequently that question would have to be left to someone's discretion and all experience has shown that this kind of discretion is not only subject to political manipulation but is generally abused.

Our Unemployment Compensation Act provides that the employer must collect the contributions from his employees by deducting it from their salary and in turn paying it to the State. Even the obligation to transmit this money to the State, which is in no sense the employer's money, might be compromised and it would even be possible for an employer to dissipate contributions made by employees and then have his liability compromised or discharged.

To permit a situation of this kind to be created would be an absolute violation of the fundamental principles of this act. For these reasons I am vetoing this bill.

Assembly Bill No. 40

April 12
1945

Mr. Sidney Goldman
State Librarian

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 40.

This bill is an amendment to the Unemployment Compensation Act and permits the Commission to compromise unpaid penalties, interest and contributions when "an employer is financially unable, or his assets are insufficient, to discharge his liability."

I consider this unwise legislation. I realize that there are undoubtedly instances where, because of an employer's insolvency, the State will be unable to collect any of the money which is due it.

However, the enactment of legislation as broad and unlimited as this act is, without providing any formula whatsoever as the basis for compromise, would in my judgment lead to unlimited abuse of discretion.

The act does not attempt to say when an employer is unable to meet his obligation. Consequently that question would have to be left to someone's discretion and all experience has shown that this kind of discretion is not only subject to political manipulation but is generally abused. Our Unemployment Compensation Act provides that the employer must collect the contributions from his employees by deducting it from their salary and in turn paying it to the State. Even the obligation to transmit this money to the State, which is in no sense the employer's money, might be compromised and it would even be possible for an employer to dissipate

contributions made by employees and then have his liability compromised or discharged.

To permit a situation of this kind to be created would be an absolute violation of the fundamental principles of this Act. For these reasons I am vetoing this bill.

Very truly yours

(Signed) Walter E. Edge

Governor

(SEAL)

Attest:

Edward M. Gilroy
Secretary to the Governor.

April 12, 1945

Mr. Sidney Goldman
State Librarian

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 50.

This act is intended to regulate the manner and method of conducting sales of municipally owned property not needed for public use.

Among other provisions, the bill provides that the municipality may impose "any conditions of sale requiring repairs, improvements, rehabilitation" etc.

In my judgment, authority to impose conditions of this kind could very easily open the way to flagrant abuse of the discretionary power conferred upon a municipality and although the other provisions of the bill contain much merit, I am vetoing it for this reason.

Very truly yours,
(signed) Walter E. Edge
Governor

Seal

Attest:

Edward M. Gilroy
Secretary to the Governor

Assembly Bill No. 51

April 12th
1 9 4 5

Mr. Sidney Goldman
State Librarian

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 51.

This bill which is undoubtedly laudatory in purpose has for its object a method of demolition of party walls either by an adjoining property owner or by a municipality.

The bill carries a provision to the effect that when notice has been given of the intent of the property owner or municipality to demolish the wall, that there should be no liability attached to either the property owner or the municipality for any loss, damage, injury or death suffered or sustained by any occupant of the property, tenant or otherwise, or by any other person to whom notice had been given.

In other words, this act removes from the person demolishing the wall every semblance of legal responsibility so far as using any degree of care whatsoever in performing the work. The fact that there was no responsibility on the part of those who were tearing down the wall would undoubtedly encourage undue and unnecessary carelessness on their part.

I cannot as a general principle approve of legislation which removes either an individual or a municipality from all liability regardless of how recklessly or carelessly they might perform certain acts. For this reason I am vetoing the bill.

Very truly yours,

Walter E. Edge

Governor

(SEAL)

Attest:

Edward M. Gilroy
Secretary to the Governor.

New Jersey State Library

April 16, 1945

Mr. Sidney Goldman

State Librarian

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 54.

This bill is intended to validate the sale of land by municipalities notwithstanding the fact that the purchaser has not complied with the conditions of sale which require the making of certain improvements or alterations.

I have previously vetoed a bill (Assembly No. 50) which sought to give the municipalities the right to impose as a condition of sale certain repairs and reconstruction to be made to buildings being sold upon the ground that I consider such conditions of sale to be conducive to abuse if municipal officials so desire.

This bill would not only put the stamp of approval upon sales made under conditions which I disapproved of in vetoing Assembly No. 50, but it goes much farther and says that the sale may be consummated even though the purchaser has failed to carry out the agreement which he deliberately made with the municipality.

In other words, this bill will permit a municipality to convey title to a purchaser despite the fact that he has failed completely both in the carrying out of his part of the contract and in giving a bond to guarantee his performance. It puts a premium upon contract breaking and it also opens the door to the grossest kind of fraud by saying that a purchaser can secure title to a piece of property after having violated the provisions of a contract which he apparently never intended to carry out.

I cannot approve this type of legislation and I am vetoing this bill.

Very truly yours,

Seal

Attest:

(signed) Walter E. Edge

Governor

Edward M. Gilroy
Secy. to the Governor

April 17,
1945.

Mr. Sidney Goldmann,
State Librarian

Sir:

I am filing herewith in the State Library,
without my approval, Assembly Bill No. 191.

This act has to do with the salaries and
the appointment of a secretary to the Beauty Culture Control Board.

The act has two objectionable features. First
of all it grants an increase in salary to the members of the Board and while
the increase is not large - amounting to \$200. a year for each member - never-
theless I am not in possession of any information whatsoever which indicates that
the duties of the members of the Board are such as to warrant an increase in
salary.

Members of many other licensing boards are
serving without any salary whatsoever and it is entirely out of line with the
policy of this administration to increase salaries for parttime services unless
there has been a corresponding increase in the work to be performed.

The other objectionable feature is the
provision that the secretary must be a member of the Board. I would be perfectly
willing to approve a bill which provided that the secretary may be a member of
the Board, but I see no necessity in making membership on the Board mandatory
in order that a person may be appointed as secretary.

Because of both of these reasons, I am vetoing
the bill.

Very truly yours

/s/ WALTER E. EDGE
Governor.

ATTEST: /s/ EDWARD M. GILROY, Secretary to the Governor.

Assembly No. 191

April 17

1945

Mr. Sidney Goldman
State Librarian

Sir:

I am filing herewith in the State Library, without my approval, Assembly bill No. 191.

This act has to do with the salaries and the appointment of a secretary to the Beauty Culture Control Board.

The act has two objectionable features. First of all it grants an increase in salary to the members of the Department and while the increase is not large - amounting to \$200.00 a year for each member - nevertheless I am not in possession of any information whatsoever which indicates that the duties of the members of the Board are such as to warrant an increase in salary.

Members of many other licensing boards are serving without any salary whatever and it is entirely out of line with the policy of this administration to increase salaries for part time services unless there has been a corresponding increase in the work to be performed.

The other objectionable feature is the provision that the secretary must be a member of the Board. I would be perfectly willing to approve a bill which provided that the secretary may be a member of the Board, but I see no necessity in making membership on the Board mandatory in order that a person may be appointed as secretary.

Because of both of these reasons, I am vetoing the bill.

Very truly yours,

(Signed) Walter E. Edge

Governor

(Seal)

Attest:

Edward M. Gilroy
Secretary to the Governor.

Assembly No. 263

April 16

1945

Mr. Sidney Goldman
State Librarian

Sir:

I am filing herewith in the State Library, without my approval, Assembly bill No. 263.

This act is designed to give the Commissioner and Commission Counsel in cities of the third class and counties of the third class, other than cities which are governed by the Commission form of government or the city Manager form of Government, the right to fix their own salaries by ordinance.

I am opposed in principle to the policy of permitting elected officials, by their own vote without the referendum of the people, to fix their own salaries.

In addition to this, I am advised by the Attorney General that this bill in its present form is unconstitutional because its title refers to cities of the third class and counties of the third class, whereas the bill itself refers to only certain cities of this type and not all cities.

For the reasons herein set forth, I am vetoing the bill.

Very truly yours,

(Signed) Walter E. Edge

Governor

(Seal)

Attest:

Edward M. Gilroy
Secretary to the Governor.

Mr. Sidney Goldmann
State Librarian

Sir:

I am filing herewith in the State Library,
without my approval, Assembly Bill No. 263.

This act is designed to give the Commissioner
and Commission Counsel in cities of the third class and counties of the
third class, other than cities which are governed by the Commission form of
government or the City Manager form of government, the right to fix their
own salaries by ordinance.

I am opposed in principle to the policy of
permitting elected officials, by their own vote without the referendum
of the people, to fix their own salaries.

In addition to this, I am advised by the
Attorney General that this bill in its present form is unconstitutional
because its title refers to cities of the third class and counties of the
third class, whereas the bill itself refers to only certain cities of this
type and not all cities.

For the reasons herein set forth, I am vetoing
the bill.

Very truly yours,

/s/

WALTER E. EDGE
Governor.

ATTEST:

/s/ EDWARD M. GILROY
Secretary to the Governor.

April 16

1945

Mr. Sidney Goldman
State Librarian

Sir:

I am filing herewith in the State Library, without my approval, Assembly bill No. 264.

This bill is a re-enactment of the present law providing that the salaries of members of the governing body of any municipality shall be fixed by a vote of the legal voters at a general election except in the case of a Mayor in municipalities having a population of more than 20,000, in which municipality the governing body has the power by ordinance to fix the salary of the Mayor.

The purpose of this act is to exempt from the present law cities of the third class and counties of the third class. A companion bill, No. 263, has passed the Legislature and the purpose of that bill is to permit the Mayor and Councilmen in cities of the third class and counties of the third class to fix their own salaries.

I have just vetoed Assembly bill No. 263 because of the reasons set forth in my veto message attached thereto and if this bill were to be enacted into law it would leave cities of the third class and counties of the third class without any means whatsoever of fixing the salaries of their governing body.

I am, therefore, vetoing this bill so that municipalities in the last above-mentioned class will continue in the same category as other municipalities, except those governed by the Commission form of government or the City Manager form of government, permitting the voters by their votes to determine the salary of the members of the governing body.

(Seal)

Attest:

Edward M. Gilroy (Signed) Walter E. Edge
Secretary to the Governor. Governor

FOR RELEASE - AFTERNOON PAPERS, WEDNESDAY, APRIL 18, 1945

I am filing herewith in the State Library, without my approval, Assembly Bill No. 264.

This bill is a re-enactment of the present law providing that the salaries of members of the governing body of any municipality shall be fixed by a vote of the legal voters at a general election except in the case of a Mayor in municipalities having a population of more than 20,000, in which municipality the governing body has the power by ordinance to fix the salary of the Mayor.

The purpose of this act is to exempt from the present law cities of the third class and counties of the third class. A companion bill, No. 263, has passed the Legislature and the purpose of that bill is to permit the Mayor and Councilmen in cities of the third class and counties of the third class to fix their own salaries.

I have just vetoed Assembly Bill No. 263 because of the reasons set forth in my veto message attached thereto and if this bill were to be enacted into law it would leave cities of the third class and counties of the third class without any means whatsoever of fixing the salaries of their governing body.

I am, therefore, vetoing this bill so that municipalities in the last above-mentioned class will continue in the same category as other municipalities, except those governed by the Commission form of government or the City Manager form of government, permitting the voters by their votes to determine the salary of the members of the governing body.

Very truly yours,

/s/ WALTER E. EDGE
Governor.

ATTEST:

/s/ EDWARD M. GILROY
Secretary to the Governor.

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April 18,
1945.

Mr. Sidney Goldmann,
State Librarian.

Sir:

I am filing herewith in the State Library,
without my approval, Assembly Bill No. 322.

This bill grants a 50% increase in the
salary of the Judge of the Criminal Judicial District Court of Passaic County.

It has been the consistent policy of this
administration not to increase salaries for part-time services. The judge
who is affected by this salary increase is permitted to continue in the
practice of law and is not required to give his full time to the duties of
this office.

In addition thereto, the salary fixed under
the bill is mandatory and does not give the Board of Freeholders of the
county, who must raise the money to pay the salary, an opportunity to
determine whether or not the county can afford this additional expense. It
is mandatory legislation of the type that meets with my disapproval.

I am, therefore, in keeping with the policy
above referred to, vetoing this bill.

Very truly yours,

/s/ WALTER E. EDGE
Governor.

ATTEST: /s/ EDWARD M. GILROY, Secretary to the Governor.

Assembly No. 322

April 18

1945

Mr. Sidney Goldman
State Librarian

Sir:

I am filing herewith in the State Library, without my approval, Assembly bill No. 322.

This bill grants a 50 % increase in the salary of the Judge of the Criminal Judicial District Court of Passaic County.

It has been the consistent policy of this administration not to increase salaries for part-time services. The judge who is affected by this salary increase is permitted to continue in the practice of law and is not required to give his full time to the duties of this office.

In addition, the salary fixed under the bill is mandatory and does not give the Board of Freeholders of the county, who must raise the money to pay the salary, an opportunity to determine whether or not the county can afford this additional expense. It is mandatory legislation of the type that meets with my disapproval.

I am, therefore, in keeping with the policy above referred to, vetoing this bill.

Very truly yours,

(Signed) Walter E. Edge

Governor

(Seal)

Attest:

Edward M. Gilroy
Secretary to the Governor.

April 18,
19 45.

Mr. Sidney Goldmann
State Librarian

Sir:

I am filing herewith in the State Library,
without my approval, Assembly Bill No. 338.

This bill seeks to amend the act providing for
pensions to retired employees of school districts.

These employees are now retireable only when they
have reached the age of 65 years. This amendment seeks to broaden the basis
for retirement by providing that the employee may be retired by action of the
board when the employee has served 25 years and is "incapacitated" as certified
by a physician designated by the board.

The purpose of the act is undoubtedly laudatory.
There may be cases where an employee who has served 25 years, has suffered from
an incapacitation permanent in nature which makes it impossible to ever return
to work and in a case of this kind I would be entirely sympathetic with the
granting of a pension.

However, this act is so loosely drawn that if it
were enacted into law, it could not over a course of years result in anything
but flagrant abuse of the authority which it seeks to grant.

The act does not provide that an employee must be
permanently incapacitated in order to be pensioned. It does not even provide
that incapacitation shall exist for any stated time. Its only requirement is
that the employee be "incapacitated".

Most human beings in the course of a life-
time are on many occasions "incapacitated" from performing their everyday duties
for some period of time. In most instances the period of incapacitation
fortunately is very short, but under this act the power to pension is so broad
that a person who is incapacitated only temporarily and who perhaps in a period
of months or even weeks would be able to return to duty, would be granted the
benefits of a pension and retirement the same as though he or she had fulfilled
their full term of service and reached the age of 65 years.

The injustice of this procedure to the other employees of the pension system and to the taxpayers as well is apparent when we realize that an employee who started to work at the age of 20 years could under this act be retired because of so-called "incapacitation" at 45 years of age, whereas other employees, many of whom have by dint of perseverance and physical endurance overcome "incapacitation", must continue to work until they reach the age of 65 years before they can receive the benefits.

The act is grossly unfair to employees and taxpayers alike. I cannot approve it.

Very truly yours,

/s/

WALTER E. EDGE
Governor.

ATTEST:

/s/ EDWARD M. GILROY
Secretary to the Governor.

Assembly No. 338

April 18

1945

Mr. Sidney Goldman
State Librarian

Sir:

I am filing herewith in the State Library, without my approval, Assembly bill No. 338.

This bill seeks to amend the act providing for pensions to retired employees of school districts.

These employees are now retireable only when they have reached the age of 65 years. This amendment seeks to broaden the basis for retirement by providing that the employee may be retired by action of the board when the employee has served 25 years and is "incapacitated" as certified by a physician designated by the board.

The purpose of the act is undoubtedly laudatory. There may be cases where an employee who has served 25 years, has suffered from an incapacitation permanent in nature which makes it impossible to ever return to work and in a case of this kind I would be entirely sympathetic with the granting of a pension.

However, this act is so loosely drawn that if it were enacted into law, it could not over a course of years result in anything but flagrant abuse of the authority which it seeks to grant.

The act does not provide that an employee must be permanently incapacitated in order to be pensioned. It does not even provide that incapacitation shall exist for any stated time. Its only requirement is that the employee be "incapacitated".

Most human beings in the course of a lifetime are on many occasions "incapacitated" from performing their everyday duties for some period of time. In most instances the period of incapacitation fortunately is very short, but under this act the power to pension is so broad that a person who is incapacitated only temporarily and who perhaps in a period of months or even weeks would be able to return to duty, would be granted the benefits of a pension and retirement the same as though he or she had fulfilled their full term of service and reached the age of 65 years.

The injustice of this procedure to the other employees of the pension system and to the taxpayers as well is apparent when we realize that an employee who started to work at the age of 20 years could under this act be retired because of so-called "incapacitation" at 45 years of age, whereas other employees, many of whom have by dint of perseverance and physical endurance overcome "incapacitation" must continue to work until they reach the age of 65 years before they can receive the benefits.

The act is grossly unfair to employees and taxpayers alike. I cannot approve it.

Very truly yours,

(Signed) Walter E. Edge

Governor

(Seal)

Attest:

Edward M. Gilroy
Secretary to the Governor.

FOR RELEASE-P.M. PAPERS SATURDAY, MAY 5, 1945

Mr. Sidney Goldmann
State Librarian

Sir:

I am filing in the State Library, without my approval, Assembly Bill No. 388.

The purpose of this Bill is laudable in that it endeavors to provide a means whereby a municipality without a water system may build and finance an extension to a community having excess water.

I am advised by Local Government Commissioner Darby, however, that the measure is so loosely drawn it apparently limits the financing of such projects to the issuance of bond anticipation notes, which by law must not run for more than two years or be funded into permanent bonds. He points out there is no provision whatsoever for issuance of permanent bonds and the question might well be raised that the entire financing would have to be completed within two years, which might put an undue hardship upon the taxpayers.

Further, the bill does not specify which municipality would have title to the extensions proposed to existing water systems.

There also is grave question whether any such legislation is needed since the Revised Statutes 40:62-49 already permits two or more municipalities to enter into contracts for the supply of water and Section 40:62-60 provides that the cost of such extensions shall be assessed against lands and real estate which received the benefit of the additional supply.

If the entire community wishes to bear the additional burden instead of only those benefitted it would be far easier to amend this section to give communities such power rather than to put an entirely new method of extending water systems on the statute books without proper financial safeguards.

Accordingly, I am vetoing this bill.

Very truly yours,

/s/ WALTER E. EDGE
Governor.

ATTEST:

/s/ EDWARD M. GILROY
Secretary to the Governor.

New Jersey State Library

FOR RELEASE-P.M. PAPERS SATURDAY, MAY 5, 1945

Mr. Sidney Goldmann
State Librarian

Sir:

I am filing in the State Library, without my approval, Assembly Bill No. 383.

The purpose of this bill is laudable in that it endeavors to provide a means whereby a municipality without a water system may build and finance an extension to a community having excess water.

I am advised by Local Government Commissioner Darby, however, that the measure is so loosely drawn it apparently limits the financing of such projects to the issuance of bond anticipation notes, which by law must not run for more than two years or be funded into permanent bonds. He points out there is no provision whatsoever for issuance of permanent bonds and the question might well be raised that the entire financing would have to be completed within two years, which might put an undue hardship upon the taxpayers.

Further, the bill does not specify which municipality would have title to the extensions proposed to existing water systems.

There also is grave question whether any such legislation is needed since the Revised Statutes 40:62-49 already permits two or more municipalities to enter into contracts for the supply of water and Section 40:62-60 provides that the cost of such extensions shall be assessed against lands and real estate which received the benefit of the additional supply.

If the entire community wishes to bear the additional burden instead of only those benefitted it would be far easier to amend this section to give communities such power rather than to put an entirely new method of extending water systems on the statute books without proper financial safeguards.

Accordingly, I am vetoing this bill.

Very truly yours,

/s/ WALTER E. EDGE
Governor.

ATTEST:

/s/ EDWARD M. GILROY
Secretary to the Governor.

FOR RELEASE - AFTERNOON PAPERS TUESDAY MAY 8, 1945.

May 7,
19 45.

Mr. Sidney Goldmann,
State Librarian,

Sir:

I am filing in the State Library,
without my approval, Assembly Bill No. 11.

This measure relates to the sale by
municipalities of lands or buildings not needed for public uses, and is one
of numerous such measures on the same subject passed by the 1945 Legislature,
three of which I vetoed previously.

One of the vetoed bills was Assembly 50
and this new measure, Assembly 11, is virtually the same measure with very
minor changes.

In effect, the bill gives local governing
bodies widespread powers to impose "any conditions of sale" requiring demolition
or new construction or alteration of buildings and surrounding property.

As I said in my veto message on Assembly
Bill No. 50 "authority to impose conditions of this kind could very easily open
the way to flagrant abuse of the discretionary power conferred upon a
municipality."

Accordingly, I am vetoing the measure.

Very truly yours,

/s/

WALTER E. EDGE
Governor.

ATTEST:

/s/ EDWARD M. GILROY
Secretary to the Governor.

New Jersey State Library