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PUBLIC HEARING

ON

SENATE BILL NO. 23

*N.J. Legislature Joint Committees on
State department reorganization*

Held

Senate Chamber, Trenton, New Jersey

April 13, 1948

BEFORE

SENATE AND ASSEMBLY COMMITTEES ON STATE DEPARTMENT REORGANIZATION

PRO

APR 22 1948

Members of Committee present:

Division of
Archives and Records
TRENTON

Senator C. Wesley Armstrong (Chairman)
Senator Freas L. Hess
Assemblyman J. Richard Kafes
Assemblyman Percy A. Miller
Assemblyman W. Howard Sharp

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SENATOR C. WESLEY ARMSTRONG, CHAIRMAN: We will call the hearing to order. The purpose of this hearing is to give you an opportunity to express your opinion of Senate Bill 23. I will ask you to refrain from repetition as much as possible. Of course, I know we cannot control it altogether but at the same time we can at least try to refrain from it. In that way we will save time and it will make the record so much easier for us to read later on.

I am going to first call upon the embalmers. I believe Mr. Moore registered to speak for the embalmers and funeral directors, and I am calling upon that group first because I understand they desire to get away early.

MR. ROBERT C. MOORE, JR.: Thank you for your courtesy in allowing us to proceed first, as we have other services to perform this afternoon.

We are here this morning representing the State Funeral Directors Association and Board of Embalmers of the State of New Jersey. We do represent some 1250 licensed funeral directors and embalmers of this State and we are here in opposition to Senate Bill 22, which places us under the jurisdiction of the State Board of Health. We are here today urging and asking that we might be placed back again with the professional boards with which we have been associated these many years. After some thirty years of much hard work and interest on the part of all the funeral directors of the State of New Jersey, we have attained what we feel today is a professional status and we would like to retain that status by remaining with the professional boards.

We believe that yesterday a resolution was passed by the State Board of Health recommending that we remain and stay with the professional boards. They feel we have been doing an excellent job in taking care of our own affairs and that we should be allowed to remain there. I point somewhat with pride to the status that New Jersey has attained in leading the way- and on many occasions New Jersey has been used as the pattern for setting up such boards of embalmers and funeral directors throughout this country of ours. We have been called upon many times to furnish our laws, our rules, and our regulations to other states, and they have followed New Jersey because we have been so progressive in our mode and method of control and in taking care of our affairs.

So, gentlemen, I plead with you and I urge you to consider the hard work that we have been doing over these many years and allow us to retain this professional status that we have acquired.

Because we know you gentlemen are busy men, we have only brought a very small delegation that has been selected by the New Jersey State Funeral Directors Association. Further than that I can say no more, but I do urge that we be allowed to remain with the professional boards and that we be considered in the same category as the Board of Pharmacy, Medical Board, etc.

We again wish to take this opportunity to say thanks to you gentlemen for giving us of your time.

SENATOR ARMSTRONG: Dr. Quigley heads a group here desiring to be heard, so I am simply going to call upon Dr. Quigley to say what he has to say, and then I suggest, Doctor, that you introduce your people from now on.

DR. FREDERICK J. QUIGLEY: Mr. Chairman and Members of the Committee: In the first place, realizing that the Senate Chamber was small, we made no effort to get any sizeable group here today.

Now, this matter that we are going to discuss today revolves around one central theme and that is the present autonomy of the various professional boards that are listed here. Many of us in this group are familiar with this problem and have been for a great many years. There have been in the past attempts made to interfere or to break down the autonomy of these boards, so that over twenty-five years ago there was formed a small organization which we call the Conference of Allied Medical Professions. That Conference is made up of three representatives from the Medical Society-- three each from the Medical, Pharmaceutical, Nursing, and Dental Societies. Each one of these groups has one vote, and we consider matters of common interest, especially having to do with the maintenance of standards of these boards, and resist attempts to break down the autonomy of these boards. We have had to meet this proposition four or five times within that period, especially attempts to take the funds with which the boards operate.

Now, you remember, Mr. Chairman, that four years ago, during Governor Edge's administration, we were threatened at that time with the likelihood that there would have to be consolidation of the boards, particularly those boards that had to do with the health professions, so this Conference of Allied Medical Professions met and later brought in representatives of optometry and of veterinary medicine, and we made a careful study of this proposition. At that

time you will recall there was quite a bit of discussion about placing these boards in the Department of Health. We gave that consideration. We also considered the placing of these boards in the Department of Education, and you will recall, Mr. Chairman, that we appeared before this Commission and I think, as a result of our representations with respect to the inappropriateness of placing these boards in the Department of Health because of the decidedly different functions, that was abandoned. There is sound reason, too, why these boards should not be placed in the Department of Education, although at first glance it might appear that would be the natural place. That department deals entirely with general education and is not at all equipped to deal with and has no knowledge of the special problems that must be taken into consideration in the matter of these different professional boards. So, when it became evident as a result of the passage of the new Constitution that these boards would have to be consolidated and go somewhere, the Conference of Allied Medical Professions again studied this situation last fall and reached the conclusion which we had previously reached; namely, that the best solution, in our judgment, would be to create a Department of Professional Boards. The other groups that are going to speak today were brought into this Conference and out of that a determination grew up to attempt to, if possible, persuade the Legislature that the desirable thing would be the creation of a principal Department of Professional Boards.

I want to underline this statement: This is not a personally conducted tour by any one of the professions. This decision to oppose Senate Bill 23 was arrived at without any persuasion or attempt to influence any of these groups.

Now, of course, a bill of this kind has no vocal proponents. We wish that a statement might have been issued by the Committees as to the thinking which decided them to suggest or propose that these boards go into the Department of State. We would also have liked to have the thinking which prompted the Committees to make other proposals in this bill. We know that the Committees - we are sure of that - feel that this proposal is good. We also know that the Committees must of necessity, as all committees do, rely to a great extent upon the people who draft these bills. Now having said that with all due respect to the members of the Committees, we know that their intention was of the best, but it is our considered judgment that if this Committee had started out to deliberately wreck these boards, they could not have done it more successfully than by the proposals in Senate 23.

The first speaker, Mr. Chairman, I would like to present is the President of the Medical Society of New Jersey, Dr. Royal A. Schaaf. Dr. Schaaf.

DR. ROYAL A SCHAAF: Mr. Chairman and Gentlemen of the Committee: I am President of the Medical Society of New Jersey, which comprises 5,000 physicians, over 95 per cent of the licensed practitioners of medicine in the State, and for eight years I have been a member of the Board of Medical Examiners of the State. I offer the following statement for the Medical Society of New Jersey.

A clear presentation of the attitude of The Medical Society of New Jersey in regard to the disposition of the Board of Medical Examiners and the other Professional Boards, to be made in the reorganization of the State Government as required by the new Constitution, adopted at the election of November 1947, demands a brief review of the history of Medical Licensure in New Jersey.

Although my remarks are concerned principally with the question of Medical Licensure in this State, they apply with equal force to all of the other professional boards as well. Professional licensure is absolutely essential to the public welfare. There is one main objective of professional licensure, namely, the selection and licensing of thoroughly educated and trained practitioners of the learned professions and the exclusion of incompetent or poorly educated and trained candidates.

From the year 1766, in pre-revolutionary times, to 1890, The Medical Society of New Jersey, had the responsibility for the education and the certification of physicians and the selection of qualified practitioners in this State. Under our

statutes, The Medical Society of New Jersey was empowered to examine candidates for the degree of Doctor of Medicine after suitable periods of training and education and to confer the degree of Doctor of Medicine upon those candidates who were deemed to be qualified to practice medicine. The Medical Society of New Jersey still possesses the legal authority to confer the degree of Doctor of Medicine upon any person it deems qualified to receive this degree but we have not exercised this privilege since 1890. About the year 1885, The Medical Society of New Jersey thought that some more adequate method of education, examination and licensure of practitioners of medicine in this State was necessary and the Society therefore, sponsored a bill before the Legislature to establish one of the first Professional Licensing Board in this State, the Board of Medical Examiners. The enabling legislation was passed by the Legislature in 1890 and was approved by the Governor on May 12th of that year. Since the adoption of the Medical Practice Act of 1890, our Society has maintained careful observation and scrutiny of the provisions of the Medical Practice Act and from time to time has recommended to the Governor and the Legislature, new or changed provisions of the Act, all of which were intended to elevate the standards of medical licensure in this State. The standards have been gradually raised until, at the present time the requirements for all candidates for medical licensure, are as high as in any other state in the Union. As a result of this continuing elevation of standards for licensure, the general

level of medical practice in the State of New Jersey compares favorably with that in any other part of the country. The medical licensure requirements now in force guarantee to the people of the state a high degree of professional competence on the part of all licentiates in medicine.

Our Society is vigorously and unalterably opposed to any changes in the Medical Practice Act which would in any way tend to lower these standards. Year after year bills are introduced into the Legislature which would permit graduates of sub-standard medical schools to be admitted to the examination for medical licensure. Year after year our Society vigorously opposes such proposed measures on the ground that they are inimical to the public interest. We propose to continue our unalterable opposition to all such bills.

Since its establishment in 1890, the Board of Medical Examiners has been an autonomous body answerable only to the Governor and by reason of its present status, it has been able to preserve its integrity and has been singularly free from political pressure. It has been able to conduct its activities without fear or favor. In the 58 years of its existence, The Board of Medical Examiners has not asked the Legislature for a penny with which to conduct its operations or to make up deficits. It is stated that placing the professional boards in one of the existing departments of the State Government would result in greater efficiency and economy in operation. It is difficult for us to see where

any economy can be effected when there is no expense to the state under the present plan. Neither could there be an economy to the individual applicant for licensure unless the present low fees of \$25. for examination and \$100. for license by reciprocity were reduced and unless a reduction were made in the fines now assessed against violators of the Medical Practice Act. It seems to us that a reduction in any of these items would be unthinkable.

In regard to Senate Bill #23 specifically, under the provisions of which the Board of Medical Examiners would be placed in the Department of State, The Medical Society of New Jersey wishes to voice the most vigorous opposition to such a disposition of this Board on the ground that the autonomy of the Board and consequently its integrity, would be seriously impaired. Subsequent speakers will present a detailed analysis of the Bill, pointing out its objectionable features, and our proposals for an alternative program. They will also bring out statistical data in regard to the number of professional licentiates of all types in this State, the finances of the various Boards and other items. I shall deal only with the broad principles. The inclusion of the Board of Medical Examiners in the Department of State is both inappropriate and illogical. It cannot be justified by any argument except possibly by the specious one that under the reorganized State Government, the Secretary of State would have comparatively little to do and the Professional Boards might, therefore, just as well be placed in his department as elsewhere. The

history of the office of Secretary of State shows that it occupies a position comparable to that of the Postmaster Generalship in the Federal Cabinet, namely, the office through which patronage and political favors are dispensed to the faithful or deserving. The behavior of men follows established patterns. Knowing what a man has done in the past, one can predict with a fair degree of certainty what he will do in the future. For example, in the case of the present incumbent of the office of Secretary of State, it is well known that he favored at least one legislative act which would inevitably have resulted in deterioration of the standards of medical licensure in this State. In the Legislative term of 1947, Assembly Bill #88, would have enabled graduates of sub-standard medical schools to take the examination for medical licensure in this State. This Bill was vigorously opposed by The Medical Society of New Jersey in conformity with its usual practice in such examples of pernicious legislation. The Bill was introduced by a member of the Assembly from the home county of the present Secretary of State. The Secretary himself did not hesitate to write a personal letter to the Senator of every county urging him to support this vicious measure. The act of the Secretary in this matter led to an excoriating editorial in the Newark Evening News, quoted as follows: (Attached). Knowing the attitude of the present Secretary of State in regard to medical licensure, it is not remarkable that The Medical Society of New Jersey should have grave apprehension about the fate of our Medical Practice Act if it is placed

under his direct supervision and control.

On three previous occasions, once as a member of the Board of Medical Examiners and twice speaking for The Medical Society of New Jersey I, in the company of other physicians, voiced the opposition of The Medical Society of New Jersey to the proposal to place the Board of Medical Examiners in the Department of State. On December 11, 1947, in company with Dr. Quigley, I had a personal interview with Governor Driscoll who gave us a most gracious and considerate hearing but remained non-committal. The Governor very kindly arranged a meeting with the N. J. State Commission on Administrative Reorganization, then in session, who accorded us every consideration but also remained non-committal. On February 11, 1948, I, as a member of a delegation from the Board of Medical Examiners, appeared before the Senate and Assembly Committees on Reorganization of the State Government. On all three occasions the views expressed today were presented in a forceful and, we thought, effective manner. We find, however, upon reading Senate Bill #23, that our logic and persuasive reasoning have fallen upon deaf ears. We do not know the origin of Senate Bill #23 introduced March 24, 1948 by Mr. Armstrong. We do not know who drafted it or who its proponents are. We are certain, however, that it is an ill-considered and vicious bill which will inevitably lead to deterioration in the standards of professional licensure in this State. It will almost certainly make a political football out of the professional Boards. We urge, therefore, with all

the sincerity at our command that this Committee disapprove Senate Bill #23. It is incredible to us that your committees could, with accurate knowledge of the facts, accept the proposals included in S. 23 as a proper solution of the question of the disposition of the professional boards.

NEWARK EVENING NEWS, TUESDAY, APRIL 1, 1947

TWO QUESTIONABLE BILLS

Two questionable Assembly bills are Nos. 30 and 88. They would amend the law with respect to licensing physicians and surgeons. While general in terms, it is admitted that both bills are intended to let down the bars for certain individuals. The bills are respectively sponsored by Assemblyman Mischlich of Atlantic and Assemblyman Reiffen of Passaic. No. 88, which has the backing of Republican State Chairman Marsh, has already passed the Assembly.

Under present law each applicant for examination for a license must, besides other requirements, prove that he has received a diploma from a legally incorporated medical or professional school that in the opinion of the State Board of Medical Examiners was "in good standing at the time of the issuance of the diploma." The quoted phrase is omitted from both bills. This omission would permit the licensing of applicants from medical schools not approved by the State Board of Medical Examiners.

The Mischlich bill provides, in addition, that an applicant who has been licensed by the examining board of another

state "may" be licensed if he furnishes proof that from December 7, 1941, to December 31, 1946, he has practiced medicine and surgery while a commissioned officer in the Medical Corps of the armed forces. Instead of "may," the Reiffen bill states that any applicant "shall" be admitted to examination if he has served as an interne for at least two years in a hospital approved by the State Board or--note this--has had at least one year's professional experience while a member of the Army, Navy or Federal Public Health Service.

Both bills are plainly attempts to circumvent present requirements for the benefit of a certain favored few, who according to Dr. Frederic J. Quigley of the State Medical Society, knew that by entering the schools they did they would not be eligible for the New Jersey examinations. Such legislation is always open to doubt and is doubly doubtful where the practice of medicine is concerned. The bills should be killed.

DR. QUIGLEY: Mr. Chairman, the next speaker is Mr. A. R. Granito, of Hackensack, Chairman of the Public Health and Welfare Committee, New Jersey Pharmaceutical Association. Mr. Granito.

MR. A. R. GRANITO: Mr. Chairman and Gentlemen of the Committee: I am Chairman of the Committee on Public Health and Welfare and Chairman of the Board of Trustees of the New Jersey Pharmaceutical Association, and on behalf of the New Jersey Pharmaceutical Association, I present this statement opposing Senate Bill 23.

Discussions with delegates to the Constitutional Revision Convention led the New Jersey Pharmaceutical Association to believe that nothing in the revised charter would interfere with the autonomy enjoyed by the Board of Pharmacy since its inception more than 70 years ago, and that the principle reason for revising the State Constitution was to create efficiency and economy in the operation of the State government. Legislative and government leaders with whom the matter has been discussed since the adoption of the revised Constitution assured us that any legislation to implement the revised Constitution would not interfere with the efficient functions of professional boards.

In our study of Senate Bill 23 we find that the Board of Pharmacy's functions will suffer interference to the extent that its services to the public will be considerably less efficient than under its present set-up.

Section 12 of the bill transfers all of the functions, powers, duties, records and property of individual boards to the division of professional boards. Section 13 provides that each board shall continue to have all of the powers and exercise all of the functions and duties invested or imposed upon it by law, subject to restrictions and limitations contained in Senate 23. What powers, functions and duties are left to individual boards after they have been transferred to the division of professional boards under the restriction of Section 12? How will the boards function after their property and records have been transferred to the division of professional boards?

Section 16 gives the head of the Department of State authority to hire and fire, and to assign the duties of clerical, secretarial, recording or other personnel, except inspectors. Does this mean that the Secretary of State will designate the administrative officer of each professional board?

The Secretary of the Board of Pharmacy is now selected in accordance with the provisions of Section 45:14 - 3, Revised Statutes, and may or may not be a member of the Board. The present Board of Pharmacy Secretary is not a member of the Board and thus may be considered an employee of the Board. For the past twenty years or more, the Secretary of the Board of Pharmacy has not been a member of the Board and has been selected on the basis of his qualifications to carry out the highly specialized and technical functions of the Board. He is the key man in administering the affairs of the Board. Anyone less trained or less competent would interfere with the efficiency of the Board's operations. The Secretary of State, to whom the authority of employing and assigning the duties of secretarial personnel would be given under Senate Bill 23, cannot be expected to have sufficient training which will permit him to properly assume this obligation.

Section 16 also threatens the efficiency of the personnel now employed by the various boards, particularly the Board of Pharmacy. Clerical workers now employed by the boards cannot be expected to maintain the same degree of loyalty to and efficiency in their jobs if they have no assurance that they

will not be transferred out of one job into another at a moment's notice whenever the Secretary of State deems such transfer advisable. In the case of the Board of Pharmacy, the clerical staff have been trained over a period of years to carry on a special job to which each is assigned and yet be able to temporarily handle the job of another in cases of emergency, with the result that there is no accumulation of important matters while an employee is ill or on vacation. Under Section 16, only the Secretary of State may employ, assign and prescribe the duties of clerical personnel. How can a Secretary of State, who is not expected to have any specialized knowledge of the functions and duties of professional boards, be expected to prescribe and assign the duties of personnel that must, in the interest of efficiency, be highly trained to carry on their duties? Furthermore, the relatively few persons employed by the boards which will make up the division of professional boards contemplated under Senate Bill 23 are spread out in offices located in different parts of the State. Three of these boards maintain offices in Trenton; two in Newark; two in Jersey City; one in Perth Amboy and one in Deal. Is it plausible that one individual, the Secretary of State, can efficiently give personal supervision over the employees of these boards as he is required to do under Section 17 of Senate Bill 23?

It is our opinion that the hodge-podge of employee personnel outlined in Senate Bill 23 will completely nullify the efficient operation of the several professional boards and

hinder their heretofore splendid efforts to the extent that the public will suffer untold harm.

With respect to the inspection personnel who are exempt from certain provisions of Section 16, the bill provides that the boards must have the approval of the Secretary of State before any such personnel may be employed or their compensation fixed. This is just another way of saying that the Secretary of State will employ inspectors and enforcement personnel and fix their salaries. We see no reason why such authority should be given to the Secretary of State in this round-about manner. Why not be frank with us and say that it is the intention of the legislature to permit the Secretary of State to dominate the inspection and enforcement activities of the Board of Pharmacy?

Sections 20, 21, 22, 23 and 24, outline the manner in which the functions of professional boards will suffer interference by restricting the use of funds with which they have operated in the past. Here, again, the Legislature is not in agreement with the framers of the revised Constitution and have written into the bill something that the new charter does not contemplate. Nothing in the new Constitution, to our knowledge, eliminates the possibility of dedicated funds. Senate Bill 23 definitely wipes out the funds dedicated under the several professional licensure acts to the use of the several boards. We ask, in all seriousness, how the Legislature expects boards to increase their efficiency when the funds with which they operate are restricted in the manner

indicated in Senate Bill 23? We ask, also, why are the boards subjected to such discrimination unless it is the clear intent of the Legislature to violate the philosophy of economy and efficiency which was used to sell the revised Constitution to citizens of New Jersey? If the principle of limiting expenditures for important board operations to an amount not exceeding the sum received in the previous year is good for professional boards, why should not the same principle be applied to all other state departments and agencies? By what line of reasoning can it be assumed that only the professional boards can successfully and efficiently operate on a limited budget that is predetermined upon the basis of the formula outlined in Senate 23?

We understand that it is mandatory under the new Constitution to effectuate a consolidation of existing state agencies into not more than twenty principal departments, which makes it obvious that each of the existing professional boards cannot be classified as a separate department. We were aware of this mandatory requirement before we supported the revised Constitution for adoption. We were hopeful that the legislature would follow the lead of the Constitution Revision Convention in giving to the people of New Jersey improved and efficient government services when implementing the provisions of the new charter into law, and that with respect to professional boards, a simple consolidation would be effectuated until further study and experience would show the need and the wisdom for permanent changes in their operations. It does not seem expedient at this time for the

Legislature to offer a comprehensive plan of consolidation which affects the basic procedures of professional boards without having made a recent comprehensive study of the activities, functions and procedures of these boards.

The Board of Pharmacy has operated for more than seventy years as an independent state agency. It is the oldest of the professional boards and is one of the few divisions of state government which has retained its initial identity over such a long period of years. The New Jersey Board of Pharmacy is looked upon as the leader of all Boards of Pharmacy in the nation. It is envied for its successful operations which have been made possible because it has been privileged to operate as an independent agency free from political interference. Dr. Edward C. Elliott, former president of Purdue University, now director of the Pharmaceutical Survey, a nationwide comprehensive survey to determine how Pharmacy can improve its services to the public, in a recent visit to New Jersey stated that he noted an "esprit" among pharmacists of this state not evidenced elsewhere in the nation, and that he attributed this unusual "esprit", as he terms it, to the excellent manner in which the Board of Pharmacy discharges its responsibilities to the citizens and to the profession. In the knowledge of experience in other states where somewhat similar consolidations of professional boards has been effectuated, Dr. Elliott sees grave danger of destroying the existing "esprit" with a resulting decrease in efficiency and the lowering of professional standards and ethics.

The professional boards which are to be consolidated into a division of the Department of State under the provisions of Senate 23 regulate the practices of more than 40,000 professional persons licensed by these boards. These 40,000 people deal entirely with the health and welfare of the citizens of our state and they are perhaps the most important segment of our citizenry. There is no evidence that either the boards or the professions they regulate have done anything but a highly satisfactory job in serving the needs of our citizens. By what method of reasoning can it be assumed that their services to the public can be improved by changing over from a tried and proven plan of procedure to one that has neither been studied or tried?

The New Jersey Pharmaceutical Association, speaking in behalf of 4,200 registered pharmacists practicing in New Jersey, is unalterably opposed to Senate Bill 23 and offers its services to the Legislature in promulgating a plan for the consolidation of professional boards that will be in keeping with the spirit and intent of the revised Constitution which makes such consolidation necessary.

DR. QUIGLEY: Mr. Chairman, the next speaker will be the President of the New Jersey Society of Certified Public Accountants, Mr. Ralph S. Johns, of Maplewood.

MR. RALPH S. JOHNS: Mr Chairman and Members of the Committee: I think Mr. Granito's remarks apply with equal force to the New Jersey State Board of Public Accountants. As President of our State Society, I represent about 700 certified public accountants, probably representing over 75 per cent of act practitioners of the State of New Jersey. The New Jersey State Board of Public Accountants was organized by act of the Legislature in 1904. Since that time the act as originally passed has not been amended in any way whatsoever. In its forty-four years of existence there has never been a law suit or complaint against it on behalf of the public or practitioners. This in itself is evidence that the Board has functioned in the best interests of the public and the accounting profession.

I will read now from the prepared statement:

In the consideration of any profession, the interests of the public are paramount. Implicit in this concept is the idea that the profession is so well organized and regulated that the public might go to it with assurance that it was committing its confidence and efforts to a group of qualified practitioners. As a consequence, any reduction of professional services would impair this high degree of social responsibility.

The professional licensing boards referred to in Senate Bill No. 23 deal with learned professions, all of whom came

into being and grew in response to a need for services requiring absolute integrity, a high degree of technical skill, objective judgment and independence. The public welfare has been and will continue to be best served by safeguarding the autonomy and independence of each board. The backbone of any profession is high standards of competence and conduct. These have been achieved in large measure because the professions themselves through their professional societies have set the high standards required for services on professional licensing boards.

Senate Bill No. 23 adds to the existing boards a sort of unwieldy super-structure which will impair the autonomy of the boards. Moreover, it will introduce unnecessary confusion and conflict of authority in the functions of each board and this will inevitably prove detrimental to the public interest.

The professional licensing boards of New Jersey have enjoyed a long and honorable history of public service which has evoked the admiration of other states in the union. Each board has its special problems and technique of operation. Restriction as provided for in Senate Bill No. 23 would be neither feasible nor conducive to the public welfare.

The provisions of Senate Bill No. 23 relating to appropriation of funds and budget control are unworkable.* To begin with, the annual income of boards fluctuate. Expenses are fairly uniform. Under Senate Bill No. 23 annual appropriations of board operations cannot exceed amounts paid into the

State Treasury during the preceding year. Such a provision in itself could conceivably restrict the operations of a particular board and interfere with a smooth and efficient operation.

At the present time each board is financially self-sustaining on the basis of the income it receives from application fees, licenses, fines, etc. It is obliged to render a monthly report of receipts and disbursements to the Comptroller of the Treasury of the State. The State auditor under existing law is authorized to examine the records and business affairs of each board. The boards are operated on an economical basis. They live within their income and are not and have not been a burden to the State. As a matter of fact, the control provided in Section 23 of Senate Bill No. 23, by way of making the Secretary of State an overriding officer as a sort of check on the financial activities of each board which is at present more readily and simply accomplished by the present machinery of report filing of operations by existing law and post audit control. In our opinion, the professional boards are of sufficient stature and importance to the public welfare as to justify a separate and independent department free from domination by any other department of the State.

Apparently Senate Bill No. 23 was drafted in part to meet the requirements of Article VIII, Section II, Paragraph 2 of the new Constitution relating to appropriations. I should like to read a statement prepared by legal counsel for the New Jersey Council of Professions on this point.

OPINION OF LEGAL COUNSEL FOR THE NEW JERSEY COUNCIL OF PROFESSIONS RELATING TO APPROPRIATIONS UNDER THE NEW CONSTITUTION

Article VIII, Section II, Paragraph 2 of the New Constitution (1947) provides as follows:

"No money shall be drawn from the State Treasury but for appropriations made by law. All moneys for the support of the State Government and for all other State purposes as far as can be ascertained or reasonably foreseen, shall be provided for in one general appropriation law covering one and the same fiscal year; except that when a change in the fiscal year is made, necessary provision may be made to effect the transition. No general appropriation law or other law appropriating money for any State purpose shall be enacted if the appropriation contained therein, together with all prior appropriations made for the same fiscal period, shall exceed the total amount of revenue on hand and anticipated which will be available to meet such appropriations during such fiscal period, as certified by the Governor."

The first sentence in the above quotation, to wit - "No money shall be drawn from the treasury but for appropriations made by law", was taken from the Constitution of 1844, Article IV, Paragraph 2.

The balance of the language above quoted was newly adopted in the 1947 Constitution.

You will note that it provides for one general appropriation. It requires all money for all State purposes as far

as can be ascertained or reasonably foreseen, to be provided for in one general appropriation law for each fiscal year. It would appear from the language used, that it was intended to require each department to obtain an appropriation, and all appropriations for all departments to be contained in one general appropriation law covering one fiscal year, provided it can be ascertained or reasonably foreseen.

The provisions in Senate Bill No. 23 regarding appropriations were evidently inserted therein so as to conform to this constitutional provision. However, you will note that these provisions still have in mind the fact that the various professional boards should continue to be self-sustaining because the bill provides that expenditures by a board in any fiscal year shall in no event exceed the amount paid into the State treasury for or on behalf of such board during such fiscal year. (Section 21, subdivision 2, 2nd paragraph, last sentence).

To further follow the Constitution, Section 23 of Senate Bill No. 23 provides for budget requests for appropriation for professional boards. It then provides that the total annual appropriations for any board shall not exceed the total amount paid into the State treasury for or on behalf of a board during the preceding fiscal year. This provision limits the amount of appropriation to any board to the revenue collected by a board for the preceding fiscal year. As a consequence, a board may only expend the amount it collected during a previous year and may not expend the total amount it may have collected during the fiscal year in which

the revenue was collected, in the event a board collects more in one year than is appropriated. If the annual appropriation for a board was not based upon the amount paid into the State treasury during the preceding year, or if there was appropriated to a board the total amount collected by the board for each fiscal year, then this condition would not arise.

In conclusion, therefore, I would say that the Constitution contemplates and intends that all money for State purposes, as far as can be ascertained or reasonably foreseen, shall be provided for in one general appropriation law for each fiscal year, but if the Legislature decides that it cannot be ascertained or reasonably foreseen as far as the professional boards are concerned, then such boards could proceed in the future as they have done in the past. However, in order to permit a board to expend all the revenue it derives in a fiscal year, the provisions of Senate Bill No. 23 would have to be changed so as to eliminate the limitation on the annual appropriation to the amount collected in the prior year and provide that the total revenue collected by a board in any fiscal year could be expended by such board in the fiscal year in which the same is obtained or collected.

DR. QUIGLEY: Mr. Chairman, the next speaker is Dr. Edward R. White of Jersey City, Chairman of the Legislative Committee of the New Jersey State Dental Society. Dr. White.

DR. EDWARD R. WHITE: Mr. Chairman and Members of the Committee: I would like to make one correction. I am Vice

Chairman and former President of the New Jersey State Dental Society.

The New Jersey State Dental Society is one of the oldest professional organizations in the state and it is largely through the efforts of this society that dentistry has reached its high level of public service. Our State Board of Registration and Examination has existed by legislative sanction since 1890 and through the close integration of the activities of our professional society and the State Board the practice of dentistry in New Jersey has been developed and regulated in a manner second to none in the country. In fact our board is pointed to by professional men of other states as an example of efficient and progressive regulation.

It is because Senate Bill No. 23 would destroy all of the major concepts and principles which it has taken years to develop that the members of the dental profession oppose this bill in its entirety. We believe that the members of this committee will agree that this bill, if enacted, would be prejudicial to the best interests of the public welfare when you consider the reasoning which prompts our opposition.

The political leaders of the past, in their wisdom, recognized the need of setting up those professions in the unique arrangement in which they have existed. They did in the beginning and have steadfastly through the years agreed and adhered to the principle that here, for obvious reasons, is one place where political influence and control should be kept at a minimum.

Hence in this wisdom, Legislators and Governors have always respected the professional control of the respective boards. In our board we have been proud of the appointments made by all Governors irrespective of parties as their appointments regularly cut clean across party lines in preference to professional qualifications. Legislators have likewise been cooperative in all dental legislation seeing to it that in all new laws this freedom of professional control has been maintained.

S 23 would definitely destroy all this. We cannot be naive enough to think that very much professional control could exist if a department head together with the necessary division heads could designate and compensate the employees of our board. Or if the monies of the board were controlled by an appointee unfamiliar with and uninterested in the problems of dentistry. Nor can we see any hope of economy of operation but on the contrary a certainty of greatly increased government costs.

While on this matter of finances the Legislators of the past also saw the wisdom of making our board self-sustaining, knowing that financing and appropriations are closely integrated in any control. The finances of our board were wisely set up by law into two accounts, one of which is known as "A Fund to Aid in the Prosecution of Illegal Practitioners". This fund is furnished entirely through the nominal four dollar annual registration fee paid by each licensed dentist and is retained by the board. This provision was made because of the impossibility of foreseeing the amount of pro-

secution work which will be necessary in any given year.

There may be very little one year and a deluge of expensive cases the next. This fund has not grown out of bounds at any time, but has been adequate to meet the need when needed.

We would recommend such a setup for other boards. Put under S-23 the important prosecution work would suffer and the control and limitation of prosecuting illegal practitioners would be in the hands of those holding the purse strings.

This could lead to a disastrous situation which must be avoided. The failure of prosecution work in some other states has been due to this very fact. Recently in New York State the technicians tried to pass a bill which would give them licensure. Governor Dewey has recently vetoed that bill.

It is an accepted and proven fact that members of these professions, especially the health professions, should be permitted, for the sake of protecting the public health and welfare, to practice only by licensure, a privilege granted by the state upon proof of sufficient qualifications. These professions themselves have kept a jealous watch over the standards maintained and in each instance these standards have advanced to a very high level in this state. Those individuals not familiar with all of the detailed individual problems of our board cannot be expected to nor can they properly administer to protect those standards.

Our state and especially our present Governor have been stalwart foes of bureaucratic health services. This bill would be one giant stride toward a most vicious form of governmental

bureaucratic medicine. Under this bill the control of these professions could nominally be in the hands of one person who could exercise dictatorial powers over the health professions by the power to regulate clinics and hospitals through the boards. We cannot conceive of our present leaders desiring this, but human nature being what it is the world over, we must make our laws so as to remove all such temptation now and for the future.

We are sure that the people of New Jersey in ratifying the new constitution did not vote for or desire to change or destroy any of those things which have proved their merit.

The dental profession is desirous of cooperating in every way possible to make the new constitution an effective instrument. We did not oppose its adoption. But we believe that its purpose will be best carried out if this bill were abandoned in so far as dentistry and the other professions are concerned. A new bill prepared which will not break down the principles so well developed which are an outstanding example of democracy at its best - with its professions regulating and supporting themselves in a workable and practical coordinated organization of citizens for the benefit of all.

We implore you not to let this bill go through and believe you will see the wisdom of our reasons.

DR. QUIGLEY: Mr. Chairman, the next presentation will be made by E. Elizabeth Brown, R. N., of Haddonfield, President of the New Jersey State Nurses' Association.

MISS E. ELIZABETH BROWN: Mr. Chairman and Members of the Committee: I am President of the New Jersey State Nurses' Association and speak in the interests of 20,000 registered professional nurses and approximately 3500 student nurses.

The New Jersey State Nurses' Association, which I represent as president, was incorporated in 1902 for the purpose of rendering better nursing care to the citizens of New Jersey by:

1. Setting standards in schools of nursing.
2. Setting up requirements for graduate nurses.
3. Examining nurses practicing in the State.

In 1903, at the request of the State Nurses' Association, the Nursing Practice Act was passed. New Jersey was the second state in the Union to pass such a law. The New Jersey State Board of Examiners was created in 1912. This act has been amended from time to time to keep pace with progress in education, in the science of medicine and to meet and to safeguard the community and the nation's needs.

In order to secure, maintain and enforce legislation, the nurses of New Jersey have, since the beginning of the State Association, taxed themselves. The State of New Jersey has at no time been asked for financial support. In fact, each of the original Board of five (5) members contributed \$400.00 of their own money to make it possible to conduct examinations of nurses, to register qualified nurses in the

State - both of these vitally important steps for the protection of the citizens of New Jersey.

The expense of the New Jersey Board of Nursing has at all times been paid by Registered Nurses who desired to have their professional qualifications accepted by the State and by applicants desiring to have their credentials established. The Board of Nursing has never been an expense to the taxpayer; therefore, no further economy can be effected.

Today every state in the Union has an examining Board and, of these Boards, 35 are composed of nurses controlling their own funds. The trend of the Boards the last few years has been reorganization for rather than away from independence.

The willingness of professional registered nurses to meet the financial obligations of the profession is shown by the fact that the number of nurses registering every year increases. In 1923, the nurses themselves asked to have their original registration fee of \$5.00 increased to \$10.00 with an additional fee of \$1.00 for annual re-registration - this to provide for inspection of schools of nursing. In 1947, the original registration fee, again, at the request of the nurses, was increased to \$15.00 to carry on the ever expanding activities of nursing education and better standards that will inevitably result in greater safety and security of the patient.

The profession of nursing came into being because the public needed nursing care. In our own State, nursing exists because of this same need. The citizens of our communities need nursing care. The New Jersey State Nurses' Association, through

the Board of Nursing, has accepted the responsibility of supervising the proper and adequate education of nurses for the public.

At this particular time, the State Nurses' Association has a responsibility not only to see that qualified nurses are serving in our immediate communities, but that the nursing needs of the expanding Army, Navy and Veterans' Administration are met. In order to meet the needs of our own State and nation, there must also be a continuing supply of student nurses recruited for our schools of nursing. Prospective students are more and more selecting "quality" schools. Today, nurses meeting the requirements of the New Jersey Board of Nursing are accepted without question for military services, and, today, we know the nursing resources of our State will be further taxed by additional hospital facilities made possible under the Federal Hospital Survey and Construction Act, (Public Law 725), passed by Congress in the fall of 1946. During the crisis of the war years, the United States Public Health Service looked to the Board of Nursing to maintain and elevate standards.

Since there has never been any appropriation by the State for the support of the Board of Nursing, it would become necessary under S. 23 for Registered Nurses to donate funds to the State and, in turn, have the State appropriate these donations for the support of the Board.

In practically every instance where the State Board of Nurse Examiners has been placed under another department, at

least part, and sometimes the largest percentage, of funds has been diverted to other purposes and the necessary clerical and professional personnel cannot be employed even though the nurses have paid a sufficient amount to cover such expenditures.

The Board of Nursing has the responsibility for nearly 20,000 nurses currently registered under the Nursing Practice Act of New Jersey and approximately 3,500 student nurses now enrolled in the 42 accredited schools of nursing in the State. These nurses- the registered, professional nurses - and students, together with their families, are vitally concerned with the status of the Board of Nursing - that it carry on its functions efficiently. The revised Nursing Practice Act of 1947 created a new function of the Board - that of Practical Nurse education and licensure.

The Board of Nursing has several responsibilities: one very important function relates to State registration through examination; another, the maintenance of standards in accredited schools of professional nursing and approved schools of practical nursing. The expenses of this Board, like all other groups, have increased during and since the war years.

Not only were the numbers of examinations given to meet war needs increased, but special individual examinations were given for young men students whose draft had been deferred to allow them to finish their nursing course. Increasing the number of examinations proportionately increases the expense and work in connection with them. These examinations are given for the purpose of helping the public to distinguish

between nurses who may or may not represent themselves to practice nursing as sanctioned by the State. Constant effort has been made by the Board to improve the type of examination in order to keep pace with current medical and health movements. New Jersey has pioneered in new and up-to-date examination procedures.

Another function in relation to protection of the public is in surveying and assisting schools of nursing in developing and maintaining standards which make it possible for young men and women to be properly trained. We have in New Jersey 42 accredited schools of nursing, 5 approved affiliate courses, and 1 public health agency approved for affiliation.

Through control of its funds, the Board of Nursing has been able to meet emergency situations that otherwise would have been delayed through diversion of funds or the process of making special pleas to have access to sufficient funds to meet the situation. A provision in Section 22 of S. 23 "that all surplus moneys remaining at the close of the fiscal year shall be paid into and become part of the general fund of the State" would mean that the Board of Nursing would be without funds between the date of the close of the fiscal year and the receipt of sufficient income to meet minimum current expense for at least 3 months. Section 23 states that the appropriation to meet minimum current expenses can never exceed the receipts of the preceding fiscal year and the expenditures cannot exceed the actual income during the fiscal year for

which the appropriation is made. The combination of these two restraints may operate as a serious limitation on the ability of the Board to carry on, since expenses at this uncertain time in world affairs are unpredictable.

Again, reflecting the provisions of Senate 23, had they been in effect since July 1, 1943, an analysis of the income and expenditures of the Board shows there would have been an operation deficit of over \$6,000. Under such a plan, the Board would have been compelled to curtail its activities to that extent. Can the public afford such a curtailment of operations when there is the existing dire shortage of nursing personnel?

It should be kept in mind that the expenditures of the funds are already supervised through monthly and annual reports to the Comptroller and surveys by the State Auditor, and reports submitted regularly to the Governor.

Through contact with, and reports from, all Boards of Examiners, we know only too well the handicaps that are encountered daily by those whose funds are not under Board control: action on applications has been delayed for indefinite periods; new methods could not be adopted; examinations have been curtailed; and the specially trained clerical personnel needed to expedite business procedures has been denied or transferred.

The efficiency of the Board is of utmost importance. The test of that efficiency is not alone in figures and reports, but in the safety and security of the patient who has every right to expect that the nurse who is certified through State examination and registration is competent.

The ability of Boards to carry on their activities within another department is always handicapped by the fact that they are not permitted to make independent decisions, but must wait until the proper person, or persons, has approved the plans. Since this person is usually not a member of the nursing profession, it means that most of the decisions for the professional group are made by one who is not familiar with the profession, its needs and responsibilities.

It is imperative that the Board of Nursing be left to carry on its work and meet emergency situations. Efficiency should not be hampered if the public is to be served and protected adequately.

It is the sincere hope of the New Jersey State Nurses' Association that this information will be of assistance in helping the Board of Nursing to retain its autonomy both in action and funds through defeat of S. 23 and the adoption of a Department of Professional Boards as was requested of the Governor as early as December 1947.

DR. QUIGLEY: Mr. Chairman, the next speaker was to have been Dr. John J. Brown of Perth Amboy, President of the New Jersey Optometric Association. I don't know Dr. Brown; I don't know whether he is here and I don't know whether any member of the Optometric Society is here.

SENATOR ARMSTRONG: Is Dr. Brown here? (No response.) I think there are some others listed. Do you want someone else to speak for that group?

DR. QUIGLEY: If there is anyone from the Optometric Society here. Apparently there is no one.

The next presentation was to have been made by Robert J. Cadien of Cliffside Park, President of the New Jersey Society of Architects. At the last minute he was unable to attend or to make arrangements for a substitute. He has sent a statement down with the request that it be read and if there is no objection I will ask John J. Devus, Secretary of the New Jersey Council of Professions, to read this statement of the New Jersey Society of Architects.

MR. JOHN J. DEVUS: This is a statement of the New Jersey Society of Architects.

With the State Government advocating less Federal control over State affairs it is inconsistent and inconceivable that it would endeavor to control the funds and operations of the professional licensing boards.

Senate Bill No. 23 would cause confusion and delay in board procedure, having to clear through a higher authority unfamiliar with, and in fact ignorant of, the specialized professional practice.

It would increase the work of the boards, make it more cumbersome and thereby reduce their efficiency.

Licensing boards were created for the purpose of insuring to the public that services rendered in the several professions, would be performed by competent people, and to prohibit unlawful and incompetent practice.

Each profession finances the cost of operating its respective board. There is as much difference in the method of

finance and of operation among the boards as there is difference of one profession to another. To "adopt uniform procedures for all secretarial, recording and clerical duties of the boards" is inconceivable. It would be as impractical as trying to run cars of different gauges over a one gauge track.

Under the proposed act the present registration fees would not be sufficient to pay for the added cost of operating the boards.

It would be unjust to the professions to increase license fees for political purposes. On the other hand if it is thought that cost of operation can be reduced the provision should be made for a corresponding reduction in the fee; for it is a fee for a specific purpose and not a tax toward general State funds.

There is no intimation in the constitution that professional boards were to be subject to "restrictions and limitations" referred to in Section 13 and as contained in the act. To restrict and limit the operations of licensing boards serves no useful purpose and is inimical to the public good.

By comparison with other States, as revealed at the Annual meeting of the National Council of Architectural Registration Boards, New Jersey registration laws are on a par, if not better than any other State. Our Board is not hampered in any way in advancing the usefulness of the profession to the public. The Architects license law provides for the handling of all professional matters within the profession itself.

Boards in other States complain of too much politics in professional procedure. Political dictation and patronage restrict the initiative and efficient operation in these boards.

It takes our board several weeks to get information from Pennsylvania and New York on applicants who apply from those states for New Jersey registration.

In studying procedures in other States the professional as well as the political aspects should be thoroughly investigated.

Inasmuch as the Board of Architects operates at no expense to the State, no further economy to the State can be effected. On the other hand, creating additional administration over the Board would create a non-existing expense to the State.

Whatever authority the State Government acquires over registration boards will be lost by the boards. Any interruption of procedure or loss of initiative, on the part of any board in its usefulness to the public, may become so great as to be beyond estimate at the present time.

Registration boards and their respective professions in New Jersey are highly regarded throughout the Nation. This is a result of being able to operate with freedom of action. To deprive the boards of this freedom would be a step backward for the State of New Jersey.

Usurping of power and denying of privileges rightfully belonging to others is the type of aggression which we in this country abhor.

DR. QUIGLEY: The next speaker, Mr. Chairman, will be Dr. Samuel I. Ben Asher of Newark, Secretary of the New Jersey Chiropodists Society.

DR. SAMUEL I. BEN ASHER: Mr. Chairman and Members of the Committee:

All colleges of Chiropody recognized in New Jersey require one year of pre-chiropody, four years of study in a college of chiropody recognized by the State Board of Medical Examiners, and one year of internship in clinics or hospitals connected with a college recognized by the Medical Board in accordance with existing statutes.

Chiropodists are examined by members of the N. J. State Board of Medical Examiners in all medical subjects. They are examined in chiropody by a representative of the chiropody profession who is a member of the State Board of Medical Examiners and who is appointed to the Board by the Governor.

Our profession is well satisfied that the best interests of the profession are served with the present set-up and that the public is best served when the profession is regulated and administered by professional men only.

We have an annual registration fee of \$3.00 which adequately covers the cost of administration and regulation of the profession, and we feel that the change proposed in Senate 23 would have a detrimental affect upon the profession. Our standards are high and the public is best served with the situation as it is.

Senate Bill 23 confounds, confuses, changes and complicates

a smooth efficient system and will only cause a deterioration of the highest standard of chiropody and other professional enforcement.

It is inconceivable to us that the state legislature, as represented by these committees, could, after thorough consideration and study of this measure, even think of foisting this intolerable measure upon the professions and the public.

Thank you.

DR. QUIGLEY: The next speaker will be Dr. J. E. Chastney, of Hackensack, Chairman of the Legislative Committee, New Jersey Osteopathic Society.

DR. CHASTNEY: Gentlemen of the Committee, I represent the New Jersey Osteopathic Society. We have 800 licensed osteopathic physicians in the State of New Jersey, approximately one-third of whom are licensed to practice medicine and surgery, and since 1939 all osteopaths of the State of New Jersey are licensed to practice medicine and surgery. We are one of the minority members of the Board of Medical Examiners. We have been represented by membership on the Board of Medical Examiners for the last thirty-five years. We are satisfied with the progress and the results that we have obtained from membership on this Board. We have always participated with the other members of the Board, the allopaths, homeopaths, chiropractors, and chiropodists in helping to maintain the high quality and standards, aiding the Board at all times in policing the profession and keeping down illegal practitioners and punishing those who violate the scope of practice.

We are seriously concerned over Senate 23 because we believe it is going to break down the autonomy of the Board. It is going to withhold the most vital thing in the Board and that is funds. The Board cannot prosecute without funds; it cannot secure evidence without investigators, and those investigators must be of high type and maintain high standards. This Senate Bill 23 furnishes not only the funds for the Board but furnishes its personnel. It furnishes the office personnel and the inspector

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personnel of the Board and it stands in a fair way to jeopardize public health through interfering with the Board's functions. Therefore, gentlemen, my Executive Committee has instructed me to vigorously oppose this bill.

DR. QUIGLEY: Next we have an odd situation. So far as we know, the Medical Society of New Jersey has never seen eye to eye with the chiropractic group. This is the exception, and it is a pleasure to introduce Dr. Cecil L. Martin of Jersey City, who will speak for the Executive Board of the State Chiropractors' Society of New Jersey.

DR. CECIL L. MARTIN: Mr. Chairman and Members of the Committee: Speaking for the State Chiropractors' Society of New Jersey, we would like to express our opposition to the bill.

SENATOR ARMSTRONG: If this bill hasn't done anything else, it has gotten you two to speak to each other.

DR. QUIGLEY: We have always spoken. I have always been personally very friendly.

Dr. Joseph A. S. Millar was to have been here to speak for the New Jersey Veterinary Medical Society. We have not heard from him so we will have to go along without them. I would like to present next the Executive Secretary of the New Jersey Hospital Association, Mr. J. H. Johnston.

MR. J. H. JOHNSTON: Mr. Chairman and Members of the Committee: The hospitals in New Jersey are, of course, very much interested in the maintenance of high standards in nursing and medical care. The administrators of hospitals who have studied this bill have reached the conclusions that you have heard from the other members

who have spoken this morning and it is, therefore, their hope that this bill will not pass.

DR. QUIGLEY: Now, Mr. Chairman, there are a few exhibits that we would like to have included in the record. We would like to include the letter that we sent to the Governor in January and the original brief which was sent to the Governor and made available to the Commission on Administrative Reorganization and to the Committees of the Senate and Assembly on Reorganization of State Government. We would like to say also that following that there was a supplemental brief which was also sent to the Governor and to both committees and, perhaps you will recall, in that brief we recommended a setup which would provide for a separate Department of Professional Boards. Of course, there is nothing unique about the proposal that we make there because we suggest that the head of the Department be a board which we chose to call "Council," that to be made up of a representative from each of the nine professional examining boards. That board would be appointed exactly as the Constitution provides -- by the Governor with the consent of the Senate. We recommend also that there be an executive officer who would act as the liaison officer between the Governor and this Council.

Senate Bills 15, 16, 18, 19, and 20 all provide that the heads of the various departments - in other words, the Department of Institutions and Agencies, Department of Agriculture, Civil Service, Department of Education, and Department of Public Utilities - be not a single individual but a board.

SENATOR ARMSTRONG: Are you suggesting that the Director be a member of the cabinet? Is that correct?

DR. QUIGLEY: We are suggesting the Executive Officer--

SENATOR ARMSTRONG: Be a member of the cabinet?

DR. QUIGLEY: Yes. In other words, for instance in Senate Bill 15, the Commissioner is designated as the Chief Executive Officer. We use the term Executive Officer. It makes no difference whether it is Administrator or what. In the Civil Service Department, I suppose it is the Secretary.

SENATOR ARMSTRONG: The President.

DR. QUIGLEY: In the Department of Agriculture it is the Secretary, and I think in the Department of Education it is the Commissioner, and in the Department of Public Utilities I don't know--

SENATOR ARMSTRONG: It is the President there.

DR. QUIGLEY: So we would like to have these incorporated in the record.

Speaking as Vice Chairman of the Council of Professions, I present this brief summary of our argument regarding Senate Bill 23:

Your honorable committee has witnessed in this hearing - and you could scarcely have failed to note - the unanimity of the view-point expressed by the representatives of the professions enumerated in this bill. We emphasize that the views you have heard here expressed are shared, so far as we know, without exception, by all of the more than 40,000 practitioners represented by these speakers. All these practitioners are members of skilled professions, and when one weighs their influence as citizens in the community, we submit that this expression of our views entitles us to the utmost

consideration on your part.

Historically, as we have pointed out, the professional societies have, almost without exception, suggested and sponsored the legislation now in effect for the elevation of professional standards and the regulation of professional practices. These societies have invariably supported and upheld the efforts of their respective professional boards to maintain standards for the benefit of the public whom we all serve.

We have attempted to make plain to your committee our reasons for contesting the wisdom of placing the professional boards in the Department of State. We have sought to make clear what we consider good and sufficient reasons for avoiding the disposition of these boards under the control of any State Department or agency having no direct knowledge of their functions or sympathy with their purposes. We especially oppose the incorporation of these vital public functions in a department operated by a governmental officer who is usually selected for his political gifts, faculties and resources.

We have never been confronted with a single logical reason or even a plausible excuse for the disposition of these boards as proposed by this bill, and for the curtailment of their functions and powers as embodied in this bill.

It is essential to keep in mind that we are here considering the disposition of no ordinary functions of routine government. These are all highly specialized activities which are essential to public health, safety and welfare. These professional boards have been operated these many years under the direction of outstanding private citizens, nominated in most cases by their own

professions, and serving usually at some personal sacrifice.

Does your honorable committee suppose that under the terms of this bill-- with the certainty that this work will be encumbered by administrative meddling and unparalleled fiscal restrictions and by the ever present possibility of political interference-- does your committee believe that these boards can continue to command the services of first rate professional men and women?

Each of the professions here represented has first, its own peculiar educational and performance standards to maintain; second, its own unique problems of a technical nature to solve; third, its own type of educational system and institutions to deal with; and fourth, its own codes of ethical practice to interpret and enforce.

For these basic reasons, each professional board manifestly must continue to be largely autonomous both in policy and in administration. Individually and collectively, they should be supervised by a council of professional people who can understand their problems and are sympathetic to their purposes.

The functions that these boards perform are so unlike any other of the established functions of the state government and the ultimate effect of their activities so directly involves the public welfare that there is every good reason that these boards collectively should enjoy the maximum status of a principal department. The boards taken together are worthy of a department of their own. Moreover, our information is that there is still room for a new department-- a department of professional boards-- to be established

within the confines of the new Constitution. In so doing your committee will have accomplished a reduction of nine independent agencies into a single department. The professions concerned will thereby, we submit, have made a good and sufficient contribution to the desirable end of reducing the total number of independent agencies.

We would emphasize that we are not antagonistic to the underlying purposes of the new Constitution or to the specific purposes of your honorable committee. We desire, as all citizens and taxpayers desire, to achieve maximum efficiency and economy in governmental processes. We are confident, however, that you will share our desire to make certain that in streamlining the agencies of the State government we do not inadvertantly create more problems than we have solved.

In conclusion, for these several reasons, we respectfully urge you to put aside the proposals incorporated in Senate Bill 23 and to consider as a substitute the program repeatedly urged by these professional societies-- namely, the establishment of a separate principal Department of Professional Boards. Our study of this problem has extended over a long period, our proposals have not been hastily arrived at, and our recommendations are as unanimously supported as this bill is unanimously opposed.

(The following exhibits were presented for incorporation in the record:)

NEW JERSEY COUNCIL OF PROFESSIONS

1210 Trenton Trust Building

Trenton 8, New Jersey

Honorable Alfred E. Driscoll
Governor of New Jersey
State House
Trenton 8, New Jersey

Dear Governor:

The New Jersey Council of Professions comprises organized representatives of accounting, architecture, dentistry, professional engineers and land surveyors, medicine, nursing, optometry, pharmacy, and veterinary medicine, embracing more than 40,000 practitioners whose professional practices are governed by law. Each of the nine foregoing professions are presently represented by Boards which will be subject to consolidation in some manner under the provisions of the recently adopted revised State Constitution.

Members of the above listed professions recognized the importance of revising the State Constitution to make possible improved government administration, and supported its adoption despite the threat that its required consolidation of governmental agencies might have a serious effect upon the autonomy of the professional boards under whose jurisdiction the professions are governed.

All of the professions in New Jersey rank high by comparison with corresponding professions in other states for the principal reason that existing laws permit maximum autonomy in self regulation of the professions. In each instance, the standards of admission to the practice of professions are among the highest in the nation and the regulatory procedures of the governing boards induce high standards of professional ethics and services in the interest of public welfare. Any weakening of the present autonomy of professional Boards could result in lower standards of professional practices to the detriment of public welfare.

Confident in the belief that the revised Constitution, overwhelmingly approved, will be implemented in a manner that will improve the functions of the State government for the benefit of our citizens, the New Jersey Council of Professions urges that in any consideration of consolidation of state agencies attention be given to the importance of maintaining the autonomy of the nine professional licensing boards.

Careful consideration of the matter leads us to believe that the best interests of all concerned will be best preserved if the nine professional licensing boards governing the professions embraced in our membership are consolidated into a single department of professional boards headed by an administrator. There are a number of compelling reasons, in our judgment, why the creation of such a department would be advantageous, important among which would be a reduction of approximately 10% of existing state agencies to 5% of

the maximum mandatory number. A brief, outlining our recommendations in further detail, will be sent at an early date, to which we respectfully invite your earnest consideration.

Respectfully yours,

NEW JERSEY COUNCIL OF PROFESSIONS
WILLIAM A. GIBLIN, D.D.S., CHAIRMAN

John J. Debus, Secretary

BRIEF

SUPPORTING RECOMMENDATIONS OF THE NEW JERSEY COUNCIL OF PROFESSIONS WITH RESPECT TO THE CREATION OF A DEPARTMENT OF PROFESSIONAL BOARDS

Title 45, subtitle 1, Revised Statutes, lists the following professions or occupations regulated by State Boards of Registration and Examination: Certified Public Accountants; Architects; Barbers; Beauty Culture; Chiropody; Dentists; Embalmers and Funeral Directors; Professional Engineers and Land Surveyors; Medicine and Surgery; Midwifery; Nurses; Optometry; Pharmacy; Real Estate Brokers, Salesmen and Auctioneers; Short-Hand Reporting; Veterinary Medicine.

We believe that all of the professional regulatory boards have common interests with the exception of Barbers; Beauty Culture; Embalmers and Funeral Directors; Real Estate Brokers, Salesmen and Auctioneers, and Short-Hand Reporting. The first three of these, in our opinion, affect the public welfare from the standpoint of sanitation which we feel may be best regulated by the Department of Health. Real Estate Brokers, we believe, might well be regulated by the Department of Banking and Insurance, and Short-Hand Reporting by the Department of Law.

The remaining nine professional boards; namely, Certified Public Accountants; Architects; Dentists; Professional Engineers and Land Surveyors; Medicine and Surgery; Nurses; Optometry; Pharmacy; and Veterinary Medicine, are composed of members of their representative professions who are appointed to office by the Governor.

The law creating the foregoing boards in each instance imposes upon the board the responsibility of examining applicants for licensure in the respective profession and sets up standards of educational and other requirements for admission to such examinations. In the case of educational requirements, it imposes upon the board the responsibility of approving and accrediting educational institutions and curricula from which graduates are eligible to apply for examination. In each instance the law requires the board to maintain a register of licensees and to maintain codes of professional ethics and practices. In addition, most Boards are authorized to suspend or revoke certifications of registration for designated unethical or illegal practices.

Funds with which these boards operate are contributed almost entirely by the professions they regulate and are under proper accounting controls. Monthly statements of receipts and disbursements are filed with the State Accounting Bureau. These boards receive and disburse about \$175,000 per year for the regulation of the nine professions. While this is a small sum with which to accomplish the far-reaching and important duties imposed upon the boards, they have always so regulated their affairs that they have not been obliged to request funds from the General State Treasury.

The legislature wisely entrusted the regulation of the respective professions to boards made up of members of these professions who are in the best position to understand the need of the public and of the profession with respect to services rendered. It is only because of a high sense of duty on the part of these boards that the members are willing to give their services, either without compensation or at a rate of compensation which does not represent more than an honorarium.

We have considered the advisability of incorporating these nine boards under some existing state agency such as the Department of Health, the Department of Education, or the Department of State. While some of the functions of all of the boards involve educational considerations which might make it appear that they would fit in with the Department of Education, it will be noted that such educational considerations are of a highly specialized and technical nature which are in no way related to the type of public education with which the Department of Education is presently concerned.

With respect to issuance of licenses, the functions of these boards are multiple, and so important and technical that we do not feel the Department of State could adequately exercise control over such board functions. While other functions of some of the boards intimately affect the health of the people, they are, in our opinion, in a different category than the public health matters over which the Department of Health has jurisdiction.

After carefully weighing the advantages and disadvantages of the required consolidation of professional boards, it is our firm belief that it will serve the best interests of all concerned - especially the public, and including the professions and the government - if there is created a Department of Professional Boards embracing the Boards of Certified Public Accounts; Architects; Registration and Examination in Dentistry; Professional Engineers and Land Surveyors; Medical Examiners; Nursing; Optometrists; Pharmacy; and Veterinary Medical Examiners; such department to be under the supervision of a head appointed by the Governor in accordance with constitutional requirements.

Functions of the suggested Department of Professional Boards could include accounting controls over fiscal affairs of the individual boards; maintenance of a public register of all persons licensed by the several boards; responsibility to the Governor for the submission of reports of the boards' activities; and liaison between the boards and the Governor. It is recommended that the

existing methods of financing these boards be continued.

It is our firm conviction that a department so established, preserving the present autonomy of the individual boards, will insure continuance of the invaluable public services now being rendered in the discharge of their respective functions and that it will encourage increasing progress in the development of highest possible professional standards and practices.

Respectfully submitted by

THE NEW JERSEY COUNCIL OF PROFESSIONS
W. A. GIBLIN, D.D.S., CHAIRMAN

John J. Debus, Secretary

Comprising:

New Jersey Society of
Certified Public Accounts✓

New Jersey Society of Architects✓

New Jersey Society of
Professional Engineers✓

New Jersey State Dental Society✓

Medical Society of New Jersey✓

New Jersey State Nurses
Association✓

New Jersey Optometric Society✓

New Jersey Pharmaceutical
Association✓

Veterinarian Medical
Association of New Jersey✓

SUPPLEMENTAL BRIEF

SUPPORTING RECOMMENDATIONS OF THE NEW JERSEY COUNCIL OF PROFESSIONS WITH RESPECT TO THE CREATION OF A DEPARTMENT OF PROFESSIONAL BOARDS

The Constitution of the State of New Jersey, Article V, Section IV, Paragraph 1, provides as follows:

"1. All executive and administrative offices, departments, and instrumentalities of the State government, including the offices of Secretary of State and Attorney General, and their respective functions, powers and duties, shall be allocated by law among and within not more than twenty principal departments, in such manner as to group the same according to major purposes so far as practicable."

In line with this constitutional direction, and in order to group the professional boards according to their major purposes, it is the considered opinion of the New Jersey Council of Professions that the following professional boards should be grouped together as a principal department in order to best serve the interests of the public and to preserve and foster the high reputation and integrity of the professions involved:

New Jersey State Board of Public Accountants
 New Jersey State Board of Architects
 State Board of Professional Engineers
 and Land Surveyors
 State Board of Registration and Examination in
 Dentistry
 State Board of Medical Examiners as presently
 comprised; including medicine, chiropody,
 chiropractic and osteopathy.
 New Jersey Board of Nursing
 New Jersey State Board of Optometrists
 Board of Pharmacy of the State of New Jersey
 State Board of Veterinary Medical Examiners

The professions in New Jersey have and enjoy a high and favorable reputation throughout the country. This reputation has been acquired because the existing laws permit maximum autonomy in self regulation, the standards prescribed are among the highest in the nation and the administration of the professions by these Boards has preserved and induced high standards of professional ethics and services. A change in this method of administration or a weakening of the present autonomy of the professional boards could result in a lowering of the standards of professional practices to the detriment of the welfare of the public.

The regulation of the respective professions was entrusted by the Legislature of this State to boards which are composed of the leading members of the professions involved. They willingly give of their time and services either without compensation or at a rate which bears no comparison to the service rendered. It is because of their great sense of duty and professional pride, because they are interested in the welfare of the public and in improving the reputation of their professions, that they serve.

Because of the fact that each profession has its own high standards of qualification and fitness to uphold; because each profession has problems of a technical nature and peculiar to it alone; because each profession has different educational requirements and standards to consider; because each profession has its own type of educational institution; because each profession has its own code of ethics and practice; it is only logical to conclude that each profession should be supervised and controlled by its own members. This can best be accomplished by grouping these professional boards into one department.

In order that this department can function smoothly and efficiently, and that all branches may be correlated and coordinated, a major board to be called "The Council of Professional Boards," consisting of nine members should be appointed. If possible, the members of such Council should be made up of a member from each board comprising the department.

In order further to promote efficiency and good management, an executive officer, who shall not be a member of any of the professions represented by these boards, should be selected by such Council, subject to the approval of the Governor. He shall act for the Council

only at its direction. His functions and duties shall be the following:

1. To represent the Council in relations with the Governor.
2. To study the processes of separate boards with a view to recommending to the Council the standardization of any procedures found susceptible of combination or standardization; these functions to be assumed by the Executive Officer only if, as, and when delegated by the separate boards of examiners concerned.
3. To operate a joint service for purchasing, printing and such other office routine as may be properly centralized in the manner prescribed in (2) above.
4. To establish accounting controls over the fiscal affairs of the respective boards.
5. To formulate an executive budget covering all the boards operating within the department.
6. To maintain a public register of all persons licensed by the several boards.
7. To maintain liaison with and between the several licensing boards and with other state agencies.
8. To report his activities to the Council of Professional Boards and to report on their behalf to the Governor at such times as may be provided by law or as may be deemed necessary and expedient by the Council.

This arrangement would permit the various boards comprising the department to co-ordinate their activities and harmonize their work.

It is further considered by the undersigned that each board should preserve its autonomy and should retain the duty and responsibility of disciplining the members of the professions and violators of the respective licensing act governed by each, and that this problem should not be delegated or assumed by any outside agency. This suggestion is prompted by reason of economy, the complexity of the problems which arise in each profession, the different standards of ethics and professional conduct of each profession and the various problems which arise thereunder.

At the present time each board at its regular meeting considers any disciplinary actions or questions which arise during the course of its administration. There are no separate hearers retained or acting for the boards. The questions which arise in said hearings involve the standards of ethics and professional conduct peculiar to the profession concerned. The members of the board, who are professional persons, are eminently qualified and familiar with these standards. The ethics and standards of the profession may be best safeguarded by their own members. There questions of professional conduct, malpractice, neglect in the practice of a profession, or

abstract questions of similar nature are involved, certainly members of a profession, as distinguished from laymen, are better qualified to decide such delicate questions.

Since these boards now hear and determine their own disciplinary matters, the appointment of an outside agency to handle this work would merely add another agency and would not be in the best interests of efficiency or economy. As a result, therefore, it is only proper that disciplinary actions be left to the various boards to decide in the first instance.

Previously it was suggested by the New Jersey Council of Professions that the head of the Department of Professional Boards should be a single administrator. Further consideration has led to a different conclusion. The plan suggested herein of a Council composed of one member selected from each professional board and an executive officer for such Council, would be in our judgment the most efficient and satisfactory plan.

In the operation of this program, the Council and the several boards will recommend remedial legislation, where desirable or necessary, to achieve the full purposes of the Department in the interest of efficiency and economy.

THE NEW JERSEY COUNCIL OF PROFESSIONS

New Jersey Society of Certified Public Accountants
 New Jersey Society of Architects
 Chiropractic Society of New Jersey
 New Jersey State Dental Society
 New Jersey Society of Professional Engineers
 Medical Society of New Jersey
 New Jersey State Nurses Association
 New Jersey Optometric Association
 New Jersey Osteopathic Society
 New Jersey Pharmaceutical Association
 New Jersey Veterinary Medical Association

DR. QUIGLEY: May I, Mr. Chairman, on behalf of this group, express our thanks to the Committee for the generous amount of time they have allotted and for the close attention they have given to the presentation by our group.

SENATOR ARMSTRONG: Thank you, Doctor. I want to also thank you for lifting the burden from me and acting as Chairman. You have done very well and we appreciate it.

We have several other people listed as desiring to speak. Again I ask you to refrain as much as possible from repetition. We have Dr. B. S. Pollak, Chairman of the Legislative Committee, Medical Society

of New Jersey.

DR. B. S. POLLAK: Thank you. Dr. Quigley has expressed our position.

SENATOR ARMSTRONG: We also have listed Dr. Wendell J. Burkett, Member of the State Board of Medical Licensure.

DR. WENDELL J. BURKETT: Mr. Chairman, I appreciate your mentioning my name, but I can only add emphasis and voice my approval of everything that has been said. Thank you for the opportunity.

SENATOR ARMSTRONG: Mr. Wilkie Hughes of the New Jersey State Nurses Association.

MR. HUGHES: I have nothing to add to Miss Brown's statement.

SENATOR ARMSTRONG: I want to give all of you an opportunity to be heard. David I. Cohen, Treasurer of the New Jersey Pharmaceutical Association.

MR. COHEN: I am just the treasurer of the State Association. My sentiments and the Association's sentiments have been ably presented by the Chairman of the Committee on Public Health and Welfare, Mr. Granito, and he has expressed the unanimous opinion of our Association.

SENATOR ARMSTRONG: Arthur H. Einbeck, President, New Jersey Pharmaceutical Association.

MR. EINBECK: Our Association has expressed itself through Mr. Granito but I would like to say one word for Pharmaceutical Education, inasmuch as I am a member of the Advisory Committee of the Rutgers College of Pharmacy. We support the position of the New Jersey Pharmaceutical Association in this matter. We have always enjoyed the fine cooperation of the Conference and through the years we have worked splendidly with them in order to maintain and retain the high standard.

of qualifications that is expected of the profession of pharmacy in New Jersey today.

SENATOR ARMSTRONG: Dr. E. S. Hallinger of the State Medical Board.

DR. HALLINGER: I have nothing to say that has not already been expressed by Dr. Schaaf, President of the State Medical Society and a member of our Board.

SENATOR ARMSTRONG: Mr. S. S. Greco, New Jersey Pharmaceutical Association.

MR. GRECO: I approve everything that has been said before and I think our position has been ably presented here today.

SENATOR ARMSTRONG: Is there anyone else? I think there is one more. Thomas Heathcote, Member of the Board of Professional Engineers.

MR. HEATHCOTE: Thank you, Mr. Chairman. I come down here quite often and I guess I am going to be like the Democrats who sit in the minority while the Republicans are in caucus. However, early last December our State Board saw fit to write the Governor of this State and advise him that we would be very pleased to be placed under the Secretary of State's guidance. It is surprising to me to come here and meet with fellow members of our board today and find out that there is terrific opposition to our honorable Secretary of State. I know of several people or their boards who have gone to him for assistance to get to the Governor. I know our Board - I can't speak for the others - but our board is appointed by the Governor and many of the gentlemen in this room have been appointed by the Governor, and many have used the Secretary of State's Office to get to the Governor to get an appointment and they have directed their board accordingly.

These boards are doing a good job. The Secretary of State spoke at a meeting of Professional Engineers in Newark on Friday. Unsolicited,

he said from the platform that if these boards were placed under his charge he would call each and every board in before him and they would operate just exactly as they are operating now and no change in personnel would be made unless the board members wanted it. That was a public statement, unsolicited.

After all, the Governor as well as the Secretary of State should have been referred to in this matter, because he really has the power of appointing each and every member, and the Senate confirms these appointments.

Now, I haven't heard any real reason here today other than politics - afraid politics will creep in and spoil these boards. I hear about economy in operating the boards. It is true we pay our own way - our board does - but we don't turn too much back to the State. Nobody does.

It was only three weeks ago in the lobby of the Assembly that the architects were here and the State Board of Architects were trying to get Assembly Bills 106, 107 and 164 passed, and they solicited the Office of the Secretary of State to hold those bills because they were afraid they were going to lose them. Now, why should we use the Secretary of State and the facilities of this State to get legislation passed that we want, and then turn around and say they are no good, they will ruin our boards.

I didn't come with a prepared statement. I just couldn't help speaking because it so happens the Governor is a personal friend of mine and is a perfect gentleman - the Secretary of State is another perfect gentleman, and these men who have prepared this bill, these members of the Legislature, have worked hard and I just want them to know that the State Board of Professional Engineers think you have

done a good job, and we hope the bill passes.

SENATOR ARMSTRONG: Thank you. I had almost forgotten Mr. Hall, representing the State Athletic Commission.

MR. JOHN J. HALL: Mr. Chairman and Gentlemen: I envy these gentlemen here who can stand up and truthfully say that their opinions have been expressed, and bow out. Unfortunately, I may not do that. By sheerest accident yesterday afternoon we learned in the Athletic Commissioner's Office of the hearing scheduled today on Senate Bill No. 23, which not only bears so vitally on the future of our department and on the source of income which a year ago netted the State approximately \$95,000, but far more important on the very lives of hundreds of young men.

You can readily understand that on such short notice it was impossible for us to marshal the forces we would like to have had present here this morning. Had there been time, we would have done just that, in the hope that the bill initiated in accord with a laudable effort to bring about better organization of all state departments and better administration generally might yet attain its purpose, at least in so far as the office of the State Athletic Commissioner is concerned. Nobody interested in revision or acceptance of Senate Bill 23 as it now stands regrets as much as Athletic Commissioner Greene the inability to rearrange his schedule on such short notice so that he might be before you at this hearing this morning. I assure you, gentlemen, only the utterly inescapable kept him away from the State House today and instead brought me before you as a poor substitute. However, there is one thing Commissioner Greene and I have in common, and that is a deep-seated determination for a continuance of decency, in the cause of which we have labored very

tirelessly. I come before you with no axe to grind and no hope of personal gain, except the hope that I may gain your confidence, and, gaining that, perhaps convince you that this measure demands revision, or we may see a reopening of the way to the complaints which brought about the Abell investigation of boxing back in 1930.

As to my administration as Athletic Commissioner, which terminated last September, being successful so far as state revenue and the dictates of the law are concerned which established the regulation of boxing and wrestling as the principal responsibilities of the Athletic Commissioner, I can only refer you to the record. Any ills that may befall boxing - we will forget about professional wrestling, which should be supervised by Barnum and Bailey - any ills that may befall boxing can only reflect credit on my administration. Therefore, gentlemen, I have nothing at stake, no further obligation to meet, nothing except the obligation imposed by an active conscience, which is the reason I am here before you at this time.

Mr. Joseph Lanigan, of the Attorney General's staff, and Mr. Wilfred E. Cann, of the Rutgers University Athletic Department, will tell you that as a staff man of the Newark Evening News I helped write the rules which were set up after Governor Edge signed Assemblyman Joe Hurley's bill legalizing boxing in New Jersey. Even before that, I was closely identified with boxing in New Jersey. As Referee and Announcer when I was privileged to go behind the scenes, as a sports writer of thirty years' experience, and having been Boxing Commissioner and Assistant to the Boxing Commissioner, it doesn't seem to me to be venturing too far beyond the pale of truth to contend that I know something about boxing and the evils of boxing - and the evils of boxing, gentlemen, are incubated in the stagnant pool of

inexperienced supervision, albeit supervision with the best intentions.

I would like to read into the record a letter which Commissioner Greene wrote to Senator Armstrong--

SENATOR ARMSTRONG: I wonder if we could not write that into the record without your reading it, or do you insist upon reading it? It would save time. However, if you prefer to read it, we are perfectly willing to listen, but we can take that and put in the record.

MR. HALL: I have a letter written by Commissioner Greene to Senator Armstrong and I have a letter which I wrote to Governor Driscoll which I will be glad to submit for the record without reading. I would, however, ask your indulgence that I may read the short recommendation made by the Abell Commission.

SENATOR ARMSTRONG: Go ahead.

MR. HALL: This was after they investigated boxing in 1930, which at that time was in the Office of the Comptroller.

(Reading) "The Comptroller, as State Athletic Commissioner, now administers the boxing law. This involves rules and regulations; licensing and supervision of managers, referees, promoters and boxers; a corps of paid inspectors and physicians for which the State makes annual appropriation; the collection of a tax on gate receipts; hearings on complaints such as fouls, and hearings on assignments of dates, and orders of suspension and revocation.

"This function is obviously alien to a Comptroller. It is not advisable to lodge it with State Police. Their function is to preserve law and order. While a tax is involved, the prime object of the boxing law is regulation, not revenue. Hence it would be misplaced in the Tax Department. The law is sui generis. It does not fit into any present department. Nominal supervision cannot cleanse the sport. If boxing is to continue, it needs rigid regulation and a full time Commissioner of

Athletics in control of the situation. The additional expense, if any, will be nominal because of the elimination of certain personnel now officiating in semi-executive capacity under the present makeshifts.

"We recommend that administration of the boxing law be transferred from the Comptroller and vested in a Commissioner of Athletics, who shall give his undivided attention to the necessary regulation of the sport. To definitely localize responsibility, the function should be vested in a single head rather than in a commission."

Now, I have only got just a little more and I will be out of your way. This is a very vital thing. I implore you, gentlemen, to protect the authority of the Athletic Commissioner. It is a very dangerous sport and a very dangerous department to handle. Let's not go back into any situation such as prevailed before the Abell investigation, when a trencherman could eat more than thirty dollars' worth of food in a day - that is easy to do today but in 1930 it was quite a job to get away with thirty dollars' worth of food - when they must have traveled in a platinum train, and a prominent member of the Commission thought Chicago was a different country altogether. Let's avoid that sort of situation.

Gentlemen, throughout all the United States today there is an uproar over the association of boxing with politics. You all know that; you all read the papers. I know you don't want that in New Jersey. And before you accept or reject my plea this morning, please, gentlemen, read the testimony taken at the Abell investigation in 1930. When you have done that, go ahead and couple boxing with a major department, but I urge that you write this bill so that the Athletic Commissioner may go about his duties with autonomy. In New York State the Athletic Commission is connected with the Department of State. Let him have autonomy which will permit him

to do the right sort of job and not exist as a glorified office boy and not be nullified by the slimy element in boxing - and there is a slimy element in boxing which has an utter disregard for the truth and which frequently has its way with gentlemen who are well-intentioned but inexperienced. Mind now, I am making no charges that these gentlemen are not well-intentioned, but they don't understand the double-talk of the scum element of boxing. This sort of scum has no standing in New Jersey now. Please see that it keeps out.

SENATOR ARMSTRONG: I think we have covered most of the ground. I would like to compliment you on the manner in which you have presented your opinions. You have been brief and to the point, and I am sure it will make it very much easier for us whose job it is to read all the record.

I forgot to introduce the members of the Committee present: These gentlemen are Assemblyman Sharp, Senator Hess, Assemblyman Kafes, and Assemblyman Miller. Thank you all.

The following letters were submitted by Mr. John Hall
for incorporation in the record:

STATE OF NEW JERSEY
OFFICE OF THE
STATE ATHLETIC COMMISSIONER

April 5, 1948

Hon. C. Wesley Armstrong, Jr.
State Senator
Trenton, New Jersey

Dear Senator:

I just had the first opportunity to study
Senate Bill 23 which deals with absorption of the State Athletic
Commission into the proposed new Department of State.

I know it is the intent of you and your associates
to effect the most desirable and practical consolidation of
state departments in line with Governor Driscoll's announced
program but I think you will bear with me in the analysis I
submit to you herewith of what I believe are to be dangerous
fallacies in the proposed legislation. The State Athletic
Commission must be a strong and individually identified agency.
By the very nature of its perilous obligations it must inspire
respect among the hardy citizens it must control. These, I need
not assure you, are in a class by themselves. Giving the head of
the new department of boxing and wrestling the title of State
Athletic Director, by its implication robs the name of its office
of an initial force. In line 7, page 2, provision is made that he
shall "devote his entire time to the performance of his duties."
Specifically noting this "entire time" is unfair because this is
perhaps one of the very few, if not the only department in the
state government, which does not operate by a fixed forty-hour
schedule but is subject to call and performance throughout the day
and night. Specifying "entire time" is subject to a misinterpretation
and discoloration.

For a long time, the boxing commission, as it is most
properly known, was regarded as a favorite dumping ground for
political satellites and deadwood. It took many years of education
to establish the commission as a forceful entity in state government.
Its responsibilities are great, since under its control are thousands
of boxers, managers and seconds who must be guided and directed in a
manner unduplicated in the state's service. Appointments under the
direction of this commission cannot be made by the same standards or
yardstick as is applied in other departments. While the compensation
for referees, inspectors, physicians and the like is relatively
niggardly, the requirement for a specific ability is great. No
athletic commissioner could operate efficiently unless his hands
were left completely unfettered to make such appointments as he sees

fit to conform with the ramified obligations of his office. To make all such appointments subject to the approval of the Secretary of State is to vitiate entirely the force, direction and effectiveness of the commissioner and virtually to arm him with a water pistol against a very formidable army in the boxing and wrestling world. Whereas, by contrast, for the best enforcement, he should be thoroughly girded with the most effective ammunition available.

Nothing that I say here, of course, is to be interpreted in any manner as reflectory of any objection and association with the Secretary of State. Mr. Lloyd Marsh and I have enjoyed a lifetime of good friendship and I speak now impersonally to warn you on the basis of many years of experience and association with the boxing game that to make the commissioner, whoever he may be, so thoroughly subordinated to the Secretary of State, whoever he may be, is to nullify the efficiency of the athletic commission and to impair to a very dangerous degree his ability to maintain public confidence in a very hazardous sport.

My own opinion is that in the light of revelation of the importance of a proper administration of the department of the State Athletic Commission in recent months, even a Secretary of State would hesitate to invite the risk of responsibility for administering a department through delegation of his own authority to someone else.

I should like to counsel as strongly as possible the need for a very drastic revision of the proposed legislation which, I might add, is completely at variance with the statutes in effect in other states.

With kind regards,

Sincerely yours,

A. J. Greene
Commissioner

STATE OF NEW JERSEY

Office of the
STATE ATHLETIC COMMISSIONER

April 6, 1948

Honorable Alfred E. Driscoll
Governor of New Jersey
State House
Trenton, New Jersey

Dear Governor Driscoll:

With full respect and with scant hope that such a feeble voice will be heard, but over all with a sincere interest in the success of your administration and the much-desired history-making reorganization in course of realization, I am venturing to address

you regarding Senate Bill No. 23.

Plainly presented this is the bill which would merge the office of the State Athletic Commissioner in the Department of State. Whether it be the Department of State or the Department of Something Else it is highly desirable that this step-child of State Departments, with its office equipment of cast off pieces and its long-time unofficial suffrage to existence as sort of an appendix, be grouped with some major department.

But, it is absolutely vital to the successful operation of such a department within a department that the Athletic Commissioner (Athletic Director) be a man of wide experience and high integrity and that these qualities be recognized by a grant of autonomy which would enable him to go about a difficult assignment sans handcuffs or shackles. Senate Bill No. 23 affixes to the Athletic Commissioner both shackles and handcuffs -- in chilled steel.

As a staff man with the Newark Evening News I followed the Hurley Law, which legalized professional boxing, through the Assembly and Senate straight to the desk of Governor Edge for his signature. And in the same capacity I not only helped write the first set of rules but, through the News, suggested to Governor Edge, the only member of that first commission who, in my lasting opinion, was qualified to carry out the dictates of the arguments used in attaining legislative approval for the alleged sport.

Since then I have continued to be an attentive observer on the boxing scene watching it wax and wane and wax again after the Abell Committee of 1930 pointed the klieglights of investigation on conditions in a setup much the same as would be reestablished under Senate Bill No. 23.

I deeply appreciate the terrific schedule attendant upon your high office in these troublous days and just as truly regret my inability to in some measure share your burden. Consequently, my further imposition on your time will be confined to the simple request that you designate somebody close to you to acquaint himself of the setup which prevailed just prior to the Abell Investigation, then have him read the Abell Investigation's recorded probing of the by-ways and rat-holes that will flourish again under supervision by any but thoroughly-schooled agents. When he has read that sordid tale, then let him tell you how far I am wrong in this plea.

I would have no fears for the proper supervision of boxing while the Athletic Commissioner submerged in a Department of State happened to be Abe Greene and the head of the Department of State continued to be Lloyd Marsh. Mr. Marsh is too astute a leader in the Republican Party and too honorable a man to let cheap privilege interfere with supervision in the hands of the thoroughly tried Greene.

It is, however, inevitable that there must come a year when there will be no Marsh and Greene in command of boxing, a year when those furtive little creatures who come slinking out of the shadows

content to sacrifice anybody or anything to attain their own ends may get sympathetic audience. Then New Jersey can get ready for another Abell Investigation and perhaps the outlawing of a sport which just a year ago gave the State a net earning only a few notches below \$95,000.

There is a world of personal satisfaction for me in the recognition that under my commissionership boxing was capably administrated. Any scandals that might occur in years to come could only reflect honor on my regime. I don't want that. I want, instead, to see your administration go down in history enjoying all the lasting glory and recognition your intelligent leadership and unselfish application deserves. I owe this to a man who has been my friend. Have I "stuck my neck out" too far?

Sincerely,

John J. Hall.

STATEMENT SUBMITTED FOR THE RECORD BY MRS. J. C. MERRILL,

LEAGUE OF WOMEN VOTERS OF NEW JERSEY

For many years, the League of Women Voters of New Jersey has advocated judicial reform and reorganization of state administrative functions and agencies. Study and legislative effort toward those ends convinced us that in order to secure effective reorganization New Jersey must have a new constitution. Therefore, we were active in study groups and campaign efforts over a period of years to bring that about.

When the new constitution was adopted by the voters of New Jersey the league naturally looked forward with confidence to the reorganization which had been our goal. That confidence seemed especially justified since recognized authorities in the field consider that the new constitution provides a better basis for making the governor a responsible administrative chief than does any other constitution.

Governor Driscoll's message to the Legislature called for complete reorganization ("no mere pro forma reshuffling or regrouping") to ensure maximum efficiency, a career public service and citizen participation. Our organization expected that a qualified commission with a competent staff would be assigned to the task of developing a harmonious plan for allocating state functions and agencies among the state departments constitutionally limited to twenty, and preferably fewer in number, along with provisions for better administrative procedures. That plan together with pertinent information and analyses we assumed would be presented to the Legislature and the people for consideration.

That procedure apparently has not been followed and we, as an organization and as individuals, feel frustrated and seriously disturbed when called upon to take a position on bills which are obviously only parts of a whole of which we have no knowledge. We do not feel competent to make decisions without knowledge of just what the effect of the measures would be and of how they would fit into the administrative setup as a whole.

Another difficulty is the lack of time allowed for submission of the bills to our membership for discussion and study or even for obtaining authority from our State Council to take action. We believe other interested organizations are probably in a like situation.

We cannot at this time endorse or oppose the details of S-23, the bill under consideration this morning for the reasons I have just stated.

We, therefore, strongly urge your Committee to allow time for the preparation by qualified persons under competent and expert guidance of a comprehensive overall plan with accompanying explanatory material for presentation to the Legislature and the people.

We feel certain such a procedure will bring to your Committee and its efforts the same public interest and support which helped to make the Constitutional Convention so successful.

If it is not done we fear that reorganization will be done in such a fashion that New Jersey will fail to realize a great part of the benefit promised by the new constitution. Can we not state administrative reorganization worthy of the high praise being accorded to our new judicial system? The League of Women Voters will do its utmost to support you in that effort.

