

OFFICE OF THE GOVERNOR

NEWS RELEASE

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Gov. Whitman Filed Condition Vetoes - S-62, S-2194, A-1888, A-867

Gov. Christie Whitman today filed conditional vetoes making recommendations for improvement and clarification on the following bills:

S-62, sponsored by Senators James S. Cafiero (R-Cape May/Atlantic/Cumberland) and Louis F. Kosco (R-Bergen) and Assembly Members John C. Gibson (R-Cape May/Atlantic/Cumberland) and Nicholas Asselta (R-Cape May/Atlantic/Cumberland), would ensure the confidentiality of information provided by a public or private secondary school pupil during a counseling session in a school-based drug and alcohol abuse counseling program. Governor Whitman said the bill recognizes that some circumstances may warrant disclosure of otherwise confidential information, including disclosure to the Division of Youth and Family Services to protect children at risk of abuse or neglect. The Governor recommended an exception to the law be inserted to also ensure that law enforcement agencies are able to investigate and prosecute all individuals suspected of child abuse or neglect.

S-2194, sponsored by Senators Robert J. Martin (R-Essex/Morris/Passaic) and Andrew R. Ciesla (R-Monmouth/Ocean) provides that State contracts for architectural, engineering and land surveying services would be subject to a process of competitive negotiation and would not be publicly bid. The Governor commended the sponsors for seeking to ensure that the state obtains the services of the most qualified professional service firms. However, she said, the process outlined in the bill eliminates price competition on professional service contracts. The Governor said the bill does not conform with present state practices which require the three most qualified firms to submit a price proposal after they have been selected as the most qualified firms. She said the elimination of this requirement precludes state agencies from a price comparison of the selected firms. The Governor recommended that the bill provide for price competition.

A-1888, sponsored by Assembly Members Joel Weingarten and Kevin J. O'Toole (both R-Essex/Union), amends the New Jersey Tort Claims Act to clarify that an officer involved in the pursuit of a person will not be liable for injuries arising out of that pursuit. The immunity from liability granted to law enforcement officers would also apply to public entities. The bill codifies a 1995 Supreme Court decision. The Governor agreed that law

enforcement officers should be immune from liability when pursuing individuals, but recommended that the provisions of the bill be narrowed so that civil immunity would not be granted when the actions of public employees are criminal, fraudulent, malicious, or with willful misconduct.

A-867, sponsored by Assembly Members Joseph R. Malone (R- Burlington/Monmouth/ Ocean) and Michael J. Arnone (R-Monmouth) and Senators Leonard T. Connors (Atlantic/Burlington/Ocean) and Robert W. Singer (R-Burlington/Monmouth/Ocean), was intended to clarify immunities granted by the New Jersey Tort Claims Act to public entities, specifically concerning traffic signals and emergency warning signals. The bill sought to address a New Jersey Court decision which affirmed the liability of a public entity for its failure to replace a missing stop sign which had been stolen. The Governor supported the underlying policy of the bill, but recommended deletion of amendments to the bill which may have the effect of expanding the liability of public entities.

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