

5. The commission may establish such committees and advisory boards as it deems advisable to conduct its business and to formulate proposals concerning subjects of intergovernmental cooperation. It shall be the responsibility of the commission to recommend to the Governor and advisory board such persons as it deems qualified to serve on such committees and advisory boards, and private citizens may serve on such boards, but at least one member of the commission shall be a member of every such committee and board. The commission may establish such rules as it deems appropriate governing its membership, and the functioning of any committee or board which it establishes.

6. The commission shall report to the Governor and to the Legislature, within fifteen days after the convening of each regular legislative session, and at such other times as it deems appropriate, the number and the names of all committees which it establishes and the names of the members thereof, and shall be paid their necessary expenses in carrying out their obligations under this act. The commission may employ such staff and incur such other expenses as may be necessary for the proper performance of its duties, and it may, by contribution to the Council of State Governments and other similar governmental organizations, affiliate with, participate with other States in establishing the said Council, and other similar organizations and other similar governmental services.

7. The said standing committee of the Senate and the said standing committee of the General Assembly shall convene during regular sessions of the Legislature, and also during the interim periods between such sessions; their members shall serve until their successors are designated, and they shall respectively represent the Senate and House of Representatives of the American Legislative Association for the State.

8. The Secretary of State shall forthwith communicate the report of the commission to the Governor, to the Senate, and to the House of Representatives of each of the other States of the Union, and recommend such legislation which has not already been so enacted as may be necessary in this State, and that relating to the other States, which may be necessary to carry out the purposes and that relating with this State in the various cases of intergovernmental cooperation, competition and conflict.

9. This act shall take effect immediately.

Approved March 4, 1940.

New Jersey Commission on Interstate Cooperation

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"To Form a More Perfect Union"

Report No. 5
March, 1940

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February 19, 1940

Letter of Transmittal to
His Excellency, A. Harry Moore,
Governor of the State of New Jersey,

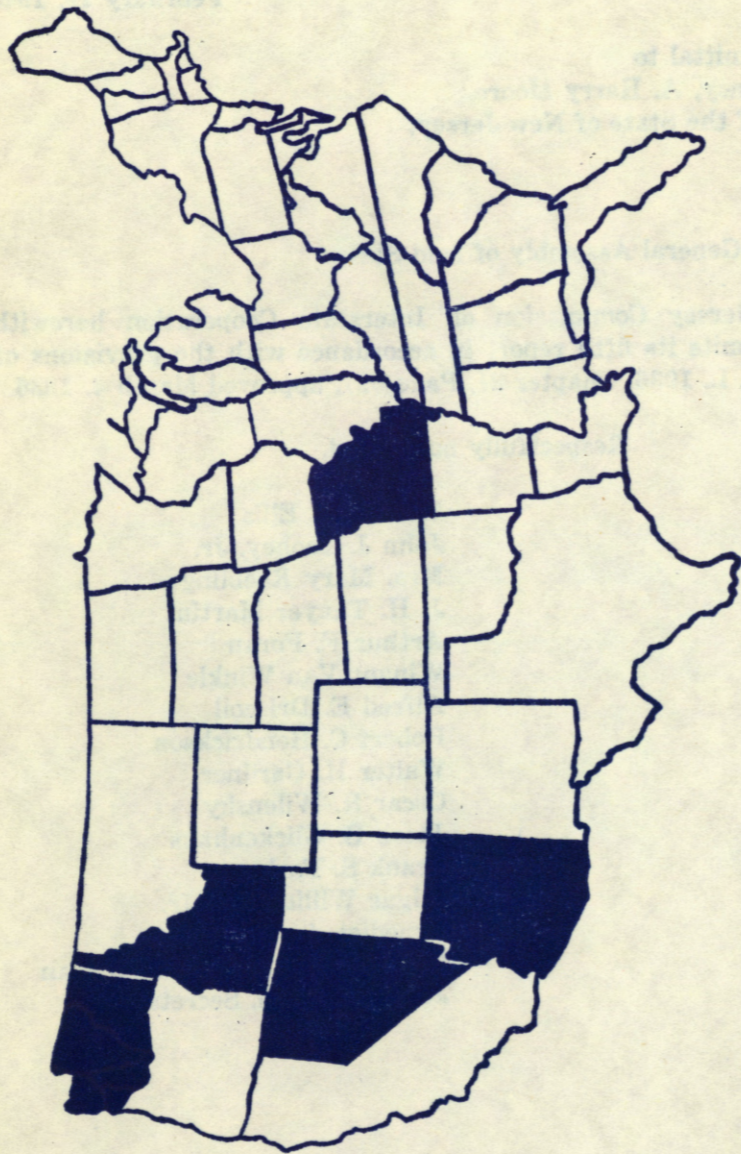
and to the

Senate and General Assembly of said State:

The New Jersey Commission on Interstate Cooperation herewith respectfully submits its fifth report in accordance with the provisions of its basic Act (P. L. 1936, Chapter 21, Page 32), approved March 4, 1936.

Respectfully submitted,

William J. Ellis
John J. Toohey, Jr.
Mrs. Mary Roebling
J. H. Thayer Martin
Arthur F. Foran
Winant Van Winkle
Alfred E. Driscoll
Robert C. Hendrickson
Walter H. Gardner
Oscar R. Wilensky
Jacob S. Glickenhau
Frank S. Farley
Edgar Williamson, Jr.
Benedict A. Beronio
Richard Hartshorne, Chairman
Joseph C. Paul, Secretary



White—The 43 States which have established
Commissions on Interstate Cooperation

Base Map—The Council of State Governments

**THE RAPID DEVELOPMENT OF
COMMISSIONS ON INTERSTATE COOPERATION
1935 — 1939**

NEW JERSEY HEADQUARTERS OF COMMISSION

ESSEX COUNTY COURT HOUSE

Newark, New Jersey.

Affiliated With

THE COUNCIL OF STATE GOVERNMENTS

Central Office

1313 East 60th Street, Chicago, Illinois

FRANK BANE, Executive Director

HUBERT R. GALLAGHER, Assistant Director

Regional Office

522 Fifth Avenue, New York

WAYNE D. HEYDECKER, Regional Representative

**CHRONOLOGY OF 1939 INTERSTATE ACTIVITIES IN WHICH THE
NEW JERSEY COMMISSION PARTICIPATED**

Jan. 16—Organization meeting of the Commission at Trenton, 30 present.

Jan. 18-21—Fourth General Assembly of Council of State Governments, at Washington, D. C. Two hundred and twenty-two delegates present from 42 states.

Secretary of Agriculture, Henry A. Wallace, addressed the Assembly on "Democracy and Farm Program."

Dr. Luther Gulick, Director of Public Administration, addressed the Assembly on "Organization and Administration of State Governments."

Governor Herbert R. O'Connor, addressed the Assembly on "Trade Barriers."

Administrator Elmer F. Andrews, addressed the Assembly on "Wages and Hours and its effect in the States."

Saturday morning, January 21st, conferences were held on fisheries, liquor control and Incodel.

Feb. 24-25—Fourth Regional Conference on Highway Safety and Motor Vehicle problems at Hotel Roosevelt, New York, by New York Legislative Joint Committee on Interstate Cooperation.

New Jersey was represented by James Shanley, Motor Vehicle Department, Mr. Vey, Motor Vehicle Department, Judge Hartshorne, Chairman of the Commission, Joseph C. Paul, Secretary of the Commission and a representative of the Highway Department on lighting of highway.

March 17-18—Southern Interstate Crime Conference of 14 states from Virginia to Arkansas, at Jacksonville, Florida, Judge Hartshorne presided.

March 21-22—Incodel meeting at Harrisburg. Joseph C. Paul attended. Conference with Governor James, concerning Governor Moore's proposals for diversion of water from the Delaware River.

April 4-7—National Conference on Interstate Trade Barriers at Chicago. Edgar Williamson, Jr., and Joseph C. Paul attended. Williamson was assigned to Committee on Plan of Procedure, which has to do with approval of all resolutions. Joseph C. Paul was assigned to the Liquor Control Committee and through his efforts the committee adopted the Liquor Compact as prepared by the Second Regional Conference in New York and the entire assemblage finally agreed to adopt the compact.

June 9-10—Annual meeting of Incodel at Philadelphia. Present Chairman Hartshorne, who spoke at the Annual Dinner Meeting, Charles P. Messick, Mary Roebing, Joseph C. Paul, all members of the Commission.

July 7-10—Fifth Annual Conference of the Interstate Commission on Crime, San Francisco, California, 28 states in attendance. Judge Richard Hartshorne, President of the Interstate Commission on Crime and Chairman of the New Jersey Commission on Interstate Cooperation presided, and Mr. F. M. Van Voorhees, Assistant Secretary of the Crime Commission, attended. Six additional Governors executed the Interstate Parole and Probation Compact which now covers 32 states. A definite 3-year crime control program was agreed on, including (a) drafting of Intra-State Fresh Pursuit Act, (b) a Nationwide Coordinated Crime Prevention program, (c) a Nationwide study regarding Modernizing the Law of Arrest.

July 27—Incodel meeting at Philadelphia, attended by Senator Robert C. Hendrickson, and Joseph C. Paul, Secretary of the Commission. Election of officers held and following were elected: Elwood Turner, Chairman, Senator Robert C. Hendrickson, Vice-Chairman.

Aug. 9-10—Meeting of New York Joint Legislative Committee on Interstate Cooperation Commission held at Silver Lake. Our Commission was invited to attend and appeared by Joseph C. Paul.

Sept. 15—Meeting of the Delaware River Basin Commission at Philadelphia. Present Joseph C. Paul, member of the Commission, and Charles P. Messick.

Nov. 10—Shad Fishing Conference at Hackensack, with Senator McClave and fishermen, with Mr. Barnett of New York Committee and Mr. Heydecker and Mr. Zimmerman.

Nov. 17—Interstate Sanitation Conference at New York with New York Committee, New Jersey Commission and Interstate Sanitation Commission with reference to proposed bill to permit latter to issue bonds. Present Joseph C. Paul.

Nov. 18—North Atlantic Interstate Meeting at Hotel Roosevelt, New York City, representatives of the Commissions of Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, and New Jersey. General conference on general work program. Present Edgar Williamson, Jr.

Dec. 7-10—Special Relief Committee Conference, American Public Welfare Association, at Washington, D. C. Present from New Jersey, Senator Robert C. Hendrickson.

COMMITTEE ASSIGNMENTS OF THE NEW JERSEY COMMISSION ON INTERSTATE COOPERATION DURING 1939

A chronological record of the conferences and meetings participated in by the Commission is found on another page of this report. It will be noted that the topics under discussion, which are to be found immediately under this chronology, are many and varied. To expedite the study of these topics, and to minimize the time of our already busy legislators and administrative officials who comprise the Commission, several sub-committees were formed to study various lines of cooperation as follows:

Agriculture—Milk

Senator Arthur F. Foran
Senator Alfred E. Driscoll
Assemblyman Edgar Williamson, Jr.

Legislative Contact

Senator Robert C. Hendrickson
Senator Arthur F. Foran
Assemblyman Oscar R. Wilensky
Assemblyman Edgar Williamson, Jr.

Crime

Hon. Richard Hartshorne
Senator Robert C. Hendrickson
Hon. William J. Ellis
Assemblyman Frank S. Farley

Liquor Traffic

Senator Edgar Williamson, Jr.
Hon. J. H. Thayer Martin
Assemblyman Jacob S. Glickenhau

Public Welfare

Hon. William J. Ellis
Senator Walter H. Gardner
Assemblyman Oscar R. Wilensky
Assemblyman Edgar Williamson, Jr.

Highway Safety

Hon. William J. Ellis
Senator Walter H. Gardner
Assemblyman Oscar R. Wilensky

Interstate Waters & Resources
Senator Robert C. Hendrickson
Hon. Mary G. Roebling
Hon. Joseph C. Paul

Taxation

Hon. J. H. Thayer Martin
Senator Robert C. Hendrickson
Senator Winant Van Winkle
Assemblyman Oscar R. Wilensky

Labor and Commerce

Hon. John J. Toohey, Jr.
Senator Alfred E. Driscoll
Hon. Mary G. Roebling
Assemblyman Benedict A. Beronio

Trade Barriers

Hon. Richard Hartshorne
Senator Robert C. Hendrickson
Hon. J. H. Thayer Martin
Hon. William J. Ellis
Assemblyman Edgar Williamson, Jr.

AFTER FIVE YEARS

But five years before this report is printed, the New Jersey Commission on Interstate Cooperation was created (S.J.R. 3 P.L. 1935, also P.L. 1936, Chapter 21). It is therefore in order to take account of stock. That he who runs may read, a mere Summary will be presented.

Since the Commission's creation, March 12, 1935, it has actively participated in the following concrete cooperative action among the states of the Union, affecting New Jersey.

1. Cooperation Commissions. It was created as the original Commission on Interstate Cooperation in this country. Since then this movement has grown until there are now 43 states which have such ambassadorial agencies, to achieve better unity of action with their neighbor states. Credit for this is primarily due the Council of State Governments, the central nexus for such action throughout the country, with which all these 43 Commissions, representing their several states, are affiliated. The growth of these Commissions in the northeast has been so rapid that it became necessary to establish a Regional Office of the Council of State Governments in New York. That office is under the capable direction of Mr. Wayne D. Heydecker. To him, and to Mr. Frank Bane, the notable Executive Director of the Council of State Governments, the New Jersey Commission is happy to accord its hearty support.

2. Crime Control. Recognizing the need for more efficient interaction to control crime between our states and with the Federal Government, the Commission, the very year of its creation, called the first Interstate Crime Conference to be held in this country. Out of this conference, at which 41 states were represented from Maine to Florida to Utah, sprang the Interstate Commission on Crime, established and maintained ever since by each of the 48 states and the Federal Government. Through the enactment of one or more of the 4 model acts on Interstate Fresh Pursuit, Extradition, Removal of Witnesses, Parole and Probation Supervision, as drafted by the Interstate Commission on Crime, 36 states of the Union have now joined hands with New Jersey for the better protection of our citizens from crime. The Crime Commission's concrete future program gives similar promise of practical results. This consists of (1) Uniform Intra-State Fresh Pursuit Act, (2) Nationwide Coordinated Crime Prevention Program, (3) Modernizing the Law of Arrest.

3. Delaware River. With its neighbors New York, Pennsylvania, and Delaware, New Jersey is vitally concerned in the full, proper, and mutual

use of the Delaware River. Its waters, if properly cared for and utilized can be of inestimable benefit, for drinking and other purposes, to the five million inhabitants occupying its basin. If uncared for and polluted, these waters can become an equal source of danger to our citizens. The New Jersey Commission therefore joined with similar bodies in these neighbor states to create the Interstate Commission on the Delaware River Basin, which has been devoting steady, harmonious, and fruitful attention to these purposes, with practical action already in the control of pollution.

4. Liquor Control. The Liquor traffic has presented difficult problems of control, not only within the state, but as affected by the conduct of such traffic just across the Hudson and Delaware Rivers. Similar standards of control were thus essential. But real difficulty was experienced in obtaining this result in administrative practice. Through the exercise of the ambassadorial offices of the New Jersey Commission this difficulty was ironed out, and this effective similar control achieved.

5. Interstate Parks. With its sister state of New York, New Jersey is maintaining for the benefit of their joint citizenry, the extensive recreational facilities of the Palisades Interstate Park. In the handling of this project, difficulties similar to that in the control of liquor, arose. Similarly, the Palisades Interstate Park Commission, in direct charge of the project, called upon the New Jersey Commission on Interstate Cooperation for its aid. With the aid of our commission the solution was promptly found and applied.

6. Fishing Industry. Again, in the control of the fishing industry, both in the waters of the Atlantic ocean, lapping the borders of all the Atlantic coast states, and in the waters of the Hudson and Delaware Rivers, the interests of the citizens of New Jersey are commingled with those of the citizens of the other states. Here the New Jersey Commission, cooperating with the similar Commissions from its sister states, has engaged in drafting uniform acts and a form of Interstate Compact for the proper equitable control of these natural resources.

7. Highway Safety. The proper control of the Highways of New Jersey, situated as they are between the great metropolitan centers of New York and Philadelphia, is of importance not only to the citizens of New Jersey, but to the citizens of our neighbor states, in fact those of the entire Union. Similarly the control of the highways of New York, Pennsylvania and other neighbor states are of great importance to the citizens of New Jersey. Uniform regulations of a carefully considered and equitable character are much to be desired. To this end, the Commission has been

constantly devoting its attention in conjunction with the similar agencies of its sister states.

8. In the fields of social welfare, of taxation, and otherwise, the New Jersey Commission on Interstate Cooperation has, during the past five years, taken active steps to better coordinate its own action and that of its neighbor states.

This, the bare outline of the work of this Commission during the first five years of its existence, clearly demonstrates the helpful functions which it has performed, and can perform in the future, as the ambassadorial agency of this state in its dealings with its neighbors, for the welfare of the citizens of New Jersey and those of the country as a whole.

THE INTERSTATE COMMISSION ON CRIME

Three out of every four of our states have recently established an improved method of protecting our citizens from crime, at the instance of the Interstate Commission on Crime. This Commission in 1935 sprang from the action of the New Jersey Commission on Interstate Cooperation, in calling at Trenton the first interstate conference on crime ever held in this country. Obviously, the public can not be properly protected from crime, or any other evil, without the joint aid of all governmental agencies concerned, and unless, indeed, the interest and support of the public itself is assured. "Particularly is this the case in that field so aptly dubbed the 'No Man's Land' of crime control, existing intermediate the jurisdiction of a single state and that of the Federal government. Such is the case for instance in the extradition of defendants and the removal of witnesses from state to state, where the interest of two states are concerned, as distinguished from the interest of the Federal Government or that of a single state. Similar is the situation regarding the control of firearms, where the acquisition of a pistol by a criminal in one state all too often results in its use in a hold-up in another state. Both such acts are local and so should be under state, not Federal control, yet they can not be controlled by a single state, as they occur in different jurisdictions." (Handbook on Interstate Crime Control, the Interstate Commission on Crime.)

Accordingly, immediately upon its establishment by the 48 states and the Federal Government, the Interstate Commission on Crime turned its attention to this "No Man's Land" of crime control and to the better protection of our citizens in that realm in the four consecutive fields of

apprehension, prosecution, trial, and punishment. In the first field, that of apprehension, the Commission took cognizance of the fact that "our most desperate criminals head straight across state lines after the commission of a crime, knowing that there is comparative safety beyond the border," since "in the foreign state the pursuing officer from the state wherein the crime was committed is, in general, no longer an officer." This abnormal and quite unnecessary loop-hole in the criminal law was remedied in a simple manner by the drafting of the Commission's "Uniform Act on the Fresh Pursuit of Criminals." This authorizes an officer in fresh pursuit of a criminal who crosses a state line, to catch and arrest such criminal within its bounds with the same authority which a local officer has.

This Act met with instant and almost universal approval. Since its drafting, but a few years ago, it has already been enacted in 30 states. Its principles have met such wide favor that at the repeated request of police and highway safety officials, the Interstate Commission on Crime has undertaken the drafting of a similar act designed to give similar authority to local police, to freshly pursue criminals across municipal and county boundaries.

In the field of prosecution, the Interstate Commission on Crime undertook the emendation, in the light of recent practical experience, of the previous Extradition Act so ably drawn by the Commissioners on Uniform State Laws. This modified act, now the "Uniform Extradition Act," due to its approval in turn by such Commissioners, has itself been adopted by 29 states.

In the field of criminal trial, the impossibility was recognized of obtaining the testimony of witnesses important to the prosecution, who either lived outside, or had fled outside the state of trial. Here again the Interstate Commission on Crime utilized the experience of its members, outstanding Attorneys General, State Police Chiefs, Judges, and Legislators, in revising the earlier act for the "Rendition of Witnesses Across State Lines in Criminal Proceedings" as drawn by the Commissioners on Uniform State Laws. This revised Act was similarly thereupon approved by such Commissioners, and is now the "Uniform Act to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings." This model act has now been adopted in 27 states.

In the field of punishment, the Interstate Commission on Crime turned its attention to the difficult problems of parole and probation, and particularly to those thousands of cases where the parolee or probationer finds his way into states other than the one in which he was convicted. The

danger to the public in this situation lies in the fact that, not only do these other states in such cases have no enforceable supervision over these convicted men under ordinary conditions, but such state authorities do not even know of their existence within their borders. On the other hand there are many cases where the parolee or probationer comes from another state than that in which he is convicted, and where his family and the possibility of employment there will aid his rehabilitation. To this state he should accordingly be returned, provided he is a proper subject of parole or probation and can be legally supervised.

To insure this essential supervision, and to terminate this powerlessness of our authorities over the thousands of convicted men now wandering about the country, the Interstate Commission on Crime drafted the Interstate Compact for the Supervision of Out-of-State Parolees and Probationers. Under this Compact the states, which become party to it, agree to give each other notice before any parolee or probationer is permitted to leave the state, to refuse such permission in improper cases, and where such permission is granted, to act as the agent of the sending state in properly supervising the parolee or probationer. Such are the merits of this common sense partnership in crime control among our states, that this Compact has already been officially executed by 32 states, thus constituting the most widely adopted interstate compact this country has ever seen.

All in all, within the course of but five years, one or the other of these Uniform Acts has been adopted a total of 128 times, and by 36 states.

In addition to this unique record of accomplishment, the Interstate Commission on Crime has drafted the Uniform Pistol Act for the better control of concealable weapons, unfortunately so generally used in the commission of crimes of violence. It has drafted an amendment to the Uniform Narcotic Drug Act, to cover more effectively the drug Marihuana, the use of which has become such a prevalent evil throughout the entire country. And it has made a careful and timely study of the prevention of crime, in order to strike at the roots of this great American evil, and to enlist the support of the public itself in crime control.

Its entire program, above described, is set forth in full detail including the statutes, their citations, legal notes, and administrative forms, in "The Handbook on Interstate Crime Control," recently issued by the Interstate Commission on Crime. This publication constitutes the sole authoritative source book on all methods of interstate crime control, both State and Federal, both Legislative and Administrative, in existence in the United States. While several thousand copies of the Handbook have al-

ready been distributed throughout the country to leading law enforcement officials, such has been the demand that the Handbook is now in its third printing.

At its last annual sessions, in San Francisco, in addition to undertaking the full completion of its above program, the Commission adopted a 3-year program for the immediate future. The first will cover the Nationwide Coordination of Crime Prevention; the second, the Intra-State Fresh Pursuit Act, above alluded to; the last, a Modernizing of the Law of Arrest. The first has been officially endorsed by the American Bar Association and the American Legion, which have appointed their representatives to sit on the Committee created for that purpose, and already a series of outstanding nationwide organizations, including the Boy Scouts, Camp Fire Girls of America, Disabled American Veterans of the World War, Federal Council of Churches of Christ in America, National Association of Attorneys General, National Catholic Welfare Conference, Nation Conference of Catholic Charities, National Exchange Club, National Probation Association, Salvation Army, Volunteers of America, and the Knights of Columbus, have already indicated their intention of participating.

As to the second, the Intra-State Fresh Pursuit Statute, the draft is well in hand for final consideration at the next annual sessions of the Commission.

As to the Modernizing of the Law of Arrest, continuous and constructive research work is being made along these lines by Professor Sam Bass Warner of Harvard Law School. His recent article in the February issue of the American Bar Journal indicates both the practical progress which he is making in this study, and the evident need for bringing the law in that regard up to date, from the archaic state in which it has remained since its inception in the 17th and 18th centuries.

This constructive future program of the Interstate Commission on Crime, for the better protection of the citizens of America, so markedly successful in the past, augurs well for concrete accomplishments in the future.

THE INTERSTATE COMMISSION ON THE DELAWARE RIVER BASIN

This Commission has been in operation since 1936 for the purpose of developing plans to conserve and safeguard the waters and other resources of the Delaware River Basin. The Commission represents the four states whose shores line the Delaware, i.e., New Jersey, New York, Pennsylvania, and Delaware, its membership being made up of sub-committees of the Cooperation Commissions of the first three states mentioned, while the fourth, Delaware, is represented, in the absence of a Commission on Interstate Cooperation, by members appointed by the Governor.

The drainage basin which the Delaware system serves in the four states has an area of 12,757 square miles, of which 3,000 square miles or one quarter is in New Jersey.

The Delaware River Basin in New Jersey provides for 13 counties and 207 cities and municipalities, and serves a population of 770,000 in New Jersey, or a total of four and a half million for the four states.

It is estimated that by 1980 two billion gallons of water daily may be required from the Delaware River and its tributaries, to meet the demands of New Jersey, New York and Pennsylvania.

New York City is now constructing a reservoir-aqueduct water supply project in the Upper Basin which will divert 440 million gallons of water daily from tributaries of the Delaware in New York State.

QUALITY OF WATER

No interstate aspect of the Delaware River is of greater concern to New Jersey than improving the quality of water. The basin has become the natural depository for wastes of all kinds. It is able, by diluting processes, to absorb large volumes of domestic and industrial wastes. But the growth of population and industry in the valley has produced too large a load for the river to assimilate.

The Advisory Committee on the Quality of Water, composed of the Chief Engineers of the four state Health Departments, after a long series of meetings, formulated a reciprocal administrative agreement for the

correction and control of pollution. This agreement was ratified by Incodel and put into effect by the four state agencies. In order to give added strength to the purpose of the agreement, legislation embodying the standards there set forth has been introduced in each of the four state legislatures, and in 1939 our Legislature passed the bill and it was signed by the Governor, and is now known as Chapter 146, Laws of 1939. Unfortunately, it failed of enactment in certain of the other states.

QUANTITY OF WATER

This concerns the use of the river as a source of supply for drinking water. The Advisory Committee on the Quantity of Water consists of men who represent the chief water supply agencies in the Delaware River Basin.

In the famous Delaware River case in 1931, in which New Jersey contested the right of New York to divert water from the upper tributaries of the Delaware, the United States Supreme Court clearly set forth the right of each state to an "equitably apportioned" share. New York was given the right to divert, provided she opened her reservoirs whenever the river dropped below a fixed amount of flow, thus insuring that she would not substantially injure the interests of the other states.

Since that time the water supply problem of northern New Jersey municipalities and of Philadelphia has become pressing. All plans that have been formulated for these areas have contemplated tapping the Delaware for this purpose. The imminence of those needs was brought to the forefront when, at the beginning of 1939, Governor Moore announced a plan for tapping the Delaware River for future water for north Jersey communities.

This plan immediately caused protests since it vitally affected both New York and Pennsylvania. For it then made no arrangement for compensatory releases of water similar to those imposed upon New York by the Supreme Court decision. This would have meant that at low stage New York City would have to release waters from its upper basin reservoirs to maintain the level fixed by the Supreme Court, in the face of withdrawals of water by New Jersey. It was natural that Pennsylvania should fear that the action of New Jersey would have the effect of decreasing the fresh water flow at low stage, thus increasing the salinity of the lower river, imperiling industries dependent upon the river for supplies of fresh

water, and that further demands upon the water supply of the Delaware River would decrease the dilution of river pollution. In this situation lay the germs of another interstate controversy before the Supreme Court, which might again involve the states in expensive litigation. The existence of the Interstate Commission on the Delaware River Basin, however, made possible immediate harmonious interstate efforts to reach an agreement. The machinery of cooperation had been established and the former delays in beginning negotiations were obviated.

From existing state agencies, essential information has been pooled and new data—basic to the question—prepared. The task is now entering the stage where an authoritative report on the situation will emerge. Incodel hopes to crystalize this information, and negotiate an interstate agreement prescribing an equitable allocation of the waters of the interstate Delaware River. It is understood that the plan now proposed by the Governor of New Jersey has been modified in an effort to meet the above objections.

MOTOR VEHICLES AND HIGHWAY SAFETY

The Fourth Regional Conference on Highway Safety and Motor Vehicle Problems was held in New York City, at the Hotel Roosevelt, on February 24-25, 1939. New Jersey was represented by James Shanley, Motor Vehicle Department, Mr. Vey of the same Department, Judge Hartshorne, Chairman of the Commission, and Joseph C. Paul, Secretary of the Commission. Resolutions were then adopted to the following effect:

ENDORISING

1. Uniform Motor Vehicle equipment standards generally, and particularly rear bumpers of uniform height and uniform marker lights.
2. Compulsory periodic motor vehicle inspection.
3. Absolute speed limits, lower night driving rates, and scientific state-wide speed zoning.
4. Program for the prevention of pedestrian accidents.
5. Bicycles to be governed so far as practicable by the same rules as motor car drivers.
6. Prohibiting vending on all rights of way in state highways.
7. Highway lighting where warranted by night accident records.

8. Study of roadside reflectors.
9. That the Interstate Commission on Crime should study the advisability of extending its uniform fresh pursuit act to cover misdemeanors or jailable offenses.
10. Recommendation that all motor vehicle administrators report all serious motor vehicle violations by out-of-state vehicles to the issuing administrator.
11. That all State Motor Vehicle Departments maintain 24 hour information service for law enforcement agencies.
12. That no standard medical examination of intoxicated persons has been devised as yet.
13. The periodic re-examination of motor vehicle drivers in cases indicated by accident frequency.
14. That not age, but fitness, is the paramount factor as to the granting of licenses, broad objective tests being the basis in that regard.
15. Adequate hours of service laws.
16. The teaching of safety education in both the elementary and secondary schools.

LIQUOR CONTROL

The liquor control situation is very acute among the states, for the reason that the Twenty-first Amendment permitting the sale of liquor has authorized the states to regulate it within their own boundaries, and hence to some extent legalized "Trade Barriers."

We have had several conferences on liquor control with various administrative bodies in our neighboring states. The last conference was held in Buffalo on January 5th and 6th, 1940. As a result several resolutions were passed, to the following effect:

RESOLUTIONS ADOPTED

by the

Interstate Conference on Liquor Control

TRANSPORTATION

RESOLVED, that it is the sense of this Conference that alcoholic beverages are presently being transported into the respective states for sale or delivery contrary to the laws of these states and that remedial action is desirable.

Your Committee recommends the respective authorities of the several states give consideration to the introduction of such legislation or the adoption of such regulations as may be necessary to control out-of-state sales of alcoholic beverages similar to and with the same effect as Section 10 of Regulations No. 1 of the Alcoholic Beverage Commission of Indiana which reads as follows:

"(a) **Non-Resident Customers.** No holder of a permit to sell alcoholic beverages at wholesale may sell such alcoholic spirituous beverages to any customer from outside the State of Indiana unless the customer has the legal right to buy such alcoholic spirituous beverages at the place of his residence in accordance with the laws there prevailing.

"Nor shall any holder of a permit to sell alcoholic spirituous beverages at wholesale sell to any person from outside the State of Indiana if such wholesaler has reason to believe that such customer intends to resell such alcoholic spirituous beverages in any other state in contravention of the laws of that state regardless of whether or not such customer has the legal right to buy such spirituous beverages at the place of his residence in accordance with the laws there prevailing.

"(b) **Affidavits Required.** Before the wholesaler shall make any such sale to any person from outside the State of Indiana, the person intending to purchase such spirituous beverages shall produce and exhibit to the wholesaler proof of his right to purchase such alcoholic beverages according to the laws of his own State and make an affidavit on a form prescribed by the Commission that such alcoholic beverages are not to be sold in any state, the statutes of which make unlawful the manufacture, importation, transportation or sale of alcoholic spirituous beverages."

RESOLVED, that this Conference further recommends:

WHEREAS, the Twenty-First Amendment, Section Two provides, "The transportation into any state, territory or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited," and

WHEREAS, the Liquor Enforcement Act of 1936 enacted by Congress makes provision only for Federal prosecution for illegal shipments of alcoholic beverages into dry states and makes no provision for prosecution for illegal shipments into states allowing the sale of alcoholic beverages; therefore be it

RESOLVED, that the Council of State Governments be requested to memorialize the Congress of the United States for the enactment of appropriate legislation whereby states which allow the sale of alcoholic beverages would be accorded the protection intended by Section Two of the Twenty-First Amendment in the case of the transportation into the state of intoxicating liquors in violation of the laws thereof.

BORDERLINE CONFLICTS AND IMPORTATION LIMITS

WHEREAS, there are many instances of conflicts along the borderlines of states due to the attempt of the licensees or citizens of one state to take advantage of differentials in their favor as a result of the laws of the other states; therefore be it

RESOLVED, that it is the sense of this Conference that the governments of contiguous states cooperate to discourage their licensees and their citizens from taking advantage of favorable differentials which may be created by a difference between the law or administration of the two states and that if necessary they adopt a single importation limit as between the two states.

UNFAIR TRADE PRACTICES

WHEREAS, this Conference is happy to record that thirty-nine states have now accomplished by statute or by regulations of their liquor control authorities the prohibition of unfair trade practices in the distribution and sale of alcoholic beverages; therefore be it

RESOLVED, that it takes this occasion to recommend similar measures by those states that as yet have made no provision to this end.

WAREHOUSE RECEIPTS

This Conference is happy to record the progress that has been made by the states in the safeguarding of warehouse receipts for alcoholic beverages through regulation. In some states that regulation is administered by the securities commission and in others by the liquor control authorities. It is the sense of this Conference that regardless of the regulatory agency, warehouse receipts for alcoholic beverages shall be regulated in order that such rules for the purchase and sale of such receipts shall be prescribed which will best accomplish:

- (1) Elimination of fraudulent and deceptive transactions, including a requirement that anyone dealing in warehouse receipts have written authority for sale of warehouse receipts from the duly constituted regulatory authority.
- (2) The delivery of the alcoholic beverages represented by such receipts or documents.
- (3) Protection of purchasers against defaults by sellers.
- (4) The payment of all taxes thereon to the states.

And that the Conference further recommends the adoption of such measures to all states that have not already done so.

TRADE BARRIERS

RESOLVED, that this Conference ask the repeal or defeat of any law or regulation of any state,

1. Which imposes upon an out-of-state manufacturer or shipper of malt and /or alcoholic beverages any license fee, other than a nominal registration fee not in excess of \$100 per annum for the sole privilege of inviting the establishment of agency relationships with licensed in-state wholesale distributors, or in the case of a state having a monopoly system, the state alcoholic beverage control board, and soliciting the patronage of such wholesale distributors or such control board.
2. Which imposes a higher excise tax on malt and /or alcoholic beverages produced outside the state than is imposed upon the same classes and types of malt and /or alcoholic beverages which are produced within the state.

3. Which imposes a higher license fee upon any local manufacturer of malt and /or alcoholic beverages using materials originating out of the state than is imposed upon any such manufacturer using materials of local origin.
4. Which imposes any restriction with respect to methods of manufacturing, packaging, transporting, merchandising or otherwise handling and distributing malt and /or alcoholic beverages or licensing persons with respect thereto, which results in placing a greater burden upon, or in any way discriminate against such malt and /or alcoholic beverages produced in whole or in part outside the state or conversely discriminates in favor of malt and /or alcoholic beverages produced within the state, or the producers and distributors thereof.

LABELING

RESOLVED, that this Conference recommends that the states adopt high and adequate standards for the labeling of malt beverages; that action be taken by the Council of State Governments to obtain uniformity of such standards among the states and between the states and the Federal Alcohol Administration.

REVENUE STAMPS

WHEREAS, the issuance of annual revenue stamps by the United States Government to persons within the various states engaged in the sale of alcoholic beverages, without regard to the licensing by such states or without conformity with state licenses of those persons to engage lawfully in such business, and without informing the liquor control agencies of such states of the issuance of such revenue stamps, is a serious handicap to the efficient enforcement of the laws of such states; therefore be it

RESOLVED, that the Congress of the United States of America and the Treasury Department of the United States of America be urged to enact such legislation and to adopt such regulations, respectively, as may be necessary to correct this present lack of Federal-State cooperation in liquor control.

ADVERTISING

RESOLVED, that the Conference request the Council of State Governments to recommend to the several states the adoption of legislation

vesting in the Board of Liquor Control or other regulatory authority the power to adopt and enforce uniform rules and regulations governing all advertising with reference to the sale of malt and alcoholic beverages throughout the state and advertising upon and in premises licensed for the sale of malt and alcoholic beverages.

FISHERIES

The problem of fishing in both the Hudson and Delaware Rivers is receiving our immediate attention and is urgent.

The shad are returning to the Hudson River in great numbers, and there is difficulty between New York and New Jersey as to the period nets should be lifted in the Hudson River. We caused to be introduced Assembly Bill No. 22, which provides for the lifting of nets in the Hudson from sunset on Friday to sunrise the following Monday. This was objected to by the New Jersey fishermen, as a result of which we have had two conferences and a committee was appointed to work out the problem. Captain Burlington, Secretary of the New Jersey Fish and Game Commission, was made chairman, and he reports that the committee at the present time are unable to come to an agreement, but did agree that in view of the proposed restrictions of the War Department on shad fishing in the lower Hudson River, the nets will be cut from 1200 feet in length to 500 feet. In the aggregate this shortening of the nets will amount to approximately 10,000 feet of netting. There is also a possibility that the nets will be cut another 4800 feet. If this program is carried out in full, the shad nets will be shortened in all 146,000 feet, which is the equal of more than 12 full nets, and each fisherman in the area will suffer accordingly.

On the Delaware River the shad problem is quite different. Pollution has been largely responsible for the destruction of the Delaware Bay shad fishery which the United States Bureau of Fisheries estimates as an annual loss of at least \$200,000.

The Commissions of New Jersey and Delaware are now conferring and working out their problem as to reciprocal rights in the river for fishing.

TRADE BARRIERS

A new committee was added last year, known as Trade Barriers, and on April 5, 6 and 7, 1939, at Chicago, a National Conference was held on Interstate Trade Barriers under the auspices of the Council of State Governments.

Resolutions were there adopted to the following effect:

RESOLUTIONS ADOPTED BY THE

NATIONAL CONFERENCE ON INTERSTATE TRADE BARRIERS

WHEREAS the interruption of the free flow of commerce among the several states of the United States is detrimental to the economic welfare of the country, and

WHEREAS the increase of interstate trade barriers and the passage of discriminatory legislation by the states has resulted in the adoption of retaliatory legislation, in contravention of the spirit of the Union and the welfare of the people thereof, and

WHEREAS these practices by the several states place additional burdens upon the consumer and as such must inevitably postpone the return of our national prosperity and result in lower standards of living in this country,

NOW THEREFORE BE IT RESOLVED that the National Conference on Interstate Trade Barriers declares itself to be unalterably opposed to the erection of these discriminatory trade barriers, and

BE IT FURTHER RESOLVED that this Conference recommends that the states return to the traditional American policy of free trade among the states, in order that the consumers and producers of the Nation may buy and sell without legal discrimination, either as to the place of origin of goods, the method of transportation or the efficiency of the producer.

WHEREAS the National Conference on Interstate Trade Barriers has considered at length the barriers which obstruct the free flow of commerce throughout the nation in agriculture, industry, labor and other fields, and

WHEREAS a carefully prepared long-term program must be formulated if this threat to our national economy is to be arrested,

NOW THEREFORE BE IT RESOLVED that this Conference requests the Council of State Governments, through its Commissions on Interstate Cooperation, to continue the important work of this Conference by:

1. Discouraging the adoption of any retaliatory legislation by states which feel themselves aggrieved by the legislation of their neighbors.
2. Encouraging the repeal of trade barrier legislation which may have already been adopted by the several states.
3. Encouraging the enactment of uniform laws, and the adoption of reciprocal agreements, which have for their aim the reduction of trade barriers between the states.
4. Initiating regional hearings throughout the United States, such hearings to be officially called by the Commissions on Interstate Cooperation in conjunction with the Council of State Governments, in order to follow through the recommendations made by this Conference.
5. Undertaking surveys and factual studies as proposed by this Conference or the Commissions on Interstate Cooperation.

BE IT FURTHER RESOLVED that in order to provide facilities for the conciliation of specific differences between states resulting from trade barriers, this Conference recommends that the state which considers itself adversely affected by the legislation of another state petition the Council of State Governments to use its good offices to arrange a conference with the state which has enacted the offending legislation before taking any other action.

RESOLVED that this Conference urges that in each State, in order to assist the Governor, legislators and administrative officials thereof to eliminate the laws of such state as constitute interstate barriers, the Commission on Interstate Cooperation or some other appropriate agency of the state shall prepare and disseminate a survey of statutory provisions which might under some circumstances operate as barriers; and that in preparing this study, each Commission shall consider the digest relating to laws of its respective state contained in the digest prepared by the WPA Marketing Laws Survey, and in the series of Trade Barrier Bulletins prepared by the Council of State Governments. Among the Council's Bulletins and the Reports of the Marketing Laws Survey which this Conference thus recommends for consideration are those relating to the following specific subjects, which, in the opinion of this Conference, deserve especial attention at this time:

Public Purchase Preference Laws
 Margarine Excise Taxes
 Ports-of-Entry
 State Use Taxes
 State Laws Concerning Peddlers
 Motor Vehicle Laws
 Agricultural Quarantines
 State Laws concerning Dairy Products
 State Laws concerning Out-of-State Alcoholic Beverages
 and more especially concerning Wine, Beers, and
 Distilled Spirits.

BE IT RESOLVED that this Conference on Interstate Trade Barriers of the Council of State Governments approves the action taken by the Congress of the United States in conducting a general investigation of all freight rates and urges its continued effort to arrive at an equitable freight rate basis for the entire United States.

The above report on the activities of the New Jersey Commission on Interstate Cooperation during the year 1939 is,

Respectfully submitted,

William J. Ellis
 John J. Toohey, Jr.
 Mrs. Mary Roebing
 J. H. Thayer Martin
 Arthur F. Foran
 Winant Van Winkle
 Alfred E. Driscoll
 Robert C. Hendrickson
 Walter H. Gardner
 Oscar R. Wilensky
 Jacob S. Glickenhau
 Frank S. Farley
 Edgar Williamson, Jr.
 Benedict A. Beronio
 Richard Hartshorne, Chairman
 Joseph C. Paul, Secretary

AN ACT TO ESTABLISH AN UNPAID COMMISSION
ON INTERSTATE COOPERATION

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. There is hereby established the New Jersey Commission on Interstate Cooperation, whose function it shall be to carry forward the participation of this State as a member of the Council of State Governments, both regionally and nationally, to confer with officials of other States and of the Federal government, to formulate proposals for cooperation between this State and the other States, and with the Federal government, and to organize and maintain governmental machinery for such purposes.

2. There is hereby established a standing Committee on Interstate Cooperation, of the Senate, to consist of five Senators. The members and chairman of this committee shall be designated in the same manner as are the members and chairmen of other standing committees of the Senate. The President of the Senate may serve as one of the five members of this committee.

3. There is hereby established a similar standing Committee on Interstate Cooperation, of the General Assembly, also to consist of five members and the members and chairman of this committee shall be designated in the same manner as are the members and chairmen of other standing committees of the General Assembly. The Speaker of the General Assembly may serve as one of the five members of this committee.

4. The said New Jersey Commission on Interstate Cooperation shall be composed of fifteen members, namely:

The five members of the Committee on Interstate Cooperation, of the Senate,

The five members of the Committee on Interstate Cooperation, of the General Assembly, and

Five officials of the State named by the Governor, who shall hold office during the pleasure of the Governor, one of whom shall be designated by him as chairman of the commission.

The Governor shall be an honorary member of the commission.

5. The commission may establish such committees and advisory boards as it deems advisable, to conduct conferences and to formulate proposals concerning subjects of intergovernmental cooperation. Subject to the approval of the commission, the members of every such committee and advisory board shall be appointed by the chairman of the commission. State officials who are not members of the Commission on Interstate Cooperation may be appointed as members of any such committee or advisory board, and private citizens may serve on such board, but at least one member of the commission shall be a member of every such committee and board. The commission may establish such rules as it considers appropriate concerning the membership and the functioning of any committee or board which it establishes.

6. The commission shall report to the Governor and to the Legislature within fifteen days after the convening of each regular legislative session, and at such other times as it deems appropriate. Its members and the members of all committees which it establishes shall serve without compensation, but they shall be paid their necessary expenses in carrying out their obligations under this act. The commission may employ such staff and incur such other expenses as may be necessary for the proper performance of its duties, and it may, by contributions to the Council of State Governments and other similar governmental organizations affiliated with it, participate with other States in maintaining the said council's regional and central secretariats and other similar governmental services.

7. The said standing committee of the Senate and the said standing committee of the General Assembly shall function during regular sessions of the Legislature, and also during the interim periods between such sessions; their members shall serve until their successors are designated; and they shall respectively constitute the Senate and House Executive Committees of the American Legislators' Association for this State.

8. The Secretary of State shall forthwith communicate the text of this measure to the Governor, to the Senate, and to the House of Representatives of each of the other States of the Union, and memorialize each Legislature which has not already done so to enact a law similar to this measure, thus establishing a similar commission with like duties and powers, and thus joining with this State in the common cause of reducing the burdens which are imposed upon the citizens of every State by governmental confusion, competition and conflict.

9. This act shall take effect immediately.

Approved March 4, 1936.