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1987

PUBLIC HEARING

before

ASSEMBLY SELECT COMMITTEE ON VETERANS' AFFAIRS

ASSEMBLY BILL 3527

(This bill establishes a Department of Veterans' Affairs
in the Executive Branch of State Government)

January 22, 1987
Room 341
State House Annex
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Peter J. Genova, Chairman
Assemblywoman Dolores Cooper, Vice Chairperson
Assemblyman Paul DiGaetano
Assemblyman D. Bennett Mazur
Assemblyman Thomas H. Paterniti

ALSO PRESENT:

Brian S. Volz
Office of Legislative Services
Aide, Assembly Select Committee
on Veterans' Affairs

* * * * *

Hearing Recorded and Transcribed by
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New Jersey State Legislature
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NOTICE OF PUBLIC HEARING

January 13, 1987

The Assembly Select Committee on Veterans' Affairs will hold a Public Hearing on the creation of a Department of Veterans' Affairs on Thursday, January 22, 1987, at 10:00 A.M. in Room 341 of the State House Annex, Trenton.

Anyone wishing to testify should contact Brian Volz, Aide to the Committee, at (609) 292-9106.

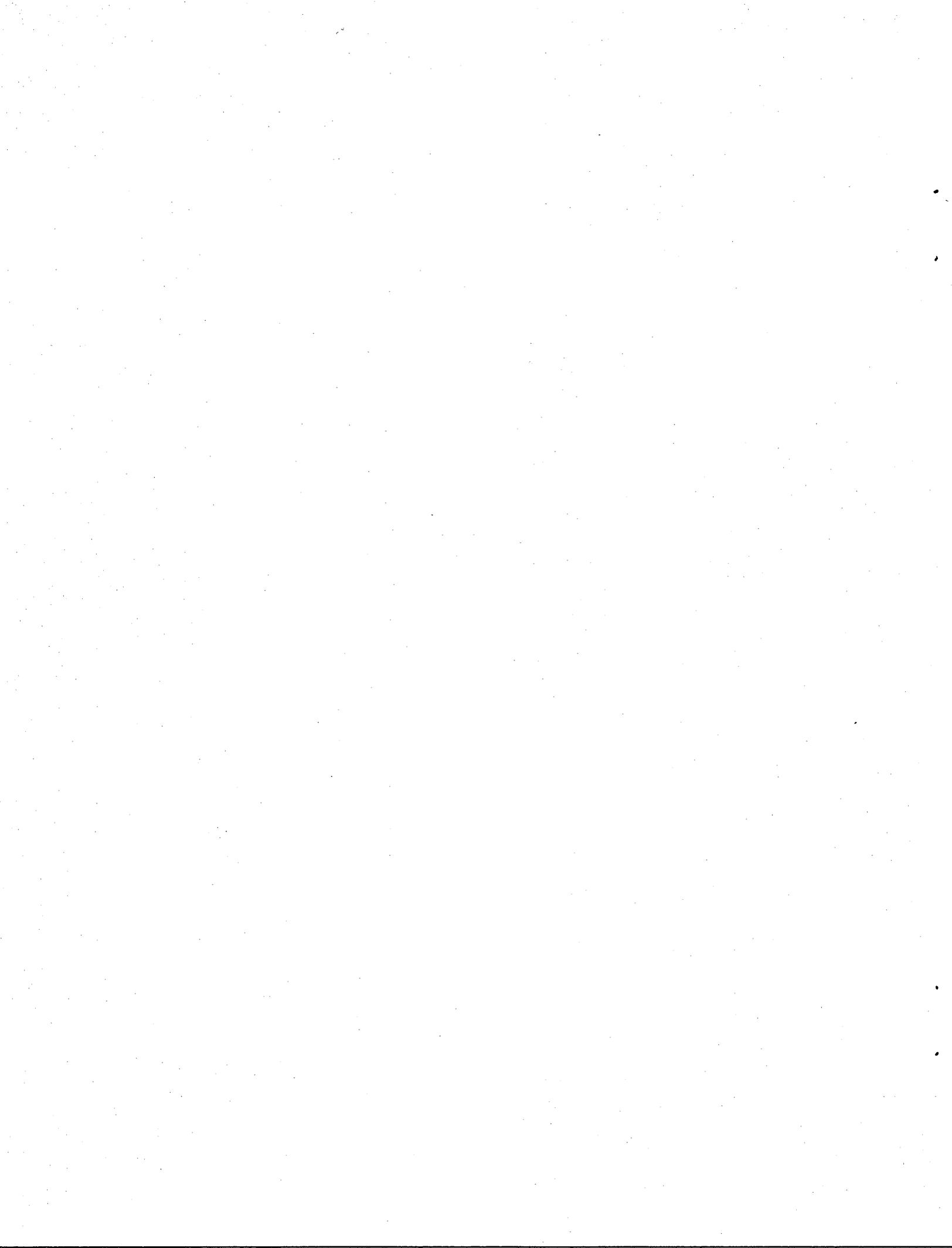


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ASSEMBLY, No. 3527

STATE OF NEW JERSEY

INTRODUCED DECEMBER 18, 1986

By Assemblyman GENOVA, Assemblywoman COOPER, Assemblymen Colburn, Littell, Villane, Assemblywoman Donovan, Assemblymen Marsella, Rooney, Schuber, Bennett, Assemblywoman Smith, Assemblymen Azzolina, Loveys, Palaia, Kelly, Assemblywoman Crecco, Assemblymen Zecker, Schwartz, DiGaetano, Hendrickson, Paterniti, Pellecchia, Baer, McEnroe, Hudak, Bocchini, Muziani, Assemblywoman Ogden, Assemblymen Kline, Shinn, Riley, Rafferty, Chinnici, Martin, Miller, Gargiulo, Moran, Dario, Catrillo, Arango, Singer, Collins, Assemblywomen Kalik, Randall, Garvin, Assemblymen Deverin, Girgenti, Zangari, Rocco, Haytaian, Felice, Mazur, Foy, Pelly, Smith, Otlowski, Naples, Penn and Kavanaugh

AN ACT establishing a Department of Veterans' Affairs as a principal department in the Executive Branch of State government, amending P. L. 1948, c. 448, and P. L. 1979, c. 443, supplementing chapter 52 of the Revised Statutes repealing sections 40 through 45 of P. L. 1944, c. 85, and making an appropriation therefor.

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

1 1. (New section) This act shall be known and may be cited as
2 the "New Jersey Veterans' Affairs Department Act."

1 2. (New section) The Legislature finds and declares:

2 a. Since the establishment of this State more than 200 years
3 ago, New Jersey's veterans have maintained their proud allegiance
4 to the United States and have fought and died to preserve and
5 protect our freedom and way of life;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

6 b. Presently there are approximately 900,000 veterans residing
7 in New Jersey, including more than 10,000 World War I veterans,
8 406,000 World War II veterans, 202,000 veterans of the Korean
9 conflict, 203,000 veterans of the Vietnam conflict, 30,000 women
10 veterans, and veterans of the Lebanon and Grenada peacekeeping
11 missions;

12 c. The Departments of Higher Education, Human Services,
13 Labor, and Treasury provide special services and benefits to these
14 veterans and their dependents;

15 d. The Department of Human Services, which is the principal
16 government agency that serves this State's veterans, has done an
17 especially commendable job attending to this special group of resi-
18 dents;

19 e. Yet while 23 states in the United States have a separate
20 cabinet-level Department of Veterans' Affairs, New Jersey lacks
21 an executive department which is concerned solely with the needs
22 and problems of veterans in this State;

23 f. It is in the public interest to incorporate all services and pro-
24 grams which pertain specifically to veterans and their dependents
25 into a single executive department which can serve their needs more
26 efficiently than is possible at present.

1 3. (New section) As used in this act:

2 a. "Commissioner" means the Commissioner of the Department
3 of Veterans' Affairs;

4 b. "Department" means the Department of Veterans' Affairs
5 established by this act.

1 4. (New section) There is established in the Executive Branch
2 of the State government a principal department which shall be
3 known as the Department of Veterans' Affairs.

1 5. (New section) The Division of Veterans' Programs and
2 Special Services in the Department of Human Services, established
3 pursuant to section 40 of P. L. 1944, c. 85 (C. 52:27C-40), is
4 abolished and the division together with all its functions, powers,
5 duties and employees is reconstituted as the Department of Vet-
6 erans' Affairs established pursuant to this act.

1 6. (New section) The administrator and head of the department
2 shall be a commissioner, who shall be known as the Commissioner
3 of Veterans' Affairs, and who shall be a war veteran qualified by
4 training and experience to perform the duties of his office. The
5 commissioner shall be appointed by the Governor with the advice
6 and consent of the Senate and shall serve at the pleasure of the
7 Governor during the Governor's term of office and until the ap-

8 pointment and qualification of the commissioner's successor. He
9 shall devote his entire time to the duties of his office and shall
10 receive such salary as shall be provided by law. Any vacancy
11 occurring in the office of the commissioner shall be filled in the
12 same manner as the original appointment.

1 7. (New section) The commissioner, as head of the department,
2 shall have all of the functions, powers and duties heretofore vested
3 in the Director of the Division of Veterans' Programs and Special
4 Services and shall, in addition to the functions, powers and duties
5 invested in him by this act or by any other law:

6 a. Administer the work of the department;

7 b. Appoint and remove officers and other personnel employed
8 within the department, subject to the provisions of Title 11A of
9 the New Jersey Statutes, and other applicable statutes, except as
10 herein otherwise specifically provided;

11 c. Have authority to organize and maintain an administrative
12 division and to assign to employment therein secretarial, clerical
13 and other assistants in the department of his office and the internal
14 operations of the department may require, in accordance with Title
15 11A of the New Jersey Statutes;

16 d. Perform, exercise and discharge the functions, powers and
17 duties of the department through such divisions as may be estab-
18 lished by this act or otherwise by law;

19 e. Organize the work of the department in divisions, not incon-
20 sistent with the provisions of this act, and in bureaus and other
21 organizational units as he may determine to be necessary for
22 efficient and effective operation;

23 f. Adopt, issue and promulgate, in the name of the department,
24 pursuant to the "Administrative Procedure Act," P. L. 1968, c. 410
25 (C. 52:14B-1 et seq.), such rules and regulations as may be autho-
26 rized by law;

27 g. Formulate and adopt rules and regulations for the efficient
28 conduct of the work and general administration of the department,
29 its officers and employees;

30 h. Institute or cause to be instituted legal proceedings or pro-
31 cesses as necessary to properly enforce and give effect to any of
32 his powers or duties;

33 i. Make an annual report to the Governor and to the Legislature
34 of the department's operations, and render other reports as the
35 Governor shall from time to time request or as may be required by
36 law;

37 j. Coordinate the activities of the department, and the several
38 divisions and other agencies therein, in a manner designed to
39 eliminate overlapping and duplicative functions;

40 k. Integrate within the department, so far as practicable, all
41 staff services of the department and of the several divisions and
42 other agencies therein;

43 l. Have access to all relevant files and records of other State
44 agencies and require any officer or employee therein to provide
45 information as necessary to assist in the performance of the func-
46 tions of the department;

47 m. Maintain suitable headquarters for the department and such
48 other quarters as he shall deem necessary to the proper functioning
49 of the department; and

50 n. Perform such other functions as may be prescribed in this act
51 or by any other law.

1 8. (New section) The commissioner may apply for and accept
2 on behalf of the State any grants from the federal government or
3 any agency thereof, or from any foundation, corporation, associa-
4 tion or individual, and may comply with the terms, conditions and
5 limitations thereof, for any purposes of the department. Any
6 money so received may be expended by the department, subject to
7 any limitations imposed in such grants to effect any of the purposes
8 of the department, as the case may be, upon warrant of the Director
9 of the Division of Budget and Accounting of the Department of
10 the Treasury on vouchers certified and approved by the com-
11 missioner. The power herein granted shall be in addition to and
12 shall in no way limit the authority granted to the commissioner
13 by this act or any other existing law.

1 9. (New section) The commissioner shall appoint a deputy com-
2 missioner, who shall be designated to perform all of the powers,
3 functions and duties of the commissioner during the absence or
4 disability of the commissioner, and who shall perform such other
5 duties as are assigned by the commissioner. Such appointment
6 shall be subject to the approval of the Governor and shall be filed
7 with the Secretary of State. The deputy commissioner shall be a
8 person qualified by training and experience to perform the duties
9 of the office.

1 10. (New section) The department and the commissioner through
2 the deputy commissioner, the directors, divisions, bureaus and
3 offices shall administer the following principal functions:

4 a. The supervision and operation of State veterans' homes and
5 cemeteries;

6 b. The supervision and operation of the liaison office and the
7 field offices which serve the federal Veterans' Affairs Medical
8 Centers;

9 c. The application for federal grants and programs;

10 d. The administration of federally-funded educational assis-
11 tance programs and education grants;

12 e. The administration of federally-funded training and reha-
13 bilitation programs; and

14 f. The provision of current information to the general public
15 on State and federal veterans' programs and benefits.

16 However, nothing in this section shall be construed as affecting
17 or derogating from any provisions of law giving functions, powers
18 and duties in these areas to other departments or agencies as
19 giving additional functions, powers and duties to the commissioner
20 or the department.

1 11. (New section) The department shall organize and administer
2 a program of voluntary commitments by employers throughout
3 the State to participate in a plan of veterans' preference in
4 private employment and reemployment.

1 12. (New section) The plan of veterans' preference in private
2 employment shall provide for the fixing of a quota of veterans
3 by the commissioner for all participating employers, but may not
4 require any employed worker to be discharged. The plan shall
5 also provide for the classification of disabled veterans in occu-
6 pations for which they would not be handicapped, and for first
7 preference in such occupations for such disabled veterans.

1 13. (New section) In the organization and administration of the
2 employment quota preference plan, the commissioner, through
3 appropriate federal, State and local agencies, shall:

4 a. Enroll employers who voluntarily commit themselves to the
5 plan and certify the right of such employers to approved forms
6 of public recognition;

7 b. Register veterans desiring employment, according to their
8 occupational experience and capacities;

9 c. Register labor unions which are willing to participate through
10 appropriate adjustment of their membership and other require-
11 ments, and certify the right of such unions to approved forms
12 of public recognition;

13 d. Receive requests for workers from all participating em-
14 ployers; and

15 e. Either refer qualified veterans (with preference to the dis-
16 abled) in response to such requisitions or certify that veterans

1 14. (New section) The department shall review and approve
2 or disapprove all policies and work programs of State depart-
3 ments, agencies and instrumentalities relating to war veterans'
4 welfare, services or activities. No such activity or work program
5 shall be undertaken or continued after disapproval by the de-
6 partment without specific authorization from the Governor.

1 15. (New section) The Veteran Services Council, established
2 pursuant to P. L. 1948, c. 448 (C. 13:1B-20), together with all its
3 powers, functions and duties, is continued and transferred to the
4 Department of Veterans' Affairs. This act shall not affect the
5 terms of office of the present members of the commission, except
6 that if there are less than two women members of the council
7 following the enactment of this 1987 amendatory and supple-
8 mentary act, the Governor shall appoint such members upon the
9 expiration of the terms of two male members.

1 16. Section 22 of P. L. 1948, c. 448 (C. 13:1B-20) is amended
2 to read as follows:

3 22. There shall be within the **【Division of Veterans' Services】**
4 *Department of Veterans' Affairs*, a Veterans' Services Council
5 which shall consist of nine members *and shall include no less than*
6 *two women*. Each member of the council shall be a war veteran,
7 and shall be appointed by the Governor, with the advice and con-
8 sent of the Senate, for a term of four years and shall serve until
9 his successor has been appointed and has qualified, except that
10 of the first appointments hereunder, two shall be for a term of
11 one year, two for two years, two for three years, and three for
12 four years.

13 Each Governor shall designate one of the members of the
14 council as chairman of such council. Any member of the council
15 so designated shall serve as such chairman at the pleasure of the
16 Governor designating him and until his successor has been desig-
17 nated. The chairman of the council shall be its presiding officer.

18 Any vacancies in the membership of said council occurring other
19 than by expiration of term shall be filled by the Governor, with
20 the advice and consent of the Senate, for the unexpired term only.
21 Any member of the council may be removed from office by the
22 Governor, for cause, upon notice and opportunity to be heard.

23 The members of the council shall serve without compensation
24 but shall be reimbursed for necessary expenses incurred in the
25 performance of their duties.

1 17. (New section) The MIA-POW Dependents Educational Pro-
2 gram, established pursuant to P. L. 1975, c. 331 (C. 18A:71-61

3 et seq.), shall be administered by the Department of Veterans'
4 Affairs.

1 18. (New section) The Veterans' Tuition Credit Program,
2 established pursuant to P. L. 1975, c. 356 (C. 18A:71-64 et seq.),
3 shall be administered by the Department of Veterans' Affairs.

1 19. (New section) The Vietnam Veteran Tuition Aid Program,
2 established pursuant to P. L. 1985, c. 114 (C. 18A:71-76.1 et seq.),
3 shall be administered by the Department of Veterans' Affairs.

1 20. (New section) The Veterans' Facilities Council, established
2 pursuant to P. L. 1971, c. 344 (C. 30:6AA-11 et seq.), together
3 with all its powers, functions and duties, is continued and trans-
4 ferred to the Department of Veterans' Affairs. This act shall
5 not affect the terms of office of the present members of the council.

1 21. (New section) The Blind Veterans' Allowance Program,
2 established pursuant to R. S. 38:18-1 et seq., shall be adminis-
3 tered by the Department of Veterans' Affairs.

1 22. (New section) The Paraplegic and Hemiplegic Veterans'
2 Allowance Program, established pursuant to P. L. 1947, c. 263
3 (C. 38:18A-1 et seq.), shall be administered by the Department
4 of Veterans' Affairs.

1 23. (New section) The program of Veterans' Orphans Educa-
2 tion Grants, established pursuant to R. S. 38:20-1 et seq., shall
3 be administered by the Department of Veterans' Affairs.

1 24. (New section) The veterans' loan authority, established
2 pursuant to P. L. 1944, c. 126 (C. 38:23B-1 et seq.), together with
3 all its functions, powers and duties, is continued and transferred
4 to the Department of Veterans' Affairs.

1 25. (New section) The Vietnam Veterans' Memorial Committee,
2 established pursuant to section 2 of P. L. 1985, c. 494, together
3 with all its powers, functions and duties, is continued and trans-
4 ferred to the Department of Veterans' Affairs. The act shall not
5 affect the terms of office of the present members of the commission.

1 26. (New section) The New Jersey Veterans' Cemetery at Arney-
2 town, built in part of funds appropriated pursuant to P. L. 1985,
3 c. 149, shall be administered by the Department of Veterans'
4 Affairs.

1 27. (New section) The Vietnam Veterans' Special Services
2 Council and the Vietnam Veterans' Outreach Program, first
3 funded by State monies during fiscal year 1984 pursuant to P. L.
4 1983, c. 240, together with the council's functions and duties,
5 shall be administered by the Department of Veterans' Affairs.

1 28. (New section) The Agent Orange Commission, established
 2 pursuant to P. L. 1979, c. 443, together with its powers, functions
 3 and duties, is continued and transferred to the Department of
 4 Veterans' Affairs. This act shall not affect the goals of the com-
 5 mission or the terms of office of its members.

1 29. Section 3 of P. L. 1979, c. 443 is amended to read as follows:

2 3. There is established *in the Department of Veterans' Affairs*
 3 an Agent Orange Commission which shall be composed of seven
 4 members to be appointed by the Governor of whom at least four
 5 shall be Vietnam era veterans. The members of the commission
 6 shall serve without compensation but shall be entitled to reim-
 7 bursement by the commission for expenses necessarily incurred
 8 in the performance of their duties. The commission shall employ
 9 an executive director and such clerical support as is necessary
 10 to effectuate the purposes of this act.

1 30. Section 5 of P. L. 1979, c. 443 is amended to read as follows:

2 5. The Division of [Veterans Programs and Special Services in
 3 the Department of Human Services] *Loans, Grants and Services*
 4 *in the Department of Veterans' Affairs* shall render all assistance
 5 requested by the commission to effectuate the purposes of this act.

1 31. (New section) There is established in the department a
 2 Division of Administrative Services, a Division of Loans, Grants
 3 and Services, and a Division of Education, Training and Infor-
 4 mation.

1 32. (New section) The Division of Administrative Services shall:

2 a. Provide centralized support to all segments of the depart-
 3 ment, including budgeting, personnel administration and oversight
 4 of equal opportunity programs;

5 b. Supervise and operate the State Veterans' homes at Menlo
 6 Park, Vineland and Paramus; and

7 c. Supervise and operate the New Jersey Veterans' Cemetery
 8 at Arneytown.

1 33. (New section) The Division of Administrative Services
 2 shall be under the immediate supervision of a director who shall
 3 be a veteran qualified by training and experience to direct the
 4 work of the division. The director shall be appointed by the
 5 commissioner with the approval of the Governor, and shall serve
 6 at the pleasure of the commissioner.

1 34. (New section) The Division of Loans, Grants and Services
 2 shall:

3 a. Administer the Blind Veterans' Allowance Program;

4 b. Administer the Paraplegic and Hemiplegic Allowance Pro-
 5 gram;

- 6 c. Maintain a continuous liaison with the Association of Blind
7 Veterans and other similar State and national veterans' associa-
8 tions and organizations;
- 9 d. Provide all necessary assistance to the Agent Orange Com-
10 mission;
- 11 e. Administer the veterans' loan authority;
- 12 f. Supervise and operate the liaison and field offices which
13 serve the federal Veterans' Administration Centers at Lyons and
14 East Orange;
- 15 g. Administer the program of voluntary commitments by em-
16 ployers to participate in a plan of veterans' preference in private
17 employment; and
- 18 h. Compete for all grants, private and federal, that would fund
19 programs to benefit the State's veterans and their dependents.

1 35. (New section) The Division of Loans, Grants and Services
2 shall be under the immediate supervision of a director who shall
3 be a veteran qualified by training and experience to direct the
4 work of the division. The director shall be appointed by the com-
5 missioner, with the approval of the Governor, and shall serve
6 at the pleasure of the commissioner.

1 36. (New section) The Division of Education, Training and
2 Information shall:

- 3 a. Administer the federally-funded Veterans' Educational Assis-
4 tance Program;
- 5 b. Administer the Veterans' Orphans Fund Educational Grant;
- 6 c. Administer the Vietnam Veterans' Tuition Aid Program;
- 7 d. Administer the Veterans' Tuition Credit Program;
- 8 e. Administer the MIA-POW Dependents Educational Program;
- 9 f. Administer the operations of the Vietnam Veterans' Special
10 Services Council and the Vietnam Veterans' Outreach Program;
- 11 g. Administer all other federal and State training and rehabili-
12 tation programs; and
- 13 h. Provide current information to the general public on federal
14 and State veterans' programs and benefits.

1 37. (New section) The Division of Education, Training and In-
2 formation shall be under the immediate supervision of a director
3 who shall be a veteran qualified by training and experience to
4 direct the work of the division. The director shall be appointed
5 by the commissioner, with the approval of the Governor, and
6 shall serve at the pleasure of the commissioner.

1 38. (New section) Each director shall receive such salary as
2 may be established by the commissioner with the approval of

3 the Commissioner of Personnel and the Director of the Division
4 of Budget and Accounting.

1 39. (New section) In the event that a director is appointed
2 from persons holding positions in the classified service of the
3 State, the director shall retain, during his or her tenure in such
4 positions, any rights or protection provided that person by Title
5 11A, Civil Service, of the New Jersey Statutes or any pension
6 law or retirement system.

1 40. (New section) Sections 40 through 45 of P. L. 1944, c. 85
2 (C. 52:27C-40 to 52:27C-45) are repealed.

1 41. (New section) The transfers directed by this act, except
2 as otherwise provided herein, shall be made in accordance with
3 the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1
4 et seq.).

1 42. (New section) In addition to the funds transferred to the
2 department by this act, there is appropriated the sum of
3 \$1,000,000.00, or as much thereof as may be necessary, from the
4 General Fund to be allocated for the implementation of this act.

1 43. This act shall take effect upon the enactment into law of
2 P. L. , c. (C.) (now pending before the
3 Legislature as Assembly Bill No. 2019 of 1986).

STATEMENT

This bill establishes a Department of Veterans' Affairs as a principal department in the Executive Branch of State Government. The current Division of Veterans' Programs and Special Services, located in the Department of Human Services, is abolished and reconstituted as the nucleus of the new Department of Veterans' Affairs. The bill is made contingent on the enactment of Assembly Bill No. 2019 of 1986 which abolishes the Department of Energy.

VETERANS

Establishes a Department of Veterans' Affairs, appropriates \$1,000,000.

ASSEMBLYMAN PETER J. GENOVA (Chairman): Good morning everyone. We're going to start this Committee hearing. We have some members who have some other commitments and Assemblyman DiGaetano has a commitment at 10:30. So, we'll just move it along.

As most of you know, this particular hearing is to receive comments from the public regarding Assembly Bill A-3527 which establishes the Department of Veterans' Affairs in the State of New Jersey. The bill was introduced in the New Jersey State Assembly on December 18, 1986.

We will be conducting hearings throughout the State of New Jersey as we have done with other pieces of legislation to receive some type of input from the public. We hope that there will be a public move to endorse this through the various veterans' organizations throughout the State.

We have three people who have notified the staff that they would like to testify on the bill. At this time I'd like to call Mr. Louis Medvid, who does not represent any organization. Mr. Medvid, your name address, please, and no organization.

L O U I S M E D V I D: My name is Louis Medvid. I reside at 219 Platt Avenue, Wrightstown, New Jersey. I am a disabled veteran and a senior citizen. I just happen to see this on the agenda when I picked up a bulletin so I'm not really prepared but I would just like to make some comments on my own experiences as a veteran.

I have found that the organizations that are supposed to represent veterans are not doing a real good job in this particular area. It seems to me that there is a lot of favoritism and partiality being shown.

If you have two veterans with identical problems, I have found that one individual might get the benefits due him under the statutes that are in existence both on the Federal and State level, and the other veteran might not get the same

consideration. It seems that there's a lot of favoritism shown. If a department is set up, I would like to see a department set up with the power to investigate complaints of veterans because from my own experience, I've spent considerable time and money fighting for benefits that were due to my wife, who was also a veteran who is deceased due to cancer which was service connected. In her lifetime she received no benefits at all, and upon her death it seemed like there was one obstacle after another placed in my path to receive the consideration that the law intended to provide.

I don't think that a veteran should be subjected to this sort of treatment, nor should he go into his resources or retirement nest egg that my wife and I were working towards and expend these funds, in order to get benefits that legally were provided by law. The Department, I would hope, would have some kind of power to investigate complaints that are registered against the Department of Veterans' Affairs located in Newark, New Jersey. I find that there is discrimination there and it's quite rampant.

I've had experiences where they have lied to me when I appeared before the Committee in Newark, and it's this sort of thing that I feel the Department of Veterans' Affairs would be of great assistance to individual veterans because even though I am a veteran and I've joined many of these organizations, I have found that the feeling is, "Well, I've got mine, and I'm not concerned with your problem." And they politely brush you off.

I've gone to organizations; I've even gone to this organization here that provided this free. They were very enthusiastic initially, and then suddenly they cooled off and they didn't want to pursue it any further. This is the sort of thing that should be looked into by any Veterans' Affairs--

ASSEMBLYMAN GENOVA: Who are you referring to now? Which group? Who cooled off?

MR. MEDVID: Mr. Wilson here. I went to him personally, and he was very enthusiastic initially, but then he cooled off towards the end, and I didn't have much support. I also found the same thing with the national service officer for the Veterans of Foreign Wars up in Newark. He started off like a house-a-fire and really was going to fight for my benefits, and then suddenly he cooled off.

I found that same experience with the American Legion, the VFW, and the DAV. So, I'm thoroughly disenchanted with all veterans' organizations. And if the State-- If you people see fit and will proceed with a Department of Veterans' Affairs, I would like to see done -- that they will comply with the laws under Code 38 which is a Federal-- It pertains to veterans' benefits.

Because as it stands now, there are violations after violations, as regarding my own particular case and my wife's case when she was living and never received one bit of consideration. The facts were there -- it was spelled out -- and I don't have the resources.

No veteran in his own right has the resources; not after you served for holy wages with the idea that you were going to get certain benefits when you retired -- and if you had disabilities, they would look after your welfare, and you find out that this is not so.

I've had numerous experiences, but I don't want to go into all individual problems that I encountered because it would take a good day for me to go through all the information that I have. But someday I would like to. Whoever is doing this, or whenever the Department is set up, I would like to have my case thoroughly reviewed and find out some of the violations that I experienced. And I'll just go on to one that is an outright violation.

My wife was dead and buried. A year and a half after her death I received a letter from the Veterans' Hospital in Philadelphia wanting to know if my wife was still in need of aid and attendant benefits. I was shocked because she had never received, nor had I ever received, a check for aid and attendant benefits.

So, I say, "Well okay. I'll go down to the hospital." I went down there and I said that I would like to speak to the commander of the hospital. They said, "Why?" I said that I have letter that's inquiring as to was my wife still in need of aid and attendance, which would indicate that she was entitled to it and somebody was getting it; and somebody was getting it and they were paying it.

Well, the commander wasn't there. So eventually, another big fellow came out. He was a real tall man, broad shoulders, and he came out and said, "What's the problem?" and I told him. So he said, "Let me see the letter." So, I showed him the letter. He said, "Oh. Let me check this out." He walked in the back room -- in a back office somewhere -- and he came back out 15 minutes later and he said, "Oh, that's all a mistake." I said, "Okay, let me have my letter back." He wouldn't return the letter. And he walked me out of the hospital. He said, "We'll take care of it. It was all a mistake."

I've spoken to different people and nobody has been able to investigate. Now in the VA problem, and now it's set up now on the Federal level, they have their own investigative branch. They investigate themselves, and any agency that investigates themselves is going to have a tendency to sweep under the rug violations that occur.

I'll mention just one more and then I won't take any more of you time. By accident, I have found that the Mayor of Wrightstown was receiving property tax exemptions as a veteran. Well, I wasn't sure if this man ever served a day in

his life or not. So, I figured I better inquire before I start squawking about this. So I went to a few people that lived in town a number of years, and I inquired. I said, "How about this Allen Miller, did he serve in the military?"

And this one party, who was very adamant said, "No. Never." I said, "Now, wait awhile. He could have gone in and been kicked out or discharged because he had a medical reason." He said, "No. He never served a day in his life. I know about him, I know what he did, and I know him from childhood -- when he was in school." So, I said, "So nothing never happened? He never served? Are you positive?" He said, "I'll swear on a stack of Bibles."

I checked it out and sure enough, it turned out that man had never served a day in his life. Now, here is a mayor who is denying us when we applied for benefits for property tax relief when my wife was still living. He was saying that my wife wasn't entitled to any benefits and he was getting a benefit that he wasn't even entitled to. That was outright fraud. They eventually put their property up for sale and moved out of town.

Now whatever, or however-- I don't know how the tax bureau handled it, or what procedures were used if they ever made the recovery of the money that he received or the interest or benefits. There should have been some interest and penalties assessed to this man. I don't know what recovery was made on money.

It's this sort of thing that's goes on and that I've observed, myself, on veterans' benefits -- on how it is being abused -- the assistance is being abused. I think there is a lot of fraud and corruption in the Veterans' Administration.

But it takes other than their own investigative branch to do the investigation. I'd like to see somebody do it either on the State level or somebody who has the resources. I don't have the resources.

I can't get people to really dig into it, and when they do, there seems to be a cover-up -- or it didn't happen, you didn't get the letter--

ASSEMBLYMAN GENOVA: Okay. I don't think we should talk any further about that specific incident.

ASSEMBLYMAN PATERNITI: Mr. Chairman, could I ask him a question?

ASSEMBLYMAN GENOVA: Sure, Tom.

ASSEMBLYMAN PATERNITI: You talked about the property tax exemption. If I recall, for a person to get the property tax exemption, they would have to be totally disabled after they served, I believe, during a period of war, and so on and so forth. And probably, that's the only way the particular party could have had it.

If he did get it, maybe he did try to commit fraud, because I don't think the Veterans' Administration would blankly give it to him. I think the guy presented improper papers or lied or something, but I don't think the Veterans' Administration would-- I tried to get people help who were totally disabled when we weren't at war, and there is no legislation that would give these people any property exemptions.

The other thing that you talked about had to do with disability, because if you recall a lot of people who were disabled were recalled and rechecked about four or five years ago. It was a travesty where a lot of veterans really who were truly disabled were taken off the disability list because Washington was trying to save all kinds of money.

I remember Judge Lee Sarokin chastised the administration for the terrible thing, and the heartaches and the problems that these people faced, and that they were actually taken off the disability list. Is that what happened to you people?

MR. MEDVID: No, no. Let me clarify. My wife was a military person. In other words, she served in the military from -- I forgot the exact start of time, but she retired in 1969 or about--

ASSEMBLYMAN PATERNITI: She served during the war? Or non-war or what?

MR. MEDVID: She was served during a period of war. She served during three periods of war. She served during World War II, the Korean War, and the Vietnam War. She was operated on while in the service. And then later, after she retired from the service, it turned out that she had cancer of the breast and they did an operation.

The Veterans' Administration denied any benefits to my wife even though we applied for them, and it was in the records. Then when they finally-- After her death, they figured I wouldn't pursue it. I pursued it and went to Washington -- The Board of Veterans' Appeal. I presented the facts and they said that they would check it out further. They checked it out further and they went back for the slides of the time of my wife's operation in the service.

Now at the time, it was proven conclusively that the origin of her cancer was in the exact same spot of previous operations during the time that she was in the service. Now the code is very specific on this. It says, "If you can prove that your condition is of service origin, we will go back to the day of the origin and pay you all back to that date of origin of your ailment or your condition or physical disability."

Well, nothing was done during her lifetime. This was discovered after her death. However, we applied for benefits during her lifetime, and they never appeared and never interviewed my wife. No one came by. Then upon her death, they said, "Well"-- I received a phone call and they said, "Well, we'd like to come down and talk to your wife." I said,

"You would? Well, what to you have to talk to her about?" They said, "We would like to see her and talk to her and see what her condition is." I said, "Okay." Of course now I was playing them on. I wanted to see what they had to say.

ASSEMBLYMAN GENOVA: Mr. Medvid, let me just interrupt you. I certainly appreciate-- I can understand your frustration with this, and I believe what you're trying to express to the Committee is that there's a need for accountability at both the State and Federal levels with respect to improprieties or other types of concerns that you may have with respect to veterans' benefits.

We're kind of getting off the agenda. What I would ask you to do -- with all due respects, since Assemblyman Paterniti has asked you several questions and they were good questions -- is that maybe after the meeting you might be able to meet with him privately and if there is some advice he may be able to give you, he'll certainly render that to you.

MR. MEDVID: I would like that.

ASSEMBLYMAN GENOVA: But what I'd like to do is I'd like to proceed with our agenda and have our other people who have asked to testify to come forward. Thank you very much for coming. I really appreciate it.

MR. MEDVID: Thank you for allowing me to speak.

ASSEMBLYMAN GENOVA: Thank you, sir. Paul Sutton, New Jersey Vietnam Veterans' Civic Council.

P A U L S U T T O N: Good morning.

ASSEMBLYMAN GENOVA: Good morning, Paul.

MR. SUTTON: My name is Paul Sutton. I'm a resident of Deptford Township, Gloucester County, New Jersey, and I am the elected State Chairman of the New Jersey Vietnam Veterans' Civic Council.

Assembly Bill 3527 was discussed at some length by the members of our Council at our meeting on January 10. None of the members of our Council have had an opportunity to review

this legislation in detail. I might note that it's obviously a rather large piece of legislation which takes into account a number of veteran related programs that if this bill becomes law would create an umbrella agency that would address the needs of veterans throughout New Jersey.

The Civic Council -- on taking a position on A-3527 -- does not want to be perceived as endorsing or going on record of being in favor of the abolishment of the Department of Energy. We realize that--

ASSEMBLYMAN GENOVA: Could you repeat that Paul?

MR. SUTTON: The Civic Council does not wish to go on record or be perceived as being in favor of abolishing the Department of Energy. We don't want to get into a battle with the environmentalists. Environmental issues are among the first-rate issues of the State of New Jersey today.

ASSEMBLYMAN GENOVA: Do you understand that this particular legislation is contingent upon the abolishment of--

MR. SUTTON: Yes, sir. But I just want it on the record that our Council does not endorse the abolishment of the Department of Energy. If there were any other way to get this bill passed and create a Department of Veterans' Affairs, then I hope that we will be able to find it.

We realize that there is a limit set on the number of cabinet posts by the Constitution. But we don't want to-- What we are trying to avoid is getting into a battle with the environmentalists -- both in the press, in the Assembly, in the Senate, and everywhere else.

ASSEMBLYMAN GENOVA: Is this also the feelings of the State Council also? Bob Hopkins' Organization?

MR. SUTTON: I'm not aware of the VVA's officially stated position. I understand that they have somebody who is trying to fight their way into town as I did this morning to state their official position.

ASSEMBLYMAN PATERNITI: I was also thinking about this and in fact, I've been giving it some consideration myself. What would you think of a Constitutional amendment creating an additional -- like a 21st department so that it would not interfere with the Department of Energy?

One way to go about it is the people of the State would vote on it and if they felt they should have a special Department of Veterans' Affairs then this would become the enabling legislation for the Constitutional amendment -- this particular bill. You could actually have that. You can have your cake and eat it too. It's a way of doing it.

MR. SUTTON: I don't think that anybody who gives these matters any thought or consideration would have any objections to amending the State Constitution. I'm not-- You have to understand that I'm a layman and not totally aware of the legislative process in New Jersey. I don't even understand why we have to have a cap on the number of departments.

But that appears to be the law and we just want to avoid watering down the fact that as veterans, we would like to have our own department to address the needs of the 943,000 veterans in this State. But we don't want to give the appearance of wanting our needs and wishes addressed before the environment's.

Obviously the environment is of concern to everybody, not just veterans. Some of us, particularly Vietnam veterans have more than passing interest in environmental issues because of our experiences in Vietnam -- particularly with the spraying of agent orange which created a number of environmental problems through Southeast Asia and in the health of the living Vietnam veterans and their children.

ASSEMBLYMAN GENOVA: We understand your position with respect to the Energy Department. Why don't you continue with your statement?

MR. SUTTON: As I indicated, we have not had a great deal of time to address the entire bill. We have however addressed a particular section -- in fact, two sections of the bill -- that does concern the entire Vietnam veterans community. Those are the issues that the Civic Council addresses.

Specifically on page 11 of the information copy of this bill, three sections deal with transferring the New Jersey Agent Orange Commission to this proposed New Jersey Department of Veterans' Affairs. It is the unanimous feeling of this Council that the far-reaching results recently -- announced by the Commission in September of 1986 -- could never have been attained had the Commission been part of the State bureaucracy for the past six years, especially if the Commission was responsible to a division director, as this legislation would require.

ASSEMBLYMAN GENOVA: Where does it do that, Paul -- that it requires that it's responsible to the Commissioner?

MR. SUTTON: Okay. It backs up, I believe, on page 10 and it goes back further than that where they're addressing the issue of where specific parts of the Department would be placed. Under the Division of Loans, Grants, and Services would be folded in the duties and responsibilities of the New Jersey Agent Orange Commission. That would, in effect, place the Agent Orange Commission under a division of the Department.

See, what you are doing is that you're creating a line of authority and responsibility with that Commission which at the present time is a freestanding autonomous Commission. You are placing them in a chain of command. And we all know that these chains of command become somewhat burdensome.

And a large amount of time goes by in a number of instances. We look at the responsibilities and duties of the Commission as having to address what the Commission is doing as rapidly as possible. It's the position of the members of

the Council that that could not be done if it was placed within a position in the Department.

ASSEMBLYMAN GENOVA: If they were no longer autonomous?

MR. SUTTON: Sir?

ASSEMBLYMAN GENOVA: If they were no longer autonomous?

MR. SUTTON: Correct. It's our feeling that the autonomy of the New Jersey Agent Orange Commission must be preserved at all cost. If it is not, we fear that the integrity of the Commission's research will be placed in jeopardy and the Vietnam veterans will have one less, from a small group of government agencies, that they and their families can trust.

I am compelled by unanimous vote of the Council to request the following changes to A-3527: On page 11 of the public information copy, we would ask that new section 28 and new section 29 be deleted in their entirety, and that new section 30 be amended to read, "The Department of Veterans' Affairs shall render all assistance requested by the Commission to effecuate the purposes of public law of 1979 chapter 443."

Additionally, since our Council meeting it has been pointed out that section 36, paragraph D on page 12 of the Public Information copy also refers to the Agent Orange Commission -- being rendered assistance by the Department. Specifically, paragraph D on that page -- its position to this Council -- where it reads, "Provides all necessary assistance to the Agent Orange Commission." We feel if section 30 were amended as requested, section 34 on page 12 would be redundant, and we feel that should be deleted.

Beyond that, we have -- all on the Council -- been in receipt of a number of telephone calls with regard to this legislation. I think that the overall intent of the legislation, as extensive as it is, was written with the best intent, and selfishly as a Vietnam veteran and as a father, I couldn't but lend my total support to the creation of a

Department of Veterans' Affairs. We have almost one million veterans in New Jersey.

A large part of them are approaching old age where they are going to be in need of all of the assistance that we can render to them because of their service to this country -- whether it was in the First World War, or in Nicaragua in the 1930s, or in the Second World War, or in the frozen wastelands of Korea, or in the jungles of Vietnam, or Grenada, or Lebanon. We owe these people a debt of thanks.

We have laws that were enacted both on the Federal level and on the State level that mandates certain types of care and benefits to these veterans. All too often we find that as the gentleman who appeared before me-- We find that some veterans receive what they are suppose to receive and other veterans do not.

And it's only through the aggressiveness of certain veterans' service groups that some veterans receive what they're suppose to and other veterans don't, because they don't know or they don't care to get involve with those particular organizations.

The Department of Veterans' Affairs would perhaps go a long way toward cleaning that up, and provide a clearing house for all of the veterans' organizations, particularly where it comes to information about benefits, about assistance, and about where to go for help.

I would point out that I'm sure you are all aware that there's a movie currently making the rounds of the movie houses in this country called, "Platoon." That movie has generated all kinds of emotional responses, particularly among Vietnam veterans.

I saw in the paper the other day that a Vietnam veteran in California attempted suicide after seeing the movie. I was in a conversation with a counselor in a vet center last week, where he indicated to me that a Vietnam

veteran and his wife had gone to Philadelphia to see this movie. He also told me that this Vietnam veteran had come home from Vietnam, received his honorable discharge, had gone to school and gotten a degree, got married, and raised two children. He had the same job for 17 years, and had been married to one woman for 19 years.

He had -- for all intents and purposes -- put Vietnam in the closet. But this movie reopened those emotional wounds, and this guy is now in weekly counseling in the vet center in what we commonly know as rap sessions.

The Department of Veterans' Affairs would be in a position -- if other legislation currently pending before the Assembly and the Senate-- Specifically, a bill dealing with post traumatic stress disorder-- If that bill is enacted, this Department would go a long way toward providing the care to the approximately 300,000 Vietnam veterans in New Jersey who may be in need of that.

So, I think that the intent of the legislation is good. I have no quarrel with it, but I think that there is some fine tuning required and it's that fine tuning that I bring to your attention today. That's all I have Assemblyman Genova.

ASSEMBLYMAN GENOVA: Thanks Paul. That PTSD bill passed our house 73-0. It's over in the Senate Committee now, as you may know. Nowhere in this legislation do we refer to the administering of the Agent Orange Commission by the Department. Just so you know.

I ask you to go back and look at the section of the bill that pertains specifically to the Agent Orange carefully. And come back to me at some later date and tell me where -- or after the meeting if you would like to sit down and review it again -- where this bill specifies that the autonomy of the Agent Orange Commission is no longer going to be preserved by the enactment of this bill. I want you to do that.

MR. SUTTON: I don't think it specifically says in writing, Mr. Genova, that the autonomy is threatened. But the perception in the Vietnam veteran community, at least -- which I represent in my own small way -- perceives that the legislation would do away with that autonomy, and we're fearful of that.

ASSEMBLYMAN GENOVA: Are you familiar with chapter 443 of the 1979 State statutes that pertained to the creation of it?

MR. SUTTON: Not from memory, but I'm familiar with basically what it says.

ASSEMBLYMAN GENOVA: And you understand that in order to rescind that statute, enabling legislation would have to pass both houses and be signed by the Governor to take away that autonomy that has been under--

MR. SUTTON: Under chapter 443, public laws, 1979?

ASSEMBLYMAN GENOVA: That's correct. And this bill does not make an attempt to override that statute at all.

MR. SUTTON: Okay. I would hope that in the public hearings that are going to be held in the future on this bill that we can point those kinds of things out. You know, my fear when I read this bill, and the fear of my brother and sister Vietnam veterans is that we don't quite have all the explanations. I think as we go through these dialogues, both publicly and in these committee hearings, we can point that out.

ASSEMBLYMAN GENOVA: But you did say that, it may not say that. But, I mean, a bill says certain things; establishes certain standards, certain criteria. And unless the bill specifically says that, whether or not you perceive it to say that by what you have read, it's not going to be.

MR. SUTTON: That's one of the reasons why I'm here, is to find out exactly what we mean.

ASSEMBLYMAN GENOVA: What I would suggest you do as the Chairman of the Council and for the benefit of your members, is to review it again. Once we've discussed it

privately, and you are sure that in my opinion by the way the bill has been structured, the autonomy of the Agent Orange Commission has not been violated and has not been moved to change that autonomy--

MR. SUTTON: Okay.

ASSEMBLYMAN GENOVA: --then I would appreciate you going back to your membership and telling them that. That will be straightened out during the course of our public hearings. Thank you.

MR. SUTTON: Okay. Thank you.

ASSEMBLYMAN GENOVA: Before I call up our next speaker, does the Department, Gail or Vicky, do you people care to make a statement on it? Are you here for just-- (Negative response) Okay. Fine. Wayne Wilson, Executive Director New Jersey Agent Orange Commission.

WAYNE WILSON: Mr. Chairman, whatever your wish is, I can read my prepared testimony or I can speak with the testimony or just go to questions and answers that you might have.

ASSEMBLYMAN GENOVA: We're not going to have any questions for you. We're not looking to ask you any questions. If you feel confident that you can convey to the Committee and to the public the contents of your public statement and do that without referring to it, fine. If not, I would just ask you to do whatever you feel most comfortable with.

MR. WILSON: My statement is brief, so I think I'll go ahead and read it. I would like to thank the Chairman and members of the Committee on Veterans' Affairs for the opportunity to offer our comments on Assembly Bill 3527.

By way of background, the New Jersey Agent Orange Commission was established in early 1980, as the first such unit in the nation. Since 1980 some 26 states have established

state commissions or other state bodies in an effort to address the vital issue of herbicide used during the war in Southeast Asia.

In September 1982, Governor Thomas Kean signed legislation making the Commission a permanent agency of State government; the only permanent agency of its kind in the United States. We are appreciative of the Governor's confidence and support.

Presently, the Commission is made up of nine members appointed to indefinite terms by Governor Kean. As required by law, six of the members are Vietnam-era veterans. While the other three members are not veterans of the Vietnam War, they are however, highly respected for their work in the medical and scientific community.

The Commission has also appointed an equally distinguished group of medical and scientific people to serve as special consultants to the Commission. All Commission members and special consultants appointed by the Commission serve as volunteers without financial remuneration.

I would like to take a moment to touch on the quality of volunteer special consultants who work with our Commission. Dr. Michael Gochfeld, M.D., Ph.D. is an Associate Professor of Environmental and Occupational Medicine at the Robert Wood Johnson School of Medicine in Piscataway.

He is a former Deputy Commissioner of Health for the State of New Jersey, serves as a member of the Governor's Task Force on Dioxin, and as a consultant to DEP and various other State and Federal bodies. Dr. Gochfeld is the co-investigator of our nationally known "Pointman Research Project." He is a Vietnam Veteran having served as a Navy physician in the field in the I Corps area of Vietnam, near the DMZ.

Another volunteer special consultant, Dr. Henry Velez, M.D., is an internal medicine physician, who specializes in Environmental and occupational areas. A physician in private

practice in North Jersey, Dr. Velez trained at Mt. Sinai under the auspices of Dr. Sollicoff.

Dr. Velez served as the admitting physician for our research efforts and completely donated his services to the Commission. Like Dr. Gochfeld, he too is a Vietnam veteran who served as an enlisted infantryman with the 9th Infantry Division in the IV Corps area of Vietnam.

The Commission employs a full-time salaried staff of four people. While we may very well be the smallest agency in State Government, The New York Times described the New Jersey Agent Orange Commission as "the nation's leader in efforts to resolve the Agent Orange issue."

As you know, we have recently completed Phase I of our "Pointman Research Project." A number of members of Congress have described our research effort as representing a major breakthrough and stated, "We applaud the efforts of this small State unit who has achieved more than the combined efforts of the Federal government." I think this background is important, because it clearly demonstrates what an autonomous unit such as ours can accomplish.

When then Assemblyman Van Wagner first introduced legislation establishing the New Jersey Agent Orange Commission in 1979, he clearly wanted the decision making and priorities of the Commission to be set by the Vietnam veterans community through the Commission's representatives. In 1982 hundreds of Vietnam veterans and their families turned out in front of the State House to demonstrate their support of the Commission's work. Our open public meetings which we hold almost every month are always attended by Vietnam veterans. We are deeply cognizant of our commitment and responsibility to the Vietnam veterans and their families.

Given this very brief background, Let me move directly to our specific concern with A-3527. At our Commission meeting on January 9th, 1987, the Commission voted unanimously to

recommend the following -- and I think essentially our recommendations are the same as that enumerated by Mr. Sutton -- and that was to delete section 28 completely, delete section 29 completely, and amend section 30 as he has already suggested.

These changes that we recommend, address a number of the concerns expressed by those in the veterans' community. Specifically, veterans call attention to the unique legislative mandate of the Commission which provides for an ongoing research effort. Such an effort demands and requires special expertise and the ability to conduct research based on the absolutely latest medical and scientific information -- an important consideration for an issue that some have described as changing almost on a daily basis -- the continued ability to recruit and bring on board volunteers with special expertise in medicine, science, statistics, and a host of other specialities we need.

Veterans have expressed a concern about the precise role of the Commission members. It appears that under A-3527 their role would be limited to an advisory body. For example: The decision to undertake and fund a specific research interest is presently decided exclusively by the members. Decisions to enter into cooperative research agreements between other agencies -- State and Federal -- or other research laboratories are now made by the Commission members themselves. Would funding questions, research priorities and cooperative agreements be channeled first to a division director, then to an assistant Commissioner, and then to a Commissioner of Veterans' Affairs? Would their decisions be based on a working knowledge of toxicology and epidemiology? Would these decisions be timely and not burdened by other pressing priorities?

Who can tell veterans what the exact status would be of highly sensitive, personal, and confidential information now held by the Commission? Under a Department structure, who

would be authorized access to that information -- service officers in the field, a division director -- perhaps, the Commissioner? Presently, the Commission has Executive Order No. 34, signed by Governor Kean that specifically protects the confidential nature of documents related to our research. Would veterans still be willing to reveal important and personal information that goes far beyond merely filling out a claim?

There are other equally important considerations, but I think it is important to get into one more area that many Vietnam veterans have expressed concern about. They do not want another layer of bureaucracy or more bureaucrats. We have worked hard to be responsive to individual Vietnam veterans and to their families. We have worked hard to build an element of trust which is so vital to this particular group.

In the beginning of my presentation, I mentioned that approximately 26 states have established units to deal with the Agent Orange issue. Very few were autonomous or independent units, most were placed within a department of health or veterans' affairs. Some experienced little or no agency concern for their role, while others were underfunded or received no funds at all.

In some cases, resources were just not made available and in one case, no one was quite sure how to spend available funding. Today most of those states do not have a viable Agent Orange unit, and even fewer journeyed into the area of research.

Here in New Jersey, our Vietnam veterans point with pride to their Agent Orange Commission. We've been successful. We would ask that you give serious consideration to the changes we've recommended in A-3527.

In closing, I would like to close with an expression used often by one of our Commission members, Dr. Ralph Fogleman, and it simple states, "If it ain't broke, why fix it?" Thank you for your time and I'll answer any questions that you might have.

ASSEMBLYMAN GENOVA: Members of the Committee, do you have any questions for Mr. Wilson?

ASSEMBLYMAN PATERNITI: Well, I think that his recommendations make a lot of sense, and I feel that they should be adopted in the context of this bill. I think it will make it a much better bill, although, it's a very, very, good bill.

ASSEMBLYMAN GENOVA: Which specific recommendation, Assemblyman?

ASSEMBLYMAN PATERNITI: Well, where both parties stated that they should delete those two particular sections -- 28 and 29 -- and amend section 30.

ASSEMBLYMAN GENOVA: Have you read, specifically, the legislation?

ASSEMBLYMAN PATERNITI: Well, I just got it. I tried to brush through it. I mean, it was just handed to me when I walked in here. I tried to go through it. I tried to follow them when they were-- It did mention on page 12 the Agent Orange Commission. But I still think they want to make sure that it remains independent and--

ASSEMBLYMAN GENOVA: I'll make the same recommendations to you as I made to Mr. Sutton, that you look at those specific sections of the bill pertaining to the Agent Orange Commission. And once you have reviewed them, come to me and tell me whether or not this legislation removes the autonomy of the Agent Orange Commission.

ASSEMBLYMAN PATERNITI: Do your people who have reviewed it, have they heard from some experts who feels that it does take away something from the Agent Orange Commission?

MR. WILSON: Obviously, we've discussed this legislation at length at our Commission meetings. We had a past chairperson of the Commission to review it line-by-line. Our chairperson is an attorney, Mr. Falk. I've reviewed this legislation in detail. I was present of the press hearing. I

saw an organizational chart that showed the Agent Orange Commission under one of the newly created divisions.

Some of the language of the bill, I think, raises some questions in my mind. For example, in one category it talks about transferring all powers to the Commissioner. It talks about the Department being able to accept State and Federal grants from any agency thereof. Believe me, that kind of language concerns Vietnam veterans as it relates to this Agent Orange Commission.

Let me give you an example. We've been critical of the Federal government, strictly, the Veterans Administration's role on Agent Orange. I have publicly accused them of mismanaging this issue from start to finish.

And when we talk about a Commissioner, for example -- this would be a worst case scenario -- suppose the administrator of the Federal Veterans' Administration, Mr Turnage said to the Commissioner of the State of New Jersey Veterans' Affairs, "Look, we'd like to give you folks \$28 million to build a couple of nursing homes. But in good conscience, my people just would have to wonder about giving you \$28 million when you've got one of your units that's constantly snipping at us."

And we talk about these grants. Under this law what's to stop Dow Chemical from giving some kind of research grant to the Department of Veterans' Affairs? So, it's not clear to me. I think it's one thing to state that the goals and objectives of the Commission would be maintained, but my reading of this bill suggests that it reduces our Commission members to an advisory group, and it gives oversight and decision making to, as I said previously, perhaps even to bureaucrats.

We used to have a system where we went through the Division of Veterans' Programs. The chief of staff, Jeff

Perselay, said, "I don't want you to have a middle man, because it ties up the process."

ASSEMBLYMAN PATERNITI: Could I ask you something? Would it be possible to have the Agent Orange as -- more or less structured like an authority just like the Parkway and Turnpike are, so therefore the Department of Transportation has no leverage over it. So, this way the Commission would have no leverage over the way this is being structured out, because, from what I can read, it's the best in the country, and you would hate to undo something that is really good?

So, maybe the structure-- It would be similar to-- For example, you have the Turnpike or Parkway or something which is an independent authority. We could leave the Agent Orange as more or less of something that is of similar nature. So therefore, no outside influence could undo the way it's been operating. It was operating so well, it was looked up to all over the country, that I'd hate to see--

ASSEMBLYMAN GENOVA: Under the jurisdiction of the Department of Human Services.

ASSEMBLYMAN PATERNITI: That's right, but--

ASSEMBLYMAN GENOVA: As a supervising activity? Brian, is that right? (Speaking to Committee Aide.)

ASSEMBLYMAN PATERNITI: No. I think it's completely separate. It's completely independent.

ASSEMBLYMAN GENOVA: I understand that it's independent. But there has to be some type of a--

ASSEMBLYMAN PATERNITI: Just like the Advocate's office -- a similar set-up.

ASSEMBLYMAN GENOVA: That's right.

MR. WILSON: Yeah. They provided administrative services for us--

ASSEMBLYMAN GENOVA: Could you talk to the Chair, please.

MR. WILSON: I'm sorry. Can I look at them?

ASSEMBLYMAN GENOVA: Can you what?

MR. WILSON: Can I answer Assemblyman Paterniti's question?

ASSEMBLYMAN GENOVA: Sure, as long as you address your comments to the Chair.

MR. WILSON: Okay, through the Chair. I'm sorry.. We draw on administrative services -- accounting, payroll, personnel -- those kinds of services from the Department of Human Services.

For example: If I want to issue a press release based on a series of meetings that we had in Washington D.C. -- even a press release that was critical of the Veterans' Administration, the way we're set now I can draw up a press release and issue it.

It's my understanding that the way the Department of Human Services works and the way the division works is those comments have to first be cleared through Charlene Brown, then come back to the division director before we can say anything. I think that may be appropriate for the Department. I think that would not serve the fairness and the objectivity and the honesty that this issue demands that we have.

ASSEMBLYMAN GENOVA: Are you saying that you are in favor or opposed to it the way it is now? You are opposed to it?

MR. WILSON: We would recommend that the references to the Commission be deleted. We remain essentially, the way we are, and instead of drawing support from Human Services, we would draw support from this new Department of Veterans' Affairs.

But I would respond and report only to the Commission Chairman and to the members of the Commission.

ASSEMBLYMAN GENOVA: Let me ask you for a qualification of the statement. There are other equally important considerations, but I think that it's important to

get into one more area that many Vietnam veterans have expressed concern about. They do not want another layer of bureaucracy or more bureaucrats. Can you please explain that?

MR. WILSON: As I mentioned a few moments ago, Mr. Chairman, we had a system where we drew on the Department of Human Services for support. Let's take basic things like pencils, pads, supplies for typewriters, and so forth. Okay? Or telephones in your office -- basic necessities.

The way it is now in our agency, we buy directly now because we would go literally months, months, and months; make three or four requests for the most basic of needs to run an office -- and I'm not even looking at things such as personnel matters or other support services -- Just the most basic needs would take months and months to process through the Department of Human Services.

Finally, after a couple of years of a situation that was intolerable to what we were trying to do, I went to the Commissioner and said, "Why can't we do this ourselves? Why do we have to go through a Division of Veterans' Programs?"

The way it is right now, and let me be very candid here, I provide stamps -- to mail to citizens -- to offices of the Division of Veterans' Programs. I provide supplies to them, because they're not able to, in some cases, get those kind of supplies. And I don't think a situation where an employee has to leave an office in South Jersey -- take a whole day out of that office -- come to Trenton, not see one client all day, just to pick up pads and pencils and envelopes--

That's the kind of bureaucracy that I don't think veterans want. I think that one of the things that our Commission has been able to do is we've tried to respond in a prompt and sensitive way to veterans. You know me; yes, you do -- quite well. I'm not trying to make a career out of State government. I would like to be very much to be out of a job. I would like for this Commission to get done with its business,

serve the needs of Vietnam veterans and their families, and let me go on with my business.

But I'll tell you, the bureaucracy-- I think we do a good job in spite of the bureaucracy, both Federal and State. And in some cases the bureaucracy of State government is stifling. I don't think Vietnam veterans want it. And you know me, I'm very aggressive, very outspoken, and I make no bones about that bureaucracy.

ASSEMBLYMAN GENOVA: When you say you don't feel that they want it, they don't want what -- the Department or the repeal of the autonomy of the Agent Orange?

MR. WILSON: I think Mr. Sutton was quite correct. There seems to be support for a Department of Veterans' Affairs.

ASSEMBLYMAN GENOVA: As Executive Director of the Agent Orange Commission, do you support the bill with the exception of your problem?

MR. WILSON: I think it's the Commission's position that we see strong and positive merit in the overall legislation. While it may not be our place either to lobby or move in terms of the total bill A-3527, particularly in areas that may not relate to us -- I think it would be inappropriate for us to undertake those efforts -- but I will tell you that the consensus of the Commission members was that they do support your legislation with a caveat that references to the Agent Orange Commission be deleted.

I would suggest to you that there is strong support out there in the veteran community, including my personal support for this piece of legislation. I think it needs to be tightened up a little bit. I think there need to be some points clarified -- that's what we're trying to do here today -- and I would resist any effort to change the way the Agent Orange Commission does business today.

ASSEMBLYMAN GENOVA: I offer you the same proposal that I offered Mr. Sutton and Assemblyman Paterniti -- to

review that section again on your own, meet with me privately, and we will discuss the section relative to the autonomy of the Agent Orange Commission.

But what I would like to do, members of the Committee -- and I will do this by motion -- I'd like to move that we have the Office of Legislative Services review the bill, those particular sections cited, and to give us a legal opinion as to whether or not this bill does in fact remove the autonomy from the Agent Orange Commission.

ASSEMBLYMAN PATERNITI: I will go along with that. I would also like-- Well, it's going to be in a transcript where they can read the transcript so they can digest what their input--

ASSEMBLYMAN GENOVA: Okay. Let's move that motion first. I move it. Do I have a second?

ASSEMBLYMAN PATERNITI: Second.

ASSEMBLYMAN GENOVA: Okay. A roll call, Brian, please.

MR. VOLZ: Vice Chair. Dolores Cooper?

ASSEMBLYWOMAN COOPER: I second it. Yes.

MR. VOLZ: Assemblyman Paterniti?

ASSEMBLYMAN PATERNITI: Yes.

MR. VOLZ: Assemblyman Mazur?

ASSEMBLYMAN MAZUR: Yes.

MR. VOLZ: Assemblyman Genova?

ASSEMBLYMAN GENOVA: Okay. Tom, would you please repeat?

ASSEMBLYMAN PATERNITI: What I said is that some of the material that they've given us, I think we ought to give it to Legislative Services so they can make a judgment with what's in the bill and what they've given us. Maybe we feel that our language is appropriate, if not, then they could restructure it so that they could fit into it. So the Agent Orange Commission will be happy with the way your bill, which I think we all are cosponsors of -- the structure of it, to accommodate their concerns.

ASSEMBLYMAN GENOVA: Well, I believe that will be answered by OLS when they respond to the question that I've asked about what the bill actually does and what type of effect it has on the Agent Orange Commission. Once that is revealed, once that is determined, then we can proceed further in looking at some of the concerns that he has that were made in this statement.

MR. WILSON: Well, it seems to me that if there's any uncertainty at all -- and I'm not sure how many private meetings you and I have to have on this -- but if there's any uncertainty at all, then clearly action should be taken to make sure that everything is clarified.

ASSEMBLYMAN GENOVA: Everything else you've said in your statement not pertaining to the Agent Orange Commission, I mean, you came out and said that you support the bill. So, all of the other charges, innuendos, or whatever about inefficiencies or someone not doing their job, they're not relative now, because you do support the bill?

MR. WILSON: I think that's what your bill is attempting to do. Okay?

ASSEMBLYMAN GENOVA: Yeah, but I'm saying, with respect to what you said in your statement.

MR. WILSON: I stick by what I said.

ASSEMBLYMAN GENOVA: There are some heavy charges in here. But what I'd like is for OLS to give us, the Committee, copies to each member of the Committee as to the autonomy of the Agent Orange Commission and how that is embodied in the bill and what it actually says.

ASSEMBLYMAN MAZUR: Mr. Chairman, since the bill is not printed -- there was not time to have the bill printed, but there was sufficient time to distribute the bill prior to the meeting -- that in the future when we have hearings on specific bills such as this, that a copy of the bill be distributed in advance to the members of the Committee who are going to be

here. Because just coming in and have it plunked down in its entirety, is bound to lead to confusion and unnecessary time.

ASSEMBLYMAN GENOVA: What I do, Assemblyman, as a matter of structure in my office, is that whenever I sign my name to a bill, I make sure that I get a copy of the bill.

If a printed copy is not made available, I ask the person who is the sponsor of the bill to make a copy of that available to me, and at times I will send my staffer to the Xerox room, and a copy of that is Xeroxed at that time.

We've received 63 cosponsors on this bill; the largest number of cosponsors any bill has received--

ASSEMBLYMAN MAZUR: I know, but if 63 of those Assemblypeople wanted a copy of the bill and wanted to take from you the bill to Xerox it, we wouldn't even have a legislative day anymore.

ASSEMBLYMAN GENOVA: They were available on the day of the press conference. You, as well as every other member on this Committee, were advised at that press conference. We had many copies available to the public at that time. I know if I was cosponsoring a bill of this magnitude, I would have--

ASSEMBLYMAN MAZUR: It's just a suggestion for a more quick and efficacious way to run a Committee meeting. I don't say it's practiced by other committees, I just suggest it in the future.

MR. WILSON: I did want to say this is a distinguished body, and obviously I know each and every member of the Committee and I just want to thank you for your past courtesies and your generous support of the veterans' community, and I hope everyone has a good, healthy, and prosperous New Year.

ASSEMBLYMAN GENOVA: Thank you very much.

MR. WILSON: I'll leave a copy for Brian.

J A M E S D E M A R E S T: May I have a couple of minutes?

ASSEMBLYMAN GENOVA: Sure. Name, address, and who you are representing, please.

MR. DEMAREST: Okay. My name is James Demarest. I'm State Adjutant for the American Legion, State of New Jersey. I come from Edison, New Jersey, the home town of Assemblyman Paterniti.

The American Legion has had a chance to review this bill since the press conference and--

ASSEMBLYMAN GENOVA: You're speaking on behalf of the State Commander?

MR. DEMAREST: Yes. He could not be here today, and he asked me to attend this meeting. We had our legislative committee look at this bill, and the only section that we do not agree with and we hope it can be changed, is section 15. It says, "New Section." I'll read it:

It says, "The Veteran Services Council established pursuant to public law in 1948. Together with all its powers, functions, and duties is continued and transferred to the Department of Veterans' Affairs. This act shall not affect the terms of office of the present members of the Commission, except if there are less than two women members of the Council following the enactment of this 1987 amendatory and supplementary act, the Governor shall appoint such members upon the expiration of terms of two male members."

The sentence that we are particularly offended by is the sentence where it says, "This act shall not affect the terms of office of the present members of the Commission, except if there are less than two women members of the Council." We feel that when this Department is created, that the Governor should reappoint or should appoint new members of the Commission and not just extend the old terms. We are not very happy right now with the people on the Commission. Namely the chairperson, but we would like that this be stricken from here and when this bill is enacted, that the Governor then appoint a new Veteran Services Council. That's not to say that he can't appoint the same people, but we would like to think that maybe he could give some others consideration.

This would also, instead of-- Right now there's only one woman on the Commission; that's Margaret Malone. And this would mean, instead of having to have two male members' terms expire, they could appoint the two women at that time when the Department is created.

Like I said, other than that, the American Legion New Jersey sponsors-- I know myself and others have gone around so far and tried to make our various counties aware of this bill. The only question that we have before we really get behind this bill totally-- I know I've been to the bill room trying to get a copy, and I can't because it's not printed up yet. And I don't know what the reason is because the Department of Energy has not yet been abolished. Is that the reason that they're holding back the copies or what is the reason for that?

ASSEMBLYMAN GENOVA: Why there are no copies yet?

MR. DEMAREST: Right.

ASSEMBLYMAN GENOVA: I believe if you read The Star Ledger recently, the Speaker of the House has indicated that there's an overabundance of bills. And there's one printer that does them, and it's just of matter of catching up at this time. The bill was introduced on the 18th of December. It takes awhile.

Of course a bill with so many pages is going to take much longer. But hopefully you'll have a final copy of it.

MR. DEMAREST: Can you tell me if the Department of Energy has been abolished as yet?

ASSEMBLYMAN GENOVA: The legislation is in the Senate at this time.

MR. DEMAREST: That's about all I--

ASSEMBLYMAN GENOVA: I'd like to just comment, Jim, that the Veteran Services Council will be transferred over to the Department, just as all of the other entities within the Division of Veterans' Services.

The terms of those members will continue as they are, and of course, when it comes time for reappointment of the membership, that is the courtesy of extended to the Governor and his position.

MR. DEMAREST: Right.

ASSEMBLYMAN GENOVA: I'm not going to -- individual members might want to -- make recommendations or suggestions to the Chief Executive of the State to either consider certain people or to change the gender of those the new members. I'm not going to do that. The enabling legislation will dictate how many members will be appointed, and when existing peoples' terms expire, then it's up to him to appoint--

MR. DEMAREST: Well, we realize that. But, what we're saying is that when this bill is enacted, that if that sentence could be taken out, the terms would just end at that point, and then new people are reappointed.

ASSEMBLYMAN GENOVA: I wouldn't support that. I don't think it would be fair to the people who are serving now and who have served for many years of dedicated service to the Council. You mentioned before about some people that you may not be, at this time, fond with it serving their--

You know, we're not concerned with these types of conflicts. These are to be ironed out between the Governor's office and the appointees. It's not something that we should get involved with.

MR. DEMAREST: I have a letter here to give you stating our position in so many words.

ASSEMBLYMAN GENOVA: As a sponsor of the bill, I can tell you right now that I would not support that.

MR. DEMAREST: Okay. Thank you for your time to allow us to testify, and I will give this to you, sir.

ASSEMBLYMAN GENOVA: Thank you.

MR. DEMAREST: Good seeing you, Assemblyman.

ASSEMBLYMAN PATERNITI: Good to see you, too. Take it easy, Jim.

ASSEMBLYMAN GENOVA: Is there anyone else who would care to testify on A-3527? Members of the Committee, I open up the meeting to you now for any closing comments. Assemblymen?

ASSEMBLYMAN MAZUR: I plan to study the bill. I am a cosponsor. I would request it that there is a story in the -- I believe it was The Star Ledger, on the subject of the condition of the Arnytown Cemetery--

ASSEMBLYMAN PATERNITI: I read that. The kids couldn't--

ASSEMBLYMAN MAZUR: I really think this would provide an opportunity for this Committee to do a little investigation.

ASSEMBLYMAN GENOVA: Okay. What I'd like to do on A-3527 -- and we won't get into that now. Tom, do you have anything further to say?

ASSEMBLYMAN PATERNITI: No. I'm just going to review the bill. I think it's got a lot of merit. I think it's going in the right direction. If you review and you feel that it may need one or two small changes then we should do, if not--

ASSEMBLYMAN GENOVA: Okay. At this time I would like to just close the session to A-3527 and we'll open up the floor for ten or fifteen minutes. We do have some time before we go into our conferences and the Speaker opens up the board on any other matter of concern to the general public with respect to veterans' issues. John?

J O H N S T E F A N E (speaking from audience): The terms of the office of those people who are on that Council, do they expire when the Governor is out of office?

UNIDENTIFIED SPEAKER FROM AUDIENCE: No. They are (indiscernible).

MR. STEFANE: In other words, appointments are made as the terms expire.

ASSEMBLYMAN GENOVA: That's probably what Jim was opposed to. Okay, Bennett, you had some comments about the Arnytown Cemetery.

ASSEMBLYMAN MAZUR: Yeah. I just briefly saw a newspaper article. You have it there? Good. I think we ought to get some testimony to find out ourselves as to why this condition exists, and if it's a temporary thing, what's being done to remedy it? I just don't think that the families of New Jersey veterans want the remains of their dear departed, cast in the mud. I mean, that's the way it appears. I'm trying not to make it too dramatic. It's always difficult for me because I tend to speak emotionally about these things.

But I think we ought to investigate this further and determine what is the matter.

ASSEMBLYMAN GENOVA: What I'd like to do is-- I'm sure there is a reason for this. I just don't personally feel that we should second-guess the Commissioner of Human Services on this. We've at times attempted to second-guess him on a lot of things. I'm sure that everything is being done at this time by Commissioner Altman and his staff and by the Division of Veterans' Services, Leon Cheesman, acting director and his staff to rectify this.

It's a problem that needs immediate attention. I don't feel that it's one which we should put on our agenda for future consideration, because that's certainly not going to resolve it. I would like, with permission of the Committee, to recommend that a letter be sent to Commissioner Altman to express our concern as the Select Committee of Veterans' Affairs about the cemetery that has been called, "the mud hole" by some.

Of course the relatives of veterans buried in the cemetery are very concerned about this deplorable condition; and to ask the Commissioner to provide me as Chairman and our members, with a course of action that he and the Department will take with this--

ASSEMBLYMAN MAZUR: I hope all the members of the Committee will be able to sign that letter.

ASSEMBLYMAN GENOVA: Dolores?

ASSEMBLYWOMAN COOPER: This is not unique to Arnytown. I just learned that we in Atlantic County had that case last year. I understand that it was a similar situation that existed with us. Everything was examined; all the agencies involved examined our cemetery plots, everything was fine. And suddenly it happened. So, we're doing the same thing in Atlantic County. So, this is not unique.

ASSEMBLYMAN GENOVA: Ben, did you have some additional comments?

ASSEMBLYMAN MAZUR: If you are directing communication in this case to the Commissioner, I think maybe it would have greater weight if all the members of the Committee could sign that letter.

ASSEMBLYMAN GENOVA: Sure, we could do that, or what we could do is to have Brian Volz, who is the Committee Aide, send it out on our Select Committee stationery, and have him indicate that it is from the entire Committee.

ASSEMBLYMAN MAZUR: Well, it's not quite as good as having, you know, legislative signatures, meaning that--

ASSEMBLYMAN GENOVA: I would hope that it would be.

ASSEMBLYMAN MAZUR: I'll go along with it. I have no alternative.

ASSEMBLYMAN GENOVA: Is there anyone else who would care to comment?

MR. STEFANE: Has the new legislation been introduced, regarding the abolishment of the Department of Environmental Protection?

ASSEMBLYMAN GENOVA: The bill has been passed by the Assembly. It's sitting in Committee in the Senate -- A-2019, Majority Leader Haytaian's bill.

I'd just like to conclude by saying Mr. Veteran of the State of New Jersey, Senator McManimon is the sponsor of the Senate version of the Department bill. There's no one in that house that I'm more fond of when it pertains to veterans' bills and veterans' issues and concerns. He has always been considered Mr. Veteran by the VFW, the American Legion, the Disabled American Veterans, and everyone else.

With the help of Senator McManimon and his colleagues in the Senate, hopefully this bill will become a reality very soon. I move that we adjourn.

(HEARING CONCLUDED)