VETO MESSAGES

OF

HON. ROBERT B. MEYNER
Governor of New Jersey

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

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 27

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 27.

It is with reluctance, but in the profound conviction that in its present form this bill would cause a serious disservice to many of our citizenry, that I return Assembly Bill No. 27 for recommended amendment.

This bill amends the existing act for the control and regulation of nursing. Its avowed purpose is the elevation of standards for the practice of professional and practical nursing. With such an object there can be no complaint. Critical analysis of the bill, in the light of existing law and social conditions, discloses, however, that the effect of the bill would be substantially to curtail the existing and future availability of practical nurses, to the serious discomfiture of the substantial number of our people who are forced by economic conditions to rely for home care of the sick primarily upon the unlicensed practical nurse.

The existing regulatory statute (P. L. 1947, ch. 262) provides for the voluntary licensing of professional nurses, under the official title of "Registered Nurse", and of practical nurses, under the official title of "Licensed Practical Nurse".

The act contains definitions of nursing in each category, prescribes minimum educational and other qualifications for application for licensing in each class, provides for examinations of applicants for licenses by the New Jersey Board of Nursing, for accreditation of professional nursing schools upon the basis of designated standards, for approval of schools of practical nursing, and it prohibits the practice of nursing under either of the classes of official designation mentioned above without the possession of a license duly issued therefor.

Assembly Bill No. 27 absolutely prohibits the practice of professional or practical nursing without the securing of a license for one designation or the other. Exemptions are provided for certain classifications of nurses, including nurses aids, attendants, orderlies and ward helpers in hospitals, institutions and agencies, first aid or gratuitous care by friends or members of the family of a sick person, or incidental care of the sick by persons employed primarily as domestics or housekeepers where the person does not purport to be a licensed nurse and the care does not constitute professional nursing.

My primary concern in this bill is with the proposed mandatory provisions for licensing of practical nurses and their likely effect upon practical nursing services presently available. Applicants for a license to practice practical nursing are required to have completed 2 years of high school or its equivalent, to have completed a course of study in a school of practical nursing approved by the board (without provision for standards for such approval); and to have secured a diploma therefrom or from a practical nursing school operated by a board of education. Licensing is dependent upon passing a written examination of the board which may be supplemented by an oral or practical examination or both.

In the present bill waiver of the foregoing provisions is provided in favor of those persons who, prior to September 1, 1955, apply therefor on a form prescribed by the board, and pass an examination prescribed by the board, provided they have had two years of satisfactory experience in practical nursing, including one year within the State, within the five years prior to the application, attested by two New Jersey physicians and two employers.

Evaluation of the probable effect of these provisions requires consideration of the kind of persons who normally become practical nurses, the nature of their services and the scope of their current use. Practical nursing commonly involves performance of housework and preparation and service of meals, along with rendition of elementary nursing care, usually upon instructions of attending physicians. Such service is usually of the sleep-in variety and the practical nurse often is the only person in attendance upon the needs of the family where a housewife is the patient. Since the cost of such service is lower than that of trained or registered nurses and because less of the latter are avail-

able, resort to practical nurses is the common expedient of a goodly proportion of the population requiring home nursing care. Their services are peculiarly indispensable in rural areas.

The nature of the duties involved is such that the field of practical nursing is not attractive to the young or the educated. Most practical nurses are women of middle age who in many cases have turned to that vocation because of domestic need or private exigency and have aptitude for homemaking and simple nursing. Their skills derive from experience rather than schooling. They shoulder in our society a great burden of necessary care and assistance of families in moderate circumstances stricken by illness, where the voluntary assistance of friends or relatives is not available. It is estimated that there are over 200,000 persons in this field in the nation, a due proportion of them in New Jersey.

Credible representation has been made to me that many of those now practicing as practical nurses would be unable or unwilling to comply with even the "waiver" procedure for licensing, which, it is to be noted, requires an examination prescribed by the board. It is perfectly likely that many who now perform services which to some degree fall within the definition of practical nursing in the bill and serve as valuable and essential family aids in times of illness, under direction of a physician, could nevertheless not pass reasonable examinations promulgated by the board.

So far as the non-waiver procedure for licensing of practical nurses is concerned (which becomes exclusive after September 1, 1955 under the bill), it is clear that the educational and examinational requisites of this bill would eliminate from this vocation a large proportion of the kind of people who have heretofore turned to practical nursing. If it is argued that there would ensue a lifting of the standards of the practice of practical nursing and of the professional qualifications of those in the field, the question arises as to whether this undoubted advantage outweighs the injury to those of the public who through this measure would be deprived of needed home nursing assistance within their means.

A comparable bill is said to have been vetoed by the Governor of Montana with the comment that it would make the practical nurse as "extinct as the dodo". Without neces-

sarily subscribing to that sentiment, it is apparent that in this era of acute shortage of nurses, generally, the timing of a bill calculated to curtail the supply of those furnishing nursing care to the public could not be more unfortunate. Very few of the states now have compulsory licensing of practical nurses.

I am cognizant of the plea that it is unfair to those nurses who have invested the time, effort and money to qualify for licensing that unlicensed persons should be permitted to practice; also that dangerously unqualified persons are in some cases engaged in unregulated attendance upon the ill. There is some validity in both of these points of view. It is to be hoped that social and economic conditions will sometime be propitious for a measure of this kind. But I do not consider that day now here.

I have no objection to the requirement of compulsory licensing for those performing professional nursing, as distinguished from those doing practical nursing.

Therefore, and since there are a number of other improvements over the existing law in the present bill, I am not vetoing it, but am returning it (Assembly Bill No. 27) herewith for reconsideration and with the recommendation that amendments be made to the bill as follows:

> On page 2, section 1, line 20, insert after the word "include" the following: "nursing care of the sick, other than as comprised within the definition of professional nursing hereinabove, with or without compensation by an unlicensed person who does not hold himself out to be a licensed nurse of any kind, or as a trained nurse, graduate nurse or registered nurse nor".
>
> On page 8, section 5, line 16, insert after the word "nursing" the following: "as defined by and subject to the exclusion in Section 1 (b) hereof".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL NO. 40

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections Assembly Bill No. 40.

At this time, I am informed, there is one former law secretary to a circuit Court judge serving as law secretary to a Superior Court judge assigned to the Law Division. One of the purposes of Chapter 390 of the Laws of 1948 (N. J. S. 2A:11–9) was to offer such incumbent upon the change-over in the Court system a maximum salary of $4,500.00 per year as compared to the maximum salary of $2,800.00 per year payable to stenographers in the employ of Superior Court, Law Division judges.

Assembly Bill No. 40 is special legislation which seeks to amend N. J. S. 2A:11–9. It sets forth that, in counties of the second class having a population between 325,000 and 375,000 inhabitants, the salary range of any such law secretary to a Superior Court, Law Division judge shall be the same and subject to the same increments as fixed by statute and regulations of the Civil Service Commission for law secretaries to Appellate Division and Chancery Division judges.

I believe that there is no reasonable basis in population and county classification for limiting the applicability of this proposed act to Passaic County.

Conversely, in my opinion, Chapter 390 of the Laws of 1948, in enabling an incumbent law secretary to a Circuit Court judge to continue to serve as such in the new court system at a salary higher than that available to stenographers, is valid non-discriminatory legislation. I see no objection to conforming such salary to the salary range for law secretaries to Superior Court, Appellate Division judges and Superior Court, Chancery Division judges.

Accordingly, I herewith return Assembly Bill No. 40 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

On page 1, section 1, line 13, delete "at a salary not exceeding $4,500.00 per annum, except"; omit lines 14, 15, 16; substitute in lieu thereof a semi-colon and the words "the salary range of such law secretaries shall be the same as that fixed by the Civil".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 14, 1954.

ASSEMBLY BILL NO. 52

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Assembly Bill No. 52 herewith, with my objections for reconsideration.

Under the bill, a minor over 14 must have satisfactorily completed a course of instruction in gun safety to be eligible for his first hunting license.

To accomplish effectively this worthwhile purpose, the bill requires technical amendments. Accordingly, I am returning it herewith for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, line 9, strike the words "an agent of".

On page 1, section 1, line 15, strike the words "license issuing agent" and insert in lieu thereof "Division of Fish and Game".

On page 2, section 2, line 3, strike the word "their" and insert in lieu thereof the word "its".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 22, 1954.

ASSEMBLY BILL No. 57.

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Assembly Bill No. 57.

The purpose of this bill is to require one year extensions of existing contracts pertaining to temporary emergency housing between any municipality and the administrator of the public housing and development authority, upon a resolution by the governing body of the municipality that a need for temporary emergency housing continues to exist in such municipality.

My objections to this bill are two-fold.

First, with the concurrence of the Veterans' Services Council, I believe that there should be no further extensions of contracts pertaining to temporary emergency housing beyond one year from the expiration date of the maximum seven-year period of emergency provided in P. L. 1946, c. 323. This bill may be construed to authorize recurrent one-year extensions of contracts entered into pursuant to P. L. 1946, c. 323, whenever the governing body of any municipality makes by resolution the requisite finding of a continuing housing shortage.

Second, although I am advised by the Veterans' Services Council that existing temporary emergency housing in some municipalities is in a deteriorated condition, this bill makes the extension of contracts for one year mandatory upon the filing with the administrator of a certified copy of the aforementioned resolution by the governing body of the municipality. I believe that the governing body of the municipality should certify in the resolution that in its judgment the existing temporary emergency housing will be safe for occupancy for a further period of at least one year.

In addition, I am mindful that, in some municipalities, the maximum seven-year period of emergency provided in P. L. 1946, c. 323 expired subsequent to February 15, 1954 the date of passage of this bill. I believe that this bill should cover those municipalities.

Accordingly, I am returning herewith Assembly Bill No. 57 for reconsideration and with the recommendation that amendments be made to the bill (Official Copy Reprint) as follows:

Delete Section 1 and insert in lieu thereof the following:

"1. If, under the authority of the act hereby supplemented, the governing body of any municipality, by resolution, shall find that a need for temporary emergency housing continues in such municipality and shall certify therein that in the judgment of said governing body the existing temporary emergency housing in such municipality will be safe for occupancy for a further period of at least 1 year, and shall file a certified copy of such resolution with the administrator, any contract pertaining to such temporary emergency housing theretofore entered into by such municipality with the said administrator pursuant to said act shall thereupon be extended for the period provided in the resolution but not to exceed 1 year and shall continue in full force and effect during the period of the emergency as so extended by such resolution notwithstanding any terms or conditions of such contract and any provisions of said act to the contrary; provided, that, if the governing body of any municipality in which the maximum period of emergency provided in said act expired subsequent to February 15, 1954 and prior to the effective date of this supplement to said act, by resolution, shall find that a need for temporary emergency housing continues in such municipality and shall certify therein that in the judgment of said governing body the existing temporary emergency housing in such municipality will be safe for occupancy for a further period of at least 1 year, and shall file a certified copy of such resolution with the adminstrator, such municipality may enter into a contract pertaining to such temporary emergency housing with the said administrator for the period provided in the resolution but not to exceed 1 year, and any contract thereby entered into shall continue in full force and effect during the period of the emergency as so extended by such resolution notwithstanding any provisions of said act to the contrary; provided, further, that only

1 resolution of extension pursuant to this supplement to said act shall be adopted by any governing body."

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 14, 1954.

ASSEMBLY BILL NO. 65

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Assembly Bill No. 65 herewith, with my objections, for reconsideration.

This bill creates three categories of criminal fraud in charitable solicitation and in the diversion of charitable contributions. I agree wholeheartedly with its worthy objectives.

Disclosures in the State of New York that "overhead" swallows up immense proportions of contributions to certain charities have shocked the citizens of this State. The State of New York has enacted legislation this year requiring registration of all charitable organizations, filing of notice of their intention to conduct fund-raising campaigns, licensing and bonding of professional solicitors, and financial reports of the distribution of all charitable donations.

The evils attacked by Assembly Bill No. 65 should be struck down. Existing criminal statutes against obtaining money or property by false pretenses (N. J. S. 2A:111–1 et seq.) fail to protect fully against charitable frauds. The cheats who prey on human kindliness towards others in suffering or in need should face a law that unmistakably fits their abominable crime.

At the same time, the worthy and generous efforts of the vast majority of officers and solicitors of charitable organizations should not be hampered.

To insure the exemption of lawful diversions of charitable funds from the bar of a penal statute, I am returning Assembly Bill No. 65 for reconsideration and with the recommendation that it be amended as follows:

In section 3, line 6 after the word "contributed" insert "or for the general purposes of any such incorporated organization, provided that this section shall not be construed to apply to or prohibit any necessary expense or to apply to or prohibit any disbursement pursuant to an order of a court of competent jurisdiction".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1954.

ASSEMBLY BILL No. 78

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith for reconsideration and with my objections, Assembly Bill No. 78.

Assembly Bill No. 78, in effect, though not in form, amends certain provisions of Chapter 10 of Title 43 of the Revised Statutes applicable to employee pensions in first class counties having a population of less than 800,000. As a result of other legislation the pension funds of the counties of Hudson and Essex are each controlled by separate and distinct statutory provisions. The present bill is, therefore, not special in the constitutional sense, notwithstanding the limitation of the class.

The bill undertakes to make eligible for membership in the pension fund such county employees as are now ineligible by reason of having accepted employment with the county after reaching the age of 45, if they were less than 55 years of age. It further permits such persons to receive

pension credit for prior public service rendered for the State or any municipality, upon making payment of the necessary arrears.

I have no objection to those features of this bill which would enable persons previously employed by the State or by any municipality to be given credit therefor in connection with their pension status as county employees, upon making appropriate payments of arrears. My only objection to the present bill is that it would have the effect of making eligible for county pension benefits many persons who would be in far more advantageous position under federal social security coverage. To include all county employees who were between the ages of 45 and 55 at the time of their original employment by the county within the eligibility provisions of the present bill would make them automatically ineligible for federal social security coverage, under the federal law. Most of the people in this category are now at an age that would make it disadvantageous for them to take advantage of the county pension, as compared with coverage under social security.

I am therefore recommending an amendment of the bill in order to avert the impairment of the valuable rights of persons in the category specified.

Accordingly, I am returning herewith Assembly No. 78 for reconsideration and with the recommendation that amendments be made to the bill as follows:

On page 1, section 1, line 7, after the word "years" insert "and had prior service in any other elective or appointive state or municipal office or position,".

On page 1, section 2, lines 1 and 2, delete beginning with the word "Such" on line 1 through the word "that" on line 2; delete the word "where" on line 2 and insert in lieu thereof "Where".

On page 1, section 2, line 3, delete ", county".

On page 1, section 2, line 5, after the word "service" insert ", in addition to his total county service,".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 121

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 121.

This bill would permit the use and sale, for the benefit of the county, of certain unclaimed property in the possession of the county prosecutor or county police department by finding or by being recovered after theft or robbery.

Comparable statutes provide for the disposition of similar property in the possession of the State Police and the municipal police departments. R. S. 40:27–20; P. L. 1946, Chapter 290; and see P. L. 1948, Chapter 456. These existing laws, which apparently have been operating satisfactorily, are limited to those situations where the owner or owners of the property are unknown, cannot be found, or refuse to receive same.

There does not appear to be any reason why this safeguard and limitation should be eliminated where the property is in the possession of the county prosecutor or county police department.

Accordingly, I am returning herewith Assembly Bill No. 121 for reconsideration with the recommendation that amendments be made to the bill as follows:

On page 1, section 1, line 4, after "mained" strike out "unclaimed by the owner or owners thereof within" and in lieu thereof insert "in the possession of the county prosecutor or police department of any county for".

On page 1, section 1, line 5, after the word "after" insert "and the owner or owners are unknown and cannot be found or refuse to receive same".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 194

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 194.

Section 1 of Assembly Bill No. 194 amends section 26:-8–59 of the Revised Statutes by requiring the State Registrar to make a semi-annual rather than an annual certification to the treasurer of each incorporated political subdivision comprising a registration district, of the number of births and deaths properly registered from the district, with the name of the local registrar, and the amount due him in fees under sections 26:8–56 and 26:8–57 of the Revised Statutes. The purpose is to enable local registrars who receive the fees as compensation to be compensated each 6 months, rather than annually.

By requiring a semi-annual rather than an annual certification, however, this bill doubles the clerical work of the State Department of Health entailed in tabulating the number of birth and death records forwarded monthly by the 569 local registrars of this State, thereby increasing the cost of State government. The purpose of the bill may be accomplished without added cost to the State by amending the law to permit certification quarterly by the local registrars themselves, subject to adjustments which could be made when the annual certification is made by the State Registrar.

Accordingly, I am returning herewith Assembly Bill No. 194 for reconsideration, and with the recommendation that an amendment be made to the bill as follows:

On page 1, section 1, line 2, delete the word "semi-annually" and insert in lieu thereof "annually".

On page 1, section 1, line 7, after the word "treasurer." insert the following:

"Pending receipt of certification from the State Registrar, such treasurer shall upon certification from a local registrar of the number of certificates or reports

issued by him during the preceding quarter pursuant to sections 26:8–56 and 26:8–57 of this Title, make quarterly payments to the local registrar of 75% of the fees to which he may be entitled thereunder. Upon receipt of the annual certification of the State Registrar, the treasurer shall compare the same with the certifications made during the year by the local registrar and shall make such adjustments in payment of fees to such local registrar as may be necessary."

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1954.

ASSEMBLY BILL No. 252

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith for reconsideration and with my objections Assembly Bill No. 252.

This bill provides for the creation of an employee's retirement and benefit system for cities of the first class having a population in excess of 400,000 inhabitants. The scheme of the bill involves an integration into the new system of pension plans already operative in the municipality, pursuant to other enabling statutory provisions for board of health employees, public works employees and municipal employees generally. Notwithstanding that the City of Newark is the only municipality in the state included within the classification of municipalities set forth in the bill, I do not regard the bill as "special" in the constitutional sense as I find that the pension problems faced by that municipality, in the light of the existing condition of the 3 separate pension funds operating there under the statutes referred to, present a factual situation which makes the objectives and purposes of the bill peculiarly appropriate to the spe-

cial problems faced by Newark, and which, therefore, reasonably justifies the limitation of the class.

As indicated, Newark now has 3 municipal pension funds, hereinafter referred to as the board of health fund, public works fund and municipal employees fund. The latter two are now insolvent. The board of health fund has assets of approximately $600,000.00, but, on the basis of projected experience and present rates of contribution by members of the fund and the city, is in danger of ultimate insolvency. As a result of these conditions the governing body of the City of Newark, associations of its employees and civic groups in the city have for some time been studying ways and means of effecting a comprehensive long-range solution. The present bill has evolved from the efforts of these groups.

The general effect of this measure may be summarized briefly. The assets, obligations and liabilities of the 3 existing funds are absorbed and assumed by a new retirement system which, additionally, provides for increases in employee and city contributions over those called for by the old funds and liberalized pension and disability benefits for members of the system and for certain of their dependents. It also makes membership in the new fund obligatory upon all new employees of the city (excepting uniformed policemen or firemen) under 45 years of age.

Of the many present employees of the city not now members of any of the existing funds, those who, at the time of their original employment were under 50 years of age and are found physically and mentally fit, are permitted to become members of the system and to receive credit for all or any part of their prior service by making payments for the period of time to be credited to them.

My first examination and investigation into the provisions of this bill evoked two major problems. The first, and most important, was that no actuarial study had been made to indicate the existing obligations of the 3 funds based upon service rendered to date, nor as to whether the rates of contribution specified for employees and for the city were adequate to meet prospective obligations of the new fund for current and future service.

While the bill provides for payments by the City of Newark of $100,000.00 per year for 20 years in addition to its obligation to match the contributions to be made by the

employees, it leaves within the discretion of the commission set up to govern the system the fixing of the rates of contribution within a range of 2 percentage points of salary. It was indicated to me that it was probable that the new commission would commence the operation of the fund at the minimum rates. The only control provided in the bill against the fixing of inadequate rates was a provision, inserted by amendment at the behest of civic and taxpayer representatives, which I concluded was unsatisfactory. That provision, contained in Section 27 (A), was to the effect that the commission should increase the rates of contribution to the maximum whenever the retirement system should have no assets or be unable to meet its obligations and that no insufficiency of funds should be made up by the city until the commission had required the maximum rates.

This did not and still does not seem to me a sound control device. There is suggested hereinafter in this message an amendment of the bill to meet this problem.

My second major concern with the bill relates to its effect upon certain City of Newark employees who wish to take advantage of federal social security coverage made possible by recent amendments of the social security law and enabling state legislation. Under the federal act, state and municipal employees may be given federal social security coverage provided that they are not eligible for membership in an existing retirement system. Where they are so eligible they are precluded from social security coverage unless the entire class of employees votes favorably for the coverage on referendum. The bulk of Newark's employees would be adverse to social security coverage as compared with the benefits of this bill but some of them, in the higher age categories, prefer such coverage to inclusion within the proposed new Newark system. My concern in this regard is to provide, so far as possible, for the preservation of the rights of that minority.

After passage of the present bill, I convened representatives of the Newark municipal administration, of its municipal employees and of the State Department of the Treasury. It was agreed that it was in the interests of the taxpayers of the City of Newark, as well as of its employees, that a comprehensive actuarial study should be made by an independent actuary so that all concerned with the effect of this measure, including the executive branch of the State

government, might have the facts upon which an intelligent determination could be made as to the sound disposition of this bill in the general public interest. Such a study has been made. It shows that accrued obligations of the 3 former pension funds, based upon service of the municipal employees in such funds rendered to date, would amount to approximately $18,000,000.00 in terms of the benefits provided by this bill. It further shows that if the retirement system created by this bill goes into operation on the basis of the minimum contribution rates for employees and for the city specified by the bill there is an indicated deficiency of 1.22% of payroll as against all demands upon the fund for current service (i.e. obligations represented by service to be rendered by employees after the new system goes into effect). Application of the maximum contribution rates would produce an excess of income for said purposes of 2.18%.

Disposition of the $18,000,000.00 of accrued obligations could be effected either by funding the obligations or by permitting the city to meet maturities on these claims as they arise. I am convinced that it would not be financially feasible for the city to fund these accruals at the present time. Therefore, notwithstanding the theoretical desirability of funding, I am not recommending any amendment to the bill to compel that course. Under the terms of the bill the city will meet these accrued obligations by separate budgetary appropriations as they mature from time to time.

I have concluded, however, that it is essential that the bill contain actuarial controls which will assure the fixing of rates, within the schedule of the bill, effective to prevent a deficit in city and employee contributions as against current service obligations of the fund. To that end I am recommending an amendment which will provide that whenever the assets in the fund decline below $150,000.00, and, additionally, once prior to the end of the year 1956 and once during every third year thereafter, an actuarial study shall be made of the operation and condition of the fund and that the rates of contribution shall be adjusted by the commission upon the basis of such studies so as to assure that, so far as possible within the schedule of contributions fixed in the bill, the assets shall not decline below $150,000.00 and that at all times the value of future contributions of members and the city, when taken with present assets, shall not be less than

the value of prospective benefit payments based upon membership service to be rendered after the commencement of the operation of the new fund. I am further recommending that the city be precluded from meeting any deficiencies in the operation of the fund (exclusive of the $100,000.00 annual contribution for 20 years) unless and until the commission requires contributions at the maximum rates provided for in the schedule of the bill.

In respect to the problem of the minority of the city employees who prefer federal social security coverage to coverage under this bill, it is to be noted that while the bill provides for eligibility in the city fund of all new city employees under the age of 45, yet in the case of present employees not members of existing funds it makes eligible for membership for 60 days all who were under 50 years of age at the time of their original employment by the city. My investigation indicates that the reduction of the age limitation in that regard to 45 is necessary as a great majority of the persons in the class of those who were between 45 and 50 years of age when first employed by the city would find social security coverage far more advantageous than inclusion within the present bill. Reduction of the eligibility age in this respect will, therefore, free the employees in that category for social security coverage.

Numerous other technical amendments to the bill have been found to be necessary and have been agreed to by representatives of the City of Newark. They are included in the schedule of suggested amendments which follows.

I believe it appropriate for me to acknowledge in this message the full cooperation of the Mayor, City Council and other representatives of the City of Newark, as well as of the representatives of its employees, in making possible a constructive approach to and solution of the problems presented by this bill.

Accordingly, I am returning herewith Assembly Bill No. 252 for reconsideration and with the recommendation that amendments be made to the bill as follows:

On page 2, section 1, line 32, after the word "shall" insert ", subject to the provisions of Section 13 (a) of this act,".

On page 2, section 1, line 40, delete the first "and" and insert in lieu thereof "or"; delete the second "and" and insert in lieu thereof "or".

On page 2, section 1, line 45, delete the figure "50" and insert in lieu thereof "45"; at the end of the line, after the word "shall" insert ", subject to the provisions of Section 13 of this act,".

On page 3, section 1, line 46, after the word "right" insert ", subject to Section 13(b) of this act,".

On page 4, section 3, line 5, delete the last "the" and insert in lieu thereof "a".

On page 5, section 3, line 10, delete the period at the end of the line and insert "ending December 31 and the first such appointee shall serve until January 1 of the year following the year of his selection unless selected after January 1, 1955, in which event his term shall expire on December 31, 1955. Members of the commission designated by the mayor shall not hold office beyond the incumbency of the mayor. In case of a vacancy as to a member designated by the mayor, he shall designate a successor."

On page 5, section 3, line 33, delete the comma after the word "days".

On page 6, section 4, line 1, after the word "vacancy" insert "of an elected member".

On page 6, section 4, line 3, after the word "election" insert "and at said election a successor shall be elected to serve for the unexpired remainder of the term vacated".

On page 6, section 5, line 6, after the word "expenditures" insert "authorized by the commission".

On page 6, section 5, line 10, after the word "attorney" insert "and an actuary"; delete the word "his" and insert in lieu thereof "their".

On page 6, section 5, line 11, after "compensation." insert "The commission may engage such independent actuarial assistance as may be necessary to assist the actuary from time to time."

On page 7, section 7, line 5, after the first "of" insert "the retirement system under".

On page 7, section 9, line 1, after the first "to" insert "issue subpœnas to".

On page 7, section 9, line 7, after "witnesses." insert "Contempt of the commission may be punished by summary proceedings before a judge of the county court."

On page 7, section 11, line 2, after the word "bonded" insert "in such amount as shall be determined by the commission,".

On page 8, section 12, lines 4 and 5, delete beginning with the word "or" on line 4 and through the word "State" on line 5 and insert in lieu thereof "of New Jersey, subdivisions, instrumentalities or agencies of the State of New Jersey or of any interstate agency of which the State of New Jersey is a member".

On page 8, section 13, line 3, delete the comma after the word "city".

On page 8, section 13, line 17, after the word "All" insert "present"; after the word "city," insert "as herein defined,"; delete ", at the time of the adoption of the act,".

On page 8, section 13, line 18, delete "as provided hereinbefore, were under 50" and insert in lieu thereof "were not more than 45".

On page 8, section 13, line 24, delete "(c)" and insert in lieu thereof "(1)".

On page 8, section 13, line 25, delete the word "this" and insert in lieu thereof "the".

On page 8, section 13, line 26, delete the word "this" and insert in lieu thereof "the".

On page 9, section 13, line 43, delete "(d)" and insert in lieu thereof "(2)".

On page 9, section 13, line 44, delete the word "this" and insert in lieu thereof "the".

On page 9, section 13, line 48, delete "(e)" and insert in lieu thereof "(c)".

On page 10, section 14, line 6, after the word "all" insert "of".

On page 10, section 14, line 8, delete the word "this" and insert in lieu thereof "the"; after the word "system" insert "created hereby".

On page 10, section 14, line 11, delete the word "this" and insert in lieu thereof "the".

On page 10, section 16, lines 2, 3, 4, and 5, delete the semicolon after the word "act" on line 2 and the entire remainder of the sentence thereafter beginning with the word "provided" and through the word "statutes" on line 5.

On page 10, section 16, line 10, delete the semicolon.

On pages 10 and 11, section 16, lines 15, 16, 17, 18, 19 and 20, delete beginning with the word "provided" on line 15 and continuing through the word "notwithstanding." on line 20 and insert in lieu thereof "subject, however, to the provisions of Section 31 of this act."

On page 12, section 19, line 24, insert the section number "20." prior to the words "Subject to" and set the same off as a new paragraph.

On page 12, section 19, line 25, delete ", accident".

On page 12, section 19, line 26, delete the word "sickness" and insert in lieu thereof "illness".

On page 13, section 20, line 1, delete the figure "20." and eliminate the paragraph break.

On page 13, section 20, line 2, delete "disability,".

On page 13, section 20, lines 2 and 3, delete "dis-" on line 2 and "ease" on line 3 and insert in lieu thereof "illness".

On page 13, section 21, line 2, delete "(a)" and insert in lieu thereof "the".

On page 13, section 21, line 3, delete ", accident" and "sickness" and insert in lieu of "sickness" the word "illness".

On page 15, section 26, line 9, delete the comma after "ary".

On page 15, section 26, line 17, delete the word "this" and insert in lieu thereof "the"; after the word "system" insert "created hereby".

On page 15, section 26, line 20, delete the word "this" and insert in lieu thereof "the".

On page 15, section 26, line 21, after the word "fund" insert "created hereby"; delete the word "this" and insert in lieu thereof "said".

On page 15, section 26, line 23, after the word "member" insert ", as determined by the commission".

On page 16, section 26, line 52, after the word "employees" insert "not involving conviction of a crime involving moral turpitude as aforesaid".

On page 17, section 27, line 5, delete the second "this" and insert in lieu thereof "the"; after the word "system" insert "created hereby".

On page 17, section 27, line 9, delete the word "this" and insert in lieu thereof "said".

On page 17, section 27, line 11, delete the word "this" and insert in lieu thereof "the"; after the word "system" insert "created hereby".

On page 18, section 27, lines 28 and 28A, delete in entirety lines 28 and 28A.

On page 18, section 27, line 30, delete the word "this" and insert in lieu thereof "the".

On page 18, section 27, line 31, after the word "system" insert "created hereby".

On page 18, section 27, line 33, delete the word "this" and insert in lieu thereof "the".

On page 18, section 27, line 34, after the word "system" insert "created hereby".

On page 19, section 27, lines 36A, 36B, 36C, 36D, 36E, 36F and 36G, delete the entirety of the sentence beginning with the words "The commission" on line 36A through the word "section." on line 36G.

On page 19, section 27, line 42, delete the word "this" and insert in lieu thereof "the"; after the word "system" insert "created hereby".

On page 19, section 27, after line 48 insert a new sub-paragraph as follows:

"(B) To further provide for the solvency of the retirement system created hereby the commission shall, (1) whenever the assets of the fund reach a minimum of $150,000.00 and (2) once prior to the end of the

year 1956 and once during every third year thereafter, cause the actuary appointed by the commission to make an investigation into the conduct and operation of the retirement system and into the mortality, service and compensation experience of the members and beneficiaries of the retirement system and to make a valuation of the assets and liabilities of the system. The actuary shall report thereon to the commission. Based upon said report the commission shall (a) establish for the retirement system such mortality, service and other tables as shall be deemed necessary and (b) adjust and certify the rates of contribution to be paid by members of the retirement system and the city, within the minimum and maximum schedules set forth in this act, on the basis of the said investigation, valuation and report of the actuary, to the ends that, so far as possible, (1) the assets of the fund shall not decline below a minimum of $150,000.00 and (2) the value of future contributions of members and the city, when taken with present assets, shall not be less than the value of prospective benefit payments based upon membership service to be rendered after the effective date of this act."

On page 19, section 27, line 49, delete "(B)" and insert in lieu thereof "(C)".

On page 20, section 27, line 62, delete "C" and insert in lieu thereof "(D)".

On page 20, section 27, line 65, delete "(D)" and insert "(E)".

On page 20, section 27, line 71, after the word "system" insert ", provided, however, that no insufficiency of funds shall be made up by the city unless and until the commission shall have required deductions from employees at the maximum rates set forth in subsection (A) of this section".

On page 20, section 28, line 3, delete the word "this" and insert in lieu thereof "the".

On page 20, section 29, line 2, delete the word "this" and insert in lieu thereof "the"; after the word "system" insert "created hereby".

On page 20, section 29, line 8, insert at the beginning of the line "the value of".

On page 20, section 29, line 9, delete the word "this" and insert in lieu thereof "the".

On page 20, section 29, line 11, at the end of the line insert the following sentence "The commission is hereby empowered to determine the value of actuarial and pension benefits received by a member of the retirement system."

On page 21, section 30, line 1, delete the word "this" and insert in lieu thereof "the".

On page 21, section 30, line 5, delete the word "this" and insert in lieu thereof "the".

On page 21, section 30, line 7, delete the word "this" and insert in lieu thereof "the".

On page 21, section 30, line 20, delete the word "this" and insert in lieu thereof "the".

On page 21, section 31, line 4, delete the word "this" and insert in lieu thereof "the".

On page 21, section 31, line 5, after the word "system" insert "created hereby".

On page 21, section 31, line 7, after the word "and" insert "or"; after the word "benefits" insert "provided for"; delete the word "accruing".

On page 21, section 31, line 9, delete the first "herein" and insert in lieu thereof "in this section"; after the word "contributions" insert "and the provisions governing refund of contribution".

On page 21, section 31, line 10, delete the word "this" and insert in lieu thereof "the"; after the word "system" insert "created hereby, including those members of the aforesaid pension funds who are transferred to the retirement system created hereby".

On page 22, section 33, line 2, delete the word "this" and insert in lieu thereof "the".

On page 22, section 34, line 1, delete the word "this" and insert in lieu thereof "the".

On page 22, section 35, line 1, insert a comma after the word "act".

On page 23, section 38, line 1, delete the word "to".

On page 23, section 38, line 2, after "nually" insert "and at such other times as it may be deemed necessary to".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 261

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the State Constitution, I am returning herewith and with my objections Assembly Bill No. 261.

This bill is an effort to deter the vicious crime of "mugging" by setting mandatory minimum sentences of 5 years imprisonment and $2,000 fine for robbery by violent assault.

I agree wholeheartedly with the objective. Our citizens must be free to walk on our streets without the menace of cowardly and brutal muggings.

I disagree that the objective can be accomplished or substantially furthered by a mandatory minimum sentence. The enlightened trend in recent years disapproves mandatory minimum sentences even for the most heinous offenses. They tend to discourage prosecutions or indictments in some cases. The crime of sodomy with a child under sixteen carried a mandatory 5 year minimum sentence under P. L. 1926, Chapter 172. This was deleted in the revision effective January 1, 1952 (N. J. S. 2A:143-2). Similarly, the former mandatory life sentence for fourth offenders is now discretionary under P. L. 1953, Chapter 166.

I recommend instead an increase in the maximum prison sentence from 15 to 25 years. This would increase the deterring effect of the penalty without involving the disad-

vantages noted above. Accordingly, I suggest the revision of Assembly Bill No. 261 as follows:

On page 1, section 1, line 8, after "another" insert a comma; after "chattels" insert a comma; after "whatever" insert a comma.

On page 1, section 1, line 9, after first "use" strike "of extreme force or by use"; after "in a" strike "maiming or wound-" and insert "bodily injury".

On page 1, section 1, line 10, strike "ing"; after "fine of" strike "not".

On page 1, section 1, line 11, strike "less than $2,000.00 and"; after "$5,000.00" strike "and" and insert ", or".

On page 1, section 1, line 12, strike "not less than 5 years and"; after second "than" strike "15" and insert "25"; after second "years" insert ", or both".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1954.

ASSEMBLY BILL No. 273

To the General Assembly:

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

This bill is intended to authorize the issuance of a combination form of fire insurance policy which would include the present standard fire risk and, in addition, coverage of various other risks which the insurer is authorized to assume. The bill would permit, but not require, a single blanket premium to be charged for all the risks covered.

During the course of its legislative progress in the Assembly, four amendments to this bill were adopted by vote of that House on April 22, 1954. Although these amendments appear in the Minutes of the Assembly, they were never printed in the bill which passed the Assembly and was sent to and passed by the Senate. I believe that I am bound to deal with the measure in the form presented to me as certified by the Speaker of the House and the President of the Senate. The sponsor of the bill has requested me to return it for reconsideration and with the recommendation that the missing amendments be included. I have considered other points of objection to the bill but do not concur in them.

I am, accordingly, returning Assembly Bill No. 273 herewith for reconsideration and with the recommendation that the bill be amended as follows:

On page 3, section 5, line 15, after "elsewhere." insert the sentence "Every such fire insurance policy shall contain a provision that its assignment shall not be valid except with the written consent of the insurer."

On page 5, section 8, lines 13 and 14, delete the words "not a member or subscriber of a licensed rating organization" and insert in lieu thereof "making its own filings".

On page 5, section 8, delete lines 15, 16, 17, 18 and 19.

On page 6, section 8, delete lines 20, 21, 22, 23, 24, 25, 26 and 27 and insert in lieu thereof the sentence "Any insurer may present any such form for filing, if after a reasonable request, the rating organization of which it is a member or subscriber has failed or refused to present such form for filing."

On page 6, section 8, line 28, delete the words "by a rating organization".

On page 6, section 8, line 29, delete the words "which is a member or subscriber of such rating organization" and insert in lieu thereof "by whom or in whose behalf it was filed".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 14, 1954.

ASSEMBLY BILL No. 310

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Assembly Bill No. 310 herewith, with my objections, for reconsideration.

The bill seeks to amend N. J. S. 2A:11–36 by increasing salaries for court attendants in counties having a population between 300,000 and 600,000 according to the 1940 census.

In view of the recent lifting of the partial suspension of the effectuation of the 1950 census, I believe it inappropriate any longer to classify counties pursuant to any Federal census prior to 1950.

I further recommend the deletion of any reference to criminal judicial district courts since there is no such court in existence in any of the counties affected by this bill.

Of most importance, however, is the fact that this bill effects a mandatory pay increase of $1,100.00 per year in the three counties affected. An indirect additional result would be the eventual effectuation of similar increases for jail guards, as they generally take the same civil service status as court attendants. I believe that the local county boards of freeholders should have jurisdiction to exercise their own discretion in granting increases in salaries over the fixed amounts provided for under the existing statutory scale. Such discretionary increases in salaries for court attendants may now be granted under N. J. S. 2A:11–36 only during the sixth and succeeding years of service. Particularly in view of the low rates fixed in the act for the initial period of service I am recommending that the boards of freeholders be given power to allow increases over such rates in any period of service.

I am, therefore, returning Assembly Bill No. 310 (Official Copy Reprint) for reconsideration and with the recommendations that the bill be amended as follows:

On page 1, section 1, line 3, after the first "to" and after the second "of" strike "300,000" and insert "325,000".

On page 1, section 1, line 6, strike "300,000" and insert "325,000". After "inhabitants," strike "according to the 1940 Federal census" and insert "other than fifth class counties".

On page 1, section 1, lines 7 and 8, after "Superior Court" strike the comma and insert "and". After "County Court" strike "and criminal judicial district court,".

On page 2, section 1, line 21, strike "1952" and insert "1955".

On page 2, section 1, line 22, strike "300,000" and insert "325,000". After "inhabitants," strike "according to the 1940 Federal census,".

On page 2, section 1, lines 24 and 25, after "Court" strike the comma and insert "and". After "domestic relations court" strike "and the criminal judicial district court".

On page 2, section 1, strike out all of line 33 beginning with the word "$3,500.00", all of lines 34, 35, 36 and 37, and on line 38 the half word "ice". Insert in lieu thereof the following: "$2,400.00 for the first year of service; $2,600.00 for the second year of service; $2,800.00 for the third year of service; $3,000.00 for the fourth year of service; $3,200.00 for the fifth year of service; $3,400.00 for the sixth and each succeeding year of service".

On page 2, section 1, line 41, strike the word "year" and insert in lieu thereof the word "period".

On page 2, section 1, line 42, strike the word "year" and insert in lieu thereof the word "period".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 358

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith for reconsideration and with my objections Assembly Bill No. 358.

This bill is an amendment to the Cigarette Tax Act (P. L. 1948, c. 65) and accomplishes several worthwhile revisions to protect dealers and distributors who handle cigarettes bearing the revenue stamp of other States. In addition, the provisions of the original act relative to confiscation proceedings are made more specific and protection is afforded to bona fide lien-holders. I approve such amendments.

The existing act provides a maximum penalty of $500 for second violators. As rewritten, the bill removes the former maximum of $500 for second offenses, which was inapposite where, for example, the second offense was counterfeiting punishable as a first offense by a penalty of $2,000, and substitutes a maximum penalty in double the amount which might have been imposed on the first conviction.

My objections to this bill are two-fold.

A further amendment to the section dealing with second violators has the dangerous effect of eliminating all limitation on the maximum jail sentence for failure to pay a double penalty judgment, other than the court's discretion. The failure to fix a maximum sentence is in contravention to a basic tradition of criminal jurisprudence.

I am further concerned with safeguarding common carriers which transport unstamped cigarettes or cigarettes bearing the revenue stamps of other States. The bill subjects their vehicles or vessels to confiscation without regard to knowledge of violation of the law. I believe that issuance of a bill of lading and lack of actual notice should exempt carriers from such drastic sanction.

Accordingly, I am constrained to return Assembly Bill No. 358 with my recommendations for its revision as follows:

On page 3, section 3, subsection c, line 31, after "this" omit "section" and insert "subsection".

On page 3, section 3, subsection c, line 33, after "days" insert "not exceeding 90 days,".

On page 3, section 4, line 9, after "destination" insert ", provided that any common carrier which has issued a bill of lading for a shipment of cigarettes and is without notice to itself or to any of its agents or employees that said cigarettes are not stamped as required by this act shall be deemed to have complied with this act and the vehicle or vessel in which said cigarettes are being transported shall not be subject to confiscation hereunder".

On page 3, section 4, line 10, after "invoices" omit "or" and insert a comma; after "tickets" insert "or bills of lading, as the case may be,".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1954.

ASSEMBLY BILL No. 365

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b), of the Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 365.

This bill undertakes to amend P. L. 1938, Chapter 366, the law regulating what are commonly known as "hospital service plans", operated on a non-profit basis. The subject of amendment by the present bill is that of the basis upon

which hospital service plans shall pay the hospitals which furnish the services for which subscribers contract with these organizations.

Section 7 of the presently existing act provides that all rates of payments to hospitals made by hospital service corporations shall be subject to approval by the Department of Institutions and Agencies. There is no provision, however, fixing any standard for the regulation and approval of such rates. Assembly Bill No. 365 undertakes to provide a standard but it eliminates the control of rates by the Department of Institutions and Agencies and makes no substitutionary provision in that regard.

I cannot concur in the proposed elimination of all State administrative supervision over rates payable by the organizations here involved for hospital services. Nor can I approve the proposal for regulatory standards as to such rates incorporated in the present bill.

The bill provides that such corporations shall not pay for such services in excess of the amount which the particular hospital would charge the general public for the same services. As to this I have no complaint. But that provision is qualified in the next sentence of the bill by an additional limitation to the effect that such payments shall not exceed "an amount calculated in accordance with sound accounting practices under formulae prescribed by such hospital service corporation and may, for the particular hospital or institution, be based upon either (a) its operating costs, or (b) its collected charges." As I read this language it would permit a regulated corporation to choose either operating costs or collected charges, in the case of a particular hospital, for purposes of determination of the rate to be paid to that institution. In the case of a publicly-owned hospital or institution the use of "collected charges" as the basis of compensation by a hospital service plan would transfer to the general taxpaying public of the State part of the operating expenses of privately-owned hospital service plans. This would result from the circumstance that many patients in publicly-owned hospitals are accommodated without charge or at less than cost in cases of indigence.

I believe the vesting of such an option in the organizations under regulation to be contrary to the public interest.

If supervisory control of rates by the Department of Institutions and Agencies is to be dispensed with, I believe that supervision by some other State agency should be provided. The logical agency is the Department of Banking and Insurance, for that department is given general supervision over the management and operation of such hospital service plans by the regulatory statute. The Commissioner of Banking and Insurance has present authority under Section 9 of the act to disapprove rates payable by subscribers. Since the rate of payment to hospitals bears upon the expense of operation of a hospital service plan and therefore affects rates payable by subscribers, it would appear eminently appropriate to vest control over rates payable to hospitals in the same official.

Accordingly, I am returning herewith Assembly Bill No. 365 for reconsideration and with the recommendation that amendments be made to the bill as follows:

On page 3, section 2, lines 25 to 29, delete in entirety the sentence commencing with the words "In addition to" and insert in lieu thereof the following:

"A schedule of all rates of payments to hospitals and institutions by such hospital service corporations pursuant to such contracts shall be filed with the Commissioner of Banking and Insurance. If the Commissioner shall at any time notify the corporation filing the same of his disapproval of any such rate of payment, as being excessive or inadequate, it shall be unlawful thereafter for payments to be made under such contract. Such disapproval of the Commissioner shall be subject to review by the Superior Court in a proceeding in lieu of prerogative writ."

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1954.

ASSEMBLY BILL No. 382

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 382.

The object of this bill is to require that funds received by a county park commission from the sale or transfer of park lands to the New Jersey State Highway Authority for the Garden State Parkway be applied first to the retirement of bonds issued for the acquisition of such park lands and the balance set aside as a capital improvement fund.

The bill applies, however, only to county park commissions in first class counties having a population in excess of 800,000 inhabitants. The imposition of an additional population criterion upon the county classification system, which is based upon population, would appear to be improper local legislation since the 800,000 population classification does not bear any reasonable relationship to the subject matter of the bill.

Accordingly, I am returning herewith Assembly Bill No. 382 for reconsideration and with recommendation that the bill be amended as follows:

On page 1 amend the title by striking out after the word "class" the words and the following comma "having a population in excess of 800,000 inhabitants,".

On page 1, section 1, lines 1 and 2, after the word "class" strike out the words and the following comma "having a population in excess of 800,000 inhabitants,".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 385

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith for reconsideration with my objections, Assembly Bill No. 385.

This bill is primarily designed to amend provisions of the law governing the licensing and regulation of optometrists in respect to removal of offices and resumption of active practice after a period of discontinuance.

I object only to so much of the bill as restricts the right of an optometrist to an active registration renewal after a period of nonactivity. The bill conditions the right upon a finding by the State Board of Optometrists that the office location of the applicant "is appropriate for the practice of optometry in accordance with the provisions of this chapter and the rules and regulations of the board." For the same reasons as expressed in reference to a similar provision in Assembly Bill No. 386 in my message of conditional veto of that bill, of even date herewith, I disapprove this provision.

Accordingly, I am returning herewith Assembly Bill No. 385 for reconsideration and with the recommendation that amendments be made to the bill as follows:

On page 1, section 1, delete beginning with the word "If" on line 12 through the second word "the" on line 15.

On page 1, section 1, line 15, insert the word "The" immediately preceding the word "board" and insert the word "thereupon" after the word "shall".

On page 1, section 1, line 16, delete the words "for the office location" and substitute in lieu thereof the words "to said registrant".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 386

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 386.

I am satisfied that this bill, as a whole, is a constructive measure in the public interest, designed to improve professional standards in the practice of optometry and thereby to lead to more reliable and expert service of the needs of the population for visual aids. I approve those features of the bill which, among other things, prohibit corporate practice of optometry or the employment of licensed optometrists by unlicensed persons, improper or misleading advertising and listing of optometrists in directories or otherwise in such a manner as to permit unlicensed persons or business concerns to profit thereby and the provisions which strengthen the enforcement and penalty sections of the law regulating the practice.

I find myself, however, in disagreement with several other additional restrictions and requirements imposed by the bill. I recommend the amendments hereinafter detailed for the purpose of deleting or modifying the provisions which, for the reasons set forth herein, I deem objectionable.

1. Section 3 of the bill amends Section 45:12–8 of the Revised Statutes so as to condition the issuance by the State Board of Optometrists of a license for any new location to which a licensee removes his office upon a finding by the board, "after proper investigation", that the new office location is "appropriate for the practice of optometry in accordance with the provisions of this chapter and the rules and regulations of the board". Nothing is said as to the standards by which the board is to be guided in making its finding and none are readily imaginable. This delegation of power is therefore invalid, and, in any event, is an arbitrary restriction without relation to any necessary or desirable regulatory objective.

2. Section 3 of the bill amends Section 45:12–8 of the Revised Statutes to specify 10 items of mandatory "minimum equipment with which a licensed optometrist shall operate his office and engage in the practice of optometry". Objectors have raised a question as to whether all of this equipment is technically necessary. While I am not competent to determine this, I do believe that this type of requirement is more appropriate for board regulations than for inclusion in a statute. Standards of scientific and technical equipment change from time to time. It should not take legislative action to effect changes in such regulations.

3. Section 4 of the bill amends Section 45:12–11 of the Revised Statutes to prohibit the practice of optometry "in an office not exclusively devoted to the practice of optometry where materials or merchandise pertaining to a business or commercial undertaking bearing no relation to the practice of optometry are displayed." This provision is designed to prevent the practice of optometry as an adjunct or sideline of a general commercial enterprise such as a department store, jewelry shop or the like. The intent is buttressed by an additional amendment of the same section to proscribe the practice of optometry upon a salary, commission, lease, or any other basis of compensation while directly or indirectly associated or connected with an unlicensed person, association or corporation.

I am in full accord with the proposed prohibition of any regular commercial association between licensed and unlicensed persons. Licensed optometrists should not be subject to the possible economic influence or pressure of merchants whose profit motive may conduce to less than professional standards on the part of associated or employed optometrists. This is said entirely without reflection upon any of the many reputable and ethical persons and firms in such relationships. But I do not believe that this salutary objective is necessarily served by a prohibition of a straight lease to an optometrist at a fixed rental of office space in a general store, where the optometrist is completely independent of the lessor. I am convinced that unwarranted hardship would be visited on many young optometrists in the early stages of their careers by a restriction to that extent. By analogy, many lawyers practice in space rented from realtors or others who are not lawyers, without diminution of professional standards.

4. Section 4 also adds as a ground for revocation or suspension of a license, "negligence as determined by the board". I deem this provision objectionable for two reasons. Simple negligence in a particular case is not a usual basis for disfranchisement in other professions. I do not see why it should be as to optometrists. The existing statutory right of revocation or suspension for "gross incompetence" seems sufficient in this respect. Second, the qualification, "as determined by the board", is vague and probably invalid, under the case of *Abelson's Inc.* vs. *New Jersey State Board of Optometrists,* 5 N. J. 412, 424.

5. Section 7 of the bill provides that the testimony of a New Jersey licensed optometrist is "qualified" in any judicial or quasi-judicial proceeding "with respect to any matter set forth in section 45:12–1 of the Revised Statutes." That section declares optometry to be a profession and defines the practice thereof. Section 7 is apparently designed to fix the status of a licensed optometrist as an expert witness in that field. For that purpose, however, the existing law of evidence suffices. If the purpose is inferentially to disqualify persons licensed elsewhere than in this State as expert witnesses, it is undesirable and unwarranted. The section should therefore be deleted.

6. The last major basis of objection to the bill is the prohibition in section 8 of the sale of any "spectacles or eyeglasses to intended wearers or users thereof" except by licensed optometrists or physicians. The effect and intended purpose of this is to prohibit over-the-counter sales in stores dealing in general merchandise of ready-made eyeglasses with simple magnification only. Such sales now take place on a fairly substantial scale and afford visual aid to many persons at prices far below the cost which would be entailed by dispensation or prescription by licensed optometrists or physicians.

The argument in support of this proposal is that such purchases lead to a sense of false security in the case of many persons who require medical eye care and who would be likely to be led to such care and treatment if they were unable to buy ready-made glasses. The weight of impartial expert opinion disclosed upon my investigation, however, indicates that direct injury consequent upon purchase and use of non-corrective glasses with simple magnification is minimal or non-existent. There is, moreover, a difference

of authoritative opinion as to whether the indicated indirect evil outweighs the benefits of the inexpensive remedy available to many under the commercial practice sought to be forbidden.

Finally, the adoption of section 8 would create a plain conflict with the existing provisions of P. L. 1952, ch. 336, section 5 (R. S. 52:17B–41.5), which is part of the act regulating the sale and dispensation of opthalmic devices and equipment. The latter section expressly excludes from such regulation "the sale of ready-made glasses or spectacles with simple magnification only, when sold as merchandise at established places of business," as well as other exceptions not found in this bill.

Indeed, the subject matter of section 8, i. e., the scope of prohibition of sale or dispensation of lenses, spectacles or glasses, appropriately belongs in the 1952 act referred to above rather than in the act regulating the practice of optometry. Section 5 of the 1952 act is comprehensive legislation on the former subject and should not be blurred by cognate legislation in the present act which is either repetitious or inconsistent.

Section 10 of the bill provides that it shall take effect immediately. In view of the serious effect of the bill upon the occupations of many optometrists employed by or associated with unlicensed persons or firms I believe a reasonable period for readjustment of their affairs and of those of the business firms involved should be allowed. This can be done by postponing the effective date of the bill until March 1, 1955.

There are other minor defects in the bill comprehended within the scope of the amendments which I herewith recommend, returning the bill for reconsideration toward that end:

On page 2, section 1, delete all the words on line 31, beginning with the word "Nothing" and delete the entirety of lines 32 to 36, inclusive, and all the words on line 37 to and including the word "State".

On pages 3 and 4, section 3, delete the entirety of lines 17 to 23, inclusive.

On page 4, section 3, line 25, delete the period after the word "offices" and delete the brackets on lines 25 and 29.

On page 4, section 3, delete so much of lines 29 to 33 inclusive, as begins with the word "If" on line 29.

On page 4, section 4, line 9, delete the comma after the word "incompetence" and substitute, in lieu thereof, a period. On the same line delete the entirety of the line beginning with the word "or".

On page 5, section 4, line 41, insert, after the word "or" the words "with reference to".

On page 8, section 4, delete the entirety of lines 136 to 139, inclusive.

On page 9, section 4, line 140, delete the letter "v." and substitute in lieu thereof the letter "u.".

On page 9, section 4, line 141, delete the word "lease"; on line 142, insert after the word "connected" the words "as an optometrist".

On page 9, section 4, line 145, add after the period at the end of the line the following: "Nothing herein shall be deemed to prohibit the mere renting or leasing at a fixed rental of any space or office within the store or business establishment of an unlicensed person, association or corporation."

On page 9, section 4, line 146, delete the letter "w." and substitute in lieu thereof the letter "v.".

On page 9, section 4, line 151, delete the letter "x." and substitute in lieu thereof the letter "w.".

On page 10, section 6, line 6, insert after the word "any" the word "unlicensed" and insert after the word "person," the words "or any".

On page 10, section 6, line 8, delete the comma at the end of the line; on line 9 delete the word "lease".

On page 10, delete the entirety of Section 7, lines 1 to 5, inclusive.

On pages 10 and 11, delete the entirety of section 8, lines 1 to 7, inclusive.

On page 11, section 9, line 1, delete the figure "9." and substitute, in lieu thereof, the figure "7.".

On page 11, section 10, line 1, delete the figure "10." and substitute, in lieu thereof, the figure "8.".

On page 11, section 10, line 1, delete the word "immediately" and substitute, in lieu thereof, the words "March 1, 1955".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 402

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections Assembly Bill No. 402.

This bill is an amendment to the statute (P. L. 1944, Chapter 175) regulating surplus line insurance brokers. Most of the new provisions are constructive, in particular: (1) the legalizing of transactions between insurance brokers and licensed surplus line brokers to obtain out of State insurance in surplus lines; (2) the requirement of an affidavit by the co-broker, if any, as well as by the licensed surplus line broker; and (3) the more stringent financial standards imposed for out-of-State insurers dealing in surplus lines with licensed surplus line brokers of this State.

In its form as introduced, Assembly Bill No. 402 recognized the additional expense confronting the State in its supervision of surplus line insurance by increasing the annual license fee for surplus line brokers from $25.00 to $100.00. This increase was deleted in committee.

In my judgment, an annual license fee of $100.00 is commensurate with the expense to be reasonably anticipated by the State in the administration of the amended act.

Therefore, I am returning Assembly Bill No. 402 herewith with my recommendation for its revision as follows:

On page 4, section 5, omit entire section and substitute the following:

"5. Section 6 of Chapter 462 of the laws of 1948 is amended to read as follows:

6. The annual fee to be paid to the commissioner for a license under this act shall be $100.00. All licenses so issued shall expire annually on December 31, unless sooner revoked by the commissioner for cause shown, and may be renewed upon payment of the annual fee."

Add as section 6 the following:

"6. This act shall take effect on January 1, 1955."

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 418

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections Assembly Bill No. 418.

This bill increases the annual license fee for agricultural commission merchants from $2.00 to $5.00 and sets out a procedure for the auditing and determination of claims of growers against licensees by the Secretary of Agriculture.

The next annual license renewal date is April 1, 1955. Because this bill recites no effective date, its effective date, under R. S. 1:2–3, would be July 4, 1955. In view of higher current costs of administration of the statute I believe that the increased license fee should apply in the 1955 renewal period.

Accordingly, I am returning Assembly Bill No. 418 with my recommendation for its revision as follows:

On page 4, add as section 5:

"5. This act shall take effect immediately."

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 434

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Assembly Bill No. 434 herewith for reconsideration and with my objections.

This is a validating bill with unusual implications.

Section 54:5–113 of the Revised Statutes authorizes assignment of tax sale certificates by municipalities at private sale for not less than the amount of unpaid taxes or of assessed valuation if below the total municipal tax lien.

Assembly Bill No. 434 would validate any such private sale made prior to January 1, 1952, although the purchase price was less than the total amount of municipal liens and less than the assessed valuation of the real property, upon resolution by the governing body of the municipality authorizing execution and delivery of a confirmatory assignment.

I disapprove any legislation for the surrender of municipal tax liens, contrary to constitutional principles against municipal donations.

Accordingly, I am constrained to return Assembly Bill No. 434 with my recommendation for its revision as follows:

On page 1, section 1, line 3, after "utes" strike "is hereby" and insert "shall be".

On page 1, section 1, line 7, after "assessments" delete ", if" and insert "upon payment to the municipality by the purchaser of said certificate of tax sale or his assignee within 6 months after the effective date of this act of the difference between either the total amount of municipal liens charged against the real estate at the time of said sale or the assessed valuation of the real estate at the time of said sale and the amount paid at said sale, and provided that".

On page 1, section 1, line 8, after "and" strike "if said sale".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 435

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith Assembly Bill No. 435, with my objections, for reconsideration.

This bill permits any city having a population not exceeding 40,000 inhabitants, in a county of the first class, by ordinance of its governing body, to lay out a public street through any public park belonging to such city and located in a business area thereof and to use any portion of such park for the widening of existing streets to meet local traffic conditions.

My only concern with this legislation is in its classification. I cannot conceive any reasonable basis for limiting the operation of this bill to cities of under 40,000 popu-

lation as distinguished from those in excess of that number, from the standpoint of the object of use of city-owned park lands for alleviation of local traffic conditions.

I do believe that cities, generally, might well be granted this power and that a reasonable basis for extending the scope of the proposed bill to all cities in counties of the first class could well be constituted by the generally more congested traffic conditions existing in such municipalities.

As I am sympathetic with its general object I am returning herewith Assembly Bill No. 435 for reconsideration and with the recommendation that amendments to the bill be made as follows:

On page 1, section 1, line 2, delete the comma after the word "class" and remainder of said line; on line 3 delete "habitants,".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL NO. 466

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 466.

This bill undertakes to vest title to all of the personal estate whereof one William McCorkell died intestate remaining after the payment of usual death charges in Thomas Lynch and Bridget P. Lynch, of Bayonne, and in William Lynch and Bridget Lynch, of Port Richmond, New York "in order to enable them to carry out the purposes" of a paper writing identified in the preamble of the bill as a signed but unwitnessed will of the said McCorkell. Section 1 of the bill incorrectly identified McCorkell's given name as Thomas.

The preamble of the bill recites that McCorkell died a resident of the County of Hudson in 1952 without heirs of known kindred and without leaving a surviving spouse. It further recites that prior to his death McCorkell manifested his intention of disposing of his personal property at his death, one part to the Bayonne Lynchs, one part to the Port Richmond Lynchs, and one part "to other purposes", as evidenced by a certain paper writing signed by McCorkell, "which writing is invalid as a will for lack of attesting witnesses."

I have caused an investigation to be made of the factual background and I am satisfied that William McCorkell did sign a paper writing purporting to leave his personal property, one-third to the Bayonne Lynchs, one-third to the Port Richmond Lynchs and one-third to the New York Foundling Hospital of 175 East 68th Street, New York City.

If approved, this bill would divest the State of New Jersey of its right to escheat approximately $9,000 of personal effects left by McCorkell. I nevertheless believe that it was with the constitutional purview of the Legislature to conclude that the intended recipients of McCorkell's bounty had a moral right thereto warranting the legislative vesting of the property in them. The constitutional prohibition against donations by the State is qualified to the extent that there is a "legal, moral or equitable consideration" for the State's appropriation. See *Wilentz* vs. *Hendrickson,* 135 N. J. Eq. 244, at p. 253. Subject to what is said hereinafter, I believe that in this case the legislative action is supported by a moral consideration. The Lynch family befriended and assisted the decedent during his lifetime.

In order fully to carry out the intent of the will, however, I believe that the bill should vest title to the property in all of the named recipients, not to the Lynchs alone. I further believe that in doing equity the Legislature should require that equity be done to the State to the extent of requiring that the State be paid a sum equivalent to what would be due by way of transfer inheritance taxes if the will had been duly probated.

Apparently inadvertent errors in identifying William McCorkell as Thomas McCorkell should also be corrected.

Accordingly, I am returning herewith Assembly Bill No. 466 for reconsideration and with the recommendation that amendments be made to the bill as follows:

On page 1, strike out the title and substitute in lieu thereof the following:

"An Act vesting certain property of William McCorkell, deceased, in Thomas Lynch and Bridget P. Lynch, his wife, in William Lynch and Bridget Lynch, his wife, and in New York Foundling Hospital."

On page 1, in the preamble, line 11, delete the words "other purposes" and insert in lieu thereof the words "New York Foundling Hospital".

On page 1, in the preamble, line 13, delete the word "Thomas" and insert in lieu thereof the word "William".

On page 1, section 1, line 1, delete the word "Thomas" and insert in lieu thereof the word "William".

On page 2, section 1, line 3, insert after the word "vest" the word "one-third".

On page 2, section 1, line 5, delete the first reference to the word "and" and insert in lieu thereof the words "one-third in".

On page 2, section 1, line 6, insert after "New York," the following "and one-third to New York Foundling Hospital".

On page 2, section 1, line 7, delete the period at the end of the line and insert in lieu thereof " ; provided, however, that as a condition precedent to the taking effect of this act, there shall be paid to the Treasurer of the State of New Jersey such sum as the Director of the Division of Taxation in the State Department of the Treasury shall certify would have been due to the State of New Jersey by way of transfer inheritance taxes in the case of a legally executed will bequeathing the personal estate of the said William McCorkell to the said Thomas Lynch and Bridget P. Lynch, his wife, William Lynch and Bridget Lynch, his wife, and New York Foundling Hospital."

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1954.

SENATE BILL No. 32

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 32 herewith, with my objections, for reconsideration.

This bill amends Section 40:2–29 of the Revised Statutes, a part of the Local Budget Law, which prohibits the making by local governmental bodies of contracts involving the expenditure of money unsupported by or in excess of existing budget appropriations for the purpose, with certain exceptions. The amendment would add to the existing exceptions municipal contracts for the purchase of street railway company rights-of-way on public streets or highways and for the improving or paving thereof.

I have no objection to the general purposes of the bill. Two deletions from the amendatory language appear, however, to be required, to prevent the possibility of results beyond the intent or proper scope of the bill.

The amending verbiage begins: "provided further, that nothing in this section nor in section 40:50–6 of this Title *or in any other provision of law* shall prevent a municipality from making a contract" etc. (Italics mine). In my judgment the italicized language should be deleted. If any other provision of law prohibits or restricts the making of such a contract (none come to mind) it should be considered and dealt with advisedly and not repealed in the indiscriminate fashion of this amendment.

The amendment carries a proviso requiring annual budgetary provisions for meeting the payments due under the contract. This seems to me unnecessary, as all lawful expenditures are already contemplated by law to be covered by specified appropriation itemization in each annual local budget. R. S. Section 40:2–21. But, more important, the proposed express requirement in the amendment for future budgetary provision for the one kind of municipal contract dealt with therein might inferentially negative the same requirement in the case of the other long-term contracts already excepted from the effect of Section 40:2–29, a clearly undesirable contingency.

Accordingly, I am returning Senate Bill No. 32 for reconsideration and with the recommendation that amendments be made to the bill as follows:

Amend page 2, line 19, by striking out the words "or in any other provision of law".

Amend page 2, line 25, by striking out the semi-colon after the word "acquired" and insert in lieu thereof a period.

Amend page 2, lines 25 to 29, inclusive, by striking out all the contents of those lines commencing with the word "provided" on line 25 and concluding with the word "contract" and the following period on line 29.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 44

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 44 herewith, with my objections, for reconsideration.

This bill provides for the abolition of the Hudson County Criminal Judicial District Court and provides for transfer of pending causes and records to the County Court. As amended in the Assembly, the bill requires that the employees of the Hudson County Criminal Judicial District Court in the classified service of the Civil Service be transferred to the County Court or the district court.

I have been advised that there is at present no need for these additional employees in the courts to which they would be transferred by mandate of this bill. This provision would impose an undue burden upon the public. They are, however, entitled to the protection of preferential list-

ing in the event that there is a future call for employment in their category.

The abolition of the criminal judicial district courts under our present judicial system is highly desirable. Accordingingly, I am returning this bill herewith for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 2, line 10, delete "transferred and ap-".

On page 2, section 2, lines 11 and 12, delete both lines and insert in lieu thereof the following:
"carried on a special Civil Service list, which list shall take precedence over all other Civil Service lists, and as future appointments to positions or employments of comparable duties and responsibilities in the district court or the County Court of the county are made, such appointments shall first be made from among such persons in the order of their seniority of service when of equal rank."

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 46

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith for reconsideration and with my objections Senate Bill No. 46.

This bill provides that in civil service promotional examinations for policemen 5 points shall be counted for any policeman who has received or shall receive an award for heroism by any duly organized State-wide police association and that upon receipt of 3 such awards there may be a promotion to the next higher rank at the discretion of the governing body of the municipality.

I am in sympathy with the general objective of recognition of outstanding heroism by authorizing promotion of policemen (and firemen as well) in such cases. Written examinations do not always disclose the valuable attributes of personal valor which are sometimes manifested in actual experience. The difficulty is in respect to the fairness and impartiality of the agency making the award. I would prefer the development of a technique for such awards by official agencies. Pending enactment of legislation toward that end, I am approving so much of the present bill as authorizes a promotion for 3 awards, subject to clarification to assure that the awards have been granted for 3 separate and distinct acts of valor, rather than by different associations for one act.

I disapprove the provision for allowance of points based upon one award.

Accordingly, I am returning herewith Senate Bill No. 46 for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, lines 1 to 7, inclusive, delete the entire section and substitute in lieu thereof the following:

"1. Whenever a policeman in any municipality has received or shall have received awards for 3 or more separate and distinct acts of valor or heroism issued by any duly organized state-wide police association or associations which issue such awards on a regular basis and in accordance with specific rules or regulations such policeman may be promoted to the next higher rank at the discretion of the governing body of the municipality without taking a promotional examination."

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 72

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 72 herewith, with my objections, for reconsideration.

The section of the election law here involved, R. S. 19:31–15, sets forth the procedure whereby the names of registered voters who may have died, been disqualified or improperly registered, may be removed from the voting lists. This bill would amend the paragraphs of this section dealing with the required publication of the notice of such removal and of the list of such voters. In the case of counties without a superintendent of elections, the present law specifies:

> ". . . .Such notice and list shall be published at least 2 entire days prior to the removal of such names and shall be published in at least 1, and if the county board deems necessary, 2 or more newspapers published within the county, 1 of which newspapers, at least, shall be published in the municipality affected, if there be one published therein; otherwise, 1 which shall have a circulation in said municipality. At least 1 of such newspapers shall be a daily newspaper, but if there be no daily newspapers published in the county then such notices shall be published as above provided in weekly papers. . . ."

This bill would remove the last quoted sentence. It also amends in similar manner another comparable provision applicable to counties having a superintendent of elections.

The section here involved has been amended eleven times since 1930. Until the 1953 amendment (P. L. 1953, c. 206), except for a period of 26 days, the statute required publication in two newspapers. Until 1934, both newspapers, and thereafter, only one, was required to be a daily. As the law now reads, it is ambiguous; first, as to whether the newspaper has to be published in the municipality affected if the board chooses to publish in only one paper, and second, as to whether the paper has to be a daily if there is to be publication in only one paper.

The deletion which this bill would effect still leaves an ambiguity. It is not clear whether the restriction that "1 of which newspapers at least, shall be published in the municipality affected" applies only when there is publication in more than one newspaper.

This section affects one of the fundamental prerogatives of our citizens—the right to vote. It is therefore essential that the statute permitting the name of a registered voter to be removed from the voting lists be clear and unequivocal and that the publication requirement be such as to insure that reasonable notice be given to the voter of the impending disfranchisement.

Accordingly, I am returning Senate Bill No. 72 herewith for reconsideration and with the recommendation that the bill be amended as follows:

On page 3, section 1, line 58, after "lished" delete the rest of the line and insert the following: "as follows: (a) in a daily newspaper published and circulating in the municipality affected, if there is one, or if not, (b) in a weekly newspaper published and circulating in such municipality and a daily newspaper published in the county and circulating in the municipality; but if there be no such weekly newspaper, then in lieu thereof the publication shall be in a weekly newspaper circulating in the municipality, if any; if there be no such daily newspaper published in the county and circulating in the municipality, then in lieu thereof the publication shall be in a daily newspaper circulating in the municipality, if any."

On page 3, section 1, lines 59, 60 and 61, delete the entire lines.

On page 5, section 1, line 111, after "order" delete the rest of the line and insert the following: "in a daily newspaper published in the county and circulating in the municipality affected; in addition thereto, if the commissioner deems it necessary, there may be publication in any other newspaper circulating in the municipality affected".

On page 5, section 1, line 112, delete the words "more newspapers published within the county".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 76

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 76 herewith, with my objections, for reconsideration.

The statute, R. S. 40:151–33, which is amended by this bill, now permits township fire districts to issue bonds not exceeding an aggregate of $60,000.00. This bill would authorize any such fire district where the ratables equal or exceed $10,000,000.00 to issue bonds not exceeding $200,000.00.

As amended, the section would leave an excessive variable in the limitations for debt applicable to districts above and below the $10,000,000.00 ratable criterion. It would appear that where ratables are to be used as a basis for determining the debt limitation, there should be some degree of progressive relationship between the amount of the ratables and the amount of the limitation in order to afford equitable treatment to all fire districts within the scope of the act. One method of accomplishing that object would be to permit fire districts to issue bonds in amounts up to $60,000.00 or 2% of the ratables, whichever is the greater.

Accordingly, with the concurrence of the sponsor, I am returning this bill herewith for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, line 8, after "$60,000.00" insert "or 2% of the assessed valuations of taxable real property of such district, whichever is the greater,".

On page 1, section 1, lines 11, 12 and 13, delete "; provided, however, that in any such fire district where the ratables equal or exceed the sum of $10,000,000.00, bonds in a sum not exceeding an aggregate of $200,000.00 may be issued".

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 81

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections Senate Bill No. 81.

This bill amends the Teachers' Pension and Annuity Fund law to remove the one year limitation on the purchase of prior service credits by new entrants with teaching service in this State and other States and by former members who re-enroll. The existing statute imposes a ten-year maximum on the teaching service for which a new entrant may purchase back credits, except that a new entrant with teaching service in this State prior to September 1, 1919 could, if employed as a teacher on July 1, 1952, elect within one year thereafter to purchase back service credits for his total service within or without the State not limited to ten years. The outdated requirements of (1) employment on July 1, 1952 and (2) election to contribute for back service on or before July 1, 1953 are deleted in the proposed measure.

For the State's matching contribution for back service credits, under the act as hereby amended, it is estimated by the Actuary of the Teachers' Pension and Annuity Fund that the State would face a yearly expenditure of $140,000. I am informed that teachers upon their enrollment or re-enrollment as members of the fund have been advised fully of their rights under the Teachers' Pension and Annuity Fund law, including the right to elect within one year to contribute for back service. There is no indication that the time limit is unreasonable.

I am unable to approve the removal of the one year limitation because the foreseeable benefit is outweighed by the substantial additional financial burden imposed upon the State. This is another example of legislation which, while it has an ostensible justification, refuses to recognize the serious financial problems of the State. The cumulative effect of such bills would be fiscal disaster to the State government.

I am therefore returning Senate Bill No. 81 with my recommendation for its revision as follows:

On page 1, section 1, line 9, after the bracket insert "who enroll on or after July 1, 1946, shall be given 1 year from the date of enrollment to"; before "file" strike out "may at any time after enrollment".

On page 1, section 1, line 10, before "agree" insert "to".

On page 2, section 1, line 17, after the bracket insert "New entrants who were enrolled in the retirement system prior to July 1, 1946, shall be given 1 year from that date to file such statement, except that any new entrant in service on July 1, 1952, who has rendered service prior to September 1, 1919, as a teacher in the public schools of the State, for which no credit is allowed, may within 1 year after July 1, 1952, file a statement showing the period of service as a teacher in the public schools of the State not now creditable for which he is willing to contribute."

On page 3, section 3, line 10, after the bracket strike "at any time after" and insert "within 1 year from".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 93

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 93 herewith, with my objections, for reconsideration.

The statute which this bill would amend, N. J. S. 2A:162–5, provides for a period of limitation of 6 years after which no recognizance of bail shall be a lien or charge

upon or against any real property. This amendment would extend this period of limitation to all property, real or personal, employed as security for a recognizance of bail.

While the object of this legislation is desirable, the bill makes no provision for a reasonable time within which to prosecute existing claims which would otherwise be barred or for which the time for enforcement would be curtailed by the proposed amendment. Such a saving clause is required by considerations of due process. I regard six months as a reasonable period for this purpose.

Accordingly, I am returning the bill herewith for reconsideration and with the recommendation that the bill be amended as follows:

> On page 1, section 1, line 14, delete the period and insert in lieu thereof the following: "; provided that any claim, lien, or charge against personal property affected by any of the provisions of this act may be prosecuted or enforced within 6 months from the effective date hereof."

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 28, 1954.

SENATE BILL No. 113

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 113 herewith, with my objections, for reconsideration.

This bill permits the Attorney-General in his discretion to increase the salary of any assistant deputy attorney-general who was appointed prior to the effective date of the bill and who now has tenure, above the existing statutory maximum salary for such officers of $7,500.00 per an-

num. Thus it creates a class for enjoyment both of tenure and unrestricted compensation which cannot be entered except by incumbent assistant deputy attorneys-general who have tenure. I am opposed in principle to such a restrictive classification and have grave doubts as to its constitutionality.

As an acceptable alternative in accordance with the apparent legislative intention, I recommend an amendment authorizing the Attorney-General to grant salary increases to assistant deputy attorneys-general with 10 years service as such.

Accordingly, I am constrained to return Senate Bill No. 113 for reconsideration and with the recommendation that it be amended as follows:

> In section 1, line 13, after "law" strike out the period and insert "; provided that Assistant deputy Attorneys-General heretofore or hereafter appointed who shall have served 10 years or more in such position shall receive such salary as the Attorney-General shall from time to time designate."
>
> In section 1, lines 14, 15 and 16, strike out entirely.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 28, 1954.

SENATE BILL No. 123

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 123 herewith, with my objections for reconsideration.

This bill authorizes the Department of Conservation and Economic Development to sell and convey certain State

lands in the borough of Point Pleasant in Ocean County to Tillie Burley, who is presently leasing the premises from the State and maintaining a residence thereon.

The description of the property in the bill is not in accord with the surveys and description of the Division of Navigation of the Department of Conservation and Economic Development. Accordingly, I am returning it herewith for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, line 6, strike "320.66" and insert in lieu thereof "347.82".

On page 3, section 1, line 17, after the word "Road" insert "a".

On page 4, section 1, line 41, strike "8964.42" and insert in lieu thereof "8694.42".

On page 4, section 1, line 42, after the word "less" insert "to a point".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL No. 131

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith for reconsideration and with my objections Senate Committee Substitute for Senate Bill No. 131.

The proposed legislation regulates the registration, equipment and operation of power vessels and motors on the non-tidal waters of this State. It would repeal Sections

12:7–1 through 12:7–34 of the Revised Statutes, which presently regulate the same subject. The operation of power vessels on the tidal waters within this State is regulated under Chapter 157 of the Laws of 1952, and the apparent intention of the present bill is to leave the latter law unaffected.

It is clearly desirable that the operation of power vessels on non-tidal waters be brought under more effective control. However, the present bill has the following objectionable features which should be amended if it is to become law:

1. A large part of the bill is devoted to regulating in detail the manner in which power vessels and motors shall be equipped and operated. For example, it devotes two sections to prescribing regulations for the conduct of boat races or regattas. All of these matters should more properly be the subject of regulation by the Department of Conservation and Economic Development, pursuant to statutory authority; such details of regulation should not be spelled out in the statute itself. Administrative regulations, under standards set forth in the statute, will provide desirable flexibility and will enable the department to keep its rules in accord insofar as practicable with similar regulations promulgated by the United States government in respect to the operation of power vessels on tidal waters. Such coordination of the rules governing tidal and non-tidal waters is in my opinion essential.

2. Many sections of the bill are unnecessarily repetitious and at times difficult to reconcile with other sections. I am recommending hereinafter the elimination of several such sections, in particular certain specific provisions relating to penalties, in view of the scope of the general penalty provision.

3. The bill provides that from the moneys received for registrations and licenses, the Department of Conservation and Economic Development is authorized first to deduct and pay over a certain sum of money to the special inspector issuing a registration or license. Such financial operations contravene the established fiscal policy of this State, which requires that fees of this type be turned over to the State Treasurer for deposit into general State funds.

4. Section 63, providing for the repealer of the present statute governing power vessels on non-tidal waters, is

ambiguous as presently written, since it equates chapter 7 of Title 12 with Section 12:7–1 to 12:7–34, inclusive; this poses a question as to the status of Section 12:7–44 through 12:7–53 of the New Jersey Statutes annotated.

5. Several of the sections pertaining to enforcement procedure in the courts are unnecessary and possibly invalid; the matter contained therein is adequately covered by court rules or other statutes.

6. Offenses classed as misdemeanors should be kept to a minimum, and minor offenses should be classed instead as disorderly conduct. This downgrading in my judgment will render enforcement of the statute more effective.

7. The proposed legislation should expressly provide that violations of regulations duly issued by the department are punishable offenses under the statute.

Based on the foregoing, I am returning Senate Committee Substitute for Senate Bill No. 131 herewith with my recommendation for its revision as follows:

On page 1, amend the title, after "repealing" strike out "chapter 7 of Title 12 (§§" and insert "Sections"; after "12:7–34" strike out "inc.)" and insert "inclusive"; after "supplementing" strike out "said"; after "Title" insert "12 of the Revised Statutes".

On page 2, section 1, after subdivision (e), line 15, insert a new subdivision as follows:

"(f) The term 'inspector' shall mean power vessel inspector."

On page 2, section 2, line 2, before "rules" strike out "such"; after "regulations" insert a comma; after "inconsistent" strike out "herewith as may be necessary" and insert "with this act, governing the registration, licensing, inspection, operation, equipping, anchoring and racing of power vessels upon the waters other than tidal waters of this State. Said rules or regulations shall be such as are reasonably necessary for the protection of the health, safety and welfare of the public and for the free and proper use of said waters by any persons or vessels in, on or about such waters. Said regulations shall, insofar as practicable, be in substantial conformity with regulations issued by the agency or agencies of the United States having juris-

diction with respect to power vessels upon the tidal waters of this State."

On page 2, section 2, line 3, strike out "in carrying out the purposes of this act."

On page 2, section 3, line 2, after "motor" insert "or upon the issuance of a license or permit".

On page 2, section 4, line 1, after "any" insert "power".

On page 2, section 4, line 4, after "force" insert ", and the operator thereof shall have been duly licensed to operate a power vessel".

On page 2, section 5, line 4, after "registering" insert "or operating".

On page 3, section 5, line 7, after "lights" insert "pursuant to the rules and regulations prescribed by the department".

On page 3, section 5, lines 10 to 13 inclusive, strike out entirely.

On page 4, section 10, line 1, after "for" insert "registrations,".

On page 4, section 10, line 3, after "State" strike out "; provided, however, the department", and insert a period.

On page 4, section 10, lines 4 to 7 inclusive, strike out entirely.

On page 5, section 13, line 4, after "association" strike out "except as hereafter set forth" and insert "in accordance with rules and regulations prescribed by the department and pursuant to a permit duly issued by the Department".

On page 5, sections 14 and 15, strike out entire sections.

On pages 5 and 6, section 16, lines 1 to 5 inclusive, strike out entirely.

On page 6, section 17, line 1, strike "17." and insert "14."

On page 6, section 18, line 1, strike "18." and insert "15."

On page 6, section 19, line 1, strike "19." and insert "16."

On page 7, section 20, line 1, strike "20." and insert "17."; before "No" insert a new sentence as follows: "No person shall operate a power vessel or motor which displays a fictitious number or a number other than that designated for such vessel or motor in its New Jersey registration certificate."

On page 7, section 20, line 7, after "delivery." strike out "Any person who shall violate this section shall be".

On page 7, section 20, lines 8 to 13 inclusive, strike out entirely.

On page 7, section 21, line 1, strike "21." and insert "18."

On page 7, section 21, line 2, after "owner." strike out "Any person who shall".

On page 7, section 21, lines 3 to 6 inclusive, strike out entirely.

On page 7, section 22, line 1, strike "22." and insert "19."

On page 7, section 22, line 5, after "section" strike the comma.

On page 7, section 22, line 6, strike out "upon conviction thereof,".

On page 7, section 22, line 8, after "months," strike "or either".

On page 8, section 23, line 1, strike "23." and insert "20."

On page 8, section 23, lines 6 to 10 inclusive, strike out entirely.

On page 8, section 24, lines 1 to 3 inclusive, strike out entirely.

On page 8, section 25, line 1, strike "25." and insert "21."

On page 8, section 25, lines 5 and 6 inclusive, strike out entirely.

On page 8, section 26, line 1, strike "26." and insert "22."

On page 8, section 26, line 5, after "water." strike "Any person who shall".

On page 9, section 26, lines 6 to 9 inclusive, strike out entirely.

On page 9, section 27, strike out entire section.

On page 9, section 28, strike out entire section.

On page 9, section 29, line 1, strike "29." and insert "23."; strike first "Any" and insert "No"; after "person" strike "making" and insert "shall make".

On page 9, section 29, line 2, strike "giving" and insert "give".

On page 9, section 29, line 3, after "address" insert a period and strike the rest of the line.

On page 9, section 29, lines 4 to 9 inclusive, strike out entirely.

On page 9, section 30, lines 1 to 3 inclusive, strike out entirely.

On page 10, section 31, line 1, strike "31." and insert "24."

On page 10, section 31, line 12, after "$0.25" strike "which shall be", and insert a period.

On page 10, section 31, line 13, strike out entire line.

On page 10, section 32, line 1, strike "32." and insert "25."

On page 10, section 33, line 1, strike "33." and insert "26."

On pages 10 and 11, section 34, lines 1 to 10 inclusive, strike out entirely.

On pages 11, 12, 13, 14, 15 and 16, sections 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, strike out entirely.

On page 16, section 50, line 1, strike "50." and insert "27."

On page 16, section 50, line 8, after first "any" insert "other"; after "act" insert "or of any rule or regulation prescribed by the department".

On page 17, section 50, line 12, after "may" strike ", however,".

On page 17, section 50, line 13, after "pending" insert "hearing and"; after "prosecution" strike the comma and insert "or"; after "investigation" strike ", or hearing".

On page 17, section 50, line 17, after "a" strike "misdemeanor" and insert "violation of this act".

On page 17, section 51, line 1, strike "51." and insert "28."; after "act" insert "or of any rule or regulation issued thereunder,".

On page 17, section 51, line 2, after "be" strike "guilty of a misde-" and insert "a disorderly person and for a first offense shall".

On page 17, section 51, line 3, before "be" strike "meanor and".

On page 17, section 51, line 4, after first "or" strike "by either or"; after "both" insert ", and for any subsequent offense shall be punishable by a fine not exceeding $500.00 or by imprisonment for not exceeding 6 months, or both".

On page 17, section 52, line 1, strike "52." and insert "29."

On page 17, section 53, line 1, strike "53." and insert "30."

On page 18, section 54, line 1, strike "54." and insert "31."

On page 18, after section 54, line 7, insert a new section as follows:

"32. The Commissioner of Conservation and Economic Development, the Director of the Division of Planning and Development, and the Chief of the Bureau of Navigation, and such of their assistants as shall be designated for the purpose by the commissioner, shall each be vested with all the powers of a magistrate conferred in this Chapter."

On page 18, sections 55 and 56, strike out entirely.

On page 18, section 57, line 1, strike "57." and insert "33."

On pages 18 and 19, sections 58, 59, 60 and 61, strike out entirely.

On page 19, section 62, line 1, strike "62." and insert "34."

On page 20, section 63, line 1, strike "63." and insert "35."; strike out "Chapter 7 of Title 12 (§§" and insert "Sections"; after "12:7–34" strike "inc.)" and insert "inclusive".

On page 20, section 63, line 2, after "utes" strike "is" and insert "are hereby".

On page 20, section 64, strike out entirely.

On page 20, section 65, line 1, strike "65." and insert "36."

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1954.

SENATE BILL No. 144

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 144 herewith, with my objections, for reconsideration.

This bill has the broad effect of validating all sales of municipally owned lands pursuant to any ordinance setting minimum prices without conditions and minimum prices to veterans with conditions, where payment of purchase price and delivery of deed has taken place.

I believe that legislation should not validate municipal real property sales which are, or may be within the thirty

day period of limitations fixed in Supreme Court R. R. 4:88–15, the subject of a judicial proceeding.

Accordingly, I am returning herewith Senate Bill No. 144 for reconsideration and with the recommendation that the bill be amended as follows:

Strike out the entirety of Section 1 and insert in lieu thereof:

> 1. Any sale of any lands or any right or interest therein not needed for public use in accordance with chapter 60 of Title 40 of the Revised Statutes, which was made on or before May 1, 1954 by the governing body of any municipality pursuant to an ordinance which provided minimum prices without conditions and minimum prices to veterans with conditions and restrictions, and which is not the subject of any judicial proceeding pending in any court of this State on the effective date of this act, shall be valid and effectual in all respects, together with all proceedings had in connection therewith, provided that the purchase moneys pursuant to said ordinance have been paid to the municipality by the purchaser and that a deed has been delivered by the municipality to the purchaser.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1954.

SENATE BILL NO. 145

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 145 herewith, with my objections, for reconsideration.

This bill has the broad effect of validating all sales of municipally owned lands at public auction or at private

sale pursuant to an ordinance which was defective for failure to state a definite period of time for expiration of the ordinance.

I believe that legislation should not validate municipal real property sales which are, or may be within the thirty day period of limitations fixed in Supreme Court R. R. 4:88–15, the subject of a judicial proceeding.

Accordingly, I am returning herewith Senate Bill No. 145 for reconsideration and with the recommendation that the bill be amended as follows:

Strike out the entirety of Section 1 and insert in lieu thereof:

1. Any sale made at public auction or at private sale of any lands and premises by any municipality on or before May 1, 1954, which is not the subject of any judicial proceeding pending in any court of this State on the effective date of this act, is hereby validated and confirmed, together with all proceedings had in connection therewith, and any conveyance by such municipality of such lands to the purchaser or purchasers thereof upon payment of the purchase moneys therefor shall be construed in all courts of this State to convey or to have conveyed all the right, title and interest of any such municipality of, in and to the said land and premises notwithstanding that such sale was pursuant to an ordinance which did not state a definite period of time for expiration of such ordinance; provided, however, that any such sale shall have been or shall be authorized or confirmed by resolution of the governing body of such municipality.

Add Section 2 as follows:

2. This act shall take effect immediately.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 167

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections Senate Bill No. 167.

This is a bill to validate certain in rem tax foreclosures conducted pursuant to P. L. 1948, Chapter 96. The bill applies to cases where the tax foreclosure list failed to state, as required by the statute, the full amount of tax liens accruing subsequent to the tax sale. The bill seeks first to validate the tax foreclosure list "notwithstanding the lack of such inclusion", and, secondly, to validate the foreclosure proceeding "as though such inclusion had been made". There must be resolutions by the governing body of the municipality confirming both the tax foreclosure list and the proceedings.

The essential purpose of the bill to validate a formal, not a jurisdictional, defect, is proper. Despite the omission of the full amount of the subsequent liens, the right of redemption of the owner or of any party in interest is not affected and the amount to be paid on redemption must include the subsequent liens.

I object, however, to the provisions in this bill for the validation and confirmation of an admittedly defective tax foreclosure list. Validation of the proceedings is legally significant; validation of an error in the tax foreclosure list is not only anomalous but will not *nunc pro tunc* validate the proceedings.

With the concurrence of the sponsor, I am therefore returning Senate Bill No. 167 with my recommendation for its amendment as follows:

On page 1, amend the title, strike out "(P. L. 1948, c. 9)" and insert "(P. L. 1948, c. 96)".

On page 1, section 1, line 8, after "(1948)," strike "such Tax Foreclosure List" and insert "any final judgment entered in any such action or proceeding".

On page 1, section 1, line 9, strike "adequate, sufficient" and insert in lieu thereof "good"; after "valid"

insert ", legal and effectual for all purposes whatsoever,".

On page 1, section 1, line 10, before "shall" strike "the proceeding".

On page 1, section 1, line 11, after "municipality", insert "shall,"; after "resolution," strike "con-" and insert "amend and correct such Tax Foreclosure List and shall further, by resolution,".

On page 1, section 1, lines 12 and 13, strike out entirely.

On page 1, section 1, line 14, before "ratify" insert "confirm,"; after "any" insert "final judgment entered in any action or"; after "proceeding" strike "taken thereafter and".

On page 1, section 1, line 15, after "List" strike "relating to such foreclosure subsequent to the reso-" and insert ", all within 3 months of the effective date of this act."

On page 1, section 1, line 16, strike out entire line.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 169

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith for reconsideration and with my objections Senate Bill No. 169.

This bill has the broad effect of validating all past public sales of lands acquired but no longer needed for school purposes by any board of education, despite non-compliance with the statute on public advertisement. R. S. 18:5–26 requires publication at least once a week for two weeks

prior to public sale. Senate Bill No. 169 validates any such sale advertised at least twice, and otherwise conducted in accordance with the statute, if confirmed by the board of education.

I believe that legislation should not validate irregular sales of lands by municipalities or other public bodies which are, or may within the thirty day period of limitations fixed by Supreme Court R. R. 4:88–15, be the subject of a judicial proceeding.

Accordingly, I am returning herewith Senate Bill No. 169 for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, line 1, after "proceedings" omit "heretofore" and insert in lieu thereof "which were"; after "board of education" insert "on or before July 1, 1954".

On page 1, section 1, line 3, after "utes" omit the comma; after "therein" insert ", and which are not the subject of any judicial proceeding pending in any court of this State on the effective date of this act,".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL NO. 225

To the Senate:

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

This bill has the worthy purpose of enlarging the State Racing Commission's control over stock ownership in corporations or associations which conduct race meetings. Under existing law, persons seeking to acquire 1% or more

of the issued and outstanding stock in such corporations must obtain advance approval from the Commission. The proposed amendment would require such approval of stockholders by the Commission prior to the acquisition of any stock, without limit as to percentage of ownership.

Because Senate Bill No. 225 is an amendment to Chapter 167 of the Laws of 1946, its title as an amendment to Chapter 17 of the Laws of 1940 is defective.

I further believe that the bill should be revised to set forth specifically and beyond possibility of mistake the State Racing Commission's authority to approve or disapprove upon investigation the prospective purchaser of any proprietorship interest in a racing corporation or association evidenced otherwise than by shares of stock, for example by a trust certificate.

Accordingly, I am returning Senate Bill No. 225 herewith with my recommendation for its revision as follows:

On page 1, omit the title and substitute as the title:

"An act to amend 'An act to supplement "An act creating the New Jersey Racing Commission and defining its powers and duties; providing for the granting of permits and licenses for the operation of race meetings whereat the running, steeplechase racing or harness racing of horses only may be conducted; providing for the licensing of concessionaires and operators and their employees; regulating the system of pari-mutuel betting and fixing the license fees, taxes and revenues imposed hereunder and fixing penalties for violations of the provisions of this act," approved March 18, 1940, (P. L. 1940, c. 17), as said Title was amended by chapter 137 of the laws of 1941 (P. L. 1941, c. 137),' approved April 25, 1946 (P. L. 1946, c. 167)."

On page 1, section 1, line 5, delete "stock thereof" and substitute the words "shares of stock or certificates or other evidence of ownership of any interest in such association or corporation."

On page 2, section 1, line 10, delete the word "stock" and substitute the words "shares of stock or certificates or other evidence of ownership of any interest in such association or corporation".

On page 2, section 1, line 12, delete the word "stock" and substitute the words "shares of stock or certificates or other evidence of ownership of any interest in such association or corporation".

On page 2, section 1, line 15, delete the words "stock of" and insert in lieu thereof the words "shares of stock or certificates or other evidence of ownership of any interest in".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 226

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith for reconsideration and with my objections Senate Bill No. 226.

This bill seeks to amend the existing statute which now requires a corporate applicant for a permit to conduct a race meeting to file with the State Racing Commission the names and addresses of each stockholder owning 1% or more of the stock of the corporation. Filing of the names and addresses of all stockholders, without limit as to percentage of ownership, would be mandatory under this amendment.

I am sympathetic with the objective of strict control of ownership in racing corporations and associations by the commission and suggest a further tightening of such control by the following amendment which conforms to the amendments I have recommended for Senate Bill No. 225:

On page 2, section 1, line 20, omit the words "stockholder owning stock thereof" and substitute in lieu thereof the words "owner or holder, directly or in-

directly, of any share of stock or certificate or other evidence of ownership of any interest in such corporation or association".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 243

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections Senate Bill No. 243.

This bill would divide the Shell Fisheries Council in the Department of Conservation and Economic Development into two autonomous departments, one to be known as the "Department of Maurice river cove" and the other to be known as the "Department of the Atlantic coast." One member of the Council would, however, belong to both departments. The problems confronting the clam industry along the Atlantic Coast and the oyster industry in the Delaware Bay are distinct, as this legislation recognizes. Although, as a general principle, I favor consolidation of bureaus and agencies dealing with the same subject matter, I am of the view that the proposed subdivision in the Shell Fisheries Council would provide a more effective and workable administration of the shellfish industry.

I believe, nevertheless, that there should be a revision of the designations of the two subdivisions of the Shell Fisheries Council to be created hereby. The Constitution, in Article V, Section IV, paragraph 1, fixes "department" as a principal instrumentality within the State Government concerned with a major and comprehensive administrative function, e.g., the Department of Conservation and Economic Development.

Under the Constitution, there can be no more than 20 such principal departments. Designation of the two sub-

divisions of the Shell Fisheries Council as "departments" is in conflict with the basic organizational structure of the State Government.

Accordingly, I am constrained to return Senate Bill No. 243 herewith with my recommendation for amendments as follows:

On page 1, section 1, line 4, after "2" strike "depart-" and insert "sections".

On page 1, section 1, line 5, strike "ments"; after "the" strike " 'Department of Maurice river cove,' " and insert " 'Maurice River Cove Section,' ".

On page 1, section 1, line 7, after "the" strike " 'Department of the Atlantic coast,' " and insert " 'Atlantic Coast Section,' ".

On page 1, section 1, line 11, after "2" strike "departments" and insert "sections".

On page 1, section 1, line 12, after "The" strike "Department of the Maurice River Cove" and insert "Maurice River Cove Section".

On page 2, section 1, line 16, after "The" strike "Department of the Atlantic Coast" and insert "Atlantic Coast Section".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 265

To the Senate:

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

The present statute, R. S. 40:47–3, which this bill amends, deals with the qualifications for appointment as an officer

or member of a police force or fire department. One provision of the section prohibits the appointment of any person who has been convicted of any crime "involving moral turpitude, which in the judgment of the appointing power would be prejudicial to the morale of the force." This bill would delete the quoted portion and substitute any crime "constituting an indictable offense."

The purpose of the bill is to raise the standards so as to preclude the appointment of individuals with a past record incompatible with their public duties. The public interest requires that persons in such positions have an unassailable background. I heartily endorse the objective of this bill.

It is my view, however, that due to the new disorderly persons act and its "downgrading" of offenses, many convictions which should disqualify an applicant for such a position are not classified as indictable offenses, e.g., consorting with criminals (2A:170–1), common thieves (2A:170–2), carrying burglary tools (2A:170–3), prostitution (2A:170–4), and possession of lottery slips (2A:170–18).

The bill would also produce discrimination as to those persons who were convicted of an indictable crime which is now merely a violation of the disorderly persons act.

In order to conform the powers and duties of the appointing authority to the existing status of the criminal law, and yet subserve the object of the present bill, I am returning this bill herewith for reconsideration and with the recommendation that the bill be amended as follows:

> On page 1, section 1, line 15, delete the words "crime constituting an" and insert after the word "offense" the following: ", or who has been convicted of any crime or offense involving moral turpitude".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 281

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 281 herewith for reconsideration and with my objections.

The bill authorizes county park commissions to lease park lands or concessions within park lands for revenue purposes. This is a useful supplement to the statute establishing the powers of the park commissions.

The lease must be to the highest bidder "after published advertisement for not less than 10 days." Literally, and in accordance with the decision in *Application of Buckeye Pipe Line Co.,* 89 A. (2d) 289 (N. J. Special Statutory Court, 1952), such language would call for publication on ten separate days. I believe that such publication is excessive, beyond the demand of adequate notice.

I am, therefore, returning Senate Bill No. 281 with my recommendation for its revision as follows:

On page 2, section 1, subdivision h, line 30, after "advertisement" strike "for"; after "days" insert "prior to award of lease".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 315

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith for reconsideration and with my objections Senate Bill No. 315.

This bill proposes to validate any sale of municipally-owned lands heretofore made, although the last public notice of the sale was eleven days prior to the sale, not seven days as required by R. S. 40:60–26, if the municipal governing body has confirmed the sale and the full purchase price has been paid.

In conformity with my conditional vetoes of Senate Bills Nos. 144, 145 and 169 of this session, I state again my conviction that legislation should not validate municipal real property sales which are, or may, within the thirty day period of limitations fixed in Supreme Court R. R. 4:88–15, be the subject of a judicial proceeding.

Accordingly, I am returning herewith Senate Bill No. 315 for reconsideration and with the recommendation that it be amended as follows:

On page 1, section 1, line 2, after "use," omit "heretofore made" and insert "which was made on or before July 1, 1954".

On page 1, section 1, line 4, after "utes," insert "and which is not the subject of any judicial proceeding pending in any court of this State on the effective date of this act,".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 28, 1954.

SENATE BILL NO. 317

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections Senate Bill No. 317.

I have endorsed the objective of this bill for a referendum on a State bond issue to finance establishment of a State Medical-Dental School since my membership on the New Jersey Medical College Commission in 1950-1951. Many citizens are vigorously supporting the project.

For amendment of a technical defect, I am constrained to return Senate Bill No. 317. In my judgment, the amount of the State debt authorized by the act should be stated both in the title and in the proposition to the voters. Accordingly, I recommend that the bill be revised as follows:

On page 1, amend the title by inserting "by the issuance of bonds of the State in the sum of $25,000,000.00" after "State of New Jersey".

On page 8, section 17, between lines 15 and 16, amend the proposition to the voters by inserting "by the issuance of bonds of the State in the sum of $25,000.000.00" after "State of New Jersey".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL NO. 318

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 318 herewith, with my objections, for reconsideration.

This bill establishes the compensation schedule consisting of 42 ranges for the State service for the fiscal year 1954-

1955. One effect is to require the ranges allocated by the Civil Service Commission to all class titles within the classified service of the State as of July 1, 1954, to be maintained throughout the fiscal year 1954-1955.

At my request, a study has been instituted of the range allocations in the State service by a committee of experts from private industry. Preliminary reports by the committee indicate that some range revision will be necessary. It had originally been anticipated that this revision could have been completed by July 1, 1954. The magnitude of the task and the broad scope of the inquiry, however, have made it impossible to complete the final report as of that date.

It would be inequitable to many State employees and hamper effective administration if all range allocation to class titles were frozen on the basis of previous schedules. The report of the committee will be based upon an objective survey with sufficient factual material, and if implemented, will insure that selective range revision will be done on a sound and fair basis. It is, therefore, necessary that appropriate provision be made for some revision of the allocation of ranges.

In order to effectuate the objectives of this bill in the current fiscal year and to permit the State to take advantage of the results of the report of the committee now studying the problem, I am returning Senate Bill No. 318 for reconsideration and with the recommendation that the bill be amended as follows:

> On page 6, section 12, line 3, after the word "power" insert the following: "to revise the allocation of ranges specified in sections 4 and 5 of this act, and".

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 338

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 338.

The instant measure, if approved, would amend R. S. 14:8–16, a punitive statute creating a right of action in favor of a stockholder or creditor against the president and secretary or treasurer of a corporation for all its debts contracted prior to the filing of a certificate of payment of an installment of capital stock, where the stockholder or creditor requests such filing in writing and the officer has thereafter failed to comply with the request for a period of thirty days.

The proposed amendment seeks to condition the officer's liability upon actual receipt of the written request within one year after the certificate should have been filed and upon the provision that the request contain no other matter and cite the statutory consequences of failure of compliance. I approve these revisions of a severely punitive statute which is susceptible of unjust abuse as it now stands.

In addition, however, Senate Bill No. 338 would cut off all existing rights of action under the statute to be amended, whether or not an action in the courts has commenced, and would invalidate any judgment from which an appeal had been taken or might be taken of right within the time limited by law.

I have grave doubt of the constitutionality of legislation which sets aside a judgment which redresses a private grievance. Such legislation not only takes away a vested property right without compensation but is in fundamental conflict with the doctrine of separation of powers established in Article III, paragraph 1 of the State Constitution.

The Court of Errors and Appeals in *Aldridge* vs. *Essex Road Board,* 51 N. J. L. 166 (1888) said:

> "When questions involving private interests have been settled by the final sentence of a judicial tribunal, the power of re-opening them is by our constitution confided to the judiciary and denied to the legislature."

I refer for further authority to *Pennsylvania* vs. *Wheeling Bridge,* 18 How. 421 (U. S. 1856) and *McCullough* vs. *Virginia,* 172 U. S. 102 (1898). In the latter case, a statute enacted between the date of entry of judgment and prosecution of the appeal was held not to affect substantive law, under constitutional principles.

There is no similar constitutional objection to retroactive removal of the remedy against corporate officers, short of impairment of a filed judgment, where an alternative cause of action exists for the enforcement of the creditor's or stockholder's rights. So much of the present bill has my approval.

Accordingly, I am returning Senate Bill No. 338 herewith, with my recommendation for its revision, as follows:

On page 2, section 1, line 30, after "rights" insert a period and delete " ; nor shall any".

On page 2, section 1, lines 31 to 34, inclusive, delete entirely.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 5

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 5 for the following reasons:

The bill would require that uniforms be supplied to the correction officers in the State Prison, the Prison Farms at Leesburg and Rahway, and the Reformatories at Bordentown and Annandale. In addition $50.00 a year would be paid to those officers for the purpose of repairing or replacing the uniforms.

The effect of the bill would be to provide additional compensation for the correction officers of the five institutions. The salaries of such officers have been increased over the past ten years from the range of $1,800-$3,000 to the present range of $3,480-$4,380. The increase in the past two years has been from $480 to $780. I see no reason why correction officers of the five named institutions should be singled out to receive the additional compensation.

I have been advised that the initial purchase of such uniforms would require an expenditure of approximately $50,000.00. In addition, the annual payments to the 608 correctional officers in such institutions would amount to over $30,000.00.

No provision has been made in the current appropriation act for this expenditure, but it would presumably be added to the budget of the next and each succeeding fiscal year. Based upon information now available to me concerning the anticipated revenues during the next fiscal year, it is imperative to restrict any unnecessary expansion of the obligations of the State. The non-emergent demands upon the budget should not be increased until appropriate measures are secured to produce the necessary funds.

I am, therefore, returning Assembly Bill No. 5 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 7

To the General Assembly:

I am returning herewith Assembly Bill No. 7 without my approval, for the following reasons:

This bill is a supplement to Chapter 14 of Title 11 of the Revised Statutes which deals with hours of work and leaves of absence of State employees in the classified service. As the law stands at the present time every employee in the classified service is entitled, in addition to his annual vacation leave with pay, to sick leave at the rate of 15 working days in each calendar year. Unused sick leave for any year may be accumulated to the credit of the employee from year to year and such accumulated sick leave may be used when needed.

Assembly Bill No. 7 would provide that each such person, and in addition any person who has held an appointive office, position or employment and an office, position or employment in the classified civil service continuously for at least 20 years shall be entitled, upon retirement, to such sum in money as is arrived at by multiplying his days of accumulated sick leave by the daily rate of compensation or salary payable to him at the time of retirement. Such right is made subject to the limitation that if the accumulation is in excess of 16 weeks the payment for the period in excess of 16 weeks shall be calculated at the rate of three days' pay for each five days' accumulated leave, but not exceeding an aggregate maximum of six months.

The title of the act as set forth in the bill refers to "the retirement or death" of certain persons holding offices, positions or employments in the service of the State, etc. The body of the act has no reference to death but only to retirement.

More seriously, this bill would introduce a fundamentally new concept into the theory of allowance of sick leave. I believe it has always been understood that "sick leave" was devised as a privilege designed to relieve a sick employee from the burden of loss of pay during a period of illness. The principle of accumulated sick leave is designed to assure that those persons who scrupulously refrain from abuse of their rights in this regard may accumulate unused periods of sick leave against the contingency of an illness or disability at a later time which might exceed in duration the annual allowance in the year of illness.

The present bill would convert what has heretofore been regarded as a privilege into a vested pecuniary right. It would, moreover, call for payment at the rate of compensation at the time of the employee's retirement notwithstanding that the days of sick leave were, to a considerable extent, accumulated at times when the employee's rate of compensation was less.

This bill is strongly supported by those who argue that it would place a premium upon honest adherence to regulations by employees and prevent the "discrimination" against the conscientious employee which is said to result from abuse of the sick leave privilege by other employees.

It seems to me that the remedy for the improper taking of sick leave consists of administrative enforcement of the plain provisions of the statute. The act provides (R. S. 11:14–2) that "a certificate of a reputable physician in attendance *shall be required* as sufficient proof of need of leave of absence of the employee or the need of the employee's attendance upon a member of the employee's immediate family."

Every effort is being made to assure State employees of equitable compensation and reasonable conditions of employment. The approval of Assembly Bill No. 7 would produce a substantial drain upon the State treasury as employees retire from the State service, since the bill is retroactive and would require payment for past as well as future accumulations of sick leave. In the existing financial

crisis of the State government I cannot approve substantial donations to State employees of cash in payment for past accumulations of sick leave which they never had any right to expect would be commuted into money payments. I am sure that our honest and conscientious State employees who have adhered to the regulations throughout the years and who have not taken sick leave when they were not actually ill cannot feel that it is now due to them that the State should pay them in cash for the accumulated sick leave which they did not use because they were not ill.

I am accordingly returning herewith Assembly Bill No. 7 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 11

To the General Assembly:

I am returning herewith Assembly Bill No. 11 without my approval, for the following reasons:

This bill is a companion measure to Assembly Bill No. 7 which I have returned today without my approval. The present bill deals with civil service employees in the classified service of local governments and counties, while Assembly Bill No. 7 dealt with persons in the employ of the State. Assembly Bill No. 11, like Assembly Bill No. 7, gives an employee who retires from service a cash commutation of such accumulated sick leave as he may have to his credit, calculated at the rate of his compensation or salary at the time of his retirement, subject to the limitation that payment is made at the full rate up to 16 weeks and thereafter at the rate of 3 days' pay for each 5 days' accumulation, but not exceeding in the aggregate 6 months.

I have explained in detail the basis for my opposition to this kind of legislation in my message accompanying the return of Assembly Bill No. 7. I believe that the principles which I there stated in specific application to State employees are equally valid in dealing with the question as to the rights of employees of local governments.

Without repeating the observations in my message concerning Assembly Bill No. 7, I am herewith returning Assembly Bill No. 11 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 30

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 30 for the following reasons:

The objective of this bill is to add a route of approximately two and one-quarter miles in length to the State Highway System in Cape May county. The proposed addition is in the nature of a spur extending from Route U. S. 9 to Central Avenue, Ocean City. This road is presently part of the Cape May county road system and is known as County Route No. 23.

The State Highway Department now operates and maintains one such spur route into Ocean City extending from Route U. S. 9 to Somers Point. I have been informed that this connection to Ocean City adequately serves the State Highway traffic.

Moreover, under our policy of diversion of highway user revenues, only a limited number of through State highways can be constructed and maintained. We cannot afford to add additional roads to our State Highway System under

these circumstances except where clearly desirable for the State Highway System.

It has been the policy of the State Highway Department, so far as convenient, to construct all new highways, freeways or parkways in such manner as to prevent access from adjoining property and thereby reduce congestion and accidents. The road in question does not conform to that standard.

For these reasons, I am obliged to return Assembly Bill No. 30 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 33

To the General Assembly:

I am returning herewith without my approval Assembly Bill No. 33 for the following reasons:

Assembly Bill No. 33 is seriously conceived legislation to enable district boards of education to acquire real property for school purposes by lease. The lease must not be for more than 25 years; it may or may not include an option to purchase. The rent may be paid annually, and annual appropriations therefor are authorized. A public hearing, but no referendum, is required prior to the board's entry into the lease. There is no provision for competitive bidding on leases. The buildings, if any, on the leased premises are subject to the approval for school use of the county superintendent of schools.

I am sympathetic with the apparent objective. Expanding school districts need new school facilities, which may in some cases be acquired more readily by lease than by purchase.

Nevertheless, in my opinion, this legislation conflicts with or may result in evasions of established statutory safeguards of broad range: (1) Requirement of approval for erection or alteration of school buildings by the State Board of Education; (2) Limitations on indebtedness of school districts; (3) Requirement of a referendum to approve a new capital expenditure; (4) Requirement of a referendum to approve the annual school budget; (5) Requirements for competitive bidding.

In addition, the school district during the term of the lease might not have full control of the premises and at the end of the term might have no interest whatsoever, both undesirable limitations.

For all the foregoing reasons, therefore, I am constrained to return Assembly Bill No. 33 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 46

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 46 for the following reasons:

This bill would authorize the creation of Special Service Districts in townships, for the purpose of (1) providing for the elimination of mosquito breeding areas and the extermination of mosquitoes, or (2) the development, maintenance and operation of lake fronts or bathing beaches.

Under the bill, whenever 50 legal voters of the township, who need not be residents of the proposed district, request such a district, by a petition designating the boundaries, the governing body is compelled to enact an ordinance creating

such district and fixing the boundaries substantially in accordance with the petition. No referendum is required.

The bill provides, however, that the township committee may alter the limits and boundaries and may even dissolve and abolish any district without any referendum. Thus, while the township is required, upon petition, to create the district, it may immediately abolish it. Upon dissolution the district moneys are turned over to the township, but no provision is made for any other property owned by the district.

The district is not given any corporate powers such as to sue, have a seal, own real estate, borrow money, etc.; section 2 merely provides that it shall have all the corporate powers necessary to accomplish its purposes. Among its objects is the development and maintenance of lake fronts and bathing beaches whether publicly or privately owned.

The bill provides for an election on the third Saturday in February. That is not desirable as that day sometimes falls on the Washington Birthday holiday. The special election entails unnecessary expenses. At the annual election the voters elect three commissioners, but the bill is silent as to the term, salary, powers and duties of the commissioners. Presumably the term is one year, although section 12 indicates that it may be necessary to "vote for one" or "vote for two" or for a greater number.

The bill appears to contemplate only one polling place, open from 1 to 7 in the afternoon, as the "voters there assembled, before any votes are cast, shall elect by a viva voce vote a judge, inspector and clerk of the said election." It would appear that only those present at the opening of the polls could vote for the election officials. In contrast, section 12 refers to 2 or more polling places.

This proposed legislation is a composite bill drawn from various sections of the several chapters pertaining to special districts, principally those providing for fire, street lighting and water supply districts. I realize that special districts do in many instances serve useful purposes by permitting the functioning of certain facilities which only a portion of a municipality desires and is willing to bear the cost thereof. Because of the ambiguities, uncertainties, omissions and other objections noted above I do not feel that this bill would feasibly accomplish the objective sought.

I am therefore constrained to return Assembly Bill No. 46 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1954.

ASSEMBLY BILL No. 91

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 91, for the following reasons:

This bill prohibits the doing of any printing other than by hand-set type and hand-fed presses in any State penal institution. Legislation of this kind has been advanced for years by the printing trades unsuccessfully. A bill of the same effect, passed in the 1953 legislative session (Assembly No. 196), was vetoed by Governor Driscoll. His conclusion was that approval of the measure "would be a step backward which could do far-reaching harm to an enlightened prison administration."

The proponents of the bill assert two basic arguments: first, that it would curtail "convict" competition with "free" labor; and second, that it would promote the rehabilitation of prison inmates in that the compulsory use of hand operated equipment would furnish a better training basis for prisoners in the fundamentals of printing and would "make more work" for them.

A fair appraisal of these contentions is aided by a review of the general framework of the State Use Industries System in this State, of which prison printing is an integral part.

Until the beginning of the 20th century the practice of contracting prison labor for private industry was wide-

spread. The evils of this system, both from the sociological standpoint and as an unwarranted competitive injury to private industry and labor, resulted in its displacement by what is generally known as the "state-use" system, now commonplace throughout the nation. Organized labor was as active in establishing "state-use" as the spokesmen of industry, government and penology.

Under this plan, penal inmates are put to work in a widely diversified program of manufactures and occupations, but the products of their labors are available only for use by public institutions and agencies, and not for sale in the open market. Diversification assures that no one class of industry or labor is seriously affected competitively. The State and the taxpayers at large are recompensed some part of the heavy costs of maintenance of the inmates and the latter receive the benefit of the morale-building knowledge that they are engaged in a useful and productive enterprise which may curtail the period of their confinement through work-credits earned.

In New Jersey, the State Use Industries Plan appears on the whole to have functioned efficiently for some time past. There are 45 shops now in operation, encompassing 32 different kinds of occupations, including printing in 3 institutions. Notwithstanding the scope of these operations State Use furnishes to State institutions and agencies only about one-fifth of their gross purchases of materials and supplies and about one-fourth of their printing requirements. In relation to the particular bill now before me it is noteworthy that the percentage of all state-use work represented by printing has dropped from 14.8% in 1926-1927 to 5.2% in 1951-1952, the last year of full operation of the print shops. This indicates how continuous diversification lessens the relative impact of state operations on any one trade.

In 1948 the Legislature provided for a high-level administrative control of undue expansion of any state-use industry by enacting P. L. 1948, Chapter 291, which prohibits the establishment of any new industry in any institution or the material enlargement of any existing industry except by consent of the State House Commission, which includes the Governor and representatives of both the legislative and executive branches.

The prospective effects of approval of the present bill must be weighed against the background of the fact that New Jersey fiscal policy has heretofore been to require the state-use industries to be self-supporting. During the past 15 years the State Use Administration has made an over-all profit of $2,100,000.00 but was assessed by the State budgets of that period to the extent of $2,300,000.00. This approach has discouraged the creation of formal and systematized training programs for the inmates engaged in the different trades, including printing. It has also made difficult the replacement of antiquated and deteriorated equipment.

Both resourceful administrative management and a steadily sustained volume of State requirements for the products of state-use industries have been required in order to achieve earnings sufficient to keep machinery and equipment at a serviceable level. If the productivity of the program were sharply curtailed, as it would be with respect to printing if the bill here in question were approved, the Legislature would have to provide funds from other sources to finance any kind of adequate occupational program for prisoners. I doubt its disposition to do so, in the light of existing State fiscal exigencies.

Statistics for the past few years indicate that the printing operation cannot be substantially curtailed if it is to do its part in meeting the legislative expectation that the state-use program avoid operating losses.

Year	*Gross Business*	*Profit or Loss*
1950-51	$133,668	+$23,288
1951-52	127,158	— 20,000
1952-53	64,000	— 35,000
1953-54	80,000	— 25,000

The foregoing figures are subject to the comment, as to the year 1951-52, that the loss was disproportionate to the gross business because of strikes and riots by inmates.

To forbid all but the hand operations in the print shops would eliminate the bulk of the existing printing production and effectively destroy printing as a self-sustaining department of state-use industries. If the arguments advanced in favor of this conceded result are sound as to printing, there is no reason why the many other manufacturing industries involved, such as clothing, license plates, furniture, etc.

should not also be demechanized. That the translation of such a suggestion into law would wipe out the state-use industries program as hitherto conceived and operated cannot be denied. Is that result warranted on the basis of the policy considerations urged in support of the present bill?

First, as to the asserted economic conflict between convict labor and free labor. In proper perspective, the real parties in economic interest are the taxpayers of the State, whose burdens are lessened by the program, on the one hand, and private business, on the other, including labor only derivatively. It has been shown above that the volume of state prison-produced goods is only a small fraction of state purchases on the open market and that there are statutory controls against material expansion of the former. The advocates of the present bill have my assurance that I will oppose undue expansion in any branch of the state-use program. But I concur in the policy underlying state-use, as such, and cannot, in conscience, be a party to its substantial impairment.

Second, in respect to training and rehabilitation. The State correction authorities frankly concede that there is no well-organized and comprehensive vocational program in effect in the print shops and that there should be. One reason is related to the budgetary restrictions aforementioned. The Legislature must squarely face and answer the policy question as to the extent to which it is willing to furnish the necessary funds from state-use earnings or elsewhere to provide the additional personnel and equipment which such a training program in the print shops (or throughout the state-use plants) would entail.

In this regard, I want to acknowledge, with sincere thanks, the generous and public-spirited offer of assistance by management and union representatives of the printing trades towards the development of sound training techniques in the prison print shops. The Acting Commissioner of Institutions and Agencies has indicated his willingness to have such help. It could be most valuable. But it must be noted that the approval of the present bill would not aid in that objective, since a rounded training program would require the use of all kinds of equipment, including the automatic equipment which is barred by the bill.

I am convinced that sound administrative policies and practices, with, perhaps, some legislative cooperation in

freeing funds for improving training facilities, can accomplish the legitimate aims both of the printing trades and of the friends of the state-use program, i.e. (a) keeping prison industry from becoming burdensomely competitive to private industry and labor, (b) maintaining a good occupational and rehabilitation program for penal inmates and (c) preserving the underlying objective of the state-use policy of relieving the State of part of the financial burden of maintaining prisoners while keeping them usefully occupied.

In my inaugural message I adverted to the necessity of finding ways "to reduce the costs of penal institutions, and, at the same time, decrease the idleness which is the curse of so many imprisoned men."

The Governor's Committee to Examine and Investigate the Prison and Parole Systems of New Jersey, reporting on November 21, 1952, assessed a share in the responsibility for the recent Trenton prison riots on

> ". . . All those who had short-sightedly opposed the extension of a reasonably diversified system of productive industries, none of which would be large enough to offer any serious competition to free labor and all of which would be producing goods for the use of . . . the State . . ."

I have expended more time and devoted greater deliberation to the resolution of my responsibilities with respect to this bill than to almost any other which has yet been presented to me. I cannot but conclude that its approval would not be in the general public interest. I am, accordingly, constrained to return herewith Assembly Bill No. 91 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1954.

ASSEMBLY BILL No. 120

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 120, for the following reasons:

This bill seeks to authorize the Board of Public Utility Commissioners to prescribe outside width dimensions for omnibuses. Under existing law, Revised Statutes 39:3–84, as amended, the Board of Public Utility Commissioners is empowered to prescribe maximum over-all length dimensions for omnibuses, but the maximum outside width dimension of all commercial motor vehicles is fixed at 96 inches. Exception to this limitation is now possible only by special permit in advance from the Director of the Motor Vehicle Division.

I am advised by the State Highway Department that available traffic lanes on many public streets and highways on which buses are operated are 10 feet or less. By empowering the Board of Public Utility Commissioners to fix outside width dimensions in excess of 96 inches, this bill may result in a reduction in an already scant margin of safety on many traffic lanes and in an increase in the critical traffic hazard.

Further, I question the wisdom of delegating a determination primarily concerning traffic safety to a commission whose main function is the general regulation of public utilities, rather than the protection of traffic safety.

I am, accordingly, constrained to return Assembly Bill No. 120 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 129

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 129 for the following reasons:

This bill would amend sections 58:14–6 and 58:14–18 of the Revised Statutes which relate to the powers of the Passaic Valley Sewerage Commissioners. The effect of the amendment would be to authorize the Commissioners to enter into contracts with any insurance company licensed under the laws of this State so as to provide retirement benefits for the employees of the Commission, the full cost thereof being paid by the Commission.

The cost of these retirement benefits, which would be in addition to the present social security coverage, would be included in the cost and expense of maintaining, repairing and operating the sewer, works and plant of the Commission. The non-contributory pension program thereby created would impose the full load of the retirement benefits upon the customers of the Commission. This is contrary to the generally established practice with regard to governmental employees within this State.

I have in mind that membership in the State Employees Retirement System has been and continues to be available to this agency. Under the State Employees Retirement System the employees share in the cost of the benefits. No reason is apparent which would warrant special treatment for employees of the Commission as distinguished from other governmental employees in this State.

I am therefore obliged to return Assembly Bill No. 129 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 139

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 139, for the following reasons:

This bill authorizes the Department of Conservation and Economic Development to exchange with the New Jersey Power and Light Company 3.65 acres of land in the townships of Roxbury and Jefferson in the county of Morris for 3.65 acres of land in the township of Jefferson in the County of Morris.

This is a private bill, and, under the Constitution, Article IV, Section VII, paragraph 8, and pursuant to R. S. 1:6–1, notice of the intention to apply for the passage of such a bill must be published at least one week before the introduction of such bill in the county in which the bill is likely to take effect. The publication here made was not effected one week in advance of the introduction of the bill.

Accordingly, I have no choice but to return this bill without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 157

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 157 for the following reasons:

The amendment to R. S. 30:4–78 sought by this bill would require the State to pay one half the cost of maintaining

tubercular patients in county institutions and the county to make similar payments on behalf of such patients in State institutions. The rates paid by the State to the counties at present are fixed by the State House Commission.

Information now available indicates that the bill would result in an additional cost to the State of approximately $4,000,000.00 annually. This amount would be off-set to the extent of less than half a million dollars by the payments by the counties to the State. I have no choice but to reject so heavy a drain upon the resources of the State at this time.

It should be noted that the expenditures required by this bill may be included as a line item in the 1955-56 budget, and the necessary rate change effected by the State House Commission.

I am accordingly, compelled to return Assembly Bill No. 157 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 176

To the General Assembly:

I am returning herewith Assembly Bill No. 176 without my approval for the following reasons:

Under present law, the State and each county divide equally the cost of the disability assistance program administered by the county welfare boards after deducting the amount of Federal participation. The equal apportionment accords with the recommendation of the Commission to Study the Administration of Welfare in New Jersey created by Joint Resolution No. 9 of 1951. Assembly Bill No. 176 would increase the contribution of the State to 75%.

This bill if enacted is to take effect immediately. In P. L. 1954, Chapter 46, $800,000 has been appropriated as the State's share of aid to the disabled. Thus, the enactment of Assembly Bill No. 176 into law would result in an additional financial burden annually of $400,000 to the State. In the current fiscal year there is no appropriation to make lawful such extra disbursement from the Treasury.

I cannot approve authorization for a State expenditure of $400,000 per year contrary to the sound fiscal recommendations of the study commission of 1951 in view of the very real financial problems facing the State government in the years immediately ahead.

Accordingly, I am constrained to return Assembly Bill No. 176 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 231

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 231 for the following reasons:

Assembly Bill No. 231 creates a contributory pension system for certain motor vehicle inspectors in the Division of Motor Vehicles in the Department of Law and Public Safety.

I recognize the principle that public employees in extremely hazardous occupations may deserve more liberal pension benefits than other public employees. This principle justifies the pension system for Law Enforcement officers of the Division of Alcoholic Beverage Control created by Chapter 423 of the Laws of 1953, as amended by Chapter 200 of the Laws of 1954. That pension system was established in accordance with the recommendations of the Advisory Commission on State Law Enforcement Pensions

contained in a report to the State Treasurer in April of 1953.

The group of employees herein involved has refused to accept the pension program recommended by that Commission. The present bill would provide substantially more liberal retirement allowances, disability allowances, and survivorship and death benefits than those in P. L. 1953, Chapter 423, as amended.

For example, a member could, under the bill, retire at one-half of his final salary after 20 years' service at age 55 and at one-third of his final salary after 15 years' service at age 40. He could retire at one-fourth to three-fourths of his final salary for a non-service connected disability after 10 years' service. His survivors upon his non-service connected death after 10 years' service would be entitled to a pension of one-half of his final salary plus supplementary allotments of $25.00 per month for each child under 16. The widow of a member who dies after retirement would be entitled to a pension for life of one-half of his final salary.

I have numerous objections to Assembly Bill No. 231, set forth below:

1. No actuarial study has been made of the obligation established by this bill. The fund is modeled after the State Police Benevolent and Retirement Fund, which now has a deficit of $16,000,000, although the revenues therefor are somewhat different. I am advised that large deficiencies in the operation of this fund would be inevitable.

2. The bill calls for a dedication of funds: one-sixteenth of the 2% tax on automobile insurance companies under P. L. 1945, Chapter 132 and the total receipts from motor vehicle learners' permits. The bill if enacted is to take effect immediately and would reduce the anticipated State revenues for the fiscal year 1954-55 by approximately $557,712.00.

3. Membership in the fund is limited to present employees and to this extent is discriminatory.

4. The organizational placing of the proposed pension fund in the Division of Budget and Accounting, Department of the Treasury, is at variance with the assignment of existing pension funds to the Division of Investment, Department of the Treasury.

5. The investment of funds to be accumulated pursuant to this proposed legislation is placed under the Director of the Division of Investment. Chapter 270 of the Laws of 1950, as amended and supplemented, provides that in the case of all State pension plans, with one exception, investments by the Director of the Division of Investment are subject to prior approval or rejection by the respective Board of Trustees or by the State Treasurer.

6. Such legislation as Assembly Bill No. 231 contributes to the breakdown of the State's overall pension program. If these excessive benefits are granted to the motor vehicle inspectors, other groups will demand identical benefits.

My conviction is that the motor vehicle inspectors in the Division of Motor Vehicles should seek legislative enlargement of the existing pension statute for Law Enforcement Officers of the Division of Alcoholic Beverage Control, a comparable group, or enroll in the new Public Employees' Retirement System with its expanded benefits including Federal Social Security coverage, as established by Chapter 84 of the Laws of 1954.

Accordingly, for all the foregoing reasons, I am constrained to return Assembly Bill No. 231 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 238

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 238, for the following reasons:

This bill would increase from 20% to 35% the number of qualified voters of a municipality necessary as signatories to a petition proposing a consolidation of two or

more municipalities pursuant to the "Local Units Permissive Consolidation Act (1939)", P. L. 1939, Chapter 343. The bill would also extend the period within which the question may not be resubmitted to the voters from 2 years to 3 years.

The proposed increase to 35% of the number of qualified voters on the petition is substantially greater than that employed in other statutes providing for comparable petitions. The percentage proposed in this bill is so great as to have the practical effect of nullifying the provisions of the statute since it would be extremely difficult to obtain the signatures of 35% of the qualified voters to such a petition. I firmly believe that the referendum and the petition for a referendum are manifestations of the basic tenets of democratic government. In this way the voters are given a method by which they can make their voices effectively heard. I have complete faith in the integrity, intelligence and wisdom of the electorate of this State and I am opposed to unreasonable restrictions or limitations upon the means by which the voters may express their views concerning their government.

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

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1954.

ASSEMBLY BILL No. 244

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 244 for the following reasons:

This bill provides that in second class counties having less than 325,000 inhabitants in which there is but one judge of the county district court there shall be appointed an additional judge of a different political party than that of the incumbent county district court judge. The counties identi-

fiable by that designation are Mercer and Camden. Under the bill all county district court judges in said counties would function at an annual salary of $9,000.00, on a part-time basis.

As I have indicated in my veto message returning Senate Bill No. 268, sound principles of judicial administration favor the curtailment rather than the extension of the system of part-time judges.

In my judgment, based upon official reports as to the operations of the county district courts throughout the State, the Legislature should endeavor to solve the problems arising out of increased district court litigation by increasing the number of full-time judges. Under existing law such judges could be assigned temporarily, when needed, to other counties. It appears that such a policy would serve the ends both of economy and more flexible use of judicial manpower.

I am, moreover, informed that the rate of case disposition in the Mercer County District Court should increase by reason of recent administrative directives for increase of the hours on the bench of the judge of that court. This may obviate the need for another judge in that county.

For the reasons stated I am returning Assembly Bill No. 244 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 247

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 247 for the following reasons:

This bill provides a new formula for sharing between the State and the counties of costs of "Home Life Assistance", which is the program for assistance for the support of children in homes where there is financial need.

The present statute calls for equal participation of costs by the State and the counties. When Federal aid became available to the extent of 50% of the cost, the counties' share was reduced to 25%. But as Federal aid rose above 50%, the State retained the full benefit of the increase.

The present bill seeks to apportion the costs above Federal aid equally between the State and the counties. In the event no Federal aid were forthcoming, the State would pay 75% and the county 25% of the total cost.

I am aware that the intended objective of the bill is to divide the burden equally between the State and the county, where Federal aid is available. While I do not oppose this general policy, the financial condition of the State does not permit the necessary adjustment at this time. This bill would take effect immediately and I have been informed that it would require the expenditure of an additional $408,000.00 of State funds during this fiscal year. No provision has been made for such funds in the current appropriation act.

Finally, the provision requiring the State to assume 75% of the burden in the event that no Federal aid is available, appears totally unwarranted and contrary to all recommendations on the subject. It would impose an even greater potential obligation upon the State.

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

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 250

To the General Assembly:

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

This bill amends P. L. 1946, chapter 63 and was designed to provide the necessary school aid to approved classes for mentally retarded or physically handicapped children. The

school aid act of 1954, P. L. 1954, chapter 85, repeals P. L. 1946, chapter 63, and provides the funds necessary for such classes.

I am, therefore, returning Assembly Bill No. 250 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 256

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 256, for the following reasons:

This bill is an amendment to Section 40:144–1 of the Revised Statutes, the statutory authority for the subdivision of townships having a population of more than 7,000 into wards. This bill is special in that it seeks to extend the act to townships of 4,000 or more inhabitants in fifth class counties with less than 200,000 inhabitants. The single county thus identifiable is Atlantic.

The proposed measure has the fault of a double classification; in general it deals with townships, and thereafter makes population the basis of classification. Further, it arbitrarily excludes certain townships located in other counties which, except for the statutory exclusion, would be within the terms of the act.

> "Legislative classification in order to be constitutional must rest upon distinctions that are substantial and not merely illusory, and must embrace all and exclude none whose conditions and wants are similar." *Township of Dover* vs. *Van Kirk,* 123 N. J. L. 507 (Sup. Ct., 1939).

The Constitution in Article IV, Section VII, paragraph 9 provides:

> "The legislature shall not pass any private, special or local laws: * * * (13) Regulating the internal affairs of municipalities formed for local government and counties, except as otherwise in this Constitution provided."

By petition of the governing body and by two-thirds vote of the Legislature, special legislation having a local effect only may be enacted pursuant to Article IV, Section VII, paragraph 10 of the Constitution and Chapter 199 of the Laws of 1948.

I must, therefore, return Assembly Bill No. 256 herewith without my approval

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1954.

ASSEMBLY BILL No. 265

To the General Assembly:

In the conviction that the public welfare clearly requires this course, I am returning herewith Assembly Bill No. 265 without my approval. My reasons for this action are as follows:

This bill would amend R. S. 18:14–57. That law requires that every pupil attending a public school shall be examined medically "to learn whether any physical defect exists" and that a permanent record should be kept from year to year of his growth and development.

The bill now before me adds the proviso that if the parent or guardian of a pupil objects to such an examination in a signed statement "upon the ground that the proposed examination interferes with the full exercise of his religious

principles", the pupil shall be exempted from the examination.

A saving clause is added qualifying the right of exemption if the pupil "has been exposed to a communicable disease or if his presence in the schoolroom is certified by the medical inspector or nurse as detrimental to the health or cleanliness of the other pupils in the school."

This measure was adopted by the Legislature at the behest of New Jersey followers of the religion which is commonly known as Christian Science.

Christian Scientists have urged that the existing statute "compels medical examination to discover physical defects in violation of the religious rights of Christian Scientists whose religious principles are opposed to medical searching as well as medical treatment."

It is contended on their behalf that "when Christian Science children are required to submit to a medical examination at school, they are obliged to undergo an experience which is contrary to their teachings in the home, church and Sunday School, and which is violative of the basic principles of their religion."

While our statute for medical examination of school children may have been adopted primarily for the advancement of the health and welfare of the individual children examined, an obvious auxiliary effect and public benefit consists of the detection in such examinations of latent communicable diseases which might well affect the health and welfare not only of other children but the community at large if not checked and brought under control.

My advisers in the fields of health and education consider the statute as it stands to be a most salutary and necessary protective device in relation not only to the children examined but also to the public generally.

The plain relationship between such requirements for examinations and the public health and welfare is at once so apparent and strong as to cast a heavy burden upon those who for any reason would weaken the present statute by excusing any school children from its mandatory purview. In my opinion, this burden has not been met by proponents of the measure now being considered. No matter how few the number of children who might be excused under it, the

potential danger of harm in great degree to others is always present. One child can start an epidemic.

I am deeply conscious of the primacy of the principle of religious freedom in our American heritage. Like others of many religions who believe in God and in the incalculable power of prayer and faith, I would repel with all my strength any unwarranted attempt at impairment of the untrammeled right of exercise of any personal article of faith.

But we live in an indivisible society. Both our law and our generally accepted social mores dictate that the exercise of each of the freedoms guaranteed against invasion by the Fifth and Fourteenth Amendments of the United States Constitution and by cognate provisions of our State Constitution must be accommodated to regulations of government adopted under the police power and designed to protect the public at large against any "clear and present danger".

The case of *Prince* vs. *Massachusetts,* 321 U. S. 158 (1944) involved the extent to which the free exercise by members of the sect of Jehovah's Witnesses of their spiritual compulsion to sell and distribute tracts containing exposition of their faith on city streets could constitutionally be impaired by legislative prohibition thereof when carried on by children under specified ages. In principle, the problem of conflict between religious faith and regulatory law was the same as that presented by the present situation. The United States Supreme Court sustained the law. Its language is quite pertinent here: (at pages 165, 166, 167)

> "To make accommodation between these freedoms and an exercise of state authority always is delicate. It hardly could be more so that in such a clash as this case presents. On one side is the obviously earnest claim for freedom of conscience and religious practice. With it is allied the parent's claim to authority in her own household and in the rearing of her children. The parent's conflict with the state over control of the child and his training is serious enough when only secular matters are concerned. It becomes the more so when an element of religious conviction enters. Against these sacred private interests, basic in a democracy, stand the interests of society to protect the welfare of children, and the state's assertion of authority to that end . . .

"It is cardinal with us that the custody, care and nurture of the child reside first in the parents, whose primary function and freedom include preparation for obligations the state can neither supply nor hinder—and it is in recognition of this that these decisions have respected the private realm of family life which the state cannot enter.

"But the family itself is not beyond regulation in the public interest, as against a claim of religious liberty. . . . And neither rights of religion nor rights of parenthood are beyond limitation. Acting to guard the general interest in youth's well being, the state as *parens patriae* may restrict the parent's control by requiring school attendance, regulating or prohibiting the child's labor and in many other ways. Its authority is not nullified merely because the parent grounds his claim to control the child's course of conduct on religion or conscience. *Thus, he cannot claim freedom from compulsory vaccination for the child more than for himself on religious grounds. The right to practice religion freely does not include liberty to expose the community or the child to communicable disease or the latter to ill health or death.* . . . The catalogue need not be lengthened. It is sufficient to show what indeed appellant hardly disputes, that the state has a wide range of power for limiting parental freedom and authority in things affecting the child's welfare; and that this includes, to some extent, matters of conscience and religious conviction." (Italics are my own.)

After full deliberation, I am forced to the conclusion that the general public health and welfare involved in the present requirement for physical examination of all school children transcends the consequential conflict with religious convictions on the part of those who seek the rights of exemption from examination for their children under this bill.

It is contended by the proponents of this measure that the public interest is sufficiently protected by the proviso in the bill that the exemption shall not obtain where the pupil has been exposed to communicable disease or where his presence is certified to be detrimental to the health or cleanliness of other pupils. But, as has been persuasively demonstrated to me by the heads of the state departments of health and education, existence of the conditions thus defined is not

necessarily ascertainable without an examination of the children in question.

I am, accordingly, constrained to return Assembly Bill No. 265 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 278

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 278 for the following reasons:

This bill provides for increases in pensions of retired policemen and firemen when the existing rates are below certain minimum figures. The increases are made optional with the governing body of any municipality or county. If the pension rate is less than $1,400.00 per year the bill provides that it may be increased by $300.00, and if it is more than $1,400.00 but less than $1,700.00 per year, it may be increased to $1,700.00.

The funds required to meet the increased payments are required under the bill to be met by the governing body in question.

It is easy to sympathize with the predicament of pensioners receiving sums as low as those specified. The consequences of the present bill, however, reach far beyond what may appear on the surface. An analysis of this proposed legislation discloses that the pensions of 2,477 retirants would be increased to the extent of an additional annual cost of $555,000.

Increases of the financial burdens of the counties and municipalities to this extent seem to me unwarranted, since

the moderateness of the pensions in question is due to factors related to the length of service, rates of compensation and amounts of contribution in each case. To increase the rate of payments to these particular pensioners would give them an unwarranted comparative advantage as against those whose rates are not increased, having in mind the differences in the aforementioned factors which caused the difference in the pension rates in the first instance.

This bill would give preferential treatment to certain retired policemen and firemen. State employees, school teachers and municipal employees generally, who have been retired for a number of years at low pension face similar economic difficulties. Their demand for readjustment would have equal merit. The total cost of an over-all program for all such retired employees cannot now be estimated.

This bill would be a fragmentary approach to a problem which should be studied broadly on a basis applicable to all classes of public pensioners.

I am, therefore, constrained to return Assembly Bill No. 278 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 302

To the General Assembly:

I am returning herewith without my approval Assembly Bill No. 302 for the following reasons:

This bill makes permissive instead of, as heretofore, mandatory, the readjustment of ward boundaries by the governing body of any municipality whenever the population of one ward exceeds that of any two other wards of the municipality.

The subdivision of a ward which has increased in population to double the number of voters of other wards accords with democratic principles. I am opposed to "rotten borough" divisions of voting districts which deprive voters of equal representation.

Accordingly, I am constrained to return Assembly Bill No. 302 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 307

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 307 for the following reasons:

This bill would amend section 1 of P. L. 1946, chapter 7, as amended by P. L. 1947, chapter 143. The present section requires the state or any county, municipality, school district or other political subdivision, upon the request of an employee, to deduct from his compensation for the payment of premiums on group accident and sickness insurance or on any hospital service or and medical-surgical plan. The disbursing officer is then under the duty to transmit such funds to the insurance carrier. This bill would add to this list deductions "for payments to any credit union of these employees, chartered under the State or Federal credit union laws."

The various political subdivisions in this State are now required to make a great many deductions from the salaries of employees, e. g., pension funds, accident and sickness insurance, hospital service and medical-surgical plans, social security and Federal income tax withholding. The increase in the number of deductions has complicated governmental

bookkeeping procedures and imposed the additional burden and expense upon the taxpayers. It does not appear to be in the public interest to require governmental payrolls to serve as a collection medium for the private purposes of public employees.

I am, therefore, returning Assembly Bill No. 307 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 340

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 340 for the following reasons:

This bill seeks to validate all final judgments entered prior to its effective date in any In Rem Tax Foreclosure proceeding under P. L. 1948, Chapter 96, despite failure to allege certain jurisdictional facts, specific formal deficiencies and failures of notice, where in fact all jurisdictional requirements were fulfilled and the tax collector of the municipality has filed an affidavit in the cause nunc pro tunc setting forth such jurisdictional facts.

While, generally, I may be disposed to favor legislation validating formal defects, serious objections to Assembly Bill No. 340 are evident.

In upholding the constitutionality of the In Rem Tax Foreclosure Act against challenge on the ground of insufficient provisions for notice, the Supreme Court said in *City of Newark* vs. *Yeskel,* 5 N. J. 313, 323 (1950):

> "The doctrine to be evolved from the cases is that where the owner of property is given a right to redeem by statute and has had the opportunity to contest the

assessment, the extinguishment of his rights in the property, either by the tax sale itself or by subsequent proceedings, may be accomplished by a strict adherence to the enabling statute which may limit the notice to be given of the proposed action to bar the right of redemption to posting or publication or no notice other than the statute itself, and any of said forms of notice shall be sufficient to satisfy the requirements of constitutional due process both as to residents and non-residents."

This bill would validate a proceeding in rem where there was no such strict adherence to the statutory provisions for notice. The following deficiencies in notice are subject to validation hereby:

(1) The title or caption failed to list all of the parties defendant or to designate specifically the lots sought to be foreclosed against;

(2) The book and page of record of the instrument by which the "owner of record" acquired title was omitted;

(3) The complaint failed to state the name of the "present owner of record."

I object, further, to the use of the term "parties defendant"; the proceeding is in rem.

For all the foregoing reasons, I am returning Assembly Bill No. 340 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 375

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 375 for the following reasons:

This bill makes a substantial upward revision in the minimum salaries for identification officers and identification supervisors in the employ of the sheriffs of second class counties having a population exceeding 325,000. The counties thus identifiable are Bergen, Union and Passaic. The minimum salary for identification clerks is increased hereby from $2,000 to $2,800 per year in all counties except first class counties. A further provision is that, upon enactment, the annual salary of each supervisor and identification officer must be increased by $600.00 or, if a $600.00 increase would cause the total salary to exceed the maximum salary for the office set in the bill, to that maximum.

Salary increases for the identification personnel in Bergen, Union and Passaic counties may be granted under existing law by resolution of the respective boards of chosen freeholders. This bill, then, would have the effect of imposing mandatory salary increases by statute without the approval of the county freeholders and in derogation of sound principles of home rule.

I am further concerned with the special character of legislation which fixes an annual salary range from $3,800 to $5,400 subject to increase in the discretion of the county freeholders, for identification officers in certain second class counties, while the same officers are limited by this bill to a maximum annual salary of $3,900 in all first class counties.

While disapproving Assembly Bill No. 375, I do not preclude future approval of legislation which provides for reasonable minimum salaries for county employees, subject to increase in the discretion of the respective boards of chosen freeholders.

I am, accordingly, returning Assembly Bill No. 375 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 378

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 378 for the following reasons:

This bill provides for reimbursing dairy farmers to the extent of the appraised value for milk condemned and withheld from the market by reason of a quarantine established as the result of an outbreak of a contagious or infectious disease of livestock or man.

The bill provides for such payments without consideration of whether the quarantine may have been attributable to the action of the person reimbursed through carelessness or violation of existing statutes or regulations. The bill would indemnify a large group at the expense of the public treasury in an amount which cannot be calculated but which might constitute a considerable expenditure. While I realize that such quarantines may cause hardships in certain cases, I do not feel that the taxpayer should be called upon to underwrite such indiscriminate payments. The careless or negligent farmer would be given a subsidy at the expense of his conscientious neighbor. In any event, no appropriation has been provided to meet any such increased cost.

Accordingly, I am constrained to return Assembly Bill No. 378 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 407

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 407 for the following reasons:

The present statute (R. S. 43:12–57.6) provides that employees of townships in second class counties who have been in the employ of the township for 25 years and who have, as of July 4, 1951, attained the age of 70 years, may be retired at the discretion of the governing body of the municipality. This bill would amend that section so as to convert the special application thereof into a general permanent non-contributory pension plan for all such township employees who reach the age of 65.

The effect of this proposed legislation is to create a non-contributory pension program which is not actuarially sound. Under such a system all municipal employees would be in a position of uncertainty both as to the amount and as to the availability of a pension. The municipal taxpayer would be subjected to an unfair burden in addition to the existing high local taxes.

The bill would also tend to discourage participation by municipalities in the State pension system which is actuarially sound and will permit social security benefits as well. It is contrary to my policy of pensions for public employees on a certain, definite and actuarially sound basis with such financing as not to impose large and irregular burdens upon the taxpayers.

The legislature in 1953 created a commission to make a study of the State laws applicable to retirement by governmental employees. P. L. 1953, J. R. 6. This was extended by P. L. 1954, J. R. 7. The preamble to the resolution noted that there are over 70 laws providing for non-contributory retirement benefits; that there is no accurate data available on the existing and potential liabilities which the taxpayers will be called upon to assume to redeem the promises given or implied by these laws; that many of the laws overlap and serve no actual public purpose and that it is desirable that the retirement laws of this State be

simplified and made reasonably consistent as between employees and governmental units. This bill would be at cross-purposes with the program of this commission. Bills of this nature should not become law until the study has been completed and a comprehensive program adopted.

Accordingly, I am returning this bill herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 10, 1955.

ASSEMBLY BILL No. 421

To the General Assembly:

I am returning Assembly Bill No. 421 herewith, without my approval, for the following reasons:

Assembly Bill No. 421 affords special treatment to one group of employers in this State, the common carriers by air, in the payment of wages. The statute (R. S. 34:11–4) which now governs aircraft carriers, as well as other businesses, requires biweekly payment of wages with a maximum interval of 12 days between the earning and the payment of wages. Approximately 90% of the workers in New Jersey receive their wages once a week or at more frequent periods.

Assembly Bill No. 421 by amendment to R. S. 34:11–2 would bring common carriers by air within the statute now applicable only to railroad companies. Pursuant thereto, wage payments could be at semimonthly periods with as much time as 31 days between earning wages and their receipt. In addition, in the event that an employee missed one pay day through absence, payment of his wages could be deferred as long as 46 days. The railroad companies have more problems in collecting employment data than the air lines, but I am not sure that the 1911 statute which singles out the railroads for semimonthly wage payment

periods is in accord with the socially desirable goal, recognized today, of expeditious payment of wages to all workers.

Most of the common carriers by air operating in this State are in fact paying their New Jersey employees on a weekly basis, I am reliably advised. The State Department of Labor and Industry has, since 1953, carried out a vigorous drive to enforce the provisions of R. S. 34:11–4. To deprive the aircraft carrier employees of weekly pay periods would work a substantial hardship, discriminating against such workers without valid cause. There may be convenience and economy to the air lines in 24 instead of 52 payrolls per year. The same contention could be advanced for a special exemption in favor of every person and firm hiring workers in the State of New Jersey. I know of no justification for such preferential treatment of one particular business.

Accordingly, I return Assembly Bill No. 421 herewith, without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL NO. 454

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 454, for the following reasons:

This bill provides that the Director of the Division of Motor Vehicles shall, upon the occasion of the next and each subsequent general issue of passenger car motor vehicle registration license plates, cause to be imprinted thereon the words "Garden State".

A bill similar to this was vetoed by Governor Driscoll in 1953. He said "the registration plate itself, moreover, is

an important legal device evidencing compliance with the laws of the State of New Jersey and it should be confined to that purpose without the detraction of any mottoes or phrases". Governor Driscoll's point of view might be refuted if there existed either an official basis for the designation of New Jersey as "Garden State" or if the gardening or farming industry was the overwhelmingly predominant feature of the State's economy. I refer, for example, to the designation on the Wisconsin license plates of that state as "America's Dairyland".

My investigation discloses that there is no official recognition of the slogan "Garden State" as an identification of the State of New Jersey. It is, moreover, obvious that New Jersey's place in the economy and life of the nation is today attributable to its preeminence in many fields, in addition to its acknowledged high standing in agricultural pursuits. Statistically, only 2.4 percent of our workers are employed on farms while 97.6 per cent are engaged in non-agricultural occupations. New Jersey is noted for its great strides in manufacturing, mining, commerce, construction, power, transportation, shipping, merchandising, fishing and recreation, as well as in agriculture. I do not believe that the average citizen of New Jersey regards his state as more peculiarly identifiable with gardening or farming than any of its other industries or occupations. Indeed many of our people regard the state as preeminently a residential community.

For the reasons set forth hereinabove, I cannot concur in the view that such justifiable purpose is served by the bill in question as would outweigh the obvious disadvantage of reducing the space on the metal license plates available for the official registration designation.

Accordingly, I am constrained to return Assembly Bill No. 454 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

ASSEMBLY BILL No. 459

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 459 for the following reasons:

This bill would supplement Chapter 6 of Title 3A of the New Jersey Statutes by adding a section to provide that if no executor is named in a will or if he predeceases the testator, renounces the executorship or neglects to prove the will, administration with the will annexed shall be granted "to the person or 1 of the persons named as residuary legatee in said will who is competent and willing to accept the same and if there be no such person, then to such other proper person as will accept the same." The bill also amends N. J. S. 3A:6–45 in a minor respect.

The present statute, N. J. S. 3A:6–45, provides only for the case where an executor or administrator dies or is removed or discharged; then the office is filled "by the appointment of a fit person." The new section proposed by this bill would cover the situation where no executor has ever qualified, and provides that the officer to be appointed in such case be "the person or 1 of the persons named as residuary legatee in said will who is competent and willing to accept the same and if there be no such person, then to such other proper person as will accept the same."

Under the common law rule, where no executor has qualified, the person beneficially entitled to the residue of the estate has first claim to the office. *In re Kirkpatrick*, 22 N. J. Eq. 463 (Prerog. Ct., 1871); *Donahy* vs. *Hall*, 45 N. J. Eq. 720 (Prerog. Ct., 1889). Thus, the proposed section appears unnecessary.

It is also important to note that in construing N. J. S. 3A:6-45, the courts have applied the common law rule so that the phrase "fit person" means the person beneficially entitled to the residue of the estate. If the proposed section became law, there would be two phrases—"a fit person" and "the person or 1 of the persons named as residuary legatee . . ."—intended to describe the same individual. Unnecessary confusion and possible litigation would result.

In the event that it should be deemed advisable to codify the common law rule where no executor has ever qualified, as this bill intends, the discrepancy in terminology should be clarified. I also feel that it would be desirable, in the interest of simplicity and clarity, to revise N. J. S. 3A:6–45 so that it applies only to intestacy and the new section to testate cases. Inasmuch as this type of revision deserves serious study by members of the bar, I have not attempted to submit any suggested amendments to the bill.

I am, accordingly, obliged to return Assembly Bill No. 459 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1954.

ASSEMBLY BILL No. 461

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 461 for the following reasons:

The present law, R.S. 38:20–1 *et seq.*, authorizes the Department of Conservation and Economic Development to pay to any "war orphan" a sum not exceeding $300.00 annually for four years to defray the expenses of attending colleges or secondary schools in this State. The statute defines "war orphans" as any child between 16 and 21 years domiciled in this State for at least 12 months whose parent died in military or naval service or as a result of a service connected disability. This bill would increase the annual maximum from $300.00 to $500.00.

The statute does not establish any criteria to determine those eligible for the allotments. There is no provision for selection based upon educational aptitude. While I heartily endorse any program which will provide a means whereby

more children can obtain a higher education, I believe that in order to guarantee the proper application of public funds, certain standards should be fixed to insure that the recipient is qualified. Similarly, the institution to be attended should be required to be approved and meet certain minimum standards. Furthermore, the applicant is not at present required to establish any need for the assistance granted. The program would prove more beneficial to the public if the allotments were awarded upon a showing by the applicant that he would otherwise be unable to secure the necessary financial aid.

I have been informed that only 56 applications have been filed under the act, of which 43 were allowed. There are 18 persons currently entitled to the payments but there are no future applications pending. It would appear that the number of applications has been so limited because of inadequate publicity with respect thereto. It is my belief that the public interest would be better served if a greater number of students were granted $300.00 rather than a lesser number $500.00.

I would be glad to consider legislation which would revise the statute along the lines indicated, even to the extent that moderate increases in the total amount required would result.

As the matter now stands, I am constrained to return Assembly Bill No. 461 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 10, 1955.

ASSEMBLY BILL No. 489

To the General Assembly:

I am returning Assembly Bill No. 489 herewith, without my approval for the following reasons:

This bill is designed to insure Federal Social Security benefits for State employees who are now 70 years of age or who become 70 years of age prior to July 1, 1956. It prohibits involuntary retirement upon the ground that an employee has attained that age until the expiration of six quarter years after the adoption of the agreement of January 1, 1955, which brought Federal Social Security to State employees under Chapter 84 of the Laws of 1954. The six quarter period qualifies a contributing employee for old age benefits under the Federal system.

In addition, Assembly Bill No. 489 would compel the immediate reinstatement upon timely application of all former State employees who were retired because of reaching 70 years of age after June 28, 1954, the effective date of Chapter 84. Such employees, according to the terms of the bill, would have to request reinstatement in writing prior to January 1, 1955 to the board of trustees of the State Employees' Retirement System, which dissolved December 31, 1954.

Compliance with these conditions is now manifestly impossible. If my objections were limited to these and other considerations arising out of the passage of time, the difficulties could of course be remedied. However, I am withholding my approval because of basic objections in principle.

The mandatory reinstatement of former State employees past 70 years of age would contravene Article VII, Section I, paragraph 2 of the State Constitution which requires that appointments in the civil service of the State be made according to merit and fitness ascertained, as far as practicable, by competitive examination. State employees retired because of reaching 70 years of age between June 28, 1954 and the present were subject to such retirement under the provisions both of R. S. 43:14–35, repealed December 31, 1954, and of Chapter 84 of the Laws of 1954, effective

January 2, 1955. They have ceased to be employees of the State. Their reinstatement by direction of the bill would amount to an appointment without any ascertainment of merit and fitness despite the State Constitution and the Civil Service Law which implements Article VII, Section I, paragraph 2 thereof. There is grave doubt whether such retirants could qualify for eligibility for appointment under prescribed standards. No valid basis for exempting their former offices or positions from the classified civil service can exist. Their compulsory reinstatement would flout the express provisions of binding State law and fundamental and sound State policy.

Preferential treatment for one particular group of former State employees, those retired because of attaining 70 years of age between June 28, 1954 and the present, may constitute special legislation in violation of Article IV, Section VII, paragraph 9 of the State Constitution.

Pursuant to law, numerous State employees were involuntarily retired between June 28, 1954 and the present. I am informed that in one department the services of 32 persons between 75 and 83 years of age were terminated. The cost to the State of the compulsory 18 months reinstatement of all such employees, who were in most cases at the top of their salary ranges, can be estimated at approximately $800,000.00 in salaries and in pension and Social Security contributions. In addition, extensive financial loss to the State because of inefficiency and impaired health must be foreseen in the event that Assembly Bill No. 489 should be approved.

As a condition to membership both in the former State Employees' Retirement System and in the Public Employees' Retirement System established by Chapter 84 of the Laws of 1954, State employees are made subject to involuntary retirement at 70. New employees must join the Public Employees' Retirement System; thus, in time, the requirement of removal from State service at 70 years of age will be generally applicable to all State employees.

I favor a vigorous State service made up of men and women capable of the efficient fulfillment of their duties to the State. The taxpayers deserve no less. This is a basic legislative policy, as well, and rests upon a finding that by and large the age of 70 marks the end of required effectiveness. Although I am personally sympathetic with the effort

to qualify these former State employees to receive benefits, yet I cannot permit this consideration to lead me to approve a measure which I believe to be unconstitutional and to involve the extraordinary cost to the State to which I have referred.

In concurrence with an objective of the Legislature, I have, however, approved an administrative policy to retain all present State employees who are 70 years of age or who reach that age before July 1, 1956 during the continuance of effective service on their part, until they have qualified for Federal Social Security benefits.

For all the foregoing reasons, I return herewith, Assembly Bill No. 489, without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 2

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 2 for the following reasons:

This bill would include within the veterans pension provisions of R. S. 43:4–1 persons who "are judges of any criminal judicial district court in any county of the second class and hereafter cease to be such judges by reason of the abolition of the court in which they are serving."

This bill was intended to apply to a judge of the Bergen County Criminal Judicial District Court, the only criminal judicial district court in counties of the second class. P. L. 1954, chapter 1, abolished the Bergen County Criminal Judicial District Court as of April 1, 1954. It is therefore apparent that there is presently no person to whom this bill could apply.

The present law authorizes pensions to veterans who after 20 years of service have attained the age of 62 years or have become incapacitated. The proposed amendment adds a clearly arbitrary class of veteran pensioners. It bears no reasonable relationship whatsoever to the general object of the underlying legislation.

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

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 16

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 16 for the following reasons:

This bill amends R. S. 38:23–2 and would include the New Jersey State Patrolmen's Benevolent Association, Inc., among the list of organizations, the duly authorized representatives of which are required to be granted leaves of absence with pay from any state, county, or municipal employment to attend any state or national convention of such organizations. The statute which this would amend is in Title 38. That title pertains to soldiers, sailors and marines. The statute was originally enacted as P. L. 1929, chapter 1, and its title provided:

> "An act to prescribe the duties of public officers of this state with respect to granting leaves of absence to certain veterans to attend state and national conventions of state and national organizations of former soldiers, sailors and marines."

This title has not been amended although the statute was amended in the years 1932, 1940, 1945, 1947 and 1948 to add various veterans organizations to this list. Under P. L. 1951, chapter 219, the New Jersey Civil Service Association was included and P. L. 1952, chapter 207, added the Council of State Employees, both non-veterans organizations. The section was again amended during the present session to include the Marine Corps League of the United States and the Army and Navy Legion of Valor, pursuant to Assembly Bill No. 49, which became Chapter 114 of the Laws of 1954. The present bill would amend the statute in such a manner as to omit these veterans organizations.

The present bill would, moreover, add to the list another non-veterans organization, the New Jersey State Patrolmen's Benevolent Association, Inc. Inasmuch as this statute contemplated application only to veterans organizations and the title of the act is so restricted, I do not feel that R. S. 38:23–2 can properly include such a non-veterans

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

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1954.

SENATE BILL NO. 31

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 31, for the following reasons:

This bill proposes to add a route approximately 3.6 miles in length to the state highway system in Atlantic County. The proposed route is not in any sense a spur or a connector, neither beginning nor ending in any part of the existing state highway system. Most of the through traffic in this area is now amply handled by State Highway Route U. S. 30 and State Highway Route U. S. 40 into Atlantic City.

Atlantic County now maintains the route proposed by this bill, as County Road No. 20.

I am informed that the proposed route fails to comply with accepted standards for state highways, such as width, degree of curves, bridge alignment and other respects. Upon enactment of this bill the State would be faced with extraordinary construction and maintenance costs, at a time when we have insufficient funds for new construction, in addition to the financial burden of normal maintenance and patrolling by the State Police.

For the foregoing reasons, I am constrained to return Senate Bill No. 31 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1954.

SENATE BILL No. 56

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 56 for the following reasons:

This bill amends the 1948 Judicial Pension Act. Under that act, adopted pursuant to the revision of the Judicial Article in the 1947 Constitution, any justice of the new Supreme Court or any judge of the Superior Court who, upon retirement at the age of 70, shall have served at least 10 years in the aggregate as Chancellor, justice of the old Supreme Court, judge of the former circuit court, Vice-Chancellor, judge of the Court of Errors and Appeals, judge of the former court of common pleas, justice of the new Supreme Court or judge of the new Superior Court, becomes entitled to a pension of three-fourths of his annual salary.

Other provisions of the same act provide for a pension of three-fourths of salary to any of the judges enumerated above who become totally disabled, regardless of the length of period of service. In addition, upon death of any such justice or judge after retirement, his widow becomes entitled to a pension of 25% of his last salary rate until remarriage.

Senate Bill No. 56 amends Section 1 of the act (dealing with the amount of pension upon retirement at 70) to provide that any Superior Court judge who served as a judge of the Court of Errors and Appeals, and, upon retirement at the age of 70, has had at least 7 years but less than 10 years of service, shall receive a pension of one-half of his salary.

It is apparent that the bill will not constitute a revision of the judicial pension act of general prospective effect since there is only one person who, having been a judge of the former Court of Errors and Appeals, has been or may in the future be retired from the Superior Court at the age of 70 with less than 10 years of combined judicial service. The criterion of prior service as a judge of the former Court of Errors and Appeals does not seem to me such as to make the additional pension classification created by this bill general, rather than special, in nature.

The bill appears to be designed solely to grant a pension to a particular judicial officer who has concluded his period of service, but never, at any time during that period had any justifiable expectation of receiving a pension at the time of his retirement.

I have every personal sympathy with the plight of a judicial officer who is required to retire at the age of 70 under our existing Constitution without provision for a pension at that time. But the individual intended to be benefited by the present bill knew when he accepted appointment and reappointment as a judge that the pension statute then in effect would not apply to him.

I have vetoed a number of other bills passed at the current session of the Legislature which have sought to enact special pension provisions for the benefit of judges not entitled thereto under existing general judicial pension legislation. I am unable to discern any difference in principle beteween the present case and the others (Cf. veto messages in reference to Senate Bills Nos. 2, 196, 197 and 321).

If it became law, the present bill would cost the State $110,000.00 over the period of the life expectancy of the individual who is the beneficiary thereof. The right to such payments would have a present value of $76,510.00.

The Judicial Pension Act of 1948 is one of the few existing state pension plans which require no contributions from their beneficiaries. This I believe to be wrong in principle as discriminatory and I do not favor any extension or liberalization of the existing provisions of that act.

For all the reasons stated, I am constrained to return this bill herewith without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1954.

SENATE BILL No. 68

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 68 for the following reasons:

This bill provides that any member of the National Guard who has performed the duties of Inspector General of the New Jersey National Guard during any world war and has been a member of the National Guard for a period of at least 20 years, and is 70 years of age, shall be entitled to a State pension of $7,500.00 annually for life.

The avowed purpose of this bill is to provide a pension for one individual who is the only person of whom I am aware who can qualify under its provisions.

The bill would involve an obligation of the State for future payments which, on the basis of the proposed beneficiary's present life expectancy, would have a present value of $52,350.00.

Senate Bill No. 68 is clearly special legislation setting up criteria for a pension of a plainly arbitrary nature, designed to restrict its scope to a single individual. That individual was eligible for membership in the State Employees' Retirement System during the period of his employment by the State on a contributory basis, and the allowance of the pension provided for in the present bill would discriminate against all other state employees who must contribute toward their own retirement allowances.

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

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 75

To the Senate:

I am returning herewith without my approval Senate Bill No. 75 for the following reasons:

This bill authorizes boards of chosen freeholders in fourth class counties and in third class counties under 95,000 population to adopt by resolution a special pension system for the county clerk, surrogate and sheriff. The pension system may be contributory or non-contributory. To be eligible, the official must be 60 years of age and have served at least nine years, including service as a deputy. The maximum pension which may be drawn is $3,400.00 per year.

I am informed that the specified officials in certain of the six counties covered by the bill are now members of the State Employees' Retirement System. Further, establishment of a separate pension system at this time will bar the officials from the benefits of Federal Social Security under Chapter 84 of the Laws of 1954 and Chapter 253 of the Laws of 1951.

I am aware that in counties which have not brought the county clerk, surrogate and sheriff under the State Employees' Retirement System the amount of accrued liability payable upon their enrollment in that system may approximate the reserves necessary to set up this special pension fund.

Nevertheless, on policy, there are compelling reasons for encouraging one uniform public employees' pension system in this State, integrated with Federal Social Security, as set up in Chapter 84 of the Laws of 1954.

Special pension systems, such as the one hereby proposed, are frequently actuarially unsound, threatening additional taxpayer liabilities. The size of the group to be covered pursuant to this bill is so small as to negate the concept of a pension fund; the bill furnishes no guarantee of actuarial soundness. A free pension to any of the designated officials may result upon enactment of this bill and adoption of a resolution pursuant thereto by the board of chosen freeholders.

Joint Resolution No. 7 of the Laws of 1954 continues the commission created by P. L. 1954, Joint Resolution No. 6 to study all non-contributory pension systems for public employees. I am reluctant to approve any additional pension system which may be non-contributory until the report of this commission at the next session of the Legislature.

Senate Bill No. 75 also has the fault of a double classification; it applies to third class counties, then restricts its application within third class counties according to population.

For all the foregoing reasons, I am constrained, accordingly, to return Senate Bill No. 75 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 92

To the Senate:

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

Senate Bill No. 287 of this session has been enacted into law as Chapter 173 of the Laws of 1954. This bill seeks to amend the same section of the Revised Statutes (R. S. 43:15–2) and, if approved, would immediately repeal Chapter 173, which is inconsistent with it.

I examined both bills after their passage and reached the decision that, since only one of these two bills, both amending the same section of the Revised Statutes, could become law, it was preferable to approve Senate Bill No. 287. With reference to the instant measure, I note that it would establish rights under Chapter 15 of Title 43 of the Revised Statutes until July 1, 1955, although this chapter will be repealed pursuant to Chapter 84 of the Laws of 1954 on December 30, 1954.

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

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1954.

SENATE BILL NO. 103

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 103, for the following reasons:

This bill would provide that in counties having between 150,000 and 200,000 population the boards of chosen freeholders shall consist of 5 members unless the number is increased to 7 by referendum of the voters of the county at the next general election.

In the event of an affirmative majority the two additional members of the board would be elected at the next ensuing general election.

In effect this bill is applicable only to Morris County. By virtue of the expiration on June 1 of the legislative "freeze" of the effect of the promulgation of the 1950 census in respect to the filling or creation of additional county offices (Chapter 9 of the Laws of 1954) Morris County is required to have 7 rather than 5 freeholders. The bill here in question is designed to subject the event of the change to referendum of the people of the county.

But it appears from the Final Report of the Joint Legislative Committee to Study the Effect of the 1950 Census on Certain Statutes, submitted June 22, 1953, p. 14, table 4, that the effectuation of the 1950 census will change the legal number of members of boards of freeholders in 8 counties. I am aware of no consideration peculiar to the County of Morris, as distinguished from the other 7 counties in ques-

tion, which makes it reasonably appropriate that only in that county should the effect of existing county classification statutes pertaining to the number of members of such boards be made conditional upon a popular referendum. It may well be sound policy to permit the question as to the size of boards of freeholders to be determined by referendum in all of the eight counties which are to experience the change, or, indeed, in all of the counties of the state. If the Legislature in its wisdom enacts such a provision I would be inclined to give it sympathetic consideration, under principles of home rule. But I am not in accord with the special referendum provision for 1 county only accomplished by this bill.

A reading of the Final Report hereinabove referred to reveals a most undesirable welter of special classifications and subclassifications of counties in respect to number and salaries of offices, based upon population criteria ranging from reasonable to arbitrary in varying degrees. I believe the legislative effort at classification in this field should henceforth be geared toward general rather than special laws. The instant bill does not conduce to that objective. I am therefore constrained to return it without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 104

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 104 for the following reasons:

This bill seeks to exempt one county, Passaic, from the recent removal of the "freeze" on the effectuation of the 1950 Federal census by barring, in that county only, (1) any increase or decrease in compensation to any county or

municipal officer or employee, (2) the creation of any additional office or employment and (3) the granting or increase of any pension, because of the taking effect of the 1950 Federal census.

No reasonable basis for lifting the so-called "freeze" on the 1950 Federal census in twenty counties, but not in Passaic County, is discernible to me. Because of the enactment of Chapter 82 of the Laws of 1954, which is general legislation founded on reasonable population classifications, the number of freeholders in Passaic County is retained at seven. On the same principle, I may be favorably disposed towards legislation revising present general statutes to prevent any hardship because of the taking effect of the 1950 Federal census, should such be enacted.

I must, therefore, return Senate Bill No. 104 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 108

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 108, for the following reasons:

This bill would amend N. J. S. 2A:164–3 and 2A:164–11 which require the commitment of certain enumerated sex offenders to the diagnostic center for examination and provide for the method of payment by the county committing the offender, of its portion of the costs, which are shared equally by such county with the State. This bill would substitute the county in which the person committed has a legal settlement (5 years residence) for the county committing the offender. In the event the person had no legal settle-

ment in any county, the State would be required to bear the entire cost.

Under existing law, the cost of the examination is visited upon the county of conviction as an incident to the expense of criminal prosecution in the county. The attempt to shift this cost from the county in which the crime was committed to another county is unwarranted and contrary to established practice in the allocation of the expenses of criminal prosecution.

To the extent that the bill would impose the entire cost of such treatment upon the State, it is based upon the purported analogy of hospital care and treatment to the mentally ill under Title 30 of the Revised Statutes. This analogy is not apt. It confuses two separate and distinct concepts as to the allocation of expenses between the State and the counties.

The sex offender laws were designed to prevent repetitive sex crimes and not to shift the pecuniary obligations of the counties concerning criminal prosecutions. Moreover the State is in no financial condition to undertake this additional expense at this time.

Bills to effect the same object as this bill passed the Legislature in 1952 and 1953 and were in each instance returned without approval by Governor Driscoll.

For the reasons set forth above, I am returning Senate Bill No. 108, without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 142

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 142 for the following reasons:

This bill seeks to validate certain defects in proceedings under the In Rem Tax Foreclosure Act.

The court rule requires that the complaint set forth, *inter alia,* "The name of the person or one of the persons who, according to the records in the office of the county recording officer, appears as a transferee or purchaser of title to the land to be affected by the tax foreclosure proceedings, and the book and page or date and instrument number by which such person acquired title . . ."

Senate Bill No. 142 proposes to validate proceedings in which the complaint set forth the name of an executor or one of the executors or a devisee or one of the devisees under a will, or a person or one of the persons to whom an interest in land had descended or had been conveyed, instead of setting forth the name or names of the persons required by the court rule and the book and page or date and instrument number of the proper instrument.

As I have pointed out in my message on Senate Bill No. 340, the constitutionality of the In Rem Tax Foreclosure Act was sustained in *City of Newark* vs. *Yeskel,* 5 N. J. 313 (1950) where the court pointed out at page 323 that to accomplish the extinguishment of the owner's rights, there must be "a strict adherence to the enabling statute." An attempted waiver of the requirement of strict adherence to the rules and the statute raises considerable doubt as to whether the demands of due process of law have been met.

Consequently, without considering the propriety of a legislative attempt to validate a failure to comply with rules of court, I do not feel that this bill can withstand constitutional attacks.

I am also of the view that validating acts should take the form of statutes of limitation so as to afford to any person affected sufficient time to institute an appropriate action.

I am therefore obliged to return Senate Bill No. 142 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 150

To the Senate:

I am returning herewith without my approval Senate Bill No. 150 for the following reasons:

The bill has the effect of exempting antique cars, as defined therein, from payment of the regular motor vehicle license fee. Instead a $3.00 license fee is fixed. In addition special license plates for antique cars are required by this legislation.

It is difficult for me to discern any justification for Senate Bill No. 150. Under it the State would lose revenue. Motor vehicle registration fees of $10.00, $15.00 and $25.00 based upon shipped weight are proposed in pending legislation. The present fees which are in proportion to horsepower are comparable. The entire subject of the issuance of license plates has been recently thoroughly studied. I favor one comprehensive system for motor vehicle registration fees and the issuance of license plates. Special fees and license plates for antique cars are not in conformity with such an integrated system.

Further, the State would face extra costs in the manufacture of special license plates. Uniform law enforcement considerations require that license plates on all cars should be substantially identical.

For all the foregoing reasons, I am constrained to return Senate Bill No. 150 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 152

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 152 for the following reasons:

This bill amends section 38:17–9 of the Revised Statutes which now requires the county supervisor of veterans' interment to decorate all graves of deceased veterans with flags on Memorial Day, the expense thereof being borne by the county. Senate Bill No. 152 would require, subject to the discretionary authorization of the board of chosen freeholders, the supervisor also to decorate such graves with emblematic flagholders and flowers.

I have been informed that there are at the present time within the State of New Jersey approximately 85,000 deceased war veterans. Several veterans' organizations now provide emblematic flag holders for veterans' graves. Under this bill there may well be substantial duplication of the work already carried on by these veterans' organizations. The approximate cost of this program, if approved by the freeholders of the several counties, would amount to over $250,000.00 in addition to the annual cost of providing adequate floral decorations for each grave.

I am mindful of the sacrifices made by the men who have served in the armed forces of this country. Practically all of our local governing bodies make annual appropriations for public recognition of our war dead on Memorial Day and sometimes on other holidays. I subscribe to the policy behind legislation designed to assist veterans in readjustment upon their return to civilian life or to alleviate the problems faced by the veterans disabled in service. No county governing bodies have requested this bill. The public funds which would be spent under this bill can be used more effectively in numerous other ways to promote the objectives of our democracy and the welfare of veterans.

In view of the financial crises now being experienced by the local governing units throughout this State, such an additional burden should not be imposed upon the local taxpayers at this time. I sincerely hope that the national veterans' organizations of this State will continue their fine

work in providing suitable decorations for the veterans' graves in cooperation with the counties. The past practice of these organizations has demonstrated a commendable public spirit which is in accord with our basic democratic tenets for providing such a function through private initiative.

I am, therefore, returning Senate Bill No. 152 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 162

To the Senate:

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

This bill provides a pension at one-half of salary for life for any assistant attorney general or deputy attorney general over 60 years of age who has been employed by the State as a full-time lawyer continuously for 25 years, if such person, in the course of his service, was granted tenure by law and subsequently was deprived of such tenure by law. The bill is a patent example of special legislation in the constitutional sense. The criteria for its application neither do, nor were intended to, create any general classification of persons reasonably warranting segregation from all other persons holding such office who are relegated to membership in the State Employees Retirement System on a contributory basis.

The bill is designed to provide a special pension for one particular person and to exclude therefrom all others in the statutory categories of assistant attorneys general, deputy attorneys general, and assistant deputy attorneys general.

The individual in question was eligible for, and, indeed, was a member of the State Employees Retirement System for many years. He withdrew some time ago. Had he remained a member and made the required contributions he would have been entitled, as of July 1, 1954, to retire at a pension of $6,186.00 annually. A number of other persons in the same employment category in the Division of Law have made contributions toward establishment of pension rights for many years and still belong to the system.

Passage of this bill would cost the State $140,000 over the period of the proposed pensioner's life expectancy. It would require a reserve having a present value of $95,077.50.

The present acute fiscal straits of the State also militate against my approval of legislation of this kind.

I am, accordingly, returning Senate Bill No. 162 herewith, without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 172

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 172, for the following reasons:

Under the present law, R. S. 39:5–41, all fines, penalties and forfeitures for violations of the motor vehicle provisions, Title 39, other than those where the complainant is a State officer, are paid to the county as a fund for the construction and maintenance of roads and bridges. This bill would distribute the money so collected, 50% to the county and 50% to the municipality "after payment of costs and fees of prosecution."

The primary objective in enforcing the provisions of Title 39 is to promote the greatest possible safety on our public highways. The fines and penalties imposed by that title are intended to have a deterrent effect upon violators and not to provide revenue for any governmental unit. This bill would reward a municipality in direct proportion to the number of arrests and the amount of the fines in each case. I believe that some municipalities would overemphasize the revenue aspects, not the promotion of traffic safety, and establish so-called "speed traps" in order to shift the expenses of local government upon the unwary, transient motorist. The potential abuse by some municipalities warrants the rejection of this proposal until sufficient safeguards can be established.

I would approve of a distribution of these funds to a municipality based upon the local traffic safety record, but I am aware of no feasible method of establishing such formula. Any amendment to this section should be designed to encourage enforcement of the motor vehicle laws to the benefit of the general public and not only an increase in revenue to particular municipalities.

I must take exception to the provision for distribution "after payment of costs and fees of prosecution". This does not refer to court costs for which provision is made elsewhere. The clause is vague and uncertain; it might even include the cost of operating the municipal police department and of a prosecuting attorney.

I also wish to point out that the taxpayers benefit from the present distribution, and if this bill became law, the counties would be required to obtain the necessary funds to maintain the roads and bridges from the property owners by increased taxation.

Based upon the foregoing reasons, I am obliged to return Senate Bill No. 172 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 178

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 178 for the following reasons:

This bill provides that the board of chosen freeholders in any county of the second class having a population of between 275,000 and 350,000 may by resolution provide that the clerk of the board of chosen freeholders of such county shall have tenure in office, providing he has continuously served as such for a period of not less than 7 years prior to January 1, 1954.

This bill is a clear example of local legislation affecting the internal affairs of counties, contrary to the provisions of the Constitution, Article IV, Section VII, paragraph 9 (13).

The effect of this bill would be to create a special rule for the granting of tenure to clerks of county boards of freeholders in two counties, permitting such clerks to obtain tenure after 7 years of service, while clerks of county boards of freeholders, generally, cannot attain tenure until after 20 years of service as such. There is nothing to distinguish the counties included for such special treatment of their clerks from those excluded, from the standpoint of the general objective of the proposed and existing legislation, i. e. the provision of tenure of office for clerks of boards of freeholders. Double classification of counties on the basis of both statutory class and population within the class has been frequently condemned by the courts.

The bill is doubly objectionable as special because the class of clerks entitled to its benefits is confined by the bill to persons whose 7 years of service was completed prior to January 1, 1954.

The submission of this bill to me is an apt occasion for my pointing out that in the Constitution of 1947 a medium for the constitutional enactment of special or local laws regulating the internal affairs of municipalities and the counties was expressly provided, Article IV, Section VII, paragraph 10. This innovation in our constitutional law

provides that upon petition of the governing body of any municipality or of any county and by vote of two-thirds of all of the members of each House, the Legislature may pass private, special or local laws regulating the internal affairs of the municipality or county. The Constitution further specifies that the manner of petitioning for the passage of such a law and for its adoption by ordinance of the governing body or by vote of the legally qualified voters thereof shall be prescribed by general law. Such a general law has been enacted, P. L. 1948, Chapter 199 (R. S. 1:6–10 et seq.) and is readily available for the effectuation of the local will for special or local laws affecting the internal affairs of any municipality or county.

For the foregoing reasons, I am returning Senate Bill No. 178 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 183

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 183, for the following reasons:

This bill amends R. S. 40:146–2, which provides that all townships with a population in excess of 4,500, except those in sixth class counties, shall have 5 members on the township committee. Those townships of less than 4,500 population are required to have 3 committeemen. The present bill provides that where the effectuation of any census would increase the membership of any township committee from 3 to 5 in a third class county having a population exceeding 100,000, such increase should not be effective until voted upon favorably by the voters of the township at the next election.

The amendment would apply only to two counties, Morris and Burlington. According to the "Final Report of the Joint Legislative Committee to Study the Effect of the 1950 Census on Certain Statutes," submitted June 22, 1952, it appears, in Table 10, p. 36, that 27 townships throughout the state will increase from 3 to 5 township committee members at the next annual election under the existing law, as a result of the effectuation of the 1950 census. The present bill would modify the effect of the application of the 1950 census in respect only to two townships, Pemberton and New Hanover, in Burlington County, to only one, Roxbury, in Morris County, and to no others elsewhere. I know of no basis upon which these three townships reasonably warrant such special treatment as is contemplated by this bill.

Policy considerations may indicate that any increase in the membership of 3 member township committees should be decided by a referendum in all of the affected townships. I would be inclined toward sympathetic consideration of a general provision for that purpose if the Legislature should see fit to pass such a bill.

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

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 190

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 190, for the following reasons:

The present statute, R. S. 53:1–2, which this bill would amend, provides that the Governor, by and with the advice and consent of the Senate, shall appoint the Superintendent of State Police for a term of 5 years. This bill would add the requirement that the Superintendent be selected

"from among those members of the State Police who entered the service of the State Police as troopers after satisfactorily completing the required preliminary training and who have served as lieutenants in the State Police for at least 1 year."

The Superintendent of State Police is, in effect, a division head in the Department of Law and Public Safety and functions at a policy level rather than merely as a ministerial or executive officer. The qualifications for appointment as a member of the State Police do not require the type of ability, experience or judgment which must be expected of an appointee to the position of Superintendent. While some members of the State Police may at any given time possess the qualifications necessary to serve as Superintendent, the Governor should be entitled to make his choice of an appointment to this position from as wide a scope as possible in order to select the most competent man available. It would be contrary to the public interest to impose undue restrictions upon the latitude afforded to the Governor in making such an appointment.

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

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 196

To the Senate:

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

This bill amends R. S. 43:6–3, which was part of the judicial pension statute in existence prior to 1948 (R. S. 43:6–1 et seq.). As a result of the reorganization of the judicial system consequent upon the adoption of the Con-

stitution of 1947, the Legislature adopted the judicial pension act of 1948, P. L. 1948, Chapter 391 (R. S. 43:6–6.4 et seq.). In its prospective operation the 1948 act superseded the earlier statutes on the subject of judicial pensions.

R. S. 43:6–3 permitted retirement at a pension of one-half of salary upon age of 70 and service of not less than 14 years in any one or more of the judicial positions of Chancellor, Chief Justice, Associate Justice of the Supreme Court, judge of the circuit court, judge of the court of common pleas or Vice Chancellor. In the case of a common pleas judge there was a requirement of service on a full-time basis for at least five years, service as a part-time judge counting only at three-fourths of its face amount.

Since all of the judicial offices mentioned have been superseded by the new kinds of judicial positions created by the Judicial Article of the 1947 Constitution, it is apparent that R. S. 43:6–3, as it now stands, cannot authorize the inception of new pensions.

Senate Bill No. 196 amends R. S. 43:6–3 so as to include within the classes of judicial officers specified as qualifying for the pension provided for therein judgeships in the county court (created by the 1947 Constitution) and in the district court. There is no existing general statutory pension plan for county court judges or for district court judges. The effect of the present bill would be to single out certain county court judges and district court judges and to qualify them for pensions not available to either county court judges or district court judges as a class, solely upon the basis of the facts that their service as district court judge or in one of the other capacities mentioned, prior to 1948, added to their service as either county judges or district court judges since 1948, aggregates 14 years and that they are 70 years of age. I am not satisfied that this is a reasonable basis upon which to discriminate in favor of the class thus benefited and against all other county and district court judges now in office.

I am informed that, in the case of one county court judge who could immediately qualify for an $8,000.00 annual pension under this bill, the pension payments required to be paid during his life expectancy would amount to a sum having a present value of $50,672.

In times of fiscal stress such as those which the State is now experiencing it becomes particularly essential that the

State not obligate itself financially other than for purposes clearly valid, justifiable and appropriate.

For the foregoing reasons I am returning Senate Bill No. 196 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 197

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 197 for the following reasons:

This bill provides that any former common pleas judge in a first class county who is more than 70 years of age and has served as such judge for at least 15 years and was not reappointed shall receive a pension of one-half of his salary from the county in which he served.

This bill would in effect, retrospectively create a class for enjoyment of special pensions to certain former common pleas judges. The judges to be benefited were not entitled to such pensions under the terms of the former Judicial Pension Act (R. S. 43:4–1 et seq.) covering certain judicial officers, including common pleas judges, prior to the adoption of the Constitution of 1947. I am aware of no reasonable basis for the selection, from among all of the former common pleas judges who served under the judicial system in existence prior to 1948 and did not qualify for a pension under the general judicial pension statute then in existence, the limited sub-class which would benefit from the present bill.

In its practical application this bill would make a gift of an annuity to persons who for varying periods of time have been separated from the judicial system of this State. The bill partakes of none of the attributes of a general judicial pension statute.

One former judge who would immediately qualify for a pension at the rate of $7,500.00 per year under this bill has a life expectancy which would give him pension rights having a present value of $40,658.00. There is at least one other former judge who may eventually qualify for a pension under this bill when he reaches the age of 70, to the substantial pecuniary expense of one of our counties.

For the foregoing reasons and having in mind the stringent financial circumstances confronting all of our counties, as well as the State, for the foreseeable future, I am returning Senate Bill No. 197 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 205

To the Senate:

I am returning herewith without my approval Senate Bill No. 205 for the following reasons:

This bill, like Senate Bill No. 104, which I have returned today without my approval, seeks to exempt only one county from the recent removal of the "freeze" on the effectuation of the 1950 Federal census by barring (1) any increase or decrease in compensation to any county or municipal officer or employee, (2) the creation of any additional office or employment, and (3) the granting or increase of any pension, because of the taking effect of the 1950 Federal census. The county identifiable by population and county classification in this bill is Mercer.

My reasons for vetoing this special legislation are identical with my reasons for vetoing Senate Bills No. 103 and No. 104 of this session. I reemphasize that I may be willing to approve general legislation, if enacted, revising present statutes to prevent any hardship because of the taking effect of the 1950 Federal census.

Accordingly, I am constrained to return Senate Bill No. 205 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 207

To the Senate:

I am returning herewith without my approval Senate Bill No. 207 for the following reasons:

Senate Bill No. 207 seeks to validate a decree in a foreclosure of a tax sale certificate by one tenant in common to the same effect as if his co-tenants, who were made parties defendant, had separate rather than common interests.

It has been settled law in this State at least since *Roll* vs. *Everett,* 73 N. J. Eq. 697 (E. & A. 1908), that a tenant in common who acquires a tax title holds in part for the benefit of his co-tenants, subject to his right of reimbursement from them. Three reasons are assigned for this principle: (1) that a tenant in common should not profit through his own default in payment of taxes; (2) that his tax title cannot be superior to, and is merged in, his interest as a tenant in common; and (3) the confidential relationship existing between co-tenants.

This bill therefore would have the extraordinary consequence of reposing legal and equitable title in the present holder of bare legal title, after expiration of a mere three-month period of limitations for the institution of an action by a co-tenant. Such a consequence is in my opinion in conflict with basic legal doctrine. A co-tenant who has relied on the existing law that his co-tenant foreclosed the tax sale certificate for his benefit should not have his equitable interest cut off by a newly enacted three-month statute of

limitations, when no period of limitations existed when the equitable interest vested.

I am therefore constrained to return Senate Bill No. 207 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL NO. 214

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 214 for the following reasons:

This bill would amend R. S. 34:15–36, which defines the applicability of the workmen's compensation act, by excluding from the definition of "employees" covered by the act a "person engaged from time to time in rendering services at a race track as a blacksmith or as a jockey, or trainer, and who is not employed generally to exclusively serve a horse owner or horse trader."

The workmen's compensation act was originally conceived to substitute the concept of industrial liability for injuries sustained by employees in connection with their employment, regardless of negligence either by the employer or the employee, for the common law doctrine which limited the liability of the employer to failure to furnish safe conditions of employment and barred liability where the employee was contributorily negligent. The tendency has been toward the widest coverage possible so that industry, rather than government, may bear the cost of human losses incidental to the industrial process.

With the foregoing in mind, R. S. 34:15–36 is a carefully drawn section defining with precision the "employers" and the "employees" made subject to its coverage. There are at present only two classes of employments treated specially in the section, forest fire wardens and fighters employed by the State and sales agents for distributors of

newspapers and magazines. There has developed a fixed body of decisional law construing and interpreting the phraseology of the section.

The present bill would create another class of exempted employees. The language in which the proposed exemption is couched may well unsettle existing judicial constructions of the statutory language defining the scope of coverage of the act.

In my judgment, the question as to whether the classes of employment referred to by the present bill should be covered by the workmen's compensation law ought to be left to the existing statute and judicial construction thereof. I do not approve the express exclusion of employees associated with the racing industry. It is not justified on the merits and might lead to pressure for comparable exclusions of other businesses and industries and a consequent confusion of the law and subversion of the underlying social policy of workmen's compensation.

I am therefore returning Senate Bill No. 214 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 218

To the Senate:

I am returning herewith without my approval Senate Bill No. 218 for the following reasons:

This bill is a supplement to Chapter 276 of the Laws of 1946, which provides for the adoption by referendum of the voters in any county of county park commissions. The present law sets a maximum allotment by the board of chosen freeholders for current expenditures by the park commission of the excess of a sum equal to one-half of a mill on each dollar of the assessed valuation of real property in the county over the amount to be paid by the county

in that year for debt service on the bonds or other obligations issued by the county for park purposes.

The proposed legislation authorizes an increase from one-half to three-fourths of a mill in the formula fixing the maximum appropriation which may be made available to the county park commission. The further expenditure must be specifically approved by referendum. In my judgment there are ambiguities compelling disapproval of Senate Bill No. 218 in the provisions relating to its adoption by the voters.

The bill if enacted is to apply only in counties which have adopted both it and Chapter 276 of the Laws of 1946 by referendum. The bill requires that the referendum shall take place at the next general election after passage of the act or at the next general election at which adoption of the 1946 act shall be submitted, whichever shall first occur. In practical effect this means that in any county which has not yet adopted the 1946 act, the referendum for that purpose and for the adoption of the present act would be simultaneous.

The 1946 act is comprehensive legislation setting out the powers, duties and organization of county park commissions, including the one-half mill limitation aforesaid.

There would unquestionably be appreciable confusion in submitting both propositions to the voters simultaneously. Approval of this bill and rejection of the 1946 act at the same election would leave the county with an authorization for an expenditure according to the three-fourths of a mill formula by a county park commission but without legislation constituting any county park commission. Moreover, approval of both might be construed as an incompatible approval of two inconsistent provisions as to limitations.

It is impossible to say whether enactment of this bill leaves a county which has not yet adopted the 1946 act in a position to choose, at its option, to submit either the one-half mill or the three-fourths mill limitation.

For all of these reasons, I am constrained to return Senate Bill No. 218 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 219

To the Senate:

I am returning herewith without my approval Senate Bill No. 219 for the following reasons:

This bill, like Senate Bill No. 218, is a supplement to Chapter 276 of the Laws of 1946. The statute supplemented fixes the maximum bonded indebtedness of county park commissions appointed thereunder at $1,000,000.00 plus the amount of reserves on hand for the payment of principal.

The proposed legislation authorizes an increase from $1,000,000.00 to $3,000,000.00 in the formula fixing the debt limitation.

The provisions for submitting approval of the increase in indebtedness to the voters are substantially identical with the referendum provisions of Senate Bill No. 218.

For the reasons stated in my message vetoing Senate Bill No. 218, I am constrained to return Senate Bill No. 219 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 238

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 238, for the following reasons:

The existing law provides, in R. S. 56:1–1 et seq., that an original and a duplicate of a trade name certificate be filed with the county clerk upon the payment of a five dollar fee

and that the clerk should then forward the duplicate to the Secretary of State for filing, together with two and a half dollars of the fee. This bill would reverse this procedure and require filing in the first instance with the Secretary of State who would forward a copy and one-half the fee to the county clerk.

I have been advised that the effect of this bill would be to require the employment by the Secretary of State of six to eight additional clerks to handle the filing and mailing of fees and copies of the certificates. At least five hundred additional checks would have to be issued each month, a procedure which would require additional office space, equipment and furniture. It has been estimated that this would cost the State an additional annual expense of $18,000.00. I must also point out that no appropriation has been made to provide the additional funds thus required.

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

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 246

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 246 for the following reasons:

Under the present law, P. L. 1948, chapter 439, section 40, any surplus remaining in any year to the credit of any of the boards or agencies within the Division of Professional Boards, after the annual appropriations have been made, is to be paid into and become part of the General Fund of the State. This bill would amend that section to provide that "at the end of each fiscal year, there shall be placed to the credit of the State Board of Registration and Examination in Dentistry in the State treasury, for the use

of such board, a reserve fund up to but not exceeding $5,000.00 from any such surplus remaining to the credit of said board."

It is my policy to eliminate, whenever practicable, previous practices of reappropriating unexpended balances to the various departments, divisions and agencies. The current annual appropriation act has adopted the same approach and eliminated the bulk of this practice. The present bill would create a single exception to the rule applied to all other professional boards. There is no justifiable basis to warrant such special treatment to the State Board of Registration and Examination in Dentistry.

Accordingly, I am returning Senate Bill No. 246 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 266

To the Senate:

I am returning herewith without my approval Senate Bill No. 266 for the following reason:

This bill singles out one county, Somerset, in authorizing a permissive salary increase up to $7,500.00 per year for the county prosecutor in third class counties of between 95,000 and 125,000 inhabitants under the 1950 Federal census. The Somerset County prosecutor now is entitled to receive $6,500.00 per year because of the removal of the "freeze" on the effectuation of the 1950 Federal census on June 1, 1955.

Special legislation by petition of the governing body of a county is authorized by the Constitution of 1947 (Article IV, Section VII, paragraph 10). That provision has not been invoked in this case. I cannot in conscience approve

legislation which is special in character and has no relationship to any valid differential between Somerset County and other third class counties. I note, for example, that this bill if enacted would enable Somerset County to pay its county prosecutor more than the fixed annual salary of $7,000.00 payable to the county prosecutors of Morris County and Burlington County, both third class counties with substantially greater populations than Somerset County.

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

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1954.

SENATE BILL No. 268

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 268 for the following reasons:

The bill empowers the Governor, with the advice and consent of the Senate, to appoint a juvenile and domestic relations court judge in each county of the second class. Under the statute as it now stands (N. J. S. 2A:4–4, 2A:4–5), the Governor is required to make appointments of such judges in first class counties and may do so in any county having a population of between 305,000 and 370,000. In all other counties the statute provides for the holding of a referendum for the appointment of such a judge upon the petition of 5% of the registered voters of the county or upon the adoption of a resolution of the board of chosen freeholders. In the event of a favorable vote the Governor is required to make such an appointment.

Under the present statute, judges of the juvenile and domestic relations courts have been appointed and are

functioning in the first class counties of Essex and Hudson and in the second class counties of Bergen, Passaic and Union. Approval of Senate Bill No. 268 would permit the appointment of such judges in the counties of Camden, Middlesex and Mercer.

The salaries of such judges are payable by the local board of chosen freeholders in such amount as the board determines. The judge in Essex County is required to function on a full-time basis. In the other counties he is not. Consequently, the approval of the present bill would permit the creation of 3 new part-time judges who would take over juvenile and domestic relations matters which are now handled by the respective county court judges in the counties mentioned.

Modern principles of efficient judicial administration run in the direction of elimination of part-time judicial officers so far as practicable. Approval of the present bill would, therefore, not conform with sound public policy.

It may be further noted that the volume of juvenile and domestic relations matters heard in the larger counties of the State since September 1, 1952 shows a sharp drop in the counties proposed to be affected by this bill as compared with the counties now having special judges to handle these matters.

	Number of Juvenile and Domestic Relations Matters Heard	
County	Sept. 1, 1952 to Aug. 31, 1953	Sept. 1, 1953 to Aug. 31, 1954
Essex	4,775	5,094
Hudson	4,069	4,207
Bergen	3,617	3,902
Union	2,751	3,068
Passaic	2,215	2,603
Middlesex	691	601
Camden	408	628
Mercer	289	370

Serious thought has been given to the advisability of creating a complement of full-time juvenile and domestic relations court judges to hear such matters in all counties of the State. Pending a final determination as to whether such a scheme should be effectuated it would appear inadvisable to extend the presently existing system of part-time judges for such matters to any of the smaller

counties. For the time being, it would seem that the handling of juvenile and domestic relations court matters in such counties as Camden, Mercer and Middlesex would be improved more by expending additional funds to retain qualified and trained personnel in the probation departments to assist the county judges in such work rather than by the appointment of additional part-time judges.

For these reasons I deem it in the public interest to return Senate Bill No. 268 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 270

To the Senate:

I am returning herewith without my approval Senate Bill No. 270 for the following reasons:

Senate Bill No. 270 if enacted would require that payments for unemployment compensation and temporary disability benefits be made from the thirty-six local employment offices instead of from Trenton. The apparent purpose to expedite delivery of benefit checks to claimants is one with which I am in hearty accord.

Under the present law, benefit checks are paid directly from Trenton but with discretionary authority in the Division of Employment Security to prescribe by regulation for payment through local employment offices. To make local payments mandatory would impose an estimated total expense of $43,200 in supplying checkwriting equipment and forms to each local employment office.

At the present time a complete survey of the operations of the Division of Employment Security is under way. Enactment of Senate Bill No. 270 would render useless any

recommendation from the study committee other than for local office payments. There are, in fact, alternative methods for prompt payment which have been adopted in other States and may be determined to be more advantageous. Legislation fixing a practice which requires the decentralization of checkwriting machinery should be deferred pending the recommendations of the study commission. I am not undertaking now to prejudice the ultimate determination.

Accordingly, I must return Senate Bill No. 270 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 273

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 273 for the following reasons:

This bill proposes to amend Section 2A:11–36 of the New Jersey Statutes which deals with the compensation of court attendants. The bill would effect the same mandatory increases of salaries as were sought to be accomplished by Assembly Bill No. 310, and would, in addition, produce mandatory increases for such officers in Camden County.

In returning Assembly Bill No. 310 with my objections for reconsideration by the Assembly earlier this year, I indicated my objection to mandatory salary increases for employees in this category. The Legislature has not yet acted upon the recommendations which I made in that message. Since the present bill would in substance effect the same results as Assembly Bill No. 310, and since I see no reason for changing the views expressed in my message concerning that bill, I cannot approve the present bill.

In addition this bill is objectionable for the reason that changes are effected in classifications of counties based upon population, in accordance with the Federal census of 1940. I have heretofore indicated in other veto messages my disapproval of new legislation based upon any census other than the currently effective Federal census of 1950.

For the foregoing reasons I am returning Senate Bill No. 273 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 277

To the Senate:

I am returning herewith without my approval Senate Bill No. 277 for the following reasons:

This bill would validate an In Rem Tax Foreclosure proceeding pursuant to P. L. 1948, Chapter 96, despite redemption of part of the property described in the tax sale certificate prior to the judgment of foreclosure and omission of any reference to this redemption in the proceeding; the validation would be effective only as to the unredeemed part of the property.

No reference is made in the bill to any apportionment of the property sold for taxes. Chapter 7 of Title 54 details a procedure for apportionment.

In the absence of an apportionment, the extraordinary consequence of this bill would be to make valid a foreclosure in rem, against certain described real property, although other real property which was described in the complaint and similarly foreclosed is exempted totally from the effect of the proceeding.

Because of my serious doubts as to validity of such legislation, I am constrained to return Senate Bill No. 277 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1954.

SENATE BILL No. 282

To the Senate:

I am returning herewith without my approval Senate Bill No. 282 for the following reasons:

Senate Bill No. 282 sets up educational and professional qualifications for admission to the examination for a physician's license, supplemental to those prescribed in R. S. 45:9–6 and 45:9–7. The main divergence from the established requirements, under this bill, is that a graduate of a non-accredited medical school may be entitled to take the medical examination. He must, in addition, have served one year's internship in an approved hospital and have fulfilled one of four conditions:

(1) Service as a resident physician in a governmental hospital for at least ten years, the last three years in New Jersey; or

(2) Service as a resident physician in New Jersey hospitals for an aggregate of five years; or

(3) Honorable service in the medical corps of one of the armed services for at least two years after December 7, 1941; or

(4) Holding a Ph.G degree and a pharmacist's license of this State.

Such legislation is contrary to the purpose of the Medical Practice Act of safeguarding the public against the ad-

mission to practice of physicians who have been graduated from non-approved medical schools. It by-passes the Board of Medical Examiners which has the salutary duty and power to pass on the standing of professional schools and colleges. The additionally specified alternative qualifications for enjoyment of the waiver of graduation from an accredited school are not, in my opinion, adequate substitutions for the requirement eliminated.

I cannot in conscience approve any bill which may lower the standards of medical care, to the injury of the citizens of the State, either in itself or as a precedent for similar special exceptions to the act in the future.

Accordingly, I am constrained to return Senate Bill No. 282 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 311

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 311 for the following reason:

This bill would amend R. S. 40:21–1. That section now provides that no member of a board of chosen freeholders shall, during the term for which he is elected, be eligible for election or appointment to any office or position required to be filled by the board unless he shall resign and cease to be a member of the board 3 months prior to his election or appointment.

Senate Bill No. 311 would amend the statute so as to provide that the restriction recited therein shall not apply to the appointment of a member of a board of chosen freeholders in any county not governed by a small board of freeholders to the position of member of the county board of taxation of such county.

It is apparent that the proposed qualification of the restriction is entirely inapposite. Members of county boards of taxation in all counties are appointed by the Governor, with the advice and consent of the Senate, and not by the boards of chosen freeholders. It is, therefore, purposeless for this bill to attempt to eliminate any supposed restriction upon the power of a board of chosen freeholders in a county not governed by a small board to appoint a member thereof to the county board of taxation. The power does not exist in the first place.

For the foregoing reason I am returning Senate Bill No. 311 herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE BILL No. 321

To the Senate:

I am returning herewith Senate Bill No. 321 without my approval, for the following reasons:

This bill provides that any person more than 67 years of age who has served as a judge of the criminal judicial district court, court of common pleas and county court, in any county of the second class, for a period in excess of 17 years, may receive at the discretion of the board of freeholders of the county in which he has served, an annual pension of one-half of his salary to be paid by the county.

This bill obviously does not purport to constitute general legislation providing for judicial pensions on a uniform basis or to amend any bill of that character. It is designed to provide a pension for a class purportedly general but obviously tailored to specifications which can be met by only one individual. The approval of such a bill would discriminate against county court judges generally for whom there is no existing statutory pension plan.

Notwithstanding that the bill is permissive in nature and a burden only on the county in which the judge served, I do not believe that I am justified in manifesting a lesser regard for considerations of appropriateness or expense in the case of a county than in the case of the State.

At an annual pension of $8,000.00 per year, this bill would call for such payments, during the life expectancy of the judge for whose benefit it was sponsored, as have a present value of $66,744.

For the foregoing reasons I have concluded that Senate Bill No. 321 is neither valid nor in the public interest and I accordingly return it herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1954.

SENATE BILL No. 330

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 330 for the following reasons:

This bill amends R. S. 43:8–2 to provide for an increase in the $2,500.00 annual pension payable to widows of Governors to the sum of $6,000.00 annually. The present law is applicable whether the Governor dies in or subsequent to the expiration of his term of office.

One effect of the present bill would be to require additional payments by way of pension to Governors' widows in amounts which, during the life expectancy of widows now entitled to such payments, would have an aggregate present value of $131,700.00. There would, of course, also be increased obligations in respect to future widows of Governors. As I have stated upon a number of occasions since my inauguration, the fiscal exigencies of the State

are such that no additional financial obligations should be undertaken by the State at this time not clearly and plainly required by the public interest. I am aware of no consideration which brings the subject matter of the present bill within that policy.

Moreover, the act which the present bill amends is one of the few existing provisions for state-aid pensions on a non-contributory basis. I am not in favor of the extension or liberalization of pension benefits of that character.

I am, therefore, returning this bill herewith without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE JOINT RESOLUTION No. 11

To the Senate:

I am returning herewith, without my approval, Senate Joint Resolution No. 11 for the following reasons:

This joint resolution would designate the bridge presently being erected over the Hackensack River on Route U. S. No. 1, as the James F. McKenna Memorial Bridge in recognition of the services rendered by the late Mr. McKenna who distinguished himself in his duties with the New Jersey State Highway Department and who lost his life in the line of duty.

While such a dedication is commendable and laudable, I am presently opposed in principle to dedicating bridges, highways, squares and other landmarks under the jurisdiction of the State Highway Department on a piece-meal basis.

At present a study is being conducted by the Highway Department to establish a uniform system throughout the

State of dedicating such landmarks, which takes into consideration the location and the historical background, as well as the avoidance of confusion by the traveling public in the designation of such projects.

I feel it would be inappropriate to approve this resolution until the pending study is completed by the State Highway Department. At that time the subject matter of this resolution can be given appropriate consideration.

I am, accordingly, constrained to return this joint resolution without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Attest: *Governor.*
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 2, 1954.

SENATE JOINT RESOLUTION No. 14

To the Senate:

I am returning herewith, without my approval, Senate Joint Resolution No. 14 for the following reasons:

The effect of the proposed resolution is to create a State Highway Study Commission to study the State highway system, particularly in reference to the future policy with respect thereto. The Commission would be required to report and give recommendations to the Governor and Legislature. The resolution also allocates $50,000.00 to the Commission from the funds appropriated to the State Highway Department.

The creation of such a Commission would result in a duplication of the work now being performed by the State Highway Department, which has already undertaken such a study as is proposed by this joint resolution.

The increasing traffic demands point up the need for a comprehensive study of our highway system, but I feel that the presently constituted State Highway Department, under

a new Commissioner, has competent and well trained personnel capable of achieving the desired objective.

I have heretofore indicated my interest in long range highway planning and in the plan for a federal-state highway coordination and construction proposed by the President of the United States. I have already discussed this plan with the State Highway Commissioner and a comprehensive plan for the State, based upon those objectives, is being evolved.

In view of the foregoing I do not feel that the proposed expenditure of $50,000.00 by the Highway Study Commission is warranted. Such duplication of services, functions and duties is not conducive to efficient, economical operation of the State Government. In view of the serious financial condition of the State, there does not appear to be any valid reason for depriving the State Highway Department of this sum of money, thereby impairing its essential functions.

I am, therefore, returning Senate Joint Resolution No. 14 without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
November 15, 1954.

SENATE JOINT RESOLUTION No. 17

To the Senate:

I am returning herewith without my approval Senate Joint Resolution No. 17 for the following reasons:

This resolution creates a State Medical-Dental School and Health Center Site Commission for the purpose of investigating and reporting at the opening of the next session of the Legislature as to the most advantageous location for a State Medical-Dental School and Health Center.

This resolution was a companion measure to Senate Bill No. 317, pursuant to which the people voted at the recent election on a referendum for the flotation of a $25,000,000 bond issue to finance the cost of such a project. Since the referendum resulted in a defeat of the proposal there is no present occasion for the activation of the commission.

I am accordingly returning Senate Joint Resolution No. 17 without my approval.

Respectfully,

[SEAL] ROBERT B. MEYNER,
Governor.

Attest:
ROBERT J. BURKHARDT,
Secretary to the Governor.

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			S 311—Permits the appointment to the county board of taxation of a member of freeholder board in counties not governed by a small board of freeholders.	(166)
Courts and Procedure				
A 40—Grants same salary increments to law secretaries in the Law Division of the Superior Court as is now held by such secretaries in the Appellate and Chancery Division.		(5)	A 244—Authorizes the appointment of 1 additional county district court judge in second-class counties, under 325,000 population, having 1 such judge.	(103)
A 310—Increases specified salary schedule for court attendants in certain counties.		(28)	S 2—Grants retirement and pension privileges to any judge of a criminal judicial district court in a second-class county who is a veteran and who ceases to be a judge because of abolition of such courts.	(128)
S 44—Abolishes criminal Judicial district courts in Hudson county.		(49)	S 196—Includes service as a judge of county court or county district court in computation of 14 years of judicial service required for eligibility for pension upon retirement from judicial office at age 70.	(149)

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Courts and Procedure (Continued)				
			S 268—Authorizes the appointment of judges of the juvenile and domestic relations court in all second-class counties.	(160)
			S 273—Changes application of provisions specifying minimum and maximum salary schedules for court attendants depending upon years of service, to counties between 175,000 and 250,000 population, and in counties between 300,000 and 600,000 population.	(163)
			S 321—Provides pension equal to ½ salary for former judicial officer over age 67, with service as judge of criminal judicial district court, judge of common pleas and judge of the county court.	(167)
Crimes				
A 65—Designates as a misdemeanor the misrepresentation of identity or organization affiliation by any person soliciting or collecting contributions on behalf of a charitable organization.		(9)		
A 261—Fixes a minimum penalty for the offense of "mugging."		(25)		
A 358—Amends the Cigarette Tax Act of 1948 to clarify the penalty section for violations.		(30)		
Elections				
S 72—Eliminates requirement in elections law that at least 1 of the newspapers in which county election boards publish names of those to be removed from the registration lists shall be a daily newspaper.		(52)		
Fish and Game				
A 52—Provides that before an initial hunting license is issued that the applicant must undergo a course of training in gun safety.		(6)	A 139—Authorizes Division of Fish and Game to convey title to certain lands in the townships of Roxbury and Jefferson, Morris County, in exchange for the title to certain other lands in Jefferson Township, Morris County.	(98)

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Health				
	A 27—Amends P. L. 1947, c. 262, which regulates and controls the teaching and practicing of nursing.	(1)		
	A 365—Enlarges definition of hospital service plan to include institutions providing hospital care in addition to hospitals.	(31)		
	A 385—Increases the fees for certain optometry certifications.	(35)		
	A 386—Makes sundry amendments to the law regulating the practice of optometry.	(36)		
	S 317—Creates a $25,000,000 State debt to finance construction of a State Medical-Dental School and Health Center subject to the approval of the voters at the next general election.	(79)		
			A 46—Authorizes township committee, upon petition of not less than 50 voters, to create Special Service Districts with power to eliminate mosquito breeding areas therein and develop, maintain and operate lake front, or bathing beaches.	(89)
			A 265—Exempts from public school medical examination any child whose parent or guardian objects thereto on religious grounds, except where child has been exposed to communicable diseases.	(107)
			SJR 17—Creates 8-member State Medical-Dental School and Health Center Site Commission.	(171)
Highways				
			A 30—Adds highway known as Roosevelt Boulevard in Cape May County to State highway system.	(87)
			S 31—Adds specified route in Atlantic County to State highway system.	(130)
			SJR 11—Designates bridge under construction over Hackensack River on U. S. Route No. 1 as the "James F. McKenna Memorial Bridge."	(169)
			SJR 14—Creates 9-member State Highway System Study Commission, to study State highway system particularly with reference to future policy.	(170)
Housing				
	A 57—Authorizes municipalities upon finding that a need for temporary housing still exists, to extend contracts.	(7)		
Insurance				
	A 273—Revises standard fire insurance policy.	(26)		
	A 402—Makes sundry changes in the laws regulating insurance placement by holders of "surplus line insurance broker's licenses."	(41)		

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Navigation				
	CS for S 131—Provides for the regulation of power vessels and motors, and certain boats and craft operating in other than coastal waters.	(59)		
Motor Vehicle				
			A 120—Permits Board of Public Utility Commissioners to prescribe maximum outside width dimensions for omnibuses.	(96)
			A 454—Requires motor vehicle license plates, commencing with next general issue thereof, display words "Garden State."	(120)
			S 150—Defines as "antique motor car" any motor vehicle manufactured before 1926 maintained solely for use in exhibitions.	(141)
			S 172—Requires municipal magistrates forward 50% of fines collected as a result of motor vehicles violations on complaint of other than State officials to county and 50% to municipality wherein fines were collected.	(144)
Pensions				
	A 78—Permits county employees in first-class counties under 800,000, who enter employment after age 45 and prior to age 55 to join pension fund.	(10)	A 129—Permits the Passaic Valley Sewerage Commissioners to provide for employee's retirement benefits and Social Security coverage.	(97)
	A 252—Establishes retirement system for permanent employees of city of Newark, Essex County, by merging 3 existing pension funds.	(14)	A 231—Establishes a contributory retirement and benevolent fund for members of the Inspector Force in the Division of Motor Vehicles and their widows and children.	(100)
	S 81—Deletes specified time limitations within which new entrants to Teachers' Pension and Annuity Fund may purchase credits for prior service.	(55)	A 407—Permits township governing boards, in second-class counties, to retire township employees at age 65, after 25 years' service.	(118)
			S 56—Provides pension equal to ½ annual pay for judge who served on former Court of Errors and Appeals and retires at age 70, with at least 7, but less than 10 years' service.	(131)

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Pensions (continued)				
			S 68—Grants pension of $7,500 to National Guard members who served as Inspector General during any world war, at age 70 and with 20 years' National Guard service.	(133)
			S 75—Authorizes freeholders in third-class counties under 95,000 population, and fourth-class counties, to provide pension for county clerk, surrogate, and sheriff.	(134)
			S 92—Permits county and municipal employees electing to join retirement system prior to July 1, 1955, instead of 1951, to receive credits for prior service.	(135)
			S 162—Provides retirement pension for assistant attorney general and deputy attorney general over age 60 with 25 years' full-time service as such.	(143)
			S 197—Provides annual pension equal to ½ salary for former judges of Court of Common Pleas in first-class counties, at age 70 with at least 15 years' service as judges of such court.	(151)
			S 330—Increases the annual pension for the widows of former New Jersey Governors from $2,500.00 to $6,000.00.	(168)
Police				
S 46—Sets forth provisions for civil service promotional examinations for policemen.		(50)	S 190—Requires Superintendent of State Police be appointed from among members of State Police.	(148)
Prisons				
			A 5—Requires State issuance of uniforms for correction officers at New Jersey State Prison, Prison Farms at Leesburg and Rahway, and Reformatories at Bordentown and Annandale.	(83)
			A 91—Provides that printing in any State prison, penitentiary or reformatory for use of State or any political division thereof, be produced only from hand-set type and hand-fed printing presses.	(91)

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Professions				
			S 282—Specifies qualifications for admission to examination for license to practice medicine and surgery.	(165)
Public Employees				
			A 7—Provides for payment to retiring employees in classified State service of sum equal to daily pay rate multiplied by accumulated sick leave up to 16 weeks, and by ⅗ of any such period in excess of 16 weeks; effective July 1, 1954.	(84)
			A 307—Authorizes disbursing officer for persons holding public office, in other than first-class counties, to make deductions from compensation of such persons for payments to any credit union of such employees chartered under State or Federal credit union laws.	(113)
			A 489—Permits State employees eligible for retirement pursuant to P. L. 1954, c. 84, upon reaching age 70, to remain in service until July 1, 1956, to enable such persons to take full advantage of the provisions of said law.	(125)
			S 16—Adds Fraternal Order of Police, and N. J. State Patrolmen's Benevolent Association to list of organizations whose representatives in State, county or municipal service are permitted leaves of absence with pay to attend their State or national conventions.	(129)
Public Utilities				
S 32—Authorizes municipalities to purchase rights-of-way of street railway companies over public highways of municipalities without appropriating the entire sum for improvement of the rights-of-way in 1 year.		(48)		
Racing				
S 225—Authorizes State Racing Commission to control and approve the ownership of all stock in race track corporations regardless of amount.		(71)		
S 226—Requires race track corporations to list all stockholders regardless of amount of stock held.		(73)		

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Real Estate				
	S 93—Amends section 2A:162–5 of the New Jersey Statutes to extend the 6-year statute of limitations on the enforcement of forfeited bail to claims against surety companies.	(56)		
Salaries				
	S 113—Provides that assistant deputy attorneys-general who now have tenure in the Department of Law and Public Safety shall hereafter receive salaries set by the Attorney-General.	(57)	A 375—Fixes salaries of identification bureau personnel, in sheriffs' offices of counties over 325,000 population according to 1940 census, other than first-class counties.	(116)
	S 318—Establishes schedule of salary ranges for State employees for fiscal year 1954-1955.	(79)	A 421—Requires all air common carriers, holding a certificate of convenience and necessity issued by the Federal Government, to pay their employees semimonthly.	(119)
			S 266—Authorizes freeholders in third-class counties between 95,000 and 125,000 population to increase salary of prosecutor to $7,500 maximum.	(159)
Schools and School Districts				
			A 33—Authorizes school district education boards to acquire facilities for schools by lease, with or without option to buy.	(88)
			A 250—Changes the basis for apportionment of State aid to school districts to $94 for each elementary pupil, instead of $2,350.00 for each approved special class of the district; effective July 1, 1954.	(105)
State Government				
	A 194—Requires the State registrar to make semiannual, instead of annual, certification of vital statistics to the treasurer of each incorporated political subdivision comprising a registration district.	(13)	S 246—Requires a reserve fund not exceeding $5,000.00 be maintained in State Treasury to the credit of State Board of Registrations and Examinations in Dentistry, from any surplus remaining to credit of such board at end of fiscal year.	(158)
	S 123—Authorizes conveyance of State lands lying in Point Pleasant, Ocean County, to Tillie Burley.	(58)		
	S 243—Clarifies the powers and duties of the Shell Fisheries Council.	(74)		

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Trusts and Estates				
	A 466—Vests certain personal property of one William McCorkell, deceased, in one Thomas Lynch and others.	(45)	A 459—Requires that person named as residuary legatee in will be granted administration with will annexed of personal estate of testator, where no executor is named in will.	(122)
Unemployment Compensation				
			S 270—Requires payment of unemployment compensation and temporary disability benefits by local employment offices, rather than from Trenton; effective January 1, 1955.	(162)
Validation Acts				
	A 434—Validates private sale of municipal tax certificate made prior to January 1, 1952, notwithstanding sale was made for sum less than total amount of municipal earnings against real estate described.	(43)	A 340—Validates municipal tax sale foreclosure decree where title or caption of proceedings fail to list all the parties defendant or fails to designate specifically the lots sought to be foreclosed against.	(114)
	S 144—Validates municipal land sales pursuant to ordinances providing minimum prices without conditions and minimum prices to veterans with conditions.	(66)	S 142—Validates municipal tax sale foreclosure decree where complaint set forth name of executor or devisee holding interests in land or person having acquired interest therein by deed or descent.	(140)
	S 145—Validates municipal land sales at public auction or private sale where ordinance failed to state an expiration date.	(67)	S 207—Validates municipal tax sale certificate foreclosure decree entered in former Court of Chancery and instituted by a tenant in common with one or more cotenants, who were made defendants in such action.	(153)
	S 167—Validates municipal tax sale foreclosure decree where tax foreclosure list did not include full amount of all tax liens accruing subsequent to tax sale.	(69)	S 277—Validates municipal tax sale foreclosure proceedings where tax sale certificate contained reference to land originally included in such certificate but later redeemed leaving a part thereof unredeemed.	(164)
	S 169—Validates proceedings of education boards taken to sell or dispose of any of its real estate.	(70)		
	S 315—Validates municipal sale of real property in certain cases although the last public advertisement of the sale was made more than 7 days preceding.	(78)		

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Veterans				
			S 152—Requires supervisors of veterans' interment to decorate veterans' graves on Memorial Day with flowers and emblematic flagholders, in addition to flags.	(142)
Workmen's Compensation				
			S 214—Provides that persons employed at race tracks as blacksmiths, jockeys or trainers, shall not be considered employees within the scope of the Workmen's Compensation Act.	(154)