

d.c.

VETO MESSAGES

OF

HON. ROBERT B. MEYNER

Governor of New Jersey



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

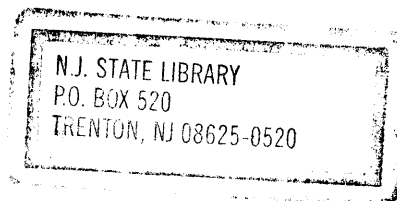
1955



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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 26, 1955. }

ASSEMBLY BILL No. 24

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. 24.

This bill provides that any distributor of newspapers, magazines or publications who shall refuse to furnish to any retail dealer such quantities sought to be purchased by the retail dealer "because said retail dealer refuses to purchase or accept delivery of additional or other magazines or publications other than newspapers is a disorderly person".

This bill is designed to deal with the pressing problem of obscene and otherwise undesirable publications. It proceeds on the premise that retailers have been compelled by tie-in sales to purchase such publications, and, if protected from such compulsion, would refuse to handle them. I believe the bill is a sound measure. Retailers should be permitted to exercise self-censorship and should not be unwilling agents of publishers of literary trash. Insofar as the bill is related to that objective, I approve of it.

However, the bill would probably be construed to accomplish still another result which is wholly divorced from the objective to which I have referred. As drawn, the bill would appear to require the construction that, if a retailer desires to purchase a particular publication, a distributor may not specify the minimum quantity of that publication which he is willing to sell. I do not understand that the situation which I have just described constitutes a problem calling for legislative action or that the Legislature in fact intended by this bill to deal with it. It must be borne in mind that this bill provides that an offender shall be a disorderly person upon whom may be visited imprisonment for a year. In these circumstances, I am constrained to

conclude that the bill must be amended so as to delete the language which would embrace that situation.

Accordingly, I am returning Assembly Bill No. 24 for reconsideration, with the recommendation that an amendment to the bill be made as follows:

On page 1, section 1, line 6, after the word "of" delete the words "additional or".

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 112

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning Assembly Bill No. 112 herewith, with my objections for reconsideration.

This bill amends Section 2A:52-4 of the New Jersey Statutes to provide that after a judgment permitting the change of name and correction of the record of birth or marriage accordingly, any certified copy of the record of birth or marriage shall show only the new name. The bill further provides that "Nothing herein contained shall be deemed to preclude a court of competent jurisdiction from ordering the issuance of a copy of the original certificate of the birth or marriage of the individual."

I approve of the bill insofar as it would authorize the issuance of certificates showing only the new name. To that extent, the bill is in harmony with the purpose underlying the statute relating to change of name. The bill, however, would seem further to forbid issuance of a copy of the original certificate unless a court of competent jurisdiction orders its issuance. This would introduce an element of

restriction which might well embarrass legitimate public and private investigations. Additionally, if any restriction is warranted, and I am not persuaded that it is, it would be necessary to specify the persons who shall be entitled to a copy of the original certificate and the basis upon which an application to a court shall be granted. These are matters of policy which the Legislature should determine. As drawn the bill would commit the subject to the judiciary without a definitive standard for its guidance.

I believe the ultimate objective would be achieved by amendment. I am returning Assembly Bill No. 112 for reconsideration and with the recommendation that it be amended as follows:

On page 1, section 1, lines 11 to 16, inclusive, delete beginning with the word "Any" in line 11 through the end of line 16 and insert in lieu thereof the following: "Any certified copy of a record changed as provided for in this chapter shall show the name at birth or marriage and the new name and date and manner by which obtained, but upon request shall show only the new name."

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 5, 1955. }

ASSEMBLY BILL No. 119

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith Assembly Bill No. 119, with my objections, for reconsideration.

The bill as introduced provided for an increase to \$12,000.00 per year of the salaries of the county clerk, surrogate, sheriff and register of deeds in counties having a population of more than 375,000 and less than 600,000. The bill was amended in the Senate to lower the minimum population requirement to 325,000.

As originally introduced, the bill applied to Bergen and Union Counties. By the amendment mentioned above, it would apply also to Passaic County. Under existing law, the salaries for all of these offices (Bergen County does not have a register of deeds) are the same in all 3 counties.

Since the bill is thus limited to 3 counties and does not seek to revise the compensation payable to holders of these offices throughout the State, the justification must be found in new circumstances substantially peculiar to the 3 counties. The increase in population and business activities in Bergen and Union Counties have been quite pronounced, and hence it is fair to conclude that the activities and responsibilities of the officers in those counties have increased accordingly. No such changes have occurred in Passaic County to a degree significant with respect to this subject matter. Hence, although I accept the legislative determinative as to Bergen and Union Counties, I do not feel justified in approving the increases as to Passaic County. I regard Passaic County as more comparable with Camden County (the population differential is about 37,000 in favor of Passaic), where the salaries payable to the officers here concerned are the same as those now payable with respect to Passaic County.

Therefore, I am returning Assembly Bill No. 119 herewith, for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, line 2, delete the figure "325,000" and insert in lieu thereof the figure "375,000".

On page 1, section 2, line 2, delete the figure "325,000" and insert in lieu thereof the figure "375,000".

On page 1, section 3, line 2, delete the figure "325,000" and insert in lieu thereof the figure "375,000".

On page 1, section 4, line 2, delete the figure "325,000" and insert in lieu thereof the figure "375,000".

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 234

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning Assembly Bill No. 234 herewith, with my objections, for reconsideration.

This bill alters the procedure for amending the certificates of incorporation of non-profit companies organized under Title 15 of the Revised Statutes and also certificates filed under Section 15:1-12. The bill provides that the trustees pass a resolution declaring that an amendment, change or alteration is advisable and call a meeting of the members having voting powers. The meeting is held upon such notice as the by-laws provide or, in the absence of such provision in the by-laws, upon 10 days' notice given personally or by mail, and the notice shall contain a copy or a summary of the resolution. Upon a favorable vote by a majority of the members having voting powers present at the meeting the corporation files a certificate in the office of the Secretary of State.

Under the present law such a certificate can be amended by a majority vote. I have been advised that this has been construed to mean by a majority of all of the members whether present or not at the meeting. The obligations of the present law appear to be onerous because of the difficulty in obtaining the votes of a majority of all of the members of such a corporation.

I feel, however, that a simple majority of the number present is too small a requirement in the case of such an important change. Under Section 14:11-2 of the General Corporation Act relating to business corporations, the votes of two-thirds of all of the stockholders is necessary for such an amendment. Although I believe that in the case of non-profit corporations, the percentage should be figured on the basis of those present, yet the two-thirds requirement is desirable. Therefore the present bill should be amended to require a vote of two-thirds of the members having voting powers present at the meeting in order to effect a change in the corporate certificate.

Accordingly, I am returning Assembly Bill No. 234 for reconsideration and with the recommendation that the bill be amended in the following respect:

On page 2, section 1, line 18, delete the words "a majority" and insert in lieu thereof "two-thirds".

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

ASSEMBLY BILL No. 259

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. 259.

Assembly Bill No. 259 amends the Temporary Disability Benefits Law (P. L. 1948, c. 110) to provide for an increase in the maximum rate of weekly benefits from \$30.00 to \$35.00 per week effective as to periods of disability commencing on or after October 1, 1955. I heartily approve of the objective of this bill although I regret the use of the fraction $\frac{2}{5}$ instead of $\frac{2}{3}$ in determining the benefit to be paid in excess of \$30.00.

When this bill was under consideration by the Legislature, it was pointed out that if the new rate were made applicable to periods of disability which had already commenced, there would be a serious administrative problem because in those cases in which the maximum benefit was payable under existing law, the employer's report was not required to state the actual earnings of the employee concerned. With the increase in the maximum benefit payable, this further information would be essential to determine which employees are entitled to have their rate increased to the new maximum. In order to obviate this serious practical problem, amendments were made to the bill to incor-

porate the October date mentioned above. The amendments, however, in accomplishing that purpose, operate to create other difficulties. As the bill now stands, it provides that the act shall take effect October 1, 1955 "and shall apply only with respect to periods of disability commencing on or after October 1, 1955". Since the section here amended also provides for benefits for periods of disability prior to October 1, 1955, there no longer would appear to be any statutory authority for payments for such disability after that date, if this bill were approved. It is necessary that the provisions of the existing law be continued with respect to periods of disability commencing prior to October 1, 1955.

Accordingly, I am returning herewith Assembly Bill No. 259 for reconsideration and with the recommendation that it be amended as follows:

On page 1, section 1, line 15, after the word "disability", insert the word "commencing".

On page 2, section 2, lines 1, 2 and 3, delete the following: "October 1, 1955, and shall apply only with respect to periods of disability commencing on or after October 1, 1955" and insert in lieu thereof the word "immediately".

Respectfully,

ROBERT B. MEYNER,

Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 264

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. 264.

Assembly Bill No. 264 amends the unemployment compensation law so as to provide for an increase in the

maximum rate of weekly benefits from \$30.00 to \$35.00 per week effective as to claims made on or after October 1, 1955. I heartily approve of the objective of this bill although I regret the use of the fraction $\frac{2}{5}$ instead of $\frac{2}{3}$ in determining the benefit to be paid in excess of \$30.00.

When this bill was under consideration by the Legislature, it was pointed out that if the new rate were made applicable to existing claims, there would be a serious administrative problem because in those cases in which the maximum benefit was payable under existing law, the employer's report was not required to state the actual earnings of the employee concerned. With the increase in the maximum benefit payable, this further information would be essential to determine which employees are entitled to have their rate increased to the new maximum. In order to obviate this serious practical problem, amendments were made to the bill to incorporate the October date mentioned above. The amendments, however, in accomplishing that purpose, operate to create other difficulties. As the bill now stands, it provides that the act shall take effect October 1, 1955 "and shall apply only with respect to benefit years beginning on and after October 1, 1955". The bill, in its present form, would, if approved, eliminate provisions for the continued payment with respect to claims which ante-date October 1, 1955 and eliminate rights of review with respect to such prior claimants, with perhaps a resultant conflict with the requirements of Federal law. It is estimated that there are about 65,000 persons whose benefit years will extend beyond the effective date provided in this bill.

Accordingly, I am returning herewith Assembly Bill No. 264 for reconsideration and with the recommendation that it be amended as follows:

On page 2, section 1, line 22, after the words "Weekly benefit rate." insert new paragraph reading as follows:

"(1) With respect to an individual whose benefit year commences prior to October 1, 1955, his weekly benefit rate under each benefit determination shall be $\frac{2}{3}$ of his average weekly wage; provided, that such rate shall be computed to the next highest multiple of \$1.00 if not already a multiple thereof, and shall not be more than \$30.00 nor less than \$10.00."

On page 2, section 1, line 34A, delete “(1)” and insert in lieu thereof “(2)”.

On page 2, section 1, line 34A, after the word “individual” insert the words “whose benefit year commences on or after October 1, 1955, and”.

On page 2, section 1, lines 34A and 34B, delete the words “(as defined in subsection (u) of section 43:21-19 of this Title)”.

On page 2, section 1, line 34G, delete “(2)” and insert in lieu thereof “(3)”.

On page 2, section 1, line 34G, after the word “individual” insert the words “whose benefit year commences on or after October 1, 1955, and”.

On page 2, section 1, lines 34G and 34H, delete the words “(as defined in subsection (u) of section 43:21-19 of this Title)”.

On page 21, section 4, lines 288 and 289, delete the words “October 1, 1955, and shall apply only with respect to benefit years beginning on and after October 1, 1955” and insert in lieu thereof the word “immediately”.

Respectfully,

ROBERT B. MEYNER,

Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

ASSEMBLY BILL No. 275

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning Assembly Bill No. 275 herewith, with my objections for reconsideration.

Section 1 of Assembly Bill No. 275 provides that any person who fails to relinquish a telephone party line after being requested to do so to permit another to place a call in

an emergency in which property or life are in jeopardy, and any person who shall request the use of such party line by falsely stating that such need exists, shall be guilty of a misdemeanor, provided that the party line at the time of the request is not being used for any other such emergency call. Section 2 of the bill provides, as more particularly stated below, that every telephone directory printed and distributed after January 1, 1956 to the general public in this State or any portion thereof, other than a classified telephone directory, shall contain therein a warning notice setting forth the substance of the first section of the bill.

I approve of the over-all objective of the bill but I am of the view that two amendments are necessary.

Section 1 denounces the prohibited conduct as a misdemeanor. A misdemeanor is a crime and in addition to carrying an authorized maximum sentence of three years or a fine of \$1,000.00, or both, would result in the imposition of a criminal record upon conviction, with the other consequences incidental to conviction for crime. I believe that the penalty does not fit the offense and that the conduct should be denounced as a disorderly persons offense which carries an authorized maximum of one year imprisonment or a fine up to \$1,000.00, or both. Not only would this treatment be more just from the standpoint of the defendant but also it would aid the State in prosecution. Experience has indicated that grand juries are reluctant to return indictments where the facts are not sufficiently serious to warrant the imposition of a conviction for crime, and thus offenses which warrant some punishment pass without any penalty whatever. It was this appraisal of the problem of enforcement which led the Legislature to downgrade assault and battery to a disorderly persons offense. See *State v. Maier*, 13 N. J. 235, (1953) at pp. 242, 243. I believe that the same considerations are applicable here.

Section 2 of the bill requires the notice to be printed in a telephone directory "which lists the call numbers of any telephones, *located within this State*, of any telephone exchange located within or *without* this State". (Emphasis added) This language might require, in the case of foreign exchange service as, for instance, where a subscriber in Newark has an additional call number listed on the New York City exchange or where a subscriber in Camden has an additional telephone call number listed on a Philadelphia exchange, that the telephone directories issued by tele-

phone companies operating in New York and Pennsylvania would be required, in the case of directories issued to such subscribers, to print therein the required warning notice. Since foreign exchange service is predicated upon the subscriber having additional local exchange service, it would seem unnecessary to require the telephone directories, as in the above illustration of New York and Pennsylvania telephone companies, to include the mentioned warning.

The amendment hereinafter recommended will have the effect of providing that the warning will appear in all telephone directories which are delivered within the State of New Jersey to all residents within this State in connection with the telephone service provided to them, but not including the out-of-State directories which are delivered to a limited number of subscribers within this State.

I note that Section 2 of the bill provides for no specific sanction against a telephone company which fails to comply with these provisions. I merely note this omission and suggest no amendment since I am satisfied that the telephone companies will comply notwithstanding the absence of specific penal provisions.

Accordingly, I am returning Assembly Bill No. 275 for reconsideration and with the recommendation that the bill be amended in the following respects:

On page 1, section 1, line 10, delete the words "guilty of a misdemeanor" and insert in lieu thereof the words "a disorderly person".

On page 1, section 2, line 3, after the word "State" delete ", of" and insert the words "and served from".

On page 2, section 2, line 4, after the word "within" delete the words "or without".

Respectfully,

ROBERT B. MEYNER,

Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,

Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY BILL No. 334

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 Committee Substitute for Assembly Bill No. 334.

The proposed bill would fix new minimum and maximum salary ranges for identification officers in counties with populations between 325,000 and 600,000 (Bergen, Union and Passaic Counties) and would authorize the boards of chosen freeholders in counties with a population in excess of 600,000 (Essex and Hudson Counties) to fix the salaries of such officers within their discretion upon the recommendation of the sheriff. The bill thus parallels Assembly Bill No. 375 of the 1954 Legislature which I returned without my approval.

Identification officers are employees of the county sheriffs. Prior to 1943, there was no statute governing the amount of their pay in any county. Chapter 191 of the Laws of 1943 for the first time set up mandatory salary ranges for identification officers in counties having a population exceeding 300,000. The boards of chosen freeholders in the 15 other counties of the State have at all times fixed the salaries of identification officers according to their judgment and not pursuant to statutory mandate. This discretion accords with the sound principle of home rule that county expenditures for salary of employees other than constitutional and statutory officers should be set by the respective boards of chosen freeholders in view of their first hand grasp of all pertinent considerations.

By this bill, only Bergen, Union and Passaic Counties will have mandatory salary ranges for the identification officers. Camden County is excluded because of the repeal of P. L. 1943, c. 191 and its supplements, and the limitation of the application of this bill to counties having a population exceeding 325,000. In addition, the Assembly Committee Sub-

stitute for Assembly Bill No. 334 would restore to the boards of chosen freeholders in all first class counties the discretion to fix the salaries of identification officers.

I am not impressed with the need for statutory salary scales for identification officers in three counties only. While the identification officers perform important and responsible work in fingerprinting, there is no valid reason why they cannot in all counties look to the judgment of the boards of chosen freeholders for the amount of their pay. I am, further, concerned with the drastic scope of the salary increases proposed by this bill, for example, from a minimum of \$2,500.00 and a maximum of \$3,800.00 for identification officers to a minimum of \$4,000.00 and a maximum of \$5,400.00. Both under the existing law and the proposed legislation, the statutory maximum salaries are subject to increase by resolution of the board of chosen freeholders.

Accordingly, in accordance with sound legislative practice dealing uniformly and without arbitrary exceptions with all counties, I recommend the amendment of the Assembly Committee Substitute for Assembly Bill No. 334 to retain the repealers of existing statutes, as follows:

On page 1, section 1, lines 1 to 5, eliminate section 1 in its entirety.

On page 2, section 2, lines 1 to 3, eliminate section 2 in its entirety.

On page 2, section 3, lines 1 to 13, eliminate section 3 in its entirety.

On page 2, section 4, lines 1 to 4, eliminate section 4 in its entirety.

On page 2, section 5, lines 1 to 3, eliminate section 5 in its entirety.

On page 2, section 6, lines 1 to 3, eliminate section 6 in its entirety.

On page 2, section 7, lines 1 to 4, eliminate section 7 in its entirety.

On page 3, section 8, lines 1 to 7, eliminate section 8 in its entirety.

On page 3, section 9, line 1, delete "9" as the number of the section and insert in lieu thereof "1".

On page 3, section 10, line 1, delete "10" as the number of the section and insert in lieu thereof "2".

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 394

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. 394.

This bill would amend the section of the disorderly persons act which now provides that any person who uses a narcotic drug for a purpose other than the treatment of sickness or injury "as prescribed or administered by a person duly authorized by law to treat sick and injured human beings" is a disorderly person. This bill would include "any person under the influence of a narcotic drug *not prescribed by a duly licensed physician.*" (Emphasis added).

The object of this amendment is to authorize the conviction of persons under the influence of narcotics without proof, required under present law, that the narcotics were administered in this State. This objective was one of the recommendations contained in the "First Report of the New Jersey Commission on Narcotic Control", dated February 21, 1955, but the bill does not accurately follow the recommendation there made.

The report at page 11 recommended that the section be amended to specify "any person under the influence or having internal possession of a narcotic drug, not prescribed by a duly licensed physician, etc. (rest of law the same)."

The recommendation clearly did not contemplate quasi-criminal liability where a narcotic drug was lawfully administered, although not upon the prescription of a duly licensed physician. Under existing laws persons other than a physician may legally administer narcotic drugs. This bill, accordingly, would result in the anomalous situation where some other person, such as a dentist, could lawfully administer such drug and the person under the resulting influence would be subject to a year's imprisonment by reason thereof. See section 24:18-22 of the Revised Statutes.

Accordingly, I am returning Assembly Bill No. 394 for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, line 8, after the word "prescribed", insert the words "or administered".

On page 1, section 1, line 8, delete the words "duly licensed physician" and insert in lieu thereof "person duly authorized by law to treat sick and injured human beings".

Respectfully,

ROBERT B. MEYNER,

Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 5, 1955. }

ASSEMBLY BILL No. 433

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. 433.

This bill would authorize savings banks to invest in bonds payable from revenues derived from a utility owned or operated by a political unit as therein defined. The investments so authorized are in addition to investments now or hereafter authorized by other statutes to be made in revenue bonds of such political units.

Section 2 of the bill specifies certain requirements which must be met by the revenue bonds to qualify for investment. The requirement of Section 2 that the bonds "are not in default at the time of investment" seems inadequate. I recommend an amendment which would substantially match the existing requirement with respect to municipal bonds and a further minor amendment in the interest of clarity.

Section 3 of the bill restricts the quantum of investment in such bonds by a savings bank. The limitations therein set forth seem to me to be insufficient and accordingly I suggest the amendments hereinafter set forth.

Accordingly, I am returning Assembly Bill No. 433 for reconsideration and with the recommendation that amendments to the bill be made as follows:

On page 3, section 2, line 15, after the word "investment" insert "and were not within 5 years prior to the time of investment in default for a period of more than 6 months in the payment of any part of the principal or interest thereon".

On page 3, section 2, line 31, after the word "investment" insert the words "at least".

On page 3, section 3, line 4, delete the figure "20" and insert in lieu thereof the figure "10".

On page 3, section 3, line 7, delete the figure "2" and insert in lieu thereof the figure "1".

On page 3, section 3, line 10, delete the words "outside the State of New Jersey".

On page 4, section 3, line 11, delete the figure "20" and insert in lieu thereof the figure "5".

On page 4, section 3, lines 11 and 12, delete the words "any such issue (including equal or prior liens)" and insert in lieu thereof "the total amount of all revenue bonds of that unit issued and outstanding".

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

ASSEMBLY BILL NO. 435

To the General Assembly:

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

This bill would amend section 18:7-64 of the Revised Statutes so as to increase from \$500.00 to \$1,000.00 the amount of supplies which a school board may purchase at any time without advertising. It further provides that no contract for repairing an existing schoolhouse shall be entered into without first advertising for proposals if the cost is more than \$2,000.00, as compared with the \$1,000.00 limit contained in the present law.

In 1949 this section was amended by raising the limit on supplies from \$250.00 to \$500.00 and on repairs from \$500.00 to \$1,000.00. That amendment reflected the rise in material and labor costs since the enactment of the pre-existing statute in 1930. Prices and labor costs have risen further since 1949 and no reversal of the trend is in sight. Accordingly, I think the increase in the limits provided for in this bill is warranted.

There has been some confusion as to the meaning of the term "supplies" as used in this section. One construction has been that this term does not include furniture and desks, apparently on the theory that "supplies" refers to items which generally have a useful life not exceeding one year, and hence that furniture and desks of any amount may be purchased without advertising.

Municipalities are required to advertise for bids for purchases of furniture, desks and other materials. There is no reason why school boards should not be compelled to do the same. I understand that during the past year there has been considerable criticism of school purchasing practices. I believe that at the time of increasing the amount of the purchase which can be made without advertising, the language of the section should be clarified specifically to set forth that materials, furniture and desks are included among the supplies for which there must be advertising in excess of the stated amount.

I am, therefore, returning Assembly Bill No. 435 for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, line 4, after the word "furnishing" insert "materials, desks, furniture or other".

On page 1, section 1, line 6, after the word "further" insert "materials, desks, furniture or other".

On page 1, section 1, line 7, after the words "purchase of" insert "materials, desks, furniture or other".

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 469

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. 469.

This bill would amend section 38:23-1 of the Revised Statutes, which deals with leaves of absence without loss of pay or time for any officer or employee of the State or a county, school district or municipality in connection with engagement in field training as members of certain reserve components of the armed forces.

The statute presently is limited to engagement in field training. The bill would amend the statute to embrace other active duty as well. The existing act contains no express limitation on the amount of leave to which such officers or employees are entitled. This measure would provide that such leaves shall not be in excess of 45 days in any calendar year.

I cannot agree with the bill insofar as it would authorize leaves without loss of pay or time to an amount of 45 days. I, of course, approve of the participation by public employees in the program of national defense, but the payment of the full compensation for a period of that length in addition to the compensation received from the armed forces seems unreasonable.

I believe that leave without loss of pay or time for a period of two weeks is a fair contribution by the State and its subdivisions in furtherance of the objective of the bill. Although it is suggested, in support of the bill, that presently there is no limit on the amount of leave, the fact is that a limitation does exist because the statute now deals only with field training, and such training, with respect to reserve components, covers approximately two weeks. The bill, accordingly, makes the period of 45 days applicable to "other active duty" training. The origin of the 45-day period is not apparent since ordinarily the service school courses which constitute "other active duties" and training are for a period of 90 days.

The present statute refers to "the organized reserve of the Army of the United States"; the Armed Forces Reserve Act of 1952 describes the reserve act as the "United States Army Reserve Act" and accordingly it would be appropriate to amend the law to set forth the new designation.

Accordingly, I am returning herewith Assembly Bill No. 469 for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, lines 4 and 5, delete the words "organized reserve of the Army of the United States" and insert in lieu thereof "United States Army Reserve".

On page 1, section 1, line 8, delete the figures "45" and insert in lieu thereof "two weeks".

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

ASSEMBLY BILL No. 503

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith Assembly Bill No. 503, with my objections, for reconsideration.

R. S. 45:24-9 presently provides that honorably discharged veterans may hawk merchandise upon a license issued by the county clerk. It accords the same privilege to exempt members of volunteer fire departments. Assembly Bill No. 503 would amend this section so as to authorize municipalities to prohibit such hawking on any public beach or public boardwalk or to require a second license for hawking thereon to be issued by the municipality, with further authority in the municipality to limit the number of licenses.

The subject of hawking by veterans has a lengthy history recently summarized in *Tagmire v. Atlantic City*, 35 N. J. Super. 11 (App. Div. 1955). As appears therein, it has been the policy of this State since 1904 to permit our honorably discharged veterans to hawk anywhere in the State upon obtaining a license from the county clerk. In recent years, there have been a number of efforts to curtail that right, essentially with respect to public beaches and boardwalks. In 1949, Governor Driscoll vetoed a bill which would have authorized the total prohibition of hawking in such places, expressing the view that a municipality might well be authorized to regulate and control hawking without being compelled to choose between unregulated hawking and a total prohibition of it. In 1950, an identical bill was introduced, but was amended so as to authorize only regulation of hawking on public boardwalks and beaches and in that form was approved. In 1952 the power of regulation was extended to hawking on streets and highways.

I have received an unusual quantity of communications for and against this bill. The license to hawk is a valuable recognition of the services rendered by the veterans to their government, and public beaches and boardwalks doubtless offer attractive opportunities for hawking. On the other hand, concentrations on a particular beach or boardwalk apparently present problems which cannot, as a practical

matter, be met by the exercise of the existing local power to regulate.

After carefully considering the matter, I feel compelled to agree that the municipalities should have the power to prohibit all hawking or to limit the number of hawkers upon the basis of local determination. But if a municipality should authorize hawking to any number, preference should be given to persons holding licenses under the State law.

If hawking is thus confined by a municipality to a limited number of licenses, there must be some formula which will insure equality of treatment among these veterans. An appropriate formula should be set forth in the statute. Since the number of holders of licenses under the State law undoubtedly would exceed the number of local licenses authorized by a municipality, entitlement thereto should be determined by lot. Additionally, the present right of veterans to hawk without license fee should be continued.

Accordingly, I am returning herewith Assembly Bill No. 503 for reconsideration and with the recommendation that amendments be made to the bill as follows:

On page 1, section 1, lines 5 to 8, inclusive after the word "except" in line 5, delete ", however, the aforesaid right to hawk, peddle and vend any goods, wares or merchandise or solicit trade shall not extend to or include any public beach or public boardwalk" and insert in lieu thereof the words "as hereinafter provided in section 2 of this act".

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

On page 2, section 2, delete lines 4 to 13 inclusive, and insert in lieu thereof the following:
"in any municipality (a) in which there is in effect an ordinance adopted after the effective date of this act prohibiting all hawking, peddling and vending thereon, or (b) in which there is in effect an ordinance complying with the terms of this section and adopted after the effective date of this act providing for the issuance of licenses therefor, unless such person shall hold a license issued under such ordinance. The governing body of every municipality or other authority having control over any public beach or public boardwalk may by ordinance prohibit all hawking, peddling and vending

on such beach or boardwalk or provide for the licensing of all persons who hawk, peddle or vend thereon, including a limitation upon the number of licenses which shall be issued; provided, however, that if the number of licenses shall be limited every ordinance so providing shall comply with the following provisions. There shall be published once in a newspaper circulating in the municipality a notice that applications for such license may be filed with the clerk of the municipality by a specified date, not less than 10 days after such publication, and specifying the time and place for a public drawing to determine which applicants will receive a license. At the time and place so specified, all applications shall be drawn by lot, and a list prepared showing the order in which the applications were drawn. Licenses shall be issued to the applicants in the order in which their applications are so drawn. Licenses so issued shall be renewable annually. New or additional licenses shall be issued to the applicants on said list in the order in which they appear, and all new applicants shall be added to the list in accordance with the date of application. Preference shall be given to persons holding licenses as set forth in section 1 of this act, in the initial issuance of licenses and in the issuance thereafter of new or additional licenses, and no fee shall be charged to such persons for the issuance or renewal of any license. The municipality or other authority may provide for forfeiture of a license upon conviction for a second or subsequent violation of ordinances regulating such hawking, peddling and vending.”

On page 2, section 4, line 1, after the word “effect” delete the words “July 1, 1955” and insert in lieu thereof the word “immediately”.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 511

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith Assembly Bill No. 511, with my objections, for reconsideration.

This bill would establish a uniform non-contributory pension system. It is the recommendation of the legislative Commission to Study Non-Contributory Pensions, (J. R. 7, P. L. 1954) and is intended to replace many special pension acts as well as to forestall future special pension bills.

Specifically, the bill, as originally introduced, would permit any county, municipality or school district to retire any public employee who is not a member of and was not required by law to become a member of a contributory retirement system and who is either 65 years of age or permanently and totally disabled. The maximum benefits payable thereunder would be (a) 30% of final average salary if the employee has under 20 years' service and (b) 50% of final average salary if over 20 years' service. Prior to passage, several amendments, referred to hereinafter, were made.

I am in accord with the basic objective of this legislation and the recommendations of the Study Commission. There are, however, certain defects which require the return of this bill for amendment.

The bill permits counties, municipalities and school districts to grant non-contributory pensions and disability benefits to employees who are 65 years of age or over without regard to the length of service of such employee. Thus, disability or pension benefits could be given to an employee with only 1 day of service if he were 65 years of age or over, in an amount up to 30% of final average salary. I fear that this liberality could lead to abuses or unwarranted expenditure of public funds. I am accordingly recommending that a minimum requirement of 5 years of service for disability benefits and 15 years of service for pension benefits be incorporated in the bill.

With regard to benefits for permanent and total disability, no provision is made for periodic re-examinations, up to age 65, to establish the continuance of such disability. Such a provision is usually included in pension acts, and I am recommending an amendment accordingly.

The bill fixes certain maximum amounts to such pensions and also fixes a minimum of 25% after 35 years' service and age 65. It allows discretion within these limits to the county, municipality or school district allowing the pension. It would be possible under the bill for pension and disability benefits to be fixed at varying percentages of final average salary so that each case might be dealt with separately without regard to uniform percentages within the county, municipality or school district. This could lead to inequality and discrimination. I believe that the bill should be amended so that all pensions and disability benefits shall be at percentages uniform within each county, municipality or school district as the governing body of each shall determine.

By amendment to the bill the words "shall at his request" were inserted so as to give the employee an absolute right to a pension. This was done upon the assumption that the employer had an absolute discretion to fix the pension from zero to the maximum. I have grave doubts that the language would permit this construction and fear the courts would conclude that the Legislature did not intend to give a mandatory right merely to a nominal sum. Inasmuch as there was no intention to impose such liability upon all counties, municipalities and school districts as would result from a *mandatory* non-contributory pension system, I am recommending, in the interest of clarification, the deletion of the words quoted above.

Finally, section 5 (b), in an amendment to the original bill, inadvertently contains the word "pension" rather than the term "total retirement allowance". If the word "pension" remained, the provision might be construed to mean that employees within the category there referred to could receive both pension and social security benefits totalling together more than 50% of the salary. I am recommending a change accordingly.

Accordingly, I am returning Assembly Bill No. 511 for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, line 7, after the word "years" delete the word "immediately" and insert in lieu thereof the words "of his employment".

On page 1, section 1, lines 8, 9 and 10, delete the sentence "If he has less than 5 years' service, the final average salary shall be his average base compensation for his total service for the employer."

On page 2, section 1, line 21, after the word "duties." insert the following: "Any person who is retired for permanent and total disability hereunder, and who is under the age of 65 years, shall undergo an annual medical examination by a physician or physicians designated by the county, municipality or school district paying pension benefits based upon disability to such person. If upon examination it is determined that such disability no longer exists, the benefits payable hereunder for disability shall cease. If a person receiving pension benefits based upon disability refuses to submit to examination, the county, municipality or school district paying such benefits shall discontinue same until such person submits to a physical examination."

On page 2, section 2, lines 3 and 4, delete the words "shall, at his request, or".

On page 2, section 5, line 1, after the word "shall" insert the following: "be fixed by the employer according to uniform percentages of final average salary applicable generally to all employees of such employer subject to the provisions of this act, which percentages shall be adopted by resolution, but which shall".

On page 2, section 5, line 10, delete the word "pension" and insert in lieu thereof "total retirement allowance".

On page 2, section 5, line 11, after the word "benefit." insert a new paragraph as follows:

"No employee shall be eligible for pension benefits based upon disability hereunder unless he shall have at least 5 years of employment continuously, or in the ag-

gregate, with the employer. No employee shall be eligible for pension benefits other than benefits based upon disability hereunder unless he shall have at least 15 years of employment continuously, or in the aggregate, with the employer.”

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
December 5, 1955. }

ASSEMBLY BILL No. 592

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. 592.

This bill, which would amend the “Public Employees’ Retirement-Social Security Integration Act” (P. L. 1954, c. 84), relates to employees of the State whose compensation is paid in whole or in part by any county or municipality. The amendments would provide that: (1) all State employees paid by a county which has not adopted the Public Employees’ Retirement System and which has its own pension system would be ineligible for membership in the State system and would be considered as a county employee for pension purposes; (2) “all members of the judiciary who are State employees other than judges of the Superior and Supreme Courts” would nonetheless continue to be eligible for membership in the State system; (3) any such State employee who is a member of the State system on the effective date of the bill could elect within 90 days to remain in the State system; and (4) the free veterans’ pension would remain available to such State employees not in the State system.

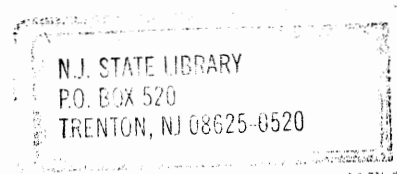
The State system has been adopted by 17 counties and one county has made no provision for general contributory pension coverage. The problem to which this bill is addressed arises with respect to the 3 counties which have their own pension systems. Those counties are Essex, Hudson and Passaic.

The problems concerning the 3 counties appeared after the adoption of Chapter 84 of the Laws of 1954. Prior thereto State employees who were paid by the counties in most instances considered themselves to be county employees and joined and contributed to the county pension system. Under Chapter 84 of the Laws of 1954 all State employees, regardless of the source of their compensation, became eligible for membership in the State system; and all State employees who were veterans automatically became members of the State system unless they affirmatively elected to reject membership. The adoption of Chapter 84 of the Laws of 1954 led to consideration of the eligibility of such State employees for membership in the county systems and apparently doubts have arisen as to such eligibility. It is claimed that some of these State employees prefer to remain in the county systems and the county systems claim that the removal of such employees from them will adversely affect the county pension programs. The purpose of the bill accordingly is to permit such State employees to elect within a specified period whether they wish to be in the county system or in the State system.

These elections would be limited to existing employees. Future employees would be denied an opportunity to join the State system and would be relegated to a choice of joining the county system or none at all.

Another consequence of the bill would be that such employees, present or future, who are veterans could receive the benefits of the free Veterans' Retirement Act despite the policy established by the adoption of Chapter 84 of the Laws of 1954 that State employees shall thereafter be ineligible for the benefits of the free Veterans' Retirement Act.

As to State employees, I believe that the policy of Chapter 84 of the Laws of 1954 requiring them to be in the State system should be followed in the absence of strong considerations justifying a departure from it. I am willing to



accept a narrow departure in the light of the hardship to the individual employees and to the county systems by reason of the obscurity which attended the relationship of the State employees described above to those systems. Such departure from the policy of Chapter 84 of the Laws of 1954 should be limited to an election by such State employees as in fact contributed to a county system upon the effective date of this amendment to be members of the county system or the State system, by so electing within a specified period. With respect to the free Veterans' Retirement Act, its availability should be restricted to those veterans who were contributing to a county system on that date and elect not to join the State system. The controlling considerations which lead to these exceptions do not obtain in the case of such employees as are employed after the effective date of this amendment and hence they should be eligible for membership only in the State system.

I, therefore, recommend amendments in harmony with the views set forth above, and providing that the governmental entity paying the compensation pay the employer's contribution.

Accordingly, I am returning Assembly Bill No. 592 herewith for reconsideration and with the recommendation that it be amended as follows:

On page 1, section 1, line 10, after the word "State" insert the words ", employed on or before the effective date of this amendatory act,".

On page 1, section 1, line 15, after the word "statute," insert the words "and who were members of such system on the effective date of this amendatory act and do not apply for withdrawal from such system within 60 days from such effective date,".

On page 1, section 1, line 15, after the word "county" insert "or municipal".

On page 2, section 1, lines 19 through 24, delete the entire subsection (c) and substitute in lieu thereof the following:

"(c) Except as provided in subsection (b) hereof, an employee of the State whose compensation is paid in whole or in part by any such county or municipality or by any board, body, commission or agency of any

such county or municipality maintained by funds supplied by such county or municipality shall be eligible for membership in the Public Employees' Retirement System and shall not be a member of any county or municipal pension system by reason of such State service. Any such veteran employee who is not a member of such county or municipal pension system on the effective date of this amendatory act may within 60 days from such effective date apply for prior service credit as provided in section 60 of this act, and shall be entitled to same as therein provided. The county or municipality shall be deemed to be the employer of such employees of the State for the purposes of this act and shall have the obligations as such employer as set forth in section 81 of this act.

“Any employee who applies to withdraw from a county retirement system, as provided in subsection (b) hereof, shall, within said 60-day period, file a copy of such application with the Board of Trustees of the Public Employees' Retirement System together with his application for membership in the Public Employees' Retirement System. The county retirement system to which such employee has made contributions shall cause to be transferred to the Public Employees' Retirement System within 90 days thereafter the amount of such employees' contributions to such county retirement system, without interest, for which such employee shall receive prior service credit for the time of his membership in such county retirement system. Any such veteran member who, in his application for membership in the Public Employees' Retirement System requests prior service credit as provided by section 60 of this act, shall be entitled to same as therein provided.”

On page 2, section 1, lines 25 through 35, delete the entire subsection (d).

On page 2, section 1, line 36, delete “(e)” and insert “(d)”.

On page 2, section 1, line 36, delete the words “a member of” and insert in lieu thereof “eligible for membership, by reason of subsection (b) hereof, in”.

On page 2, section 1, line 37, after the word "System," insert the word "and".

On page 2, section 1, lines 44 and 45, delete the words ", to the extent of the portion of said salary paid by said county or municipality".

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
December 19, 1955. }

SENATE BILL No. 20

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith Senate Bill No. 20, with my objections, for reconsideration.

This bill is designed to provide more specific procedures for the conduct of a recheck of voting machines, by amending and adding to R. S. 19:52-6.

The bill is a desirable measure. I feel, however, that some amendments to it should be made.

Section 2 of the bill provides that a recheck shall be commenced within 5 days of the entry of the order for the recheck. Recent State-wide rechecks have pointed up the necessity for discretion in the assignment judges to delay the time for commencement of the recheck. The bill, as drawn, would foreclose such discretion.

In subsection (1) of Section 2, provision is made for the defeated candidate or petitioners, as the case may be, to designate the order in which the districts are to be rechecked. No provision is made for a situation in which several candidates or sets of petitioners demand a recheck and are not in agreement as to the order in which the districts should be rechecked. I recommend that in such case the order be determined by the judge.

In subsection (3) of Section 2, provision is made for the opening of more than one counter compartment at one time if it is agreed to do so by the county board of elections and a majority of the candidates whose nomination or election may be affected. In theory, a recheck may affect the nomination or election of every candidate in the election. Frequently some candidates have no interest in the outcome of a recheck and hence do not appear. Accordingly, it may prove impossible to get agreement of a majority of all of

the candidates. I recommend that the provision be narrowed to include only the candidates who are present or represented at the recheck.

Subsection (9) of Section 2 provides that in the event it should appear at any time during the course of a recheck that there has been sufficient change in the tally of the votes cast to affect the results of the election, any candidate who appears then to be defeated, or the parties in interest in a case of a public question, may apply to the judge, within 3 days, for an order to continue the recheck in his behalf. Since the obtaining of such an order involves a decision on the part of the candidate, the drawing of an order, perhaps for many counties, and having the orders signed by the various assignment judges, a 3-day time limitation appears impractical. I recommend a 7-day period.

I have recommended several other changes in the bill to correct misprints and to make uniform the designation of the recheck procedure as to voting machines as a "recheck" rather than a "recount".

I am therefore returning Senate Bill No. 20 herewith for reconsideration and with the recommendation that the bill be amended as follows:

On page 2, section 2, line 6, after the word "order" insert the words "unless otherwise ordered by the judge".

On page 2, section 2, line 9, delete the word "recounted" and insert in lieu thereof the word "rechecked".

On page 2, section 2, line 10, delete the word "recounted" and insert in lieu thereof the word "rechecked".

On page 2, section 2, line 11, after the word "thereto." insert the following sentence: "If more than one candidate or set of petitioners has requested a recheck and are unable to agree upon the order in which the districts are to be rechecked, such order shall be determined by the judge."

On page 3, section 2, line 14, delete the word "of" and insert in lieu thereof the word "if".

On page 3, section 2, line 23, after the word "re-check," insert the words "and who are present or represented at the recheck,".

On page 3, section 2, line 27, delete the word "cause" and insert in lieu thereof the word "check".

On page 4, section 2, line 56, delete the number "3" and insert in lieu thereof the number "7".

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
January 31, 1955. }

SENATE BILL No. 32

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. 32.

Senate Bill No. 32 would authorize the Division of the New Jersey Real Estate Commission to conduct educational and information programs relating to the real estate brokerage business, including the "preparation, printing and distribution of publications and articles and the conduct of conferences, forums, lectures, and a public information service."

The State of New Jersey, through appropriate agencies, requires the licensing of those engaged in many professions and occupations, in addition to real estate brokers and salesmen, for example, physicians, nurses, accountants, architects, funeral directors, barbers, and beauty culture operators. None of the other State regulatory agencies seek to conduct special educational programs or to publish trade journals. Such endeavors in the other fields have remained with the professional organizations, trade associations and schools and colleges.

There should be no objection to the distribution by State agencies of factual material relating to their activities. It serves the public interest to make available the applicable statutes, rules, regulations, notices and agency and court decisions. Publication of administrative rules and regulations is in accord with the mandate of Article V, Section IV, paragraph 6 of the 1947 Constitution. There is, however, no assurance in this bill that personal opinions and other extraneous material might not be published by the Commission. The financing of a publication with such a potential, in effect a trade journal, out of State funds, would in my judgment violate basic democratic principles.

I am, accordingly, returning Senate Bill No. 32 herewith for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, lines 1 to 9, inclusive, delete the entire section and substitute in lieu thereof the following:

“1. In addition to the powers heretofore granted, the Commission may, subject to the approval of the Commissioner of Banking and Insurance, exercise the following powers:

“(a) To conduct hearings and meetings for the purpose of considering the promulgation, adoption, revision and amendment of rules and regulations and informing the public and brokers and salesmen of the provisions of existing rules and proposed amendments thereto;

“(b) To publish and distribute copies of regulations, proposed regulations, decisions of the Commission or of the courts of this State or summaries of the foregoing in such form of publication as may be approved by the Secretary of State.”

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

SENATE BILL No. 62

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith Senate Bill No. 62, with my objections, for reconsideration.

The bill would amend the act concerning the Palisades Interstate Park and Palisades Interstate Park Commission. Its objective is to authorize the Commission to make rules and regulations concerning traffic on roads in the park without the necessity of holding public hearings in each municipality traversed by the park road.

This purpose appears meritorious. But the language of the amendment is not clear as to its effect upon the existing statutes concerning traffic. The last sentence of the amendment provides:

“The provisions of this section shall be applicable notwithstanding the provisions of any general law heretofore or hereafter enacted relating to traffic control and regulations.”

The present law requires that the Director of the Division of Motor Vehicles approve local ordinances and resolutions regulating or controlling traffic. The object of this provision is to insure reasonable uniformity in the interest of the traveling public. This approval power exists with respect to the Palisades Interstate Park Commission. The bill in its original form eliminated that authority of the Director, but it was amended to restore his power. The sentence quoted above was undoubtedly included because of the original provision of the bill eliminating the Director's authority. Since the Director's authority has been restored by amendment, the quoted sentence is in conflict with the amendment and should be deleted. If the sentence were to remain, it might perhaps lead to the contention that it operates to eliminate the Director's authority despite the history of the amendment which shows the Legislature's intent to the contrary.

In addition, that sentence, if permitted to remain, would at the very least create an ambiguity. The language might

well be construed to mean that the Park Commission could disregard the statutes relating to uniform traffic markings and signals. Such result would tend toward confusion and would be contrary to the public interest.

I am, therefore, returning herewith Senate Bill No. 62 for reconsideration and with the recommendation that amendments be made to the bill as follows:

On page 2, section 1, lines 39, 40 and 41, delete the sentence "The provisions of this section shall be applicable notwithstanding the provisions of any general law heretofore or hereafter enacted relating to traffic control and regulations."

Respectfully,

ROBERT B. MEYNER,

Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 5, 1955. }

SENATE BILL No. 87

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith Senate Bill No. 87, with my objections, for reconsideration.

This bill would amend N. J. S. 2A:158-15 to provide for the appointment of 5 assistant prosecutors in counties having a population between 350,000 and 500,000 and having 2 county court judges. The statute presently provides for 3 assistant prosecutors and is applicable to all counties in which there are 2 or more county court judges without regard to population.

This bill would also amend N. J. S. 2A:158-17 to provide that assistant prosecutors (other than the first assistant) in counties having a population of 300,000 to 600,000 shall be compensated within a range of \$5,000.00 to \$8,500.00. Under the existing statute second assistant prosecutors are

paid within the range of \$6,000.00 to \$8,000.00 and the other assistant prosecutors within the range of \$5,000.00 to \$7,000.00.

With respect to the increase in the number of assistant prosecutors, Senate Bill No. 87 would apply only to Union County, and would leave the more populous counties of Essex, Hudson and Bergen within the present limitation of 3 assistant prosecutors. The prosecutor of Union County additionally has 2 legal assistants; the prosecutor of Essex County has 6 legal assistants; the prosecutor of Hudson County has 7 legal assistants; and the prosecutor of Bergen County has 3 legal assistants. Except with respect to first class counties with population not in excess of 800,000 (N. J. S. 2A:158-18.1) there is no statute specifically providing for legal assistants and they have been appointed upon some other basis.

It is apparent that a classification applicable only to Union County whereby it would have 5 assistant prosecutors while larger counties would have a lesser number cannot be reconciled with the constitutional prohibition against such special legislation, and hence I cannot approve of a bill so providing.

The problems of law enforcement have changed significantly since the days in which the concept of the county prosecutor originated. Traditionally the prosecutor handled the legal aspects of criminal matters and engaged in primary investigations in limited areas, such as homicide matters, in which many local police forces lacked personnel of specialized training required for such matters. With the advent of organized crime transcending municipal lines, the concept has developed in metropolitan areas that the basic attack should be made from the county or higher level. If the prosecutors are to discharge such responsibility, their staffs must be of appropriate size. A study of the matter is now timely, and in fact the Attorney General is presently reviewing it with the aid of the conference of prosecutors. The problem has various facets and may well require varying approaches depending upon the urban or rural nature of the counties. I hope the current study will result in acceptable recommendations.

With respect to the provisions of Senate Bill No. 87 relating to pay increases, the existing classification is not disturbed and the increases do not involve incongruity with

respect to salaries payable to assistant prosecutors in other counties. I have no objection to this phase of the bill.

Therefore, I am returning Senate Bill No. 87 herewith for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, line 1, to page 2, section 1, line 23, inclusive, delete the entire Section 1.

On page 2, section 2, line 1, delete the figure "2." and insert in lieu thereof the figure "1."

On page 2, section 3, line 1, delete the figure "3." and insert in lieu thereof the figure "2."

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

SENATE BILL No. 88

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith Senate Bill No. 88, with my objections, for reconsideration.

This bill would amend Section 2A:157-4 of the New Jersey Statutes so as to authorize counties having a population between 350,000 and 500,000 to appoint as many as 12 county detectives, and 2 lieutenants of county detectives. The present law authorizes 9 county detectives and 1 lieutenant in all second class counties.

I recognize that the law enforcement needs of counties vary with population. This bill, however, would single out Union County for the increased personnel and leave Bergen County, which has a population greater by over 140,000, with a lesser number of county detectives and lieutenants. I am aware of no rational basis for this discriminatory treatment and hence believe the bill, as presently drafted, conflicts

with the constitutional prohibition against special legislation.

The present law, "County Detectives and County Investigators Act (Revision of 1951)", N. J. S. 2A:157-1 *et seq.*, establishes a reasonable classification.

First class counties	18 county detectives
Second class counties	9 county detectives
Third class counties over 75,000	6 county detectives
Third class counties under 75,000	2 county detectives
Fourth class counties	1 county detective
Fifth class counties	6 county detectives
Sixth class counties	4 county detectives

This bill is not integrated into this classification.

I am, therefore, returning herewith Senate Bill No. 88 for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, line 4, before the word "counties" insert "such".

On page 1, section 1, line 5, delete the word "between" and insert in lieu thereof "in excess of"; also delete the words "and 500,000".

Respectfully,

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

ROBERT B. MEYNER,
Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
May 26, 1955. }

SENATE BILL No. 105

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning Senate Bill No. 105 herewith for reconsideration and with my objections.

The purpose of this bill is to simplify procedure with respect to chattel mortgages of motor vehicles. It provides, among other things, that, in addition to the conventional recording of a chattel mortgage, there shall be presented

to the Director of Motor Vehicles within 5 days after execution of such mortgage, a certificate of encumbrance signed by the mortgagor containing specified information including "the county in which the mortgage has been recorded."

The objection has been submitted to me that the requirements of both a recording of the chattel mortgage and the presentation of the statement of encumbrance showing "the county in which the mortgage has been recorded" could not be met within the five-day time period in all cases. The objection is meritorious, and accordingly an amendment, consistent with the over-all objective, is indicated.

The provision under discussion requires, as stated above, that the statement of encumbrance show "the county in which the mortgage *has been* recorded" (emphasis added). Since the statement must be signed by the mortgagor, it would not be truthful unless the mortgagor returned after recording to execute the statement. This requirement is not practical, and no compelling reason appears for it. All objectives would be served if, in addition to actual recording, which in any event would be had to protect the mortgagee, the mortgagor shows in the statement of encumbrance the county in which the mortgage *is to be* recorded. An amendment accordingly would not only permit the statement to be signed by the mortgagor at the time of execution of the mortgage, as business expediency would require, but it would also eliminate the tightness of the time provision referred to above, since the mortgagee could simultaneously dispatch the chattel mortgage and statement of encumbrance to the respective places of record and filing, and do so within the five-day period.

Accordingly, I am returning Senate Bill No. 105 for reconsideration, with the recommendation that an amendment to the bill be made as follows:

On page 2, section 1, line 47, after the word "mortgage" delete the words "has been" and insert the words "is to be".

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 25, 1955. }

COMMITTEE SUBSTITUTE FOR SENATE BILLS
Nos. 158, 159 and 160

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 Bills Nos. 158, 159 and 160.

This bill would increase the number of county court judges in two counties from one to two and eliminate the district court judges in those counties. In addition the bill in section 6 specifies the salaries for prosecutors in such counties at a range of from \$7,500.00 to \$10,000.00 "as provided by law for counties having 2 county judges".

This refers to N. J. S. 2A:158-10 which authorizes such increase when there are in fact two such judges in the county. The measure further provides that there be no increase in those counties of the number of assistant prosecutors and their salaries, which might otherwise occur by reason of the provisions of N. J. S. 2A:158-15 and 2A:158-16. Finally, the bill preserves the county district court clerk in one of the two counties. It thus authorizes the only district court clerk in a county which does not have a district court judge.

While I recognize that the Legislature should fix the salaries of prosecutors and the salaries and number of assistant prosecutors, based throughout the State on reasonable classifications of counties, I am obliged nevertheless to raise an important constitutional objection.

Article IV, Section VII, paragraph 4 requires that "every law shall embrace but one object, and that shall be expressed in the title". The title of this bill provides:

"An act concerning the courts and the judges thereof in counties having a population of more than 95,000 and less than 155,000, other than counties of the fifth class; providing for its effect and operation; and repealing 'An act concerning the county district courts, in certain counties of the third class,' approved May 19, 1952 (P. L. 1952, c. 244)."

The inclusion in the text of the bill of provisions relating to prosecutors and assistant prosecutors does not appear to be in accord with the constitutional mandate.

I have discussed the Committee Substitute with the sponsors of the three original bills. While I believe that this measure will further complicate the involved and complex statutes affecting the number and salaries of judges, prosecutors and assistant prosecutors, I have been advised that the pertinent sections will be revised during the current session to clarify those statutes and eliminate the conflicting and superfluous provisions.

I am, accordingly, returning Committee Substitute for Senate Bills Nos. 158, 159 and 160 with the recommendation that the bill be amended as follows:

On page 1, amend the title by inserting after "effect and operation;" "relating to the salaries of prosecutors and the number and salaries of assistant prosecutors in such counties; affecting the county district court clerk;"

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 26, 1955. }

SENATE BILL No. 165

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning Senate Bill No. 165 herewith, with my objections, for reconsideration.

This bill was designed to extend the existence of the Law Enforcement Council from July 1, 1955 to July 1, 1956. I approve of that objective.

However, the bill provides that "The terms of the members of the council now in office are hereby extended until July 1, 1956." I cannot approve of that provision for the reasons following:

The Law Enforcement Council was created by P. L. 1952, c. 253. That act provided that the five members of the council "shall be appointed by the Governor, with the advice and consent of the Senate, and shall serve at the pleasure of the Governor," and that the Governor designate a chairman to "serve as such chairman at the pleasure of the Governor".

The existence of the council, which would have terminated on July 1, 1953, pursuant to the provisions of the original act, was extended for two years by P. L. 1953, c. 182. That act amended the section concerning the appointment of the members so as to provide that the members were to be appointed by the Governor, with the advice and consent of the Senate, for a term commencing on July 1, 1953 and ending July 1, 1955. While the provision that the members serve at the pleasure of the Governor was removed, the then Governor was given the power to appoint new members. It also should be noted that, by the original act, the Law Enforcement Council was established in the Department of Law and Public Safety and although the act extending the council omitted that specific allocation, clearly the council remains within the executive branch of the government.

Accordingly, the provision in the present bill legislating the extension of the terms of the members now in office constitutes an appointment by the Legislature of such members in contravention of Article IV, Section V, paragraph 5 of the Constitution which prohibits the appointment by the Legislature of any executive or administrative officer.

In view of the foregoing, and in the light of Article III, paragraph 1 of the Constitution which provides for the division of the government into three distinct branches and prohibits any persons belonging to or constituting one branch from exercising any of the powers properly belonging to either of the others I cannot approve of the provision which I thus believe to be unconstitutional and I am returning Senate Bill No. 165 for reconsideration and with the recommendation that amendments be made to the bill as follows:

On page 1, section 1, line 5, delete the word "ending" and insert in lieu thereof "of one year commencing".

On page 1, section 1, lines 6, 7, 8 and 9, delete the entire sentence beginning with "In case of" and ending "July 1, 1956."

On page 1, section 1, line 12, after the word "made." delete the rest of the line.

On page 1, section 1, line 13, delete the entire line.

On page 2, section 3, line 1, delete the word "immediately" and insert in lieu thereof "July 1, 1955".

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

SENATE BILL No. 190

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. 190.

This bill would make a number of changes in the law concerning the commission form of government, otherwise known as the "Walsh Act". In the main, these amendments are desirable. There are, however, several deficiencies in the bill which I feel must be corrected.

There is a basic objection which runs to the constitutionality of the bill. Section 39 of this bill provides:

"This act shall take effect January 1, 1956, but the amendatory provisions of this act shall be operative only in counties having a population between 600,000 and 800,000 and in counties having a population between 200,000 and 250,000, except counties of the fifth class, and in counties having a population between 50,000 and 90,000, except counties of the sixth class, and shall be inoperative in any other county until otherwise provided by law."

Thus, the provision of this amendatory bill would apply to only three counties which have approximate populations of 647,000, 229,000 and 54,000. I cannot find any rational basis upon which the amendments contained in the bill can be confined to commission form of government within those three counties. The violation of Article IV, Section VII, paragraph 9 of the Constitution of New Jersey is patent. The classifications as to the applicability of this bill bear no reasonable relationship to its object. In *Dover v. Van Kirk*, 123 N. J. L. 507 (Sup. Ct. 1939), the court pointed out the following:

“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.”

Turning to the provisions of the particular amendments, my first recommendations concern the amendment to section 40:72-11. It reads “the acts and conduct of any official *and* employee”. In the interest of clarity and in accord with the obvious intent, I am recommending the change of the word “and” to “or”, so that the conjunctive might not be construed to require the person to be both an official and an employee.

Section 12 of the bill would amend section 40:72-24 of the Revised Statutes to permit the board of commissioners to fix their own compensation as to amount. I believe it is unsound for the governing body to fix their own compensation without reference to any will other than their own. Although the section as so amended would provide for a referendum on the salary ordinance where 15% of the voters file a petition within 10 days, as a practical matter that provision would be ineffective.

The Legislature has fixed the salaries of members of such governing bodies and authorized the governing bodies by ordinance to exceed the sums so fixed by 50%. It may well be that the salaries fixed in those sections are obsolete and under present conditions insufficient. Presumably, that thought motivated this amendment. The proper approach would be to amend the sections fixing the salaries to take into account changed circumstances since the adoption of those sections. I believe that public officials should receive adequate compensation so as to attract the best qualified persons to public office, but the salaries should be subjected

to a realistic check by either the Legislature or the voters or both.

Section 17 amends section 40:74-17 of the Revised Statutes making it applicable only to counties using paper ballots. No provision is made for counties having voting machines and I am recommending an amendment to cover such cases.

Section 26 amends section 1 of chapter 1 of the laws of 1949 which relates to the filling of vacancies in the office of the commissioner of any municipality with less than 10,000 inhabitants. This bill would change the population figure to 12,000. The special provision relating to such municipalities is no longer necessary in view of the amendment contained in section 10 of the bill providing a method of filling vacancies in all municipalities so governed.

Section 36 amends section 40:76-1 of the Revised Statutes so as to provide that the voters "may not vote on the question of adopting another form of government until 5 years thereafter". By reason of the amendatory deletions there is no antecedent to the word "thereafter". I am recommending clarification of that point and also a reduction in the period from 5 to 3 years.

Section 37 amends section 40:76-2 to provide that the adoption of any other form of government shall constitute an abandonment of the government under the "Walsh Act". In order to avoid a hiatus, the abandonment should only occur after the adoption *and organization* of another form of government.

The amendments recommended to section 12 of the bill render necessary the provisions of sections 40:72-21 and 22 of the Revised Statutes, and they should, accordingly, be saved from repeal.

With the amendments as recommended I believe that the bill would constitute a great improvement in the laws relating to municipalities governed by the commission form of government. Several other amendments to the "Walsh Act" have been suggested, some with substantial merit. But I have refrained from including amendments to sections not affected by the bill, so as not to complicate unnecessarily the passage of this measure in its amended form.

Accordingly, I am returning herewith Senate Bill No. 190 for reconsideration and with the recommendation that the bill be amended as follows:

On page 4, section 6, line 7, delete the word "and" and insert in lieu thereof the word "or".

On page 6, section 10, line 8, delete the second "to" and insert in lieu thereof the word "shall".

On page 7, section 12, lines 3 and 4, delete the words "The compensation of the commissioners shall be fixed by an ordinance adopted by the board of commissioners." and insert in lieu thereof the following: "The board of commissioners may by ordinance increase the compensation which the mayor and commissioners shall receive, but the amount of such increase shall in no instance exceed 50% of the salary as fixed by sections 40:72-21 and 40:72-22 of this Title."

On page 9, section 17, below the box following line 10, insert the following: "In counties where voting machines are used, the ballot shall be prepared in accordance with the provisions of Title 19 of the Revised Statutes concerning elections."

On page 14, section 26, lines 1 through 8, delete section 26 in its entirety.

On page 15, section 27, line 1, delete "27" and insert "26".

On page 15, section 28, line 1, delete "28" and insert "27".

On page 15, section 29, line 1, delete "29" and insert "28".

On page 17, section 30, line 1, delete "30" and insert "29".

On page 18, section 31, line 1, delete "31" and insert "30".

On page 19, section 32, line 1, delete "32" and insert "31".

On page 19, section 33, line 1, delete "33" and insert "32".

On page 20, section 34, line 1, delete "34" and insert "33".

On page 20, section 35, line 1, delete "35" and insert "34".

On page 21, section 36, line 1, delete "36" and insert "35".

On page 21, section 36, lines 15 and 16, delete the words "5 years thereafter" and insert in lieu thereof "3 years after the adoption of such form of government or the rejection by the voters of a proposal to adopt another form of government".

On page 21, section 37, line 1, delete "37" and insert "36".

On page 22, section 37, line 15, after the word "adoption" insert the words "and organization".

On page 22, section 38, line 1, delete "38" and insert "37".

On page 22, section 38, line 1, delete the word "to" and insert in lieu thereof a comma; delete the word "inclusive,".

On page 22, section 39, line 1, delete "39" and insert "38".

On page 22, section 39, line 1, delete the words "but the amendatory" and insert in lieu thereof a period.

On page 22, section 39, lines 2, 3, 4, 5 and 6, delete lines 2, 3, 4, 5 and 6 in their entirety.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

SENATE BILL No. 240

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith Senate Bill No. 240, with my objections, for reconsideration.

This bill is designed to change the method of making returns by foreign fire insurance companies to local firemen's relief associations. Under the present law, there is a 2% charge upon specified fire risk premiums which is payable by foreign insurance companies to the various local firemen's relief associations in the municipalities in which the fire risks are located. Under the present law, such companies make reports on January 1 and July 1, and the bill would provide for one report on June 1 for the 12 months ending December 31 of the preceding year. The bill also makes certain other technical amendments required by changes in the statutes with respect to insurance companies.

The effective date of Senate Bill No. 240 is January 1, 1956, so that the present provisions of sections 54:18-1 to 5 of the Revised Statutes will remain in effect throughout the current year. Payments must be made within one month after the respective times for reporting. Thus, on or before August 1, 1955, such companies will be required to pay the 2% charge upon covered premiums received or agreed to be paid during the six months ending June 30, 1955. If this bill became effective, those companies would be required to pay the 2% charge on or before June 1, 1956, upon such premiums during the 12 months ending December 31, 1955. Inasmuch as there is no provision for crediting the August 1, 1955, payment against the payment required on June 1, 1956, the companies would be required to make double payments for the first 6-month period of 1955. I have been advised that the amount of the potential companies' payments may range up to \$500,000.00.

This bill would also have a serious impact upon the revenue of the State. Practically all fire risk insurers affected by this bill also write other lines of insurance in this State. Concurrently with the 2% charge on fire risk premiums imposed by the above sections, there is also imposed, under

chapter 132 of the laws of 1945, a general insurance premiums tax of 2% applicable to premiums received for all lines of insurance, including fire risk premiums. The proceeds of the general premiums tax go into the general State treasury. In order to avoid a double tax on fire risk premiums, section 2 of Chapter 132 of the Laws of 1945 provides for a credit against the general premiums tax for any moneys paid into the local firemen's relief associations. Thus, if Senate Bill No. 240 became effective, the State treasury would sustain a loss in revenue to the extent of the double payment.

In addition to the double payment problem, there are administrative difficulties involved. The June 1 report and payment date is administratively impractical. At present such insurers are required to report to the Commissioner of Banking and Insurance on or before March 1 payments made to the firemen's relief associations. The Commissioner then reports to the Director of the Division of Taxation on or before May 1 all facts necessary to enable the Director to ascertain and collect the amount to be paid by each company. The general premiums tax is payable on or before June 1 for the base period of the 12 months ending December 31 of the preceding year.

Through the cooperation of the insurance companies and the Commissioner of Banking and Insurance, the Division of Taxation is able to ascertain and collect the taxes well in advance of the statutory dates. By way of illustration it should be noted that the Division was able to collect over \$5,750,000.00 prior to May 1. Under this procedure, the State receives considerable benefit since the money received can be invested profitably.

In order to resolve these problems, it will be necessary to change the June 1 reporting date listed in the bill to March 1 and to make the effective date of the act March 15, 1956, instead of January 1, 1956. Therefore, I am returning Senate Bill No. 240 herewith for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, line 5, delete the word "June" and insert in lieu thereof the word "March".

On page 2, section 1, line 19, delete the word "June" and insert in lieu thereof the word "March".

On page 3, section 2, line 14, delete the word "June" and insert in lieu thereof the word "March".

On page 3, section 2, line 25, delete the word "June" and insert in lieu thereof the word "March".

On page 5, section 7, line 1, delete the words "January 1" and insert in lieu thereof the words "March 15".

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 267

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 267 herewith, with my objections, for reconsideration.

This bill is intended to clarify the rights of persons having an interest in (1) membership accounts by one person in trust for another; (2) membership accounts by one person payable at death to another; and (3) joint membership accounts in savings and loan associations or building and loan associations. It is comparable to Chapter 209 of the Laws of 1954 which relates to time or demand accounts maintained in banking institutions.

I believe that this bill will serve a useful purpose in clarifying the law in this field. I am obliged, however, to return the bill because of the inadvertent omission of several lines. At the request of the draftsman I am returning the bill for the insertion of this material.

It should also be noted that the bill provides that it shall take effect immediately. The comparable measure enacted last year, Chapter 209, P. L. 1954, limited its effect to ac-

counts opened thereafter. Inasmuch as this bill must be returned in any event, I believe it desirable to amend that section so as to avoid possible constitutional difficulty.

I am, therefore, returning herewith Senate Bill No. 267 for reconsideration and with the recommendation that the bill be amended as follows:

On page 3, section 2, line 11, after "charges," insert the following:

"to the named person or upon his order, as hereinafter provided, and such payment by the association shall be valid, notwithstanding any lack of legal age of the named person. If the named person survives the individual member and is under 16 years of age at the death of the individual member, the association shall pay the moneys to the credit of the account, less all proper set-offs and charges,"

On page 7, section 5, line 1, after "immediately" insert the following:

" , but shall apply only to accounts hereafter opened. Accounts heretofore opened shall be governed by the law in effect when such accounts were opened".

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

SENATE BILL No. 272

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning herewith Senate Bill No. 272, with my objections, for reconsideration.

This bill would amend section 2A:73-7 of the New Jersey Statutes so as to authorize the board of chosen freeholders

in counties of the first class having more than 800,000 inhabitants to pay extra compensation to the person in the office of the prosecutor designated to serve as assistant to the clerk of the grand jury.

That section now provides that, in counties of the first, second, third and fifth classes, the assignment judge of the Superior Court may designate one or more "competent stenographers", who are employed regularly at a stated salary in the office of the prosecutor, to act, in addition to their regular duties, as an assistant to the clerk of the grand jury. It further provides that such persons shall not be entitled to any extra compensation for such additional services. This measure would establish an exception for one individual in one county.

If it should be considered advisable to give additional compensation to such persons assigned as assistant to the clerk of the grand jury because of the increased duties and responsibilities, then such approach should not be confined exclusively to one county. The situation of such persons in all counties affected would be the same to a greater or lesser degree, with additional compensation varying accordingly. I am, therefore, recommending that the bill be amended to permit the board of chosen freeholders of each county to pay additional compensation to such persons where it may be warranted.

I would also like to note one further point. I have been advised that the individual employee affected is a county detective in the Essex county prosecutor's office who devotes full time to his duties as assistant to the clerk of the grand jury. It may be that an assignment which consistently consumes the full working time of a particular individual warrants a new "class title", which could be established upon appropriate request to the Civil Service Commission.

Accordingly, I am returning herewith Senate Bill No. 272 for reconsideration and with the recommendation that it be amended as follows:

On page 1, section 1, lines 10 and 11, delete the following: ", except in counties of the first class having more than 800,000 inhabitants,".

On page 1, section 1, line 12, after the word "jury" delete the period and insert in lieu thereof "provided, however".

On page 1, section 1, line 13, delete the words "In counties of the first class having more than 800,000 inhabitants".

On page 1, section 1, line 16, after the word "jury" insert the following: "to the extent necessary to compensate such person or persons for such additional responsibilities and work".

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 289

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. 289.

This bill would authorize any county or municipality along the Delaware River to construct bulkheads and to fill in back of the bulkheads to prevent erosion of the river banks. The construction of bulkheads and filling may be upon public lands, including State owned lands, or upon private lands with the consent of the owner. The county or municipality undertaking such project would finance it; a two-thirds vote of its governing body is required for adoption upon a finding that an emergency exists in that particular location.

In view of the extensive State ownership of lands below the mean high water mark of the Delaware River, this bill should specifically limit the counties' and municipalities' authority to fill in and to construct bulkheads on State property, by subjecting it to the requirement of section 12:5-3 of the Revised Statutes that the Department of Conservation and Economic Development grant permits for such construction and improvement.

In returning Senate Bill No. 289, I further recommend the amendment of the language of the bill fixing the condition of an "emergency", a prerequisite for county or municipal action to protect the Delaware River shoreline. The word "emergency" in the context of this bill might be argued to require an existing crisis, and the bill, accordingly, would not embrace preventive measures prior to the onset of imminent disaster. To avoid controversy which the generality of the word "emergency" might invite, a more suitable and explicit standard in my judgment is the danger of erosion.

Accordingly, I am returning Senate Bill No. 289 herewith with my recommendation for its revision as follows:

On page 1, section 1, line 1, after "may" insert " , subject to the provisions of section 12:5-3 of the Revised Statutes,".

On page 1, section 1, line 8, after "that" delete "an emergency" and insert in lieu thereof "a danger of erosion".

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 295

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 295 herewith, with my objections, for reconsideration.

This bill would validate municipal ordinances adopted by any township on or after January 1, 1955 and prior to its effective date despite the municipality's omission to advertise the ordinance in conformity with the applicable stat-

utes. According to a proviso in the bill, such ordinances must have been published, together with a notice of their introduction, at least 4 days prior to the time fixed in the notice for final passage.

Section 40:49-2 of the Revised Statutes, requires publication of the ordinance with a notice of its introduction and the time and place when and where it will be considered for final passage, at least one week prior to the time specified for further consideration for final passage. In addition, every ordinance, or the title, must be published, together with a notice of the date of passage or approval, at least once subsequent to its passage by the municipal governing body.

I understand the intention of this bill is to validate ordinances which were published and noticed 4 days instead of one week prior to final passage, but as to which the citizens and taxpayers received the protection of publication after passage. The bill should be amended accordingly.

I am returning Senate Bill No. 295 herewith for reconsideration and with the recommendation that the bill be amended as follows:

On page 1, section 1, line 4, after "provided", insert "that".

On page 1, section 1, line 7, after "notice", insert "and that said ordinances, or the title thereof, where published upon passage, together with a notice of the date of passage or approval, or both".

Respectfully,

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

ROBERT B. MEYNER,
Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

SENATE BILL No. 297

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 297 herewith, for reconsideration and with my objections.

This bill would increase the membership of the board of trustees of the Police and Firemen's Retirement System from 5 to 9. Two of the additional members would be officers of the State and the other two would be another policeman and another fireman. The purpose of the measure is to insure representation by a policeman or fireman in the event one of such members is unable to attend a meeting.

The addition of two other State officers to the board of trustees, in addition to the State Treasurer, is unique and is not found in any of the other pension systems. I believe that these two additional members should be public citizens rather than State officials.

I find, also, that I must object to that portion of the bill which provides:

“Each policeman or fireman member of the board of trustees shall be entitled to time off from his municipal or county duty, with pay, during the periods of his attendance upon regular meetings or to official business of the retirement system, and such time off shall include reasonable travel time required in connection therewith.”

The difficulty lies in the vagueness of the language “or to official business of the retirement system”. This might well be thought by some to include broad activities, not truly necessary for the welfare of the system, with the result that the county or municipality could be burdened unreasonably with the expense of providing substitute personnel. The area of appropriate activity should be defined.

Accordingly, I am returning Senate Bill No. 297 for re-consideration and with the recommendation that it be amended as follows:

On page 1, section 1, lines 10 and 11, delete the words "2 of whom shall be officers of the State of New Jersey, and 2".

On page 5, section 1, line 107, after the word "regular" insert "or special"; and after the word "meetings" insert "of the board of trustees or its duly appointed committees".

On page 5, section 1, lines 107 and 108, delete the words "or to official business of the retirement system".

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL NO. 299

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 299 herewith, with my objections for reconsideration.

Senate Bill No. 299 provides that any person "who exacts, procures, solicits, receives or uses, any statement, report, or certificate falsely stating a completion" of all work in connection with the erection, improvement or repair of buildings in advance of full or substantial completion, and any person who directly or indirectly aids, requests or authorizes any person to violate those provisions, is a disorderly person.

This bill has a worthy objective. It seeks to protect the public against fraudulent contractors who induce their victims to sign completion certificates prior to the commencement or completion of the work and so use those certificates as to render their victims liable to others who acquire the victim's written obligation from the contractor. I approve of a measure having that purpose.

The bill, however, as drawn would reach persons who are without actual culpability. This is so because as drawn the bill would impose quasi-criminal liability upon anyone who "receives or uses" such false reports or certificates without requiring a finding of knowledge of the falsity. In its present form, for example, the bill would impose such liability upon a lawyer or banker who "receives" such report or certificate in good faith. The objective of the bill can be accomplished and the difficulties referred to eliminated by amendments hereafter recommended.

Accordingly, I am returning herewith Senate Bill No. 299 for reconsideration with the recommendation that amendments be made to the bill as follows:

On page 1, section 1, line 1, after the word "solicits," delete the word "receives" and insert in lieu thereof the word "accepts".

On page 1, section 1, line 5, after the word "thereof," insert the words "knowing such statement to be false,".

On page 1, section 1, line 6, insert a comma after the word "who" and after the word "indirectly" insert ", knowingly".

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 29, 1955. }

SENATE BILL No. 301

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. 301.

This bill would accomplish amendments to the State's basic pension law, the Public Employees' Retirement-Social Security Integration Act (P. L. 1954, c. 84), which are recommended by the board of trustees of the Public Employees' Retirement System.

The State of New Jersey now has an equitable and far-sighted public pension policy, offering security to public employees in their old age and safeguards against death and disability. The inducement to qualified persons to seek careers of public service will aid the State and the taxpayers immeasurably in the years ahead. Senate Bill No. 301 endeavors to strengthen further our basically sound public pension structure.

I view favorably the provisions for additional death benefit coverage, merger of the Retirement Reserve Fund of the former State Employees' Retirement System with that of the new system, qualification for benefits payable to a member "in service" while on official leave of absence, establishment of a finance committee of the board of trustees to approve investments by the fund, and the supplementing of accumulated deductions paid over into the Retirement Reserve Fund with interest at regular rates.

I have been considerably troubled by the provisions of Sections 18 and 19 of the bill relating to employees of Rutgers University. These sections provide that employees of Rutgers who are veterans shall receive a refund of contributions by them to the former State Employees' Retirement System and be granted free prior service credit in the new retirement system.

Following the adoption of Chapter 84 of the Laws of 1954 the Attorney General, by opinion dated May 4, 1955, ruled that the veteran employees of Rutgers were not State employees, had not been entitled to the benefits of the free-

Veterans' Retirement Act, and accordingly were not eligible for the return of contributions and free service credit provided in Chapter 84 of the Laws of 1954. Sections 18 and 19 of Senate Bill No. 301 accordingly would grant to these employees the benefits which the Attorney General has found they were not entitled to receive under existing law. The cost to the State of this grant will be \$40,000.00 per year for a period of 30 years.

With the exception perhaps of the employees at the Experiment Station for a period prior to 1945, I think it clear that the employees of Rutgers were and are not employees of the State and that the opinion of the Attorney General to that effect and to the further effect that veteran employees of Rutgers were not entitled to the benefit of the free Veterans' Retirement Act is unassailable. Chapter 84 of the Laws of 1954 provided for return of contributions and free service credit to veteran State employees because under the existing law such veterans were entitled to a return of contributions and were eligible for retirement under the free Veterans' Retirement Act. Since Rutgers' veterans (subject to the possible exception mentioned above) were not entitled to those benefits, a grant of them would constitute a windfall unless there are other circumstances which morally and equitably justify the measure.

I have caused an extensive investigation to be made for the purpose of ascertaining whether an equitable basis exists for the grant of these benefits to Rutgers' veterans and after careful consideration I have concluded that this legislation should be approved upon that basis. That investigation, however, has pointed up the need for a clarification of the relationship between Rutgers University and the State of New Jersey. The confusion in part arises from Chapter 49 of the Laws of 1945 which provides that Rutgers be "an instrumentality of public education in this State" and at the same time authorizes the making of contracts between the State and the University providing for payments by the State to the University in exchange for the rendition of public higher education for the citizens of the State.

The relationship thereby created seems both unique and obscure. Rutgers University did not thereby become part of the State government or a political subdivision or agency of the State in the usual sense of those terms. The precise

nature of the relationship may have significance in several vital directions, and I do not feel it appropriate for me to express a view upon it at this time.

I am satisfied that by and large the employees of Rutgers have been misled with respect to their status and rights, by virtue of administrative action within the State and within the University, as well as by legislation according to Rutgers' employees certain rights or benefits held by State employees even though Rutgers' employees, as such, are not employees of the State. There has been a decided disposition on the part of the University to ride horses in different directions. When it is to the benefit of the University or its employees to disavow the thesis that Rutgers' employees are employees of the State, there has been no reluctance to advance that position. Thus, for example, it was heretofore urged, and the then Attorney General properly agreed, that since employment at Rutgers was not employment with the State, pensioners of the State were free to take employment with Rutgers notwithstanding the provisions of a statute which prohibited State pensioners from holding such employment in government. The literature distributed by the University to its employees was most unfortunately phrased and apparently served to give the impression that they were employees of the State, when the history of the relationship of Rutgers and the State is such that there was no possible room for misunderstanding on the part of the Rutgers' officials as to the status of the employees. I recognize, also, that when the Legislature grants to Rutgers' employees some benefits which relate to State service, a Rutgers' employee may well get the impression that those benefits were granted because he is a State employee, rather than because, for one reason or another, the Legislature thought that Rutgers' employees should receive an equivalent benefit. At the same time I must add that some of the administrative officials within the State were not too explicit in their handling of this subject and thus contributed to the confusion and misunderstanding. I am impressed with the sincerity of the numerous Rutgers' veterans who assert that throughout substantial periods of employment they were led to believe either that they were employees of the State or were entitled to the same pension benefits as were accorded to employees of the State. It would not be feasible to attempt to determine the precise amount of prejudice experienced by each Rutgers' veteran if I

failed to approve this bill. The matter must be dealt with in over-all terms, and since I am persuaded that, as a group, Rutgers' veterans would be seriously injured by a refusal of these benefits at the present time, I am approving the bill.

However, I think it should be plainly understood that Rutgers' employees, as such, are not employees of the State of New Jersey and that they are entitled only to such benefits as may be accorded to them in express terms by statute. I also believe that there should be made applicable to Rutgers' employees such restraints, limitations, and restrictions which now apply to State employees, as are appropriate in the light of the benefits granted and the relationship between the University and the State. With reference to the present subject matter it is clear that since Rutgers' employees are in a pension system to which the State contributes, Rutgers' employees who are pensioned under that system should be subject to the same restrictions with respect to public position or employment as are applicable to retired public employees under Chapter 3 of Title 43 of the Revised Statutes. I believe that Chapter 3 of Title 43 now so provides, but to avoid any misunderstanding, I recommend the amendment hereinafter set forth. Similarly any person receiving a pension under the Public Employees' Retirement System should not be eligible for employment at Rutgers.

I object to the amendment of this bill made in committee to reduce from \$500.00 to \$100.00 the minimum salary which is a condition for membership to the Public Employees' Retirement System and for calculation of prior service credits. In my judgment, employees should not be vested with years of service credit during periods when they receive nominal or per diem payments, totalling less than \$500.00 per year. There is no way to calculate the cost of this amendment with respect to prior service credit, but it undoubtedly is substantial, and would constitute an unexpected and unwarranted gift to the employees who would benefit thereby.

I have in addition several minor technical changes to propose.

Accordingly, I am returning herewith Senate Bill No. 301 with my objections and with my recommendations for its amendment as follows:

On page 1, section 1, after line 16 add subsection:

“d. The terms of this section shall apply to all members of the Public Employees’ Retirement System who have died on or after January 2, 1955, or shall die after the effective date of this section.”

On page 2, section 2, line 5, delete “and”.

On page 10, section 5, line 35, after “than” delete “\$100.00” and insert “\$500.00”.

On page 15, section 10, line 33, after “than” delete “\$100.00” and insert “\$500.00”.

On page 23, section 17, line 57, after “required” insert “after June 30, 1956”.

On page 23, section 17, line 58, after “70” insert “but that his employer shall be required to pay into the fund on his behalf in such case an amount equal to the contribution otherwise required by the board of trustees in accordance with this section”.

On page 26, section 18, line 5, after “State,” insert “or of a county, municipality, school district or board of education”.

On page 26, section 18, lines 5 and 6, delete the words “and such” and insert in lieu thereof “or”.

On page 26, section 18, lines 6 and 7, delete the words “, excluding service rendered as County Extension Service Farm and Home Demonstration Agents,”.

On page 27, section 18, lines 16 and 17, delete the words “or of a county, municipality, or school district or board of education” and insert in lieu thereof the following: “, excluding service rendered as County Extension Service Farm and Home Demonstration Agents,”.

On page 30, section 19, line 22, after the word “system” insert “and to the provisions of Chapter 3 of Title 43 of the Revised Statutes”.

On page 31, section 19, line 23, after the word “act” delete the comma.

On page 31, section 19, line 24, after "1945," insert "and for the purposes of Chapter 3 of Title 43 of the Revised Statutes any new employment after the effective date of this amendatory act,".

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

SENATE BILL No. 312

To the Senate:

Pursuant to Article V, Section I, paragraph 14 (b) of the Constitution, I am returning Senate Bill No. 312 herewith, with my objections, for reconsideration.

Senate Bill No. 312 provides that "a person who shall operate or attempt or agree to operate a motor vehicle on a public highway in a race with any other motor vehicle or for the purpose of making a speed record or who shall arrange for, manage, *be present at and witness*, encourage, or assist in, the holding of, or the attempting to hold, any such race is a disorderly person". It provides for a fine of \$25.00 to \$100.00 for the first offense and \$100.00 to \$200.00 or imprisonment for 90 days, or both, for subsequent offenses.

The public highway is no place for motor races or speed records. However, the italicized words, "be present at and witness", would embrace persons free from actual culpability. This act would denounce as disorderly persons the witnesses for the prosecution and even the police officer who saw the event and made the arrest. Doubtless the legislative purpose was to reach the spectator who attended for the purpose of witnessing the event and to applaud it. It is probable that he would be included within the category of those who "encourage". At any rate, if this view of "encourage" should not be accepted, language should be found which would not include an unsympathetic witness.

The bill deals with (a) races and (b) attempts at speed records. That portion of the bill which seeks to include

persons other than the operator of the motor vehicle speaks only of a "race", whereas it should include also a speed record event.

Accordingly, I am returning Senate Bill No. 312 for reconsideration and with the recommendation that amendments be made to the bill as follows:

In the fourth line of the title, after the word "managing," delete "being present and witnessing,".

In the last line of the title, after the word "race" insert "or speed race event".

On page 1, section 1, lines 3 and 4, after the word "manage," in line 3, delete "be present at and witness,".

On page 1, section 1, line 5, after the word "race", insert "or speed race event".

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 325

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith Senate Bill No. 325 for reconsideration and with my objections.

This bill is necessary legislation which would empower the Board of Trustees of the Public Employees' Retirement System to purchase one or more group life insurance policies to provide for the death benefits established by the Public Employees' Retirement-Social Security Integration Act (P. L. 1954, c. 84).

Because of the adverse tax consequences to members' nominees upon payment of benefits to them directly from the System, I suggest several amendments to Section 7 of Senate Bill No. 325 to assure maximum realization of bene-

fits within the law. In addition, the procedure and machinery for selection of installment or annuity options and the designation of beneficiaries should be more specifically set forth.

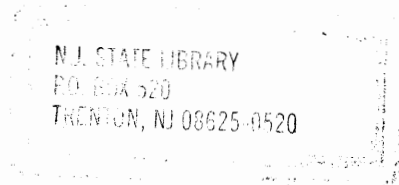
I am further concerned with the provision in Section 9 of this bill, which purports to vest the Board of Trustees with the right to authorize the payment or non-payment of brokerage commissions by group insurance companies. With respect to the second sentence of Section 9, in my judgment the Board of Trustees may utilize the services of the Department of Banking and Insurance and the Attorney General's Office for necessary technical aid and advice. Therefore, the provision authorizing the Board of Trustees to engage outside technical assistance is unnecessary.

I suggest the revision of Section 9 to make lawful the crediting of rebates on group life insurance purchased by the Board of Trustees in the event that no brokerage commission is paid.

Accordingly, I am returning Senate Bill No. 325 herewith for reconsideration and with the recommendation that the bill be amended as follows:

On page 3, section 7, line 1, after "paid", insert "by the company"; after "to" delete "the beneficiary designated to receive them" and insert in lieu thereof "such person, if living, as the member shall have nominated by written designation duly executed and filed with the insurance company through the Board of Trustees, otherwise to the executors or administrators of the member's estate;".

On page 3, section 7, line 2, after "if", insert "the Board of Trustees accepts from the member during his lifetime a request directing that the retirement system rather than the insurance company make payment of any death benefit in equal annual installments over a period of years or as a life annuity and such request is effective upon his death, or if the Board of Trustees accepts from a beneficiary to whom payment would otherwise be made by the insurance company in one sum a similar request for payment by the retirement system in equal annual installments over a period of years or as a life annuity, the insurance company shall make payment of the death benefit to which such re-



quest for payment pertains in one sum directly to the retirement system, and the retirement system shall thereupon make payment to the beneficiary in the manner directed by the member or the beneficiary as the case may be, and except, further, that if”.

On page 4, section 7, line 6, after “shall”, insert “, in lieu of being paid as aforesaid,”; after “the” delete “State” and insert in lieu thereof “retirement system to be credited to the contingent reserve fund established by section 24 of chapter 84 of the laws of 1954 and paid therefrom in accordance with said section 24. A member may file with the insurance company through the board of trustees and alter from time to time during his lifetime, as desired, a duly attested written nomination of his payee for the death benefit”.

On page 4, section 8, lines 1 to 11, delete section 8 in its entirety and substitute in lieu thereof “8. Any such group policy or policies shall provide that payment of any death benefits which are payable by the insurance company may be made in one sum directly to the beneficiary as hereinafter provided, in equal annual installments over a period of years or as a life annuity or in such other manner as may be made available by the insurance company. A member may make such arrangements for settlement, and may alter from time to time during his lifetime any arrangement previously made, by making written request to the insurance company through the Board of Trustees. Upon the death of a member, a beneficiary to whom a benefit is payable in one sum by the insurance company may likewise arrange for a settlement as described above. Any arrangement for payment under the group policy to a beneficiary other than the retirement system shall be in lieu of that provided by sections 41, 45, 46, 48 and 57 of chapter 84 of the laws of 1954.”

On page 4, section 9, lines 1 to 5, delete section 9 in its entirety and substitute in lieu thereof “9. Notwithstanding any other provision of law, any insurance company or companies issuing such policy or policies may credit the Public Employees’ Retirement System, in the form of reduced premiums, with savings by said company or companies in the event that no brokerage commission or commissions are paid by said company

or companies on the issuance of such policy or policies.”

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL NO. 327

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. 327.

Senate Bill No. 327 would amend the General Corporation Act to remove the requirement that the transfer books and the stock books be produced at the annual meeting at which the election for the board of directors is held. Under the existing law, the board of directors must produce the transfer books and stock books in addition to a complete alphabetical list of all the stockholders. The proposed amendment, further, authorizes the substitution of lists of each class of voting stockholders in place of a single list for all of the stockholders of the corporation.

I have no objection to the amendment permitting the preparation of separate lists for the various classes of voting shareholders, each in alphabetical order, but I cannot approve of the elimination of the requirement that the books be produced at that meeting.

The section of the General Corporation Act, here amended, provides that the transfer books and the stock books are the “only evidence” as to who are the stockholders entitled to vote at the election. By another section (R. S. 14:10-6), the inspectors of the election must refer to the transfer books and the stock books, the transfer books controlling in the event of a discrepancy, where the right to vote upon any share of stock is questioned at a corporate meeting.

In view of the evidential finality of the transfer books and stock books in determining the right to vote at corporate elections, I must oppose the removal of the requirement for their production at such meetings. Full safeguard to the individual stockholder's rights to challenge votes should be preserved; the existing corporation laws recognize that overriding interest.

If the production of these books at corporate elections proves unduly burdensome because of the enactment of Chapter 12 of the Laws of 1950, which permits the holding of the annual meeting at some place other than the principal office, where the transfer and stock books must be kept, I suggest a comprehensive revision of the sections of the General Corporation Act which set forth the evidential effect of the transfer books and stock books at corporate elections.

I am, therefore, returning Senate Bill No. 327 with my recommendation for reconsideration as follows:

On page 1, section 1, line 9, after "separate", insert ", full, true and complete"; after "class," insert "in alphabetical order".

On page 2, section 1, line 24, after "such", insert "books and".

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 5, 1956. }

SENATE BILL No. 399

To the Senate:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I am returning herewith Senate Bill No. 399, with my objections, for reconsideration.

Senate Bill No. 399 contains a number of much needed amendments to the Public Employees' Retirement-Social Security Integration Act (P. L. 1954, Chapter 84). It contains one amendment, however, which I cannot in good con-

science approve. The bill would provide for service credit for employment for which the annual salary or remuneration was not less than \$300.00. This monetary figure would be used not only with respect to past service to the State but would be applicable as well to service hereafter.

I cannot find justification in the grant of pension benefits on earnings of that amount. In returning Senate Bill No. 301 of the present session, I recommended a figure of \$500.00 which was the figure which the Board of Trustees of the former State Employees' Retirement System had adopted. I believe the figure of \$500.00 to be much too low in the light of current economy and I believe that consideration should be given to an amendment of the statute which, as to future service, will substantially increase the annual earnings figure, at least as to new employees. Until all the facts are ascertained and full consideration can be given to the problem, I am willing to go along with the figure of \$500.00 which, as stated above, was heretofore applied.

With respect to credit for past service the problem revolves about the circumstance that under the free Veterans' Retirement Act credit was granted to veterans without regard to the amount of annual earnings. I agree that some fair solution should be reached with respect to veterans but a solution reached with respect to them cannot justifiably be extended to the non-veteran employee as to whom the minimum requirement has been the sum of \$500.00.

Accordingly, I recommend that the figure of \$300.00 with respect to future service be amended at the present time to the figure of \$500.00 and as to past service credits the figure of \$500.00 be used except as to veterans as to whom credit should be granted provided (1) the annual earnings were not less than \$300.00 and (2) such earnings were derived from service consisting of the performance of the full duties of his specific office or position.

I also recommend an amendment to eliminate an unintended error. Section 18 of the bill, in providing for an amendment of paragraph d. of Section 60 of Chapter 84, makes reference in line 54 to any "commission . . . enumerated in paragraph a. of this section". In an earlier draft certain commissions had been enumerated in paragraph a. but thereafter were eliminated. Hence the reference to such commission in paragraph d. is now meaningless.

A further amendment is desirable with respect to a provision concerning paid up contributory life insurance coverage. The bill contemplated that such coverage may be in an amount equal to 1½ times the compensation received by the member in the last year of creditable service or in such lesser amount as the Board of Trustees may fix and the individual member may elect to purchase. The Legislature's intent, as above stated, was fully expressed at one point in the bill but at another point the fact that the amount of the insurance may be less than 1½ times the compensation was inadvertently not expressed.

I am, therefore, returning Senate Bill No. 399 for reconsideration and with the recommendation that amendments be made to the bill as follows:

On page 6, section 5, line 35, delete the figure "\$300.00" and insert in lieu thereof the figure "\$500.00".

On page 12, section 10, line 33, delete the figure "\$300.00" and insert in lieu thereof the figure "\$500.00".

On page 12, section 10, line 33, after the word "credited" add the following: ", except that in the case of a veteran member credit shall be given for service rendered prior to January 2, 1955 in an employment, office or position if the annual salary or remuneration therefor was fixed at not less than \$300.00 and such service consisted of the performance of the full duties of such employment, office or position".

On page 20, section 17, line 47, after the word "service" insert "or such lesser amount as may be provided by the board of trustees and purchased by such member".

On page 25, section 18, line 54, delete the words "commission or".

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL NO. 2

To the General Assembly:

I am returning Assembly Bill No. 2 herewith, without my approval, for the following reasons:

This bill provides that any person, the governing body of any municipality, the board of chosen freeholders of any county, the head of every department, board, commission or agency of the State, any board of education, any volunteer fire department and any religious or charitable organization shall be entitled to recover damages to the extent of \$300.00 from the parent or parents of any minor under 18 years of age, living with such parent or parents, who shall maliciously or willfully destroy any property belonging to or under the control of the persons listed.

This bill would impose absolute liability upon the parents of a child up to 18 years of age. Instances of absolute liability, that is, liability without fault, are quite rare in modern jurisprudence, except in areas in which the risk of loss can be passed on to society, as in the case of workmen's compensation.

An exception here pertinent does exist under R. S. 18:14-51 which provides:

“Any pupil who shall cut, deface, or otherwise injure any schoolhouse, furniture, fences, outbuildings, or other property of the school district shall be liable to suspension and punishment, and his parents or guardian shall be liable for damages to the amount of the injury to be collected by the board of education in any court having jurisdiction, together with the costs of the action.”

This provision was originally enacted in 1867 (P. L. 1867, c. 179, § 47) and has been continued in substantially its original form.

The present bill goes far beyond the quoted statute. It reaches beyond damage to school property, and encompasses damage to all property, by whomever owned, inflicted maliciously or willfully, by a minor up to the age of 18 years. A limitation is provided, to wit, that the minor be living with the parent or parents, although it is not apparent why that limitation is made, since the parent, under this bill, would be liable without a showing that he could have prevented the loss.

Under existing law, a parent is liable for injuries inflicted by a child, but only if the parent's negligence proximately caused the loss. *Mazzilli v. Selger*, 13 N. J. 296 (1953). Where the parent is negligent, such liability is reasonable and should be coextensive with the harm inflicted. In passing, it may be noted that the bill under consideration could be construed to limit the parent's liability to \$300.00 in situations in which the parent might be liable under existing law for the full claim. At any rate, the bill under consideration would eliminate the essential element of parental liability, namely, personal fault, and constitute a parent the insurer of the offspring. And this it would do, not merely with respect to infants within an age bracket wherein parental control might be effective, but also with respect to minors who have reached an age at which their decisions, unhappily, cannot always be directed by parental will. And, of course, liability would be imposed even though in fact the parent resorted to all conceivable measures to prevent the offending conduct of the minor. I cannot square such liability with accepted standards of legal responsibility.

I gather that proponents of this measure conceive that it represents a step in the struggle with juvenile delinquency. I cannot find an effective connection. Although parental failure in some cases may contribute to juvenile delinquency, the unfortunate fact is that delinquency appears also in well-ordered homes despite the earnest efforts of decent parents to rear their children into good citizenship. The psychiatric aspects are still to be fully explored. Surely this bill cannot rest upon a reasoned determination that all parents are in truth responsible for all juvenile failures. Nor can it reasonably be concluded that liability without fault would induce a parental vigilance greater or more effective than that which arises from the natural instinct of man. It would be a mistake to suppose that an easy solution, or even a palliative, reposes in the simple expedient

of visiting liability upon the parent without even an inquiry into culpability in fact. This would be too great a burden upon parenthood.

Accordingly, I am returning Assembly Bill No. 2 without my approval.

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
May 16, 1955. }

ASSEMBLY BILL No. 16

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 16 for the following reasons:

This bill provides for the equal distribution between the State and counties of the costs of the Home Life Assistance program which are in excess of the Federal contribution. Two bills passed the Legislature during the 1954 session which would have had the same effect. They were Assembly Bill No. 247 and Senate Bill No. 346, neither of which received my approval.

The underlying theory behind this proposal is that it is fair and equitable to apportion the cost of the welfare programs equally between the State and the counties. If the premise were extended to all related welfare programs, I might well agree with it. I am compelled, however, to take exception to any bill which singles out one of the five existing welfare programs. The cost of two of the programs are now shared on an equal basis. The other three programs, Blind Assistance, Home Life Assistance and Old Age Assistance, are based upon unequal formulas. Based upon the fiscal year ended June 30, 1954, it was determined that if

the costs of these welfare programs were shared equally the result would be as follows:

	<i>State</i>		<i>County</i>
Blind Assistance	+ \$155,209.00	—	\$155,210.00
Home Life Assistance	+ 447,407.00	—	447,407.00
Old Age Assistance	— 1,333,749.00	+	1,333,749.00
	<hr/>		<hr/>
	— \$731,133.00	+	\$731,132.00

Thus, on a basis of equal division with respect to these programs, the cost to the State would be reduced by \$731,133.00 and the cost to the counties would be increased by a like sum.

I have been advised that, based upon the experience during the current year, the change with respect to Home Life Assistance would amount to \$518,700.00. Treatment of one program alone would thus impose an additional cost upon the State of more than \$500,000.00 per year.

I am obliged also to take into account the effect upon the State fiscal condition. The sponsors of this legislation have expressed, on many occasions, unequivocal opposition to any new or increased State taxes. Measures such as this which would impose additional burdens upon the State treasury are irreconcilable with that position.

In view of the foregoing, I am returning herewith Assembly Bill No. 16 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

ASSEMBLY BILL No. 31

To the General Assembly:

I am returning herewith Assembly Bill No. 31, without my approval, for the following reasons:

The State of New Jersey now pays 10 cents per acre to local municipalities in lieu of taxes on State parks, forests and other reservations acquired by the State for historic, scenic or watershed protection purposes. The formula for tax lieus, which was enacted in 1929, would be raised to 30 cents per acre by Assembly Bill No. 31.

Including the Wharton Tract, the State-owned lands subject to this legislation total approximately 175,000 acres. Under existing law, the State must appropriate \$17,500.00; Assembly Bill No. 31 would increase the annual obligation in lieu of taxes by \$35,000.00 or thereabouts.

R. S. 54:4-2.1 deals generally with the payment by the State of compensation in lieu of local taxes. R. S. 13:1-22, which Assembly Bill No. 31 would amend, provides for an exception to the policy set forth in the statute first cited; and the proposed amendment would treble the cost to the State of that special treatment. That cost would constitute a permanent increase in the budget, and although the amount here involved is, in itself, small in relation to the total budget, yet as a matter of policy such permanent increases should be carefully considered, lest looseness in approach, encouraged by the smallness of individual items, lead to a trend having a sizable cumulative effect.

It must be kept in mind that State ownership releases local government of burdens which otherwise would be reflected in its tax rate, and that State ownership of certain property and the care given to it operate to enhance the values of other lands in the vicinity. The proposed amendment would accomplish an arbitrary increase of an already arbitrary figure. If there is to be a change of the present rate of payment the formula must be one which actually reflects the cost to the municipalities of furnishing services with respect to the property of the State and persons situated thereon.

For the foregoing reasons, I must return Assembly Bill No. 31 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL NO. 37

To the General Assembly:

I am returning Assembly Bill No. 37 herewith, without my approval, for the following reasons:

This bill would entitle any former member of the Consolidated Police and Firemen's Pension Fund or predecessor municipal funds for policemen and firemen, who resigned from his employment as a policeman or fireman since September 1, 1945, to the return of his accumulated contributions to such pension funds.

The Consolidated Police and Firemen's Pension Fund Act (P. L. 1952, c. 358) makes no provision for return to members of accumulated deductions paid into that fund or into one or more of the 213 municipal pension funds which were consolidated in the State fund established by that act. Thus, for the first time, this bill would authorize a substantial benefit in favor of former employees who no longer qualify for membership in the fund. In the calculation of the deficit of the various funds in 1952, upon the establishment of the consolidated fund, no reserve was created for the return of contributions upon withdrawal.

No right to the return of accumulated deductions existed under the various municipal pension funds authorized by Chapter 160 of the Laws of 1920 and other statutes, to the authority and assets of which the pension commission of the Police and Firemen's Pension Fund succeeded pursuant to Chapter 58 of the Laws of 1952. Rates of contribution by the employees were computed in the light of the statutory exclusion of refunds of accumulated deductions.

To offset the deficits of the Consolidated Police and Firemen's Pension Fund, the State contributed \$4,109,000.00 and the municipalities \$8,218,000.00 in the current fiscal year. This bill would add appreciably to the already substantial financial cost of the consolidated program to the taxpayers of the State and the municipalities.

Many municipalities have no record of the contributions made by members prior to the establishment of the Consolidated Police and Firemen's Pension Fund and hence in some areas compliance with this bill would involve a difficult if not impossible administrative burden.

In addition to the foregoing considerations, there can be no merit in singling out for this windfall a group of former policemen and firemen who resigned between specified dates while others who resigned before and after the specified dates continue to be denied a return of the monies paid in by them. There is no rational basis for this classification.

For the foregoing reasons, I am therefore returning Assembly Bill No. 37 herewith, without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 106

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 106 for the following reasons:

This bill amends a section of Title 11 of the Revised Statutes which relates to civil service. It changes the definition of veterans of World War II from those who served at least 90 days between September 16, 1940 and September 2, 1945 to those who served at least 90 days after September 16, 1940 and commencing on or before September 2, 1945.

The effect of this change is to include as a veteran one whose 90 days of service was attained partially after September 2, 1945, provided the service commenced no later than that date. This amendment does not apply to veterans who served during the Korean emergency as they are covered by another subsection.

The bill would increase the number of individuals eligible to be considered veterans for the purpose of the Civil Service law. It would bring within the definition of veteran one who did not serve the minimum of 90 days during a period when hostilities existed and hence was not in fact subject to combat duty. This would be inconsistent with the general legislative policy evident in the existing law. Veterans preference in public service is a valuable and far-reaching privilege. That preference constitutes a form of compensation or recognition for services rendered in the light of the sacrifice made and risk incurred. Accordingly, veterans preference should be based upon a substantial period of service and exposure. The existing standard of 90 days during the period set forth in the statute seems to me to be an irreducible minimum in the light of the subject matter. An unwarranted extension operates to dilute the compensation or recognition of the great body of veterans who qualify under existing law.

For these reasons, I am returning herewith Assembly Bill No. 106 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 107

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 107 for the following reasons:

Under the present law, "upon the recommendation of the department, board or committee having charge of the de-

partment in which policemen or firemen are employed", and upon the certification of a physician appointed by the governing body, the governing body of any municipality may, by ordinance, fix the amount of a disability award in lump sum, or annual allowance, to be paid to such policeman or fireman, provided the amount of such award together with any pension and workmen's compensation benefits shall not exceed the amount paid to him when employed.

Assembly Bill No. 107 would amend this section so as to delete the language quoted above, thereby permitting the making of such awards without the recommendation of the department, board or committee having charge of the policeman or fireman.

The department, board or committee is best situated to know the facts of such cases, and its recommendation to the local governing body should be required. By eliminating the recommendation of such agencies, the bill would remove an important control for the proper administration of the statute.

I am, therefore, returning herewith Assembly Bill No. 107 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 161

To the General Assembly:

I am returning herewith Assembly Bill No. 161, without my approval, for the following reason:

Assembly Bill No. 161 provides that any person who, by word, act or other means, willfully and maliciously gives or causes to be given a false fire alarm is guilty of a misdemeanor, and adds that nothing in this act shall be deemed to

supersede section 2A:170-9 of the New Jersey Statutes. The latter section denounces the identical conduct as a disorderly persons offense and differs from this bill only in that it covers as well a false police alarm.

If this bill were approved, we would have upon our statute books two provisions dealing with identical conduct, one interdicting it as a misdemeanor and the other as a disorderly persons offense. Accordingly, two persons guilty of identical conduct may experience vastly different consequences on the basis of a determination to prosecute under one statute or the other, without any standard to guide the prosecuting authority. There is a serious doubt as to whether that situation can be squared with the constitutional requirement of equality contained in the equal protection clause of the Federal Constitution and the due process provision of both the Federal and State Constitutions. But whether a constitutional infirmity does or does not exist, I believe that such dual treatment is not consistent with fundamental fairness or good policy.

A choice must be made between misdemeanor and disorderly persons offense. I think the present statutory treatment of this conduct is adequate and appropriate. A disorderly persons offense carries with it maximum punishment of one year in prison or \$1,000.00 fine, or both. In the vast majority of the cases this quantum of punishment is adequate. On the other hand, if the conduct should be denounced as a misdemeanor, it is probable that grand juries would refuse to indict in the ordinary case because of the heavy consequences which would follow a conviction for crime, with the net result that most of these offenses, which warrant some punishment, would be visited with none at all.

I am, therefore, returning Assembly Bill No. 161 herewith without my approval.

Respectfully,

ROBERT B. MEYNER,

Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955.]

ASSEMBLY BILL No. 167

To the General Assembly:

I am returning herewith Assembly Bill No. 167, without my approval, for the following reasons :

This legislation would supplement chapter 9 of Title 39 of the Revised Statutes which sets forth the maximum number of hours of duty that operators of any commercial motor vehicle, omnibus, motor bus or tractor may perform during any 16 consecutive hours on the public highways of this State. The present law provides that such operators must keep in the vehicle time records of such duties on forms prescribed by the Director of the Division of Motor Vehicles. The purpose of the log is to insure enforcement of the act; without the log enforcement would be impossible.

Assembly Bill No. 167 would authorize the Director of the Division of Motor Vehicles to exempt from the statutory requirement to keep records certain operators of commercial vehicles where it has been established to his satisfaction that the commercial vehicle "will not normally be driven to any place further distant than 50 miles from the address listed on the vehicle's registration certificate, or the address at which such motor vehicle is customarily stored".

The aim of the present law is to prevent excessive driving after physical overstrain or fatigue on the part of the operator of a commercial vehicle. This basic objective appears to be sound in view of the well recognized danger on the public highways of drivers who are physically tired. In considering this measure, the paramount concern must be its effect upon traffic safety.

The present director has issued a very simple log which requires little effort to maintain as a record and is therefore not unduly burdensome.

Until the basic provisions of the present law have been demonstrated to be unsound, I cannot approve of exceptions to this law based solely upon the distance driven from a place of business or storage. There is no reasonable relationship between the number of hours spent driving such a vehicle and the number of miles distant from a center of

operation. A driver may experience similar fatigue from working excessive hours within an area 50 miles distant from the place of business or storage as he would operating in a larger radius. It must also be noted that the 50-mile radius means an operational area of 100 miles. In this State that would have the effect of nullifying the effective provisions of the present law.

If it should be determined after careful study that the provisions of the present law no longer meet present requirements, then repeal or revision, in the interest of traffic safety, may be indicated; but it should not be nullified by indirection.

By using a double standard for exemption, namely, either the registration address or storage place, the requirements of the law with reference to keeping necessary records render enforcement difficult because of possible shifting of the place of storage.

Moreover, sections 39:9-2 and 3 refer to "commercial motor vehicle, omnibus, motor bus or tractor" whereas this bill would exempt only "commercial vehicle". It is not clear whether this bill was intended to apply to omnibuses, motor buses or tractors, which are also commercial in operation.

For these reasons, I am returning Assembly Bill No. 167 herewith without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]

Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

ASSEMBLY BILL No. 184

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 184 for the following reasons:

This bill would require the Director of the Division of Motor Vehicles to issue special registration plates to ap-

plicants holding an amateur radio station license. Such plates would have the official amateur radio call letters and numbers in place of the usual letters and numbers. Applications would have to contain proof of the radio license as well as an additional fee of \$2.00 for each registration.

The proponents of this measure have contended that the issuance of such special plates is warranted because of the civil defense and other public functions performed by the amateur radio operators. To the extent that the functions of civil defense require distinctive automobile identification, that can be accomplished by affixing appropriate insignia to the automobile for such purpose.

Administrative problems and considerable expense would result from this bill. The radio call letters have a letter, a number and two or three additional letters. This would necessitate the use of a larger plate of $13\frac{1}{4}$ by $6\frac{1}{16}$ inches. There is no consecutive sequence to such call letters and hence no series can be produced, but rather each pair of plates would be specially prepared.

One important consideration is the fact that the Division of Motor Vehicles is now in the midst of its conversion program pursuant to the mail order system authorized earlier this year. A special series of registration plates such as this would further complicate the problems faced by the Division at this time.

Furthermore, I do not see how recognition of this nature can be afforded to this particular group without giving similar treatment to the many others concerned with civil defense, and inviting like requests from other groups which would desire distinctive plates.

For these reasons, I am returning herewith Assembly Bill No. 184 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

ROBERT B. MEYNER,
Governor.

ASSEMBLY BILL No. 196

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 196, for the following reasons:

This bill is a companion measure to Assembly Bill No. 197 which I am today returning without my approval.

This bill is identical with Assembly Bill No. 197 except that this bill applies to employees in the classified civil service of the counties, municipalities and school districts, whereas Assembly Bill No. 197 applies to State employees.

This bill differs somewhat from Assembly Bill No. 11 of the last session of the Legislature, which I returned without my approval, but the policy issue is the same, except that the present bill additionally provides for payment in the event of death, and hence goes further than Assembly Bill No. 11.

This bill would convert accumulated sick leave into a benefit payable upon death or upon retirement without regard to sickness.

For the reasons set forth in my message returning Assembly Bill No. 197, I must conclude that this bill cannot be approved.

In returning Assembly Bill No. 197, I pointed out that the cost to the State during the present fiscal year could be \$1,863,332.00. I do not have an estimate of the annual cost of this bill to counties, municipalities and school districts, and so far as I know, none has been prepared by anyone. There, in fact, have been expressions of doubt that all of the public agencies affected possess complete and accurate records of accumulated sick leave. At any rate, a rough idea of the cost to these governmental bodies may be hazarded by comparing their annual payrolls against the payroll of the State. Their total payroll is approximately 4½ times the payroll of the State.

I am, therefore, returning Assembly Bill No. 196 herewith without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 197

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 197, for the following reasons:

This bill provides that if at the time of retirement or death of any employee in the classified civil service of the State, such employee shall not have taken all accumulated sick leave, he shall be paid at the time of his retirement, or his estate shall be paid at the time of his death, a cash equivalent calculated as follows: his daily compensation or salary on the basis of the compensation or salary paid to him at the time of his retirement or death shall be multiplied by the number of accumulated days of leave. For accumulated days not in excess of 16 weeks, he or his estate would receive the full rate. With respect to any excess, he or his estate would receive an amount equivalent to 3 days' pay for each 5 days up to 10 weeks, "and the total aggregate of days for which payment shall be made shall not exceed 26 weeks".

The bill provides that the payment "shall in no way affect or decrease any pension or retirement benefit". In other words, the employee upon retirement would receive the lump sum cash payment, plus his pension or retirement benefit.

This bill differs somewhat from Assembly Bill No. 7 of the last session which I returned without my approval, but the issue of policy is the same, except that Assembly Bill No. 197 additionally provides for payment in the event of death and hence goes further than Assembly Bill No. 7.

In returning Assembly Bill No. 7, I pointed out that the sick leave benefit was intended to provide protection for employees in the event of sickness, and nothing else. The statute is explicit. Sick leave is in addition to the vacation leave benefit. The statute allows 15 days of leave for sickness per year. It permits unlimited accumulations of unused leave to the end that an employee may have security against prolonged illness. In effect, the program is a form of health insurance with respect to which the State is a self-insurer. The bill under consideration would, retroactively, convert this assurance against loss of pay resulting from illness, into a totally different benefit—payable absolutely upon retirement or death, subject to the maximum of 26 weeks. A companion bill, Assembly Bill No. 196, would make a like conversion of sick leave benefits accumulated by employees of counties, municipalities, and school districts.

This bill, and its companion bill, have been the subject of numerous communications and conferences. A study is presently under way with respect to compensation, fringe benefits and working conditions of State employees, and the validity of the concept of conversion of sick leave as a prospective measure will be considered in that study as part of a complete balanced plan. The issue now before me is quite different namely, whether sick leave heretofore accumulated shall be convertible into cash despite the absence of the conditions of illness which the statute now requires. After careful consideration, I remain of the view that this measure cannot be approved. By reason of the substantial interest exhibited in this bill, I shall deal with each consideration advanced to me.

It is urged that some employees claim sick leave despite excellent health, and hence this measure is a fitting reward for the faithful and conscientious employee who does not thus avail himself of sick leave. Such a reward would also in effect approve the conduct of the offending employee. To urge payment on this basis is tantamount to suggesting to a private insurance carrier that it pay sickness benefits to a healthy insured because he did not claim to have been ill. I do not know to what extent sick leave has been improperly claimed but I have confidence in the integrity and devotion to duty of the vast majority of our public employees.

It is next contended that an employee who approaches retirement age frequently is genuinely infirm and hence it

is fair to give him a commuted cash payment, which, it is said, would in fact be of advantage to the State where the sick leave accumulated exceeds the total of 26 weeks. This suggestion is without foundation in the bill. The bill does not require an employee to surrender his entire accumulated sick leave for the 26-week payment. On the contrary, the employee may still claim sick leave in the ordinary way until his remaining accumulation equals the total days translatable into the lump sum payment. Hence the employee who is truly ill, may continue to use his sick leave as stated immediately above, and the employee who allegedly claims sick leave despite good health may still pursue that course. I do not suggest that a sick employee who has accumulated 300 or 400 or 500 days, as many have, should be required to accept a 26-week payment. On the contrary, he is entitled to consume the full benefit which he accumulated for precisely that emergency. My point is that there is neither a benefit to the State, nor a deterrent against improper claims, and to the extent to which payment is made to a healthy employee upon retirement or to his estate upon death, the State is wholly out of pocket. And while the State may profit by reason of the $\frac{3}{5}$ formula as to the 10 weeks described above in the case of a sick employee, this gain is out-weighed by the pension or retirement benefit which would be payable at once in addition to the cash payment authorized by the bill.

Lastly, it is pointed out that when an employee experiences a prolonged illness prior to retirement, his position or office remains occupied, thus preventing a permanent replacement and the benefit to the State service which the replacement would afford. This consideration is a substantial one, but the bill is not appropriately addressed to it. As noted above, the employee may still claim sick leave up to the point of advantage in the 26-week formula, so that the gain in this regard would be limited to that period. And the bill provides for payment in two situations which are foreign to that objective, to wit, the instances of a healthy employee and of the death of an employee. An acceptable solution must be one which in fact matches the problem.

I have attempted to estimate the cost of this retroactive benefit. It is difficult to do so with certainty, but I am informed that if all State employees who could take advantage of this bill during the current fiscal year should do so, the cost to the State during that fiscal year would be \$1,863,332.00, solely with respect to employees who will

attain age 65 by December 1, 1956. It is estimated that by reason of inducements arising from social security considerations, it is likely that the election would amount to 75% of that figure, to wit, \$1,397,499.00. Although, to evaluate the actual net cost, a deduction would have to be made for bona fide claims for sick leave which normally would be experienced, yet, as pointed out, that saving is assured only with respect to the period needed for the 26-week payment, and the concurrent payment of retirement or pension benefits is a factor tending to offset the saving. These figures do not include estimates with respect to death, or retirement at ages 60 to 64.

If State employees should be entitled to a multi-purpose leave, legislation providing for it should be prospective only. Government cannot afford to go back and assume obligations not theretofore contemplated. That is a principle of sound business, private or governmental. Doubtless, as a measure operative prospectively, various attributes would be considered. One, for example, would be whether there should be a limitation upon the amount of accumulations. With respect to sick leave, unlimited accumulations are reasonable because of the contingency against which they insure. Unlimited accumulations would not be reasonable if convertible into cash without regard to illness.

I make no recommendation at this time. My administration is presently engaged in a study of the compensation, fringe benefits and working conditions of State employees to the end that inequities or deficiencies may be remedied within the limits of available revenue. It would be unsound to deal separately with a single benefit. Good practice requires consideration of the total employee situation and not separate treatment of each aspect of the relationship.

Although the conclusion I have reached does not depend upon the observations in this paragraph, I note that some provisions of the bill seem to be ambiguous. The bill does not spell out a formula for the computation of the "daily compensation or salary" and hence there is a question whether the periodic salary shall be divided on the basis of a 5 or a 7-day week. For some administrative purposes, daily rates are determined on the basis of a 7-day week. There may also be uncertainty with respect to the maximum amount payable. The bill provides for payment "at the

full rate up to and including 16 weeks, after which he or his estate shall be paid an amount equivalent to 3 days' pay for each 5 days of leave so not taken up to and including 10 weeks and the total aggregate of days for which such payment shall be made shall not exceed 26 weeks". With respect to the 10-week period, divergent views have been expressed as to whether there would be payment for $\frac{3}{5}$ of 10 weeks accumulated leave, that is, payment for 30 days, or whether there would be payment for $\frac{3}{5}$ ths of all accumulated leave in excess of the first 16 weeks, but not exceeding a payment for a total of 10 full weeks, that is, for 50 days, with respect to that excess.

Accordingly, for all the foregoing reasons, I am constrained to return Assembly Bill No. 197 herewith, without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

ASSEMBLY BILL No. 204

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 204 for the following reasons:

This bill would authorize the State House Commission to sell and convey to the Kearny Memorial Post No. 43—Amvets. certain land in the town of Kearny which is owned by the State. This sale is to be effected in the name of the State House Commission at a nominal sale price of \$1.00.

Article VIII, Section III, paragraph 3, of the Constitution of New Jersey provides:

“No donation of land or appropriation of money shall be made by the State or any county or municipal corporation to or for the use of any society, association or corporation whatever.”

I have been advised that the property in question has an appraised value in excess of \$14,650.00. It is, therefore, apparent that any disposition of this property by the State for a sale price of \$1.00 would violate the quoted constitutional provision.

I am, therefore, returning Assembly Bill No. 204 herewith without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

ROBERT B. MEYNER,
Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
December 5, 1955. }

ASSEMBLY BILL No. 239

To the General Assembly:

I am returning herewith without my approval Assembly Bill No. 239 for the following reasons:

This bill would amend the definition of "average salary" in the Consolidated Police and Firemen's Pension Fund upon the basis of which the amount of pension benefits are determined. Under the present law "average salary" is defined as "the average annual salary paid during the last 3 years of a member's service". This bill would change the definition to "the average highest annual salary paid during any 3 consecutive years of a member's service".

The bill would introduce a new concept in this State in the method of determining the amount of the pension allowance of public employees. Public pension systems have been established upon the assumption that an employee will receive his highest salary during the period immediately prior to retirement, and the benefits and contribution rates have been calculated accordingly.

While this bill might benefit only a few individuals, it would establish a principle to which members of other pension funds would have equal equitable claim. In addition

to the seven pension funds administered by State agencies, there are a large number of locally administered pension funds. None of these funds base benefit allowance upon salary other than that received during the years immediately prior to retirement.

Public employees who are members of one fund are concerned with preferential benefits afforded by another pension fund and insist upon parallel benefits. All public employees should be treated equally for comparable service and contribution. If the change suggested by this bill were also made with respect to other public pension systems, the total financial impact upon existing public pension funds could be very great, and it would result in a substantial increase in pension costs to public employers.

It is significant that the pension fund which would be affected by this bill is already one of the most liberal in that it takes into account a three-year period while others require a five-year base.

The State Government has a definite interest in the Consolidated Police and Firemen's Pension Fund as well as other pension funds for local government employees. In 1952 the police and firemen's pension funds were in serious financial difficulty and the State at that time assumed a large financial obligation in order to correct that situation. The State's contribution to the Consolidated Police and Firemen's Pension Fund for the current year alone is \$4,231,573.76. The assumption by the State of this obligation was based upon the understanding that the benefits of the fund would not be changed. There should be no increase unless there is a patent inequity and no such inequity has here been revealed.

For these reasons, I am returning herewith, without my approval, Assembly Bill No. 239.

Respectfully,

ROBERT B. MEYNER,

Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,

Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
December 5, 1955. }

ASSEMBLY BILL No. 242

To the General Assembly:

I am returning herewith without my approval, Assembly Bill No. 242 for the following reason:

This bill is a companion to Assembly Bill No. 239 and would make comparable amendments to the Police and Firemen's Retirement System. The definition of "average final compensation" which now is "the average annual earnable salary of an employee during his last 5 years of service as an employee", would be changed to "the average highest annual earnable salary of an employee during any 5 consecutive years of service as an employee."

For the reasons set forth in my message on Assembly Bill No. 239, I am returning herewith, without my approval, Assembly Bill No. 242.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
May 26, 1955. }

ASSEMBLY BILL No. 245

To the General Assembly:

I am returning herewith Assembly Bill No. 245 without my approval for the following reasons:

Assembly Bill No. 245 is the same as Assembly Bill No. 421 of the 1954 session which I returned without my ap-

proval. In my message to the Assembly concerning Assembly Bill No. 421 I made the following comments:

“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 semi-monthly 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.”

I have reviewed Assembly Bill No. 245 very carefully and find no reason to change my position with respect to this matter.

Accordingly, I am returning Assembly Bill No. 245 herewith without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 5, 1955. }

ASSEMBLY BILL No. 296

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 296 for the following reasons:

Assembly Bill No. 296 provides that the governing body of any city not bordering on the Atlantic Ocean and having more than 8,000 and less than 9,000 inhabitants, may by ordinance fix the annual salaries to be paid to its members, not to exceed \$900.00 per annum for any member elected at large or \$800.00 for each member otherwise elected. Provision is made for a referendum upon petition of a prescribed percentage of the voters.

The classification of cities on the basis of the narrow population range of 8,000 to 9,000 is artificial and doubtless the intention is to affect a single municipality. I am not aware of any appropriate consideration which would justify this classification in the light of the constitutional mandate that laws relating to this subject shall be general, except where the constitutional provisions relating to the enactment of private, special or local laws are satisfied, and those provisions have not here been invoked.

This bill is one of a number which I have returned to the Legislature without approval because of conflict with these

constitutional requirements. Legislation of this kind would worsen the existing pattern of multifarious and illogical treatment of municipal affairs. The subject of compensation for members of governing bodies of municipalities lends itself to equal treatment upon the basis of natural and rational groupings, and the Constitution requires that such be the approach to this matter.

I am therefore returning Assembly Bill No. 296 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 8, 1955. }

ASSEMBLY BILL NO. 300

To the General Assembly:

I am returning herewith Assembly Bill No. 300, without my approval, for the following reason:

This bill would amend P. L. 1953, c. 192, which authorizes a municipality, at the request of an owner of land deriving title through the municipality's foreclosure of a tax sale certificate, to re-foreclose the tax sale certificate against any person having an interest in the lands who was omitted as a party to the foreclosure action. The amendment would authorize the re-foreclosure to be had pursuant to the In Rem Tax Foreclosure Act instead of by a strict foreclosure against named parties.

The Supreme Court of our State upheld the validity of the In Rem Tax Foreclosure Act in *City of Newark v. Yeskel*, 5 N. J. 313 (1950), two members of the Court dissenting. One of the requisite conditions under that statute is that no part of any general land taxes assessed for the 4 years preceding the petition has been paid. The bill now under consideration would authorize proceedings

salaries for such employees in counties between 300,000 and 600,000 in population. The salary increases effected by this bill for each such attendant would amount to \$1,300.00 per year, or in excess of 50% of the present salary ranges, with \$200.00 increments for each year of service. The four counties which fit within this population range are Bergen, Union, Passaic and Camden.

I returned without my approval Senate Bill No. 273 and Assembly Bill No. 310 of the 1954 Legislature, both of which sought to accomplish mandatory salary increases with \$200.00 annual increments for court attendants in Bergen, Union and Passaic Counties. Senate Bill No. 273 of last year would also have required new mandatory salaries for court attendants in Camden County. In returning these measures, I pointed out that an indirect additional result would be the eventual effectuation of similar increases for jail guards, who, generally, take the same civil service status as court attendants.

My basic objection to these measures remains. The local county boards of chosen freeholders should not be compelled to pay out salaries to court attendants more than 50% in excess of the present fixed amounts of compensation. Sound principles of home rule reject such mandatory salary increases.

In addition, Assembly Bill No. 308 makes its mandatory salary increases and increments retroactive to January 1, 1955. This provision would disrupt county budgets for 1955 which were planned and adopted on the basis of existing law.

For the foregoing reasons, I am returning Assembly Bill No. 308 herewith without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 5, 1955. }

ASSEMBLY BILL No. 380

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 380 for the following reasons:

Assembly Bill No. 380 would amend R. S. 40:40-1 so as to eliminate coroners in counties having between 500,000 and 600,000 inhabitants. Only one county, to wit, the County of Bergen, answers this description.

As originally introduced, the bill provided for the elimination of coroners in counties having a county physician or county chief medical examiner. The objective of a bill in that form is understandable since in such counties the primary function of the coroner is now in the hands of such physician or examiner, and much can be said for the elimination of what has there become, as a practical matter, a vestigial office. However, if a measure of that kind were to be enacted, it would be necessary to make provision for the performance by some other official of the present duty of a coroner to act where the sheriff is deceased, disqualified or disabled.

In the form in which it reaches me, the bill must be disapproved, not only because it fails to provide for the performance by some official of those duties of a coroner which are not performed by the county physician or chief medical examiner, but also because it presents a classification which has no rational basis. There is nothing about a county having between 500,000 and 600,000 inhabitants which, with respect to the subject of coroners, differentiates it from other counties which also have such physician or examiner. The bill accordingly offends the constitutional mandate with respect to private, special or local laws in Article IV, Section VII, paragraph 9 of the Constitution of 1947.

I am, therefore, returning Assembly Bill No. 380 herewith without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY BILL No. 388

To the General Assembly:

I am returning herewith, without my approval, Assembly Committee Substitute for Assembly Bill No. 388 for the following reasons:

This proposal would amend the Teachers' Pension and Annuity Fund (P. L. 1953, c. 360) so as to establish a higher minimum retirement allowance. The effect would be to increase pensions to 773 persons already retired, in varying amounts, depending upon age and length of service.

During recent years the purchasing power of the dollar has decreased. The consequence has been a hardship upon all persons living on fixed income such as pensions, annuities or income from trusts. A large number of persons, in addition to those covered by this measure, have been adversely affected—policemen, firemen, other public employees, as well as many private pensioners.

I have been advised that the annual cost of this bill would be \$149,998.00, reducing annually for approximately 10 years. I do not see how, equitably, one group can be selected for particular treatment without giving the others comparable benefits. If all public pensioners were treated equally in this manner, the costs imposed upon the State, county and municipal governments would be extremely high. While I recognize the problem, I doubt that State and local governments can assume the enormous burden of attempting to save particular individuals or groups harmless from the impact of large inflationary changes in our national economy.

The bill does not provide a method for financing the proposal. One suggested method has been to defer the liability of the State to subsequent years. For several years the State has been making contributions of millions of dollars to the Teachers' Pension and Annuity Fund, in addition to current payments, for the purpose of eliminating a large actuarial deficit in the fund. During the prior administration the payments on account of that deficit were substantially reduced in order to meet other obligations of the

State. This, of course, increased the number of years required to eliminate the deficit. The proposed method of financing this measure would have the same effect. It would not increase the payments to the fund in any one year but would extend the period of payments. I fail to see how this alters the effect of the bill; it merely delays the day of reckoning. It would also increase substantially the ultimate cost because the State guarantees the interest actuarially necessary for the fund. I do not believe that deferring liability in this manner is in accord with a sound governmental fiscal program.

It is extremely difficult to withhold approval from measures, such as this, where the human considerations are so strong. There are, however, many other measures with equally strong equities which would, in all fairness, also have to be approved if this bill became law. The total cumulative effect could be catastrophic. The people of this State have indicated their desire to keep State expenditures within the existing revenue structure. Unless and until this basic position is changed, I am obliged to refuse to approve of measures which could compel the imposition of new or additional taxes against the will of the people.

I am, therefore, constrained to return Assembly Committee Substitute for Assembly Bill No. 388 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 404

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 404, for the following reasons:

Assembly Bill No. 404 amends "The Banking Act of 1948." Under that act every bank is to be managed by a

board of not less than 5 nor more than 25 directors. This bill would amend that provision by adding a subsection C to authorize a temporary increase to a maximum of 30 where the bank merges with another bank and the 30 directors are named in the merger agreement. The group of 5 additional directors would be eligible for reelection to succeed themselves, but so long as the board exceeded 25 in number, vacancies caused by death, disqualification, removal or resignation would not be filled.

On the basic proposition of increasing a board of directors of a bank to 30 members, I have serious reservations. A board of this size is extremely unwieldy and is not conducive to efficient management. Large boards tend to result in abdication by the members of their responsibilities, while, at the same time, operating to increase the total fees payable to them.

On the technical aspects of the bill, there are several ambiguities. One is whether in a contest for control of the bank, the opposition could run a slate of 25 or 30. If the opposition could run only 25, the effect would be discriminatory.

Another ambiguity reposes in the amendment of subsection A, which presently limits the number to 5 to 25 members, by adding thereto, "Except as hereinafter in this section provided". That amendment was made to exclude that limitation from the new subsection C which authorizes the increase to 30 members. That amendment, however, might also apply to the present subsection B which permits the stockholders to fix the number of directors in the absence of provision in the charter or by-laws. The amendment to subsection A might thus be construed to remove the limitation on subsection B so that the stockholders could establish as large a board as they desired.

At any rate, by reason of my doubts as to the desirability of a board of such increased membership, I am returning Assembly Bill No. 404 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.
ROBERT J. BURKHARDT,
Secretary to the Governor.

ASSEMBLY BILL No. 422

To the General Assembly:

I am returning Assembly Bill No. 422 herewith, without my approval, for the following reasons:

This bill would amend section 140 of "The Banking Act of 1948" (P. L. 1948, c. 67) to provide that in the event of a merger only a stockholder of the merging bank shall have the right to dissent from the merger agreement and to obtain payment of the value of his shares. Under present law, that right exists in favor of stockholders of both the merging and the receiving bank.

I am informed that this bill is designed to curb activities of speculators in bank stocks who purchase shares, not for investment, but to gather a profit when a merger occurs, by exercising the right to dissent and to be paid. The opportunity for such profit arises from the circumstance that section 140 is apparently thought by some to mean that the value of the shares may not be less than "the amount which would be paid upon such shares if the business and assets of the bank . . . were liquidated", which figure in many, if not most cases, exceeds the price at which the stock is traded in the market.

I agree that such adventures in bank shares should be discouraged, but I am unable to accept the method prescribed in this bill. While the bill, assuming it does not impair the obligation of contract, and I express no view with respect to that problem, would operate to terminate such practices, it would also defeat the personal right of bona fide shareholders who invested for the sake of investment and who, believing the terms of the merger to be disadvantageous, desire to be bought out. Not infrequently, the terms of a merger are quite liberal with respect to the valuation of the merging bank. Minority stockholders, who cannot control the terms of the merger, should have the right to be freed from the impact of the arrangement. It is ultimately a matter of balancing the respective interests, and I believe the balance is in favor of those now protected by the statute in its present form.

In support of the bill, it has been pointed out that instead of a merger, a bank may purchase the assets of another bank, in which event the stockholders of the purchasing bank do not have a right to be bought out. But that circumstance does not compel the conclusion that the existing right upon merger should be terminated.

Section 140 was heretofore amended to require the dissenting stockholder to serve notice of dissent at the principal office of the bank within 3 days prior to the date fixed for the meeting of the stockholders to vote on the merger proposal. That amendment affords some protection, in that merger arrangements may be accompanied with appropriate escape provisions to be used if the dissents should be of forbidding proportions and hence speculative investments of the kind discussed herein are somewhat dissuaded. That amendment, however, does not afford the total protection which the present bill seeks to give. The remedy, if one can be devised, should be confined to the evil, without transgressing the present rights of *bona fide* investors.

For these reasons, I am returning Assembly Bill No. 422 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 5, 1955. }

ASSEMBLY BILL No. 423

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 423 for the following reasons:

The bill provides that the Director of the Division of Motor Vehicles in connection with his power to suspend or revoke motor vehicle driver's license, "shall consider as sufficient grounds for suspension of such license" of a person under 18 years of age, a single offense involving a moving motor vehicle.

Notwithstanding the use of the word "shall" in the language quoted above, I gather it is not the purpose of the bill to *require* the suspension of a license in the circumstances set forth therein, but merely to declare that a single violation shall suffice without restricting the Director's discretion. This being so, the bill will not add to the authority now vested in the Director. The Director of Motor Vehicles by virtue of Section 39:5-30 of the Revised Statutes now has discretionary power to revoke or suspend the driving privileges of any person for the violation of any of the provisions of the Motor Vehicle Act or on any reasonable grounds, regardless of the age of the offender.

Not only would this bill fail to enhance the Director's power, but on the contrary, the bill might serve to create doubts as to whether it curtails the existing authority. Two avenues for debate suggest themselves. The bill would declare a single offense to be sufficient grounds for "suspension" whereas under existing law the Director may revoke for a single offense. The question accordingly might be raised as to whether this bill was intended to deprive the Director of the power of revocation. The second area of doubt which could arise relates to the power of the Director to suspend or revoke for a single offense committed by a licensee who is 18 years or older. It might be well argued that a legislative declaration of the sufficiency of a single offense by a licensee under the age of 18 indicates that a single offense should not be deemed sufficient with respect to a licensee who has attained the age of 18.

I am sympathetic with the evident purpose of the bill to assist the Director in enforcement of law in this vital area, and although I believe that I cannot approve the bill for the reasons set forth above, yet the Director may properly accept the passage of this bill by the Legislature as an expression of its wish that in the administration of the motor vehicle laws, the Director be most circumspect in dealing with offenders who are under the age of 18.

For the reasons above stated, I am constrained to return Assembly Bill No. 423 without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 428

To the General Assembly:

I am returning Assembly Bill No. 428 herewith, without my approval, for the following reasons:

This bill would add identification officers to the enumeration of employees eligible for active membership in the Consolidated Police and Firemen's Pension Fund. At present, identification officers who are policemen subject to call for active duty qualify as active members of the fund, while civilian identification officers qualify as employee members with lesser retirement benefits. Retirement at age 51 is permitted for active members. Employee members cannot retire under the pension act until age 60.

Special treatment in the Consolidated Police and Firemen's Pension System for active members is justified by their hazardous employment. Many civilian identification officers perform clerical duties involving no risk of death or injury.

I cannot agree to upgrading identification officers into the class of membership in the Consolidated Police and Firemen's Pension Fund open to hazardous employments. The charge to the State in contributing one-third towards the reduction of the actuarial deficit of the Consolidated Police and Firemen's Pension Fund is \$4,109,000.00 in the fiscal year 1955-56. Although that increase in cost is not subject to exact computation, the enactment of Assembly Bill No. 428 would to a significant extent aggravate the actuarial unsoundness of that system by introducing a new class of active members entitled to special benefits.

Since active uniformed policemen who are identification officers are now fully covered with pension benefits suitable for hazardous employments, I suggest consideration of legislation to make civilian identification officers eligible for other State, county or municipal pension funds more advantageous than the employee membership of the consolidated fund.

I am, therefore, returning Assembly Bill No. 428 herewith without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

ROBERT B. MEYNER,
Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL NO. 429

To the General Assembly:

I am returning Assembly Bill No. 429 herewith, without my approval, for the following reasons:

Assembly Bill No. 429 would amend the Police and Firemen's Retirement System Act (P. L. 1944, c. 255) by redefining "policeman or fireman" to include any active permanent identification officer.

The Police and Firemen's Retirement System was established as a pension system for hazardous employments. It is supported by municipal and employee contributions. The State government defrays the administration expenses. In the calculation of the minimum retirement age and other benefits available, the element of risk of death or injury in such employments was a determining factor. Identification officers who are active uniformed policemen are eligible for membership in the Police and Firemen's Retirement System under the present definition. Civilian identification officers engaged in most cases in mechanical and clerical duties without special hazard should not be afforded advantage of the particularly favorable pension benefits of that system. Such employees have open to them membership in the same State, county or municipal pension funds as other employees not engaged in hazardous occupations are eligible to join.

I cannot on principle approve the broadening of membership eligibility in a hazardous employment pension system to include employees in non-hazardous occupations.

In considering this measure, I made a careful study of the costs which it would impose. They are as follows:

Salary increases

Supreme Court (7)	\$17,500.00
Superior Court (38)	95,000.00
County Court (34) at 40%	40,800.00

Total annual salary increase ...\$153,300.00

The impact upon the cost of pension benefits consequent upon the salary increase must also be weighed. Under the present law, members of the Supreme and Superior Courts retire in the event of disability or at age 70 with a pension of three-fourths of salary. In addition, widows of such judges are eligible for a pension of one-fourth of salary. Since the pensions are geared to a percentage of the salary payable, the increase of salary means an increase in pension benefits. The pensions are non-contributory and the State pays the entire cost. No fund has been set up, and hence pensions must be met out of current income each year.

As of July 1, 1955, the obligations of the State with respect to the pensions of members of the Supreme and Superior Courts under existing law and under Assembly Bill No. 431 have been estimated as follows:

	<i>Present Law</i>	<i>Under A-431</i>	<i>Increase</i>
Amount of fund necessary to assure payments with respect to present members.	\$2,186,000.00	\$2,417,000.00	\$231,000.00
Additional average annual amount thereafter necessary to meet pension payments	258,298.00	289,500.00	31,202.00

County court judges are eligible for membership in the State Employees' Retirement System, such judges and the State making equal contributions. While the rate of con-

tribution varies with age of each member, the State and the judge each contribute approximately 5%. The annual increase in pension contributions by the State for county court judges would amount to \$5,100.00 under Assembly Bill No. 431.

Hence in addition to an increase in the accrued liability amounting to \$231,000.00, the annual cost of the bill would be:

Salaries	\$153,300.00
Pensions	36,302.00
	\$189,602.00
Total cost	

The impact of Federal income taxes is significant in contrasting the compensation of judges with that of lawyers in private practice. I have been advised that for a judge age 52 and his wife age 49, the annual premiums necessary to obtain the same benefits as are now provided under the Judges' Pension Act would be approximately \$11,795.00 for a judge with a salary of \$20,000.00 and \$14,154.00 for one with a salary of \$24,000.00. Based upon the assumption of a \$1,000.00 standard deduction, a \$1,200.00 personal exemption, a lawyer filing a joint return would have to earn, before Federal taxes, approximately \$41,314.00 and \$52,905.00 respectively, in order both to purchase contracts providing for these pension benefits and to have the take-home pay of judges presently receiving \$20,000.00 and \$24,000.00 annual compensation. Although these estimates do not reflect the entire picture since a judge pays income taxes on his pension benefits when they are received, whereas in the case of a private purchase of equal benefits with funds already taxed there would be partial exclusion from taxation of the ultimate benefits when received, yet these figures do indicate in a rough way the substantial amount of the actual compensation presently received by members of the Supreme and Superior Courts. I have not received an estimate of the dollar value of the fringe benefit available to county judges under the contributory pension plan which they may join.

From the foregoing, I believe it fair to say that salaries paid to these members of the Supreme and Superior Courts are not insignificant. Although I believe in salary ranges which will attract the ablest lawyers, yet I cannot be oblivious to the demands of other public servants in salary ranges far below those payable to our judges.

There has been a plethora of bills passed by the Legislature at the present and past sessions which, if approved, would have resulted in a staggering increase in the cost of government. The citizens are firmly opposed to new taxes. The chief executive is popularly the focal point of responsibility for maintaining a balance between income and expenditure. I cannot join in a course of legislation which may bring the State to the brink of financial crisis and thus force the people into new taxation. If I were to approve of this bill, I know of no reasonable basis upon which I could refuse to approve bills presently awaiting my action or bills pending or which would be introduced in the wake of such approval. I will not mortgage the future of our citizens nor can I speculate with respect to future income. Absent a patent inequity, I will not endorse such additional obligations until and unless it clearly appears that an upsurge in revenues from existing sources will permit that course.

I regret that the action of the Legislature has made it necessary for me to return without approval a large number of bills imposing heavy financial obligations upon the State. I fully appreciate that denying requests for particular groups is not always the popular course but the opportunity to serve the whole public carries with it a correlative obligation.

For these reasons, I am obligated to return Assembly Bill No. 431 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 5, 1955. }

ASSEMBLY BILL No. 439

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 439 for the following reasons:

Assembly Bill No. 439 would amend and supplement provisions of the banking law (P. L. 1951, c. 167) relating to

investment by savings banks "in corporate interest-bearing securities not otherwise eligible for investment by savings banks". The bill would delete the word "corporate" and thus leave the broad term "interest-bearing securities" without identification or restriction as to the maker or obligor.

The effect of this bill would be to authorize investment, for example, in revenue bonds of political units or agencies, without however specifying the tests for determination of safety of investment which authorities recognize to be required by prudence. The bill thus would be contrary in thesis to Assembly Bill No. 433 of this session which prescribes such requirements for investment in such revenue bonds, and which I am returning with recommendations for amendments. If accepted, the amendments would tighten the tests for safe investment contained in that bill. The public is vitally concerned with the safety of investment by savings banks. Statutes relating to these investments must contain adequate safeguards.

Since Assembly Bill No. 439 would thus open the door to investment without said restrictions and in fact would conflict with the approach evident in companion legislation, I am returning Assembly Bill No. 439 herewith, without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
December 5, 1955. }

ASSEMBLY BILL No. 443

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 443 for the following reasons:

This bill would provide that every sergeant-at-arms of the Superior Court appointed to attend daily upon the Law Division or Chancery Division of that Court who has or

shall have so served continuously for 5 or more years shall not be removed from his position or office except for good cause shown.

This bill accordingly would give tenure to these employees although at the time of their appointment it was understood that they would serve at the pleasure of the judicial officer who made the appointment.

Upon principle I am reluctant to approve of measures which grant tenure where the initial engagement was not pursuant to competitive examination or legislation which otherwise assured tenure. In this particular situation, additional considerations weigh against the bill. I have been advised that the nature of the services performed by sergeants-at-arms makes it essential that they be persons in whom the judge has complete personal confidence, and that variations in the duties expected to be performed by sergeants-at-arms by different judges may mean that a sergeant-at-arms satisfactory to one judicial officer may not be wholly satisfactory to another.

I am, accordingly, returning Assembly Bill No. 443 herewith, without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 449

To the General Assembly:

I am returning Assembly Bill No. 449 herewith, without my approval, for the following reasons:

This bill provides for the equal distribution between the State and the counties of the costs of the welfare program, known as Home Life Assistance, which are in excess of the Federal contribution.

I have heretofore refused to approve three prior bills to accomplish the same objective. Two were in the 1954 session—Assembly Bill No. 247 and Senate Bill No. 346. The other bill was Assembly Bill No. 16 which I returned to the Legislature on May 16, 1955.

In my message returning the last bill, I stated:

“The underlying theory behind this proposal is that it is fair and equitable to apportion the cost of the welfare programs equally between the State and the counties. If the premise were extended to all related welfare programs, I might well agree with it. I am compelled, however, to take exception to any bill which singles out one of the five existing welfare programs. The cost of two of the programs are now shared on an equal basis. The other three programs, Blind Assistance, Home Life Assistance and Old Age Assistance, are based upon unequal formulas. Based upon the fiscal year ended June 30, 1954, it was determined that if the costs of these welfare programs were shared equally the result would be as follows:

	<i>State</i>	<i>County</i>
Blind Assistance	\$+ 155,209.00	\$— 155,210.00
Home Life Assistance	+ 447,407.00	— 447,407.00
Old Age Assistance	—1,333,749.00	+1,333,749.00
	<hr/>	<hr/>
	\$— 731,133.00	\$+ 731,132.00

Thus, on a basis of equal division with respect to these programs, the cost to the State would be reduced by \$731,133.00 and the cost to the counties would be increased by a like sum.

“I have been advised that, based upon the experience during the current year, the change with respect to Home Life Assistance would amount to \$518,700.00. Treatment of one program alone would thus impose an additional cost upon the State of more than \$500,000.00 per year.

“I am obliged also to take into account the effect upon the State fiscal condition. The sponsors of this legislation have expressed, on many occasions, unequivocal opposition to any new or increased State taxes. Measures such as this which would impose additional burdens upon the State treasury are irreconcilable with that position.”

There has been no change in circumstances which would warrant a reversal of my prior position. I will not join in the imposition of an additional burden of over \$518,000.00 upon the State treasury.

Two problems exist with respect to the Home Life Assistance program. The first is the question of what the formula for distribution of costs should be. I have recommended that all the welfare programs be amended on an equitable basis so that the costs of all are shared equally between the State and the counties. This proposal has apparently not met with the approval of the counties.

The second problem is a legal one and arose because certain counties questioned, in February of this year, their duty to make the contributions. This position was based upon certain alleged ambiguities in Chapter 138 of the Laws of 1951. I do not understand why the counties, after making the payments for four years, suddenly decided to stop their contributions and thus jeopardize the payments to the unfortunate beneficiaries who at best have a marginal existence under these payments. The Federal government has contributed to this program upon the hypothesis that the statute provides the necessary matching funds. An opinion of the Attorney General ruled that the counties remain obligated to continue their contributions. It was my understanding that a representative of one of the questioning counties thereupon desired clarifying legislation to avoid any conceivable criticism of continued contributions. Pursuant to this request, this bill was prepared by the administration, but prior to introduction, it was amended to include the change of formula which I have refused to approve on three earlier occasions. Most of the counties have respected their obligations. One county, however, has refused to pay its share. The State advanced approximately \$100,000.00 from other funds so that the beneficiaries would not be deprived of sustenance. Concurrently with that action, I instructed the Attorney General to institute appropriate proceedings to effect the collection of this sum.

For these reasons, I am returning Assembly Bill No. 449 without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 495

To the General Assembly:

I am returning Assembly Bill No. 495 herewith, without my approval, for the following reason:

This bill would grant immediate salary increases of \$2,000.00 both to the Clerk of the Supreme Court and to the Clerk of the Superior Court. The statute here amended now fixes the annual salary of the Clerk of the Supreme Court at \$10,000.00 and of the Clerk of the Superior Court at \$12,000.00.

As I have pointed out several times, orderly fiscal administration requires that, in fairness to all employees, requests for salary increases throughout the State government be considered together at the time the annual budget is prepared.

In returning this measure without my approval, I do not foreclose favorable consideration in the event that the Judiciary recommends such proposed salary increases for the Clerks of the Supreme Court and the Superior Court for inclusion in the next annual appropriation to that branch of our State government.

Applications for salary increases should be weighed at the time of the adoption of the annual appropriations act in the light of anticipated revenues for the ensuing fiscal year.

For this reason, I am returning Assembly Bill No. 495 herewith without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

ASSEMBLY BILL No. 515

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 515 for the following reasons:

This bill would amend the act establishing the Employees' Retirement System of Essex County (Chapter 160, P. L. 1943) in a number of far-reaching respects. It would enlarge almost every benefit for members and their dependents. Among such enlargements of benefits are the following:

(1) The maximum retirement allowance would be increased from \$2,500.00 to \$4,000.00 per year for persons joining the fund after April 8, 1943. There would continue to be no maximum with regard to persons who were members on that date.

(2) Non-members who were under age 45 at the time of appointment would be permitted to join the system. The present law fixes an age limit of 40.

(3) Retirement on a pension equal to $\frac{1}{2}$ salary would be permitted after 30 years of service. This pension would be increased by $2\frac{1}{2}$ of salary for each year of service over 30 up to a maximum pension of $\frac{3}{4}$ of salary. Thus a member who began employment with the county at age 18 could retire at age 48 with a pension equal to $\frac{1}{2}$ salary and at age 58 with a pension of $\frac{3}{4}$ salary. The present law provides for a pension at $\frac{1}{2}$ salary after 35 years of service. Thus, in addition to increasing the pension, the bill would permit full retirement benefits at an age lower than the age possible even under pension systems applicable to hazardous employment, as for example, that of policemen and firemen.

(4) These increased pension payments would be continued to widows upon the death of a retired member, as is now provided by law, but the maximum rate would be $\frac{3}{4}$ salary whereas presently it is $\frac{1}{2}$ salary. And additionally, in the case of death after service disability retirement, the bill would accomplish the anomaly of providing $\frac{3}{4}$ salary for the widow whereas the employee in his lifetime would receive but $\frac{1}{2}$ salary.

(5) The bill would increase all existing pension payments to the sum of \$1,000.00. I am sympathetic to the problems of persons retired years ago at rates which reflected cost of living at that time, but as I pointed out in returning Assembly Bill No. 388 of this session without approval, the impact of a change of this kind must be considered in the light of the total impact if the same change were made with respect to all other pension systems. Before steps are taken in that direction, a complete study would have to be made so that the true dollar impact, as well as the justice of that course as against other possible approaches, would be clearly presented to those who are charged with responsibility for legislation.

(6) The bill would provide for pensions of \$2,000.00 per year for dependent parents where there is no widow or minor children. Under the present law dependent parents are not beneficiaries.

(7) In the event of service-connected death, the bill would increase the pension payable to the widow from $\frac{1}{2}$ of salary to $\frac{3}{4}$ of salary.

In considering the significance of the various changes set forth above it should be kept in mind that the increase in the maximum allowance from \$2,500.00 to \$4,000.00 per year referred to in item (1) above, operates to increase the dollar effect of the other changes.

The bill authorizes the retirement commission to raise the rate of contribution for employees and the county from the present 5% level to a maximum of 7%. The bill would also require the county to contribute additionally the sum of \$100,000.00 a year for 20 years. The bill would continue the county's liability to meet any deficit in the fund.

In 1951 an actuarial study was made of this system and the study was brought up to date by the actuary in September 1954. In the report of September 1954 the actuary, who is one of the country's outstanding men in the field, concluded that the system was "in a most serious state of insolvency" with a deficiency of over \$23,000,000.00. Following the passage of Assembly Bill No. 515 by the Legislature, an arrangement was made for a further actuarial study in connection with which the executive branch of the government and the county each contributed \$2,500.00. The study was made by still another actuary, also nationally respected. The two studies were wholly

independent. This new study resulted in a finding that as of June 30, 1955 the deficiency in the fund was \$23,886,580.00 and that unless corrective measures are taken the deficiency will increase at the rate of \$715,000.00 per year. This study further revealed that even if the commission should increase the rate of contribution by the employee and the county to 7% and the county should additionally pay \$100,000.00 a year for 20 years, the deficiency in the fund would be immediately increased to \$25,661,109.00 and the deficiency would grow at the rate of \$770,000.00 a year. The report further shows that, if the deficiency is to be met, the county would have to appropriate a further sum in excess of \$1,300,000.00 per year for 30 years. The total cost to the county for the matching payment, the annual sum of \$100,000.00 and the additional \$1,300,000.00 per year just referred to would be over \$1,900,000.00 annually for 30 years.

These figures, as stated above are all based upon the hypothesis that the commission would in fact increase the rate of contribution from 5% to 7%. In fact, however, Assembly Bill No. 515 does not imperatively require the commission to order such increase but on the contrary leaves it to the discretion of the commission and provides as the standard for its action in increasing the rates between the minimum of 5% and the maximum of 7% that "so far as possible the value of future contributions of members and the county, 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." It is thus apparent that in addition to leaving the matter of increase of rates to a finding by the commission based upon investigation, valuation and report of its actuary, the increases, if ordered, will be wholly unrelated to the problem of dealing with the existing deficit or the increase in deficit which would be immediately accomplished by the signing of this bill.

In the conversations held between the executive branch and the persons interested in this bill, several contentions were urged in support of the measure. It was urged that the actuarial deficit is imaginary and hypothetical and not based upon realities. It was contended that the deficit is based upon the assumption that all present employees would retire at once or at the earliest possible opportunity. The fact is to the contrary. The deficit is calculated on the basis

of probabilities and is based upon established tables of expectancy and experience with respect to the factors involved.

It is further contended that the circumstance that the fund presently has \$826,000.00 in assets demonstrates the solvency of the fund. Obviously the quantum of assets does reflect the solvency of the fund. The underlying thought seems to be that past experience demonstrates that current contributions by the employee and the county will always be sufficient to meet benefits payable. The assumption ignores the facts. The level of pension payments has increased in the past and will increase sharply in the future. For the first 3 years after the establishment of the fund in 1929 there were no benefits paid. In 1932 the number of pensioners was about 5% of the number of active members. In 1938, the percentage was about 10% and so continued until 1941. By 1954 the percentage was about 27%. Translated into terms of dollars, the annual outlay increased from \$18,393.69 in 1932 to \$738,260.78 in 1954. The last actuarial study referred to above shows by projection that under existing law the cash payments by the year 1959 will be in excess of \$1,000,000.00, in the year 1964 will be approximately \$1,460,000.00, by 1969 will be approximately \$1,800,000.00 and by 1974 will be approximately \$2,100,000.00. These cash payments would be substantially increased under Assembly Bill No. 515. Evidence of the inroads which the payments heretofore made have already accomplished is quickly revealed by the fact that although the present active members of the fund have contributed to date approximately \$2,500,000.00 and the county has roughly matched that figure with respect to those employees, all that remains of the approximate total of \$5,000,000.00, which represents the fund to which the present active members would look for security as to their retirement, is the sum of \$826,000.00, the amount of assets presently on hand. Thus the experience to date has violated a fundamental principle with respect to pensions that at least the contribution of the present employees should be maintained as a trust fund for their benefit. It is their money.

It is urged that the fact that the county was required to make additional contributions to meet annual payments only in the years 1947 and 1948 indicates the capacity of the system to continue to meet its obligations out of current income. Apart from the other factors mentioned above, a

significant reason for this apparent success is that the current contributions are based upon pay brackets substantially higher than the pay brackets upon which many of the outstanding pension payments are based. In due time that favorable factor will disappear since an increasing number of pensions will be payable upon the basis of current wage brackets unless our economy experiences still further inflation.

In the report of September 1954 the actuary said:

“I would impress on you most strongly the fact that the above deficiencies are not in anyway artificial. They represent the amounts by which the fund should be increased if it is to be in a position to pay the benefits that have accrued today. The fact that there may be sufficient in the fund (for the time being) to pay for current pensions does not indicate that a state of solvency exists. The true position is that if the pensions and other benefits promised are to be paid in full, the above deficiency must be liquidated.”

We have already had experience with like situations. Thus for example, the 211 local police and firemen's pension funds which were consolidated in 1952 at that time had assets of about \$12,000,000.00 but deficits of approximately \$238,000,000.00. The State annually contributes \$4,500,000.00 and the municipalities \$9,000,000.00 to fund that deficit over a period of 30 years.

It is further urged in support of the bill that the increase in the pension benefit from $\frac{1}{2}$ salary to $\frac{3}{4}$ salary by annual increments of $2\frac{1}{2}$ for each year over 30 of service will induce employees to remain in service for additional periods and thus substantially improve the status of the fund by delaying the date upon which the employee will seek to obtain benefits. Apart from the fact that such inducement runs contrary to the common approach that pension plans are intended to further withdrawals from public service of employees of an advanced age to permit replacement by younger employees, it is plain to me that any hope that this inducement could solve the problems of this fund is at most speculative and wishful. It must also be noted that the taxpayer will be paying maximum salaries to employees who otherwise would retire in favor of younger employees at lower pay brackets and that the ultimate benefit of $\frac{3}{4}$ of salary as against $\frac{1}{2}$ salary under present law would itself

make a substantial inroad upon, or perhaps completely eliminate, the supposed saving.

It is true, that a part of the deficit is attributable to the fact that at the commencement of the pension system the county made no contribution to meet the credits given to their employees for prior service. But the facts still remain that provision must be made therefor and that the bulk of the deficit is attributable to the service rendered after the system began. While perhaps complete actuarial soundness may not be immediately feasible, yet the present spread between assets and liabilities should be substantially reduced. One day there must be an accounting. The entire burden of the deficit should not be passed perhaps to another generation of Essex County taxpayers. And the present active members of the system should receive assurance against economic reversals which might imperil the benefits they hope to receive. Those benefits cannot be assured unless we discontinue the practice of using their contributions to pay existing pensioners and unless we provide adequate funding to meet the promises to the present active members.

I cannot approve of a bill which not only fails to deal with the deficit but in fact would increase it. I think it is imperative that this pension system be integrated with Social Security whereby a substantial part of the deficit will, in effect, be underwritten by the Social Security plan and thus free the taxpayers of Essex County of the imposing burden now upon them. This is the accepted pattern which has been followed by other funds in this State, by numerous public funds throughout the country, and by virtually all industrial pension systems.

I believe further that the Essex County system should be consolidated with the Public Employees' Retirement System. The latter system contains benefits which provide liberal protection to new and long-service employees alike without placing an undue burden upon the taxpayers of the State and has placed New Jersey in the forefront throughout the country in the field of sound public employee pensions. At the present time over 81,000 public employees in non-hazardous positions are either in the Public Employees' Retirement System or the Teachers' Pension and Annuity Fund, both of which systems provide identical benefits and the number of such employees coming into the Public Employees' Retirement System is steadily increasing by

voluntary action on the part of local governing bodies. The benefits which Assembly Bill No. 515 would provide exceed the benefits payable to any other group of public employees including even those engaged in hazardous work. There is no justification for such discrimination. Approval of this bill would inevitably lead to demands for legislation which would disrupt the patterns established in the two basic plans to which I have referred. The approval of this bill would further greatly diminish the opportunity for eventual integration with the Social Security program.

There are a number of deficiencies in the bill which could be corrected by amendment and although for that reason they do not constitute the basis for my refusal to approve the bill, yet they are sufficiently significant to be noted in this message.

(1) With regard to service-connected disability the bill is obscure as to whether the pension payable would be $\frac{3}{4}$ or $\frac{1}{2}$ of salary.

(2) At various points in the bill the word "pay", rather than the word "salary", is used. "Salary" is defined but "pay" is not. "Salary" is defined to mean that portion of compensation upon which contributions and pensions are calculated. The use of the word "pay" would present problems as to whether, where that word is used, it is intended to mean the full compensation rather than that portion which is defined as "salary".

(3) The bill is so phrased that it might have to be construed to mean that there will be no pension payable to a surviving spouse or other beneficiary upon the death of an employee retired because of duty disability. This would be inconsistent with the protection given to survivor beneficiaries in the case of employees retired on the basis of age and service or on the basis of non-duty disability.

(4) I referred to the fact that salary is defined in the bill. Actually confusion exists in that definition because the word "salary" is there given three different meanings. One meaning is average salary; another meaning is the first \$8,000.00 of an employee's salary for any year being considered; and the third is the final year's salary received by a member. The amount of pension payable would depend upon which definition is used in the disposition of each claim for benefits.

(5) In Section 10 of the bill it is provided that "the value of any actuarial or pension benefits received" shall be deducted from a member's aggregate contributions when making a refund to him upon his withdrawal from the system. The actuary who made the study of this bill advises that the quoted phrase is not meaningful and could conceivably result in a complete denial of return of contributions. Moreover, that provision is in conflict with the general practice in connection with retirement systems to return the full contribution upon withdrawal of a member.

(6) The bill provides in Section 11 that "Upon and after the adoption of this act, membership of any person in the retirement system shall constitute a contractual relationship with the county." Under present law a member has a vested right with respect to his contributions and probably with respect to his accrued retirement right. The quoted language attempts to impose upon the county, without its consent, a contractual obligation which might incorporate a right to receive from the county all of the anticipated benefits of active members and preclude any alteration with respect to the plan, either as to benefits or contributions, which changing economic circumstances might make imperative. If this should be the true import of the quoted sentence, the consequences could be far-reaching.

For the foregoing reasons I am returning Assembly Bill No. 515 herewith without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 12, 1955. }

ASSEMBLY BILL NO. 518

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 518 for the following reasons:

This bill provides that the board of chosen freeholders of any county, which has granted to any organization com-

posed of veterans of any war of the United States the use of any rooms in any building owned by the county, may contribute a sum not exceeding \$4,000.00 per annum to such organization for a public county veterans' service bureau in any such building and appropriate and raise funds annually therefor in the same manner as appropriations are made for other county purposes.

The second section of the bill would authorize, during the fiscal year in which the bill is adopted, any such board of chosen freeholders which has not made a provision in its annual budget for such contribution to appropriate and use county funds not otherwise appropriated or dedicated or to appropriate and raise such funds during the current fiscal year and borrow the same and issue obligations to raise such funds.

These veterans' organizations are private corporations or associations. They are not instrumentalities or agencies of government. This bill accordingly would result in the donation of public moneys to such private corporations or associations for use in furthering an objective for which they were formed. The objective of these organizations is in the public interest, but constitutional provisions prohibit the action which this bill would authorize.

During the nineteenth century many abuses arose out of donation of public land and money to privately-owned enterprises. As a result, the 1844 Constitution was amended in 1875 to prohibit such donations of public property. These provisions were continued in substantially the same form in the 1947 Constitution in two sections. Article VIII, Section III, paragraph 2, provides:

“No county, city, borough, town, township or village shall hereafter give any money or property, or loan its money or credit, to or in aid of any individual, association or corporation, or become security for, or be directly or indirectly the owner of, any stock or bonds of any association or corporation.”

Article VIII, Section III, paragraph 3, provides:

“No donation of land or appropriation of money shall be made by the State or any county or municipal corporation to or for the use of any society, association or corporation whatever.”

The constitutional mandate prohibits the State or any county or municipality from donating property or moneys to private associations, even though engaged in activities beneficial to the public or activities which government could itself undertake through its own instrumentalities. See *Wilentz v. Hendrickson*, 133 N. J. Eq. 447, 474 to 477, (Ch. 1943), aff'd. 135 N. J. Eq. 244 (E. & A. 1944).

I do not wish to imply by my action on this measure or other comparable bills that I do not approve of the services rendered by such veterans' groups. It was apparently the intention of those careful and conscientious men who drafted the Constitution that the cost of providing such private services which benefit the public should be assumed by those members of the public who wish to give their support voluntarily, rather than be imposed upon all of the residents of the governmental unit through taxation. Such concept is entirely in accord with the general philosophy of individual initiative which has contributed to the greatness of our country.

I realize that it is not politic to refuse to approve of measures such as this. I am obliged, however, by the obligation of my office to uphold the provisions of the State Constitution.

For these reasons, I am constrained to return Assembly Bill No. 518 herewith without my approval.

Respectfully,

[SEAL]

ROBERT B. MEYNER,

Governor.

Attest:

ROBERT J. BURKHARDT,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 12, 1955. }

ASSEMBLY BILL No. 525

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 525 for the following reasons:

This bill would require the submission to the voters in those counties which have not adopted voting machines, the

question of the use of voting machines in elections in each such county. Such question would have to be submitted to the voters within 12 months after the effective date of the bill at either a general election or a primary election. It provides for the certification of the result of the referendum to the board of chosen freeholders within 10 days after the election.

The bill thus purports to proceed on the thesis that the introduction of voting machines shall depend upon local decision within each county. Even upon that questionable proposition the bill is incomplete. It contains no provision whatever for the implementation of the popular will as thus expressed. It does not require the board of freeholders to act in accordance with an affirmative result upon a referendum, but rather would permit a favorable determination of the voters to repose as a sterile expression of their wishes.

Under existing law the freeholders of a county are empowered to acquire voting machines for use in elections in their counties. It is apparent, therefore, that counties affected by this bill would be those in which the members of the boards of freeholders do not favor installation of such machines.

It should also be noted that the bill would authorize the referendum to take place at a primary election. The vote at primary elections is comparatively small and not truly representative of the total electorate. It would seem most unwise to authorize the submission of such an important matter to the people at a primary election.

I wish to state unequivocally that I favor compulsory installation of voting machines in all counties in the State. The ballot is an essential heritage of the American people, and it is therefore imperative that everything possible be done to insure accuracy and simplicity in all elections. The entire State is concerned with the mode of voting. That matter should not be left to separate determination by each county. In the past the Legislature did not hesitate to compel the introduction of voting machines in a county which failed voluntarily to provide for them.

Provisions for financing the acquisition of voting machines can be established so that no county will be subjected to an undue burden. It is also significant that the installation of voting machines will save enough money over a

period of 15 years to pay for the purchase price of the machines. The savings to the public are even more important where there are recounts or other questions concerning the election. I sincerely hope that the Legislature will adopt legislation designed to deal with this situation in a forthright manner.

It is of note that not only the Election Laws Study Commission, but other groups interested in election law reform, have voiced opposition to this measure based upon substantially the same conclusions as I have reached.

At the present time the election laws of this State are in a wretched state of confusion. The adoption of voting machines throughout the State would constitute a forward step in simplifying voting procedures.

For these reasons, I am returning herewith Assembly Bill No. 525 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

ASSEMBLY BILL No. 551

To the General Assembly:

I am returning Assembly Bill No. 551 herewith, without my approval, for the following reasons:

This bill would authorize the governing body of cities of the second class with a population in excess of 20,000 to fix the salaries of its members by ordinance at not exceeding \$2,500.00 per annum. Within 30 days after final publication, 15% of the legal voters of the municipality could secure a referendum on the ordinance by petition presented to the governing body.

The statute which this bill would amend provides that the governing body in cities of the second class over 20,000 in population is empowered to increase the salaries of its own members other than mayor to a maximum of \$2,500.00 per annum, but only in the event that the legal voters had not previously fixed and determined such salaries by referendum.

I am advised that, in one such city, a referendum to increase the salaries of members of the municipal governing body overwhelmingly lost only last fall.

The effect of this bill would be to override the decision of the voters as thus clearly expressed. The citizens having thus spoken, the authority to reverse the decision should remain with them. I do not think it fitting that the State should interfere so pointedly with a local determination.

This bill brings up again a matter to which I have referred on prior occasions. The bill focuses attention upon the hodge-podge condition of our laws governing municipalities, a condition which not only is necessarily confusing and unsound, but which inevitably invites miscellaneous legislation which in reality is of special effect despite apparent generality of terms.

It may well be that in many situations compensation for members of governing bodies is inadequate. The change in value of the dollar within the last decade has been dramatic. Public officials should be justly compensated. The approach, however, should not be piecemeal, but rather should be comprehensive, to the end that there be a uniform treatment for all municipalities similarly situated.

I am, therefore, returning Assembly Bill No. 551 herewith without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

ASSEMBLY BILL No. 563

To the General Assembly:

I am returning herewith Assembly Bill No. 563, without my approval, for the following reasons:

This bill would amend section 19:13-14 of the Revised Statutes so that no person could be nominated at a primary election unless he receives at least the same number of votes as the number of votes required for nomination by petition.

In a small municipality, the voters of which are predominantly of one political party, the candidate seeking to be nominated in a primary election of the minority party might not be able to obtain enough signatures on a petition to place his name on the ballot. He might, however, be nominated by a write-in vote in the primary to represent his party in the general election or as a county committeeman. The voters of the municipality might not be eligible to vote for such candidate in the primary election and yet would like to vote for him in the general election because of dissatisfaction with the incumbent administration.

This measure would also tend to deter greater participation in one or the other of the major political parties. It would make more difficult the election of county committeemen with the result that vacancies would be filled by the municipal county committeemen or the county committee. Since our whole election pattern is based upon the party system, I am opposed to any measure which will make it more difficult for a greater number of individuals to participate in party councils.

I am, therefore, returning herewith Assembly Bill No. 563 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

ASSEMBLY BILL No. 567

To the General Assembly:

I am returning herewith Assembly Bill No. 567, without my approval, for the following reasons:

This bill is a validating act of seriously questionable constitutionality. It would give effect to final judgments for the foreclosure of tax sale certificates despite the omission of cestui que trustent or beneficiaries under a will as parties to the proceeding. Such final judgment or decree must have been entered more than five years prior to the effective date of this bill, if enacted.

The decisions of the New Jersey courts have required that cestui que trustent under a will be joined as parties defendant in a foreclosure proceeding affecting the trust estate. This is recognized as a matter of fundamental due process of law. *Newark v. Fidelity Union Trust Co.*, 137 N. J. Eq. 92 (Ch. 1943). The rules of the Supreme Court recognize that principle of substantive law in providing in R. R. 4:30-1 that:

“A trustee of an express trust may be sued without joining with him the person for whose benefit a mortgage, judgment or encumbrance upon realty is held, but nothing herein shall permit an action against a trustee alone where he holds title to realty for the benefit of another.”

A judgment which is invalid because of lack of jurisdiction *in personam* over omitted parties cannot be validated.

At any rate, apart from the serious constitutional question, I feel that it is not consonant with fundamental fairness to bar the interest of a beneficial owner without notice and opportunity to be heard.

I am, therefore, compelled to return Assembly Bill No. 567 herewith without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]

Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 5, 1955. }

ASSEMBLY BILL No. 600

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 600 for the following reasons:

This bill would amend P. L. 1948, Chapter 199, which prescribes the procedure for the enactment of private, special and local laws regulating the internal affairs of a municipality or a county.

The present statute provides that a petition for such private, special or local law must be authorized by an ordinance of the municipality or a resolution of the board of chosen freeholders, as the case may be, or by a specified percentage of the voters, before it may be submitted to the Legislature. Following local action authorizing the petition, a notice of intention to apply to the next session of the Legislature for such law must be published. If the Legislature passes such law, it does not become operative until adopted by the voters of the municipality or county unless otherwise specifically prescribed in such law.

Assembly Bill No. 600 would amend the existing statute to allow the petition to the Legislature to be initiated by a resolution of the governing body of the municipality or county. It would retain the requirement for a public notice of intention to apply to the Legislature but would permit such notice to be given by posting it in the office of the clerk of the municipality or county, as the case may be. Only after the Legislature passes the private, special or local law would the bill require municipal action to be taken by ordinance and a law so adopted by the local governing body would become effective 30 days after the publication of the ordinance unless the voters petition for a referendum.

The effect of the enactment of Assembly Bill No. 600 would be to eliminate any significant public notice to the citizens of the community concerned until after the Legislature has already acted, whereas, under the existing statute requiring initiation by ordinance, publication occurs at that point. The existing additional requirement for the publication of the notice of intention would, by this bill, be re-

duced to the not too meaningful measure of a posting of the notice in the clerk's office.

I gather that this bill was introduced because of the considerable number of messages in which I was constrained to return without approval sundry bills which were intended to have private, special or local effect but which were phrased in language which superficially purported to be general in effect. The thought underlying this bill apparently is that if the procedure for the adoption of such laws were simplified, bills intended to have only private, special or local effect would be cast in such terms and thus the objectives would no longer be sought to be achieved by the untenable indirection of irrational classifications.

This bill accordingly raises an important question of policy. Article IV, Section VII, paragraph 9 provides that the Legislature shall not pass any private, special or local law regulating the internal affairs of municipalities formed for local government and counties, except as otherwise provided in the Constitution. Paragraph 10 of the same article and section authorizes private, special or local laws within that area and paragraph 8, dealing with all private, special or local laws, requires "public notice of the intention to apply therefor" prior to the passage thereof and authorizes legislation to prescribe the manner of such notice.

Although the Constitution thus permits legislation to formulate the details of the procedure to be used with respect to such laws, it seems to me that the guiding thesis of the Constitution is that laws should ordinarily be general in application and that private, special or local laws should be distinctly exceptional. If this principle were abandoned, we might, by such private, special or local legislation, achieve a confusion in laws applicable to municipal affairs exceeding even the perplexing and disturbing condition which already characterizes laws relating to this important field.

Accordingly, upon the basis of policy I cannot approve of a bill which would ultimately encourage legislation of this kind. I agree, of course, that there should not be artificial or unnecessary obstructions. Yet the process should be attended by provisions which will assure to the local citizenry full notice and opportunity to be heard at the local level before the Legislature and Governor are asked to con-

cern themselves with the proposal. I believe that a good deal of the legislation heretofore introduced with the appearance of generality but intended to have purely localized effect would not have survived scrutiny by the citizens concerned if the measures had been advanced in accordance with existing law. A process in which these private, special or local laws may become accomplished facts without an opportunity to be heard by the citizens who must foot the consequences of such legislation, except by the difficult technique of a petition for referendum at that late stage, would not in my view serve the public interest.

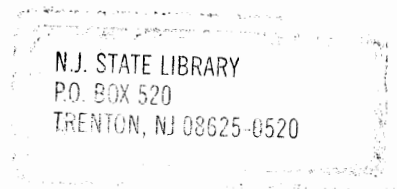
I am therefore returning Assembly Bill No. 600 herewith, without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.



STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 23, 1955. }

SENATE BILL No. 17

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 17, for the following reasons:

The bill authorizes the New Jersey Turnpike Authority to construct a turnpike project from State Highway Route No. 22 at or near Somerville to a connection with the existing turnpike at or near New Brunswick, and continuing, if the Authority determines it is feasible and practicable, to a connection with the Garden State Parkway at or near South Amboy. The Authority would be authorized to combine the new project with existing facilities for the purposes of financing as well as operation. Construction may not be commenced until the State Highway Commissioner files his written consent with the Authority.

I am informed that the New Jersey Turnpike Authority has not made a study of the proposed project, and hence no information is available as to its desirability or feasibility, nor is there any basis for belief that the project will actually be developed or be approved by the New Jersey Turnpike Authority. I am opposed to legislation which thus creates in the public a hope and expectation of a new route which may never materialize. We already have too many statutes authorizing roads in advance of definitive plans and provisions for actual construction. Illustrative is the statutory authorization of an East-West route in Essex County which remains today but a paper achievement.

The necessity for careful consideration before legislative authorization is all the more acute with respect to tollroad operations. Authorities, such as the New Jersey Turnpike Authority, are justifiable instrumentalities only when it is clear that public revenues cannot meet an urgent need. The citizen expects, and rightly so, that such authorities will expeditiously fulfill the purpose of their creation and deliver the road to the public for eventual free travel. Extensions which delay the liquidation of the bonded indebtedness and thus postpone free travel should not be author-

ized except under exceptional circumstances, and they do not here appear.

Moreover, since federal funds are not available for toll-roads, additional projects may deprive the State of opportunities for such grants. In fact, the very existence of legislative authorization for a tollroad represents a substantial deterrent at the federal level to the allocation of federal funds for adjacent highway construction. Proposals for federally-supported highway development, presently under consideration, promise considerable aid to this State. We should, in any event, await the outcome of the measures now before the Congress, before embarking upon the course authorized by Senate Bill No. 17.

In 1953, there was legislated a freeway beginning in Perth Amboy and terminating at Route U. S. No. 22. That legislation had the endorsement of the Middlesex County Planning Board. This proposed freeway would far better serve the needs of that area. Any highway linking Route U. S. No. 22 with the Perth Amboy area should have connection with the Outerbridge Crossing to Staten Island. With a link connecting Route U. S. No. 22 with Staten Island, and the contemplated construction of the Narrows Bridge, volumes of traffic from and to the Brooklyn-Long Island area, will avoid the congested areas of Linden, Elizabeth, Newark, Jersey City and Manhattan.

The State Highway Department has already instituted the alignment engineering and property evaluation toward the acquisition of the right of way for the authorized freeway. Thus, in the event sufficient federal aid should not be forthcoming, no time will be lost and the highway could at that time be authorized as a toll facility should such course then be deemed desirable. The additional and greater benefits which would thus flow from the freeway add forcibly to the considerations which compel me to withhold approval of this bill.

For the foregoing reasons, I am returning Senate Bill No. 17 without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

RAYMOND F. MALE,
Acting Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

SENATE BILL No. 29

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 29, for the following reasons:

Senate Bill No. 29 is a special pension bill. It would require payment of a \$1,200.00 annual pension by the State to any person who has served for a period of 14 years as stenographer-secretary to an advisory master whose term has expired, and who has become permanently physically incapacitated from such service or from service as a stenographer in any court. The qualifications are obviously hand-tailored to meet one individual case.

Such former employee could have joined the State Employees' Retirement System at the same rates and with the same benefits as were available to all other State employees. To establish a special non-contributory pension in his or her favor, is unfair and discriminatory against the thousands of State employees who have contributed to their own retirement benefits over the years. A widespread practice of granting special pensions would erode the equitable and sound contributory public pension system of the State.

The bill would involve an obligation of the State for future payments which, on the basis of the life expectancy of a female at 70 years of age, would have a present value of \$11,461.20.

Senate Bill No. 29 is special legislation, in violation of Article IV, Section VII, paragraph 8 of the Constitution. Although purporting to be general in nature, its application is strictly limited to an individual indistinguishable from other former employees with respect to the purpose of the bill. *Ervolini v. Camden County*, 127 N. J. L. 473, 475, (Sup. Ct., 1941) has established the standard here contravened:

“A law to be general must operate equally upon all of a group of objects which, having regard to the purposes of the legislation, are distinguished by characteristics sufficiently marked and important to make them a class by themselves.”

For the foregoing reasons, I am returning Senate Bill No. 29 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 8, 1955. }

SENATE BILL No. 38

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 38, for the following reasons:

This bill provides that the State Highway Commissioner shall add to the present State highway system the road which is now County Road No. 23 in Cape May County from State Highway Route U. S. No. 9 at Marmora, Upper Township to Central Avenue, in the city of Ocean City.

This road is a county highway in fair condition except for a draw span in poor condition across the Inland Waterway. There does not appear to be any reason, either from a traffic or a convenience standpoint, why this route should be taken over by the State.

Route No. 52, which is part of the State highway system, extends from Somers Point to Ocean City and is a four-lane highway of concrete and bituminous surface, adequate for present and anticipated traffic. Moreover, the Garden State Parkway has a full interchange to and from this highway in Somers Point while there is only a partial interchange between the Parkway and County Road No. 23.

It also should be noted that in addition to the present 1,776 miles of State highway there are 1,200 miles of legislated routes which the Highway Department has never officially added to the State highway system, the primary reason being that sufficient funds have not been available for this purpose. In view of this, I do not believe that this

the Director of the Division of Taxation, despite the statutory requirement of assessment at true value. Had these districts assessed at a ratio nearer to true value, their share of State aid under P. L. 1946, c. 63, now repealed, would have been a lesser amount, and their relative allotment under the State School Aid Act of 1954 distinctly more favorable.

Regrettably, assessment at low ratios to true value is not confined to the 24 school districts which receive less under the new State aid formula.

In most cases, other factors as well have caused the losses in the 24 districts. Five districts purchased school busses prior to July 1, 1954 and collected the State's share at 75% of the cost last year. The "save harmless" provision would afford a windfall to these districts in double payment for the busses, totally without justification. Thirteen districts would be in the "save harmless" category because they were heretofore "saved from harm" under the Pascoe formula which made up losses in still earlier years. The State is now asked to "save harmless" these districts from past "save harmless" aids. The result would be a compounding of "save harmless" aids, which, basically, are inequitable.

Six of the 24 districts would qualify for less State aid because of a reduction in the number of children to be educated. In these districts, the State is asked to continue paying State aid for pupils who are no longer there. One of the "loss" districts is a regional high school which would be "saved harmless" to the extent of \$2,874.00 even though each of its component districts is to receive substantial increases in State aid. Another district built a new school and stopped transporting its children. Yet Senate Bill No. 52 would require the State to make up \$814.00 in "save harmless" aid despite a reduction of \$3,461.00 in transportation allowances.

The seventh report of the New Jersey Commission on State Tax Policy emphasized the immense damage which "save harmless" provisions can cause to any program of State equalization aid to local school districts. One of the great advantages sought by the State School Aid Act of 1954 was to clear away the inequities which had accumulated in prior school aid programs as a result of just such "save harmless" provisions as this one. The State by Senate Bill No. 52 would be committed to a policy of assuring

to each district that its State aid can go up, but never down despite changing circumstances.

Under the State School Aid Act of 1954, the sum of \$350,000 is appropriated, subject to inclusion in annual appropriations acts, to meet unforeseeable conditions arising in any school district. This fund amply guarantees against losses which are truly inequitable.

The new State equalization formula is sound and has my hearty backing. Little can be accomplished and much can be lost by launching our new State aid program under the cloud of "save harmless" requirements.

For the foregoing reasons, I am returning Senate Bill No. 52 herewith without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 5, 1955. }

SENATE BILL No. 53

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 53 for the following reasons:

This bill would amend the statute, P. L. 1946, Chapter 18, which gave the consent of the State of New Jersey to the State of Delaware to construct, maintain and operate a bridge over the Delaware River, now known as the "Delaware Memorial Bridge". The effect of the proposed amendment would be to impose a license fee at the rate fixed for county and municipal taxes upon the value of the lands, buildings and improvements thereon within the State of New Jersey used for this bridge. The license fee would be collected by the State Treasurer and apportioned between the county and municipality in the same manner as county and municipal taxes.

The act of 1946 authorized the New Jersey State Highway Commissioner to accept title on behalf of and in the name of the State of New Jersey to those lands necessary or convenient for the New Jersey terminus of the bridge at the expense of the State of Delaware. Section 2 of the act further provided:

“That the State of New Jersey will take title to said lands as provided in section one of this act and will hold the same dedicated to the purpose of the construction, operation and maintenance of said crossing so long as said crossing shall exist; and no tolls will be charged by the State of New Jersey for the use of the crossing to be constructed on or under said lands so long as any bonds shall be outstanding issued by the State Highway Department of the State of Delaware, for the purpose of financing the construction of said crossing or any additions thereto or improvements or repairs thereof; provided, however, that the State of New Jersey shall not be liable in any respect whatsoever for any expense, cost, liability or indebtedness incurred for the construction, operation, maintenance or repair of such crossing.”

Section 6 of this act imposed the following limitation:

“Said crossing and all property acquired or used for the purpose thereof in the State of New Jersey and the revenues thereof shall at all times be free from taxation by the State of New Jersey or any political subdivision thereof.”

The act of 1946 was a companion measure to legislation enacted by the State of Delaware, the thesis of which statutes is that the revenues of the bridge shall be used to pay the cost of the bridge and the original approaches thereto, and that thereafter passage shall be free except, at most, for a charge to cover maintenance.

In granting approval for the construction of the bridge, the Congress provided in Section 4 of P. L. 507, c. 575, July 13, 1946, 60 Stat. 533 (79th Cong. 2d Sess.) that:

“In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to

provide a sinking fund sufficient to amortize the cost of such bridge and its approaches, including reasonable interest and financing cost, as soon as possible, under reasonable charges, but within a period of not to exceed thirty years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.”

Although the State statutes referred to above did not result in a formal compact, yet it is evident that the State of New Jersey and State of Delaware entered into contractual arrangement with each other, whereby each covenanted to the end that the bridge and its original approaches would come into being and ultimately become a toll-free facility, except, perhaps, for maintenance charges.

Senate Bill No. 53 apparently was prompted by plans tentatively proposed by the State of Delaware for the use of a sum of \$130,000,000.00 to be derived from the toll revenues for improvements within the State of Delaware. This bill seems to be retaliatory in nature. It is not consistent with this State’s obligation. The “license fee” which it would authorize seems clearly to violate the covenant as to taxation quoted above. It would be in reality a property tax in contravention of that provision. The label “license fee” would not obscure its true nature. *County Commissioners of Anne Arundel County v. English*, 182 Md. 514, 35 A. 2d 135, (Ct. Appeals, 1943); *Dawson v. Kentucky Distilleries & Warehouse Co.*, 255 U. S. 288, 41 S. Ct. 272, 65 L. Ed. 638 (1921); *Flynn v. City and County of San Francisco*, 18 Cal. 2d 210, 115 P. 2d 3 (Supreme Ct., 1941). In my judgment, the bill, if approved, would result in a breach of contract.

Nor can the bill be accepted as providing a sensible, or business-like, basis for a revision of the agreement between the States. The bill would yield about \$90,000.00 a year. Incidentally, it would be payable to a county and a municipality, although the basis for such diversion of a license fee with respect to State-owned property is not apparent. But

if this sum were payable to the State, it obviously is a paltry figure when compared with the millions of dollars which a breach of contract by our State might legally permit the State of Delaware to use for its proposed improvements.

The tremendous traffic using the Delaware Memorial Bridge has resulted in expensive highway problems for both States. I understand the impact upon the State of Delaware and am sympathetic with her desire to arrive at an understanding agreeable to both States. The solution must be found in negotiations between the States and in such modifications of the original undertaking as do justice to the citizens of these States. Conversations on the executive level are already in progress. Senate Bill No. 53 would not advance a solution.

For these reasons I am returning Senate Bill No. 53 herewith, without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 56

To the Senate:

I am returning Senate Bill No. 56 herewith, without my approval, for the following reasons:

This bill would vest the State's property interest in a decedent's estate in her sister-in-law, who does not qualify as her next of kin under the laws governing intestacies. The estate totals \$12,500.00 in net value and is subject to escheat to the State.

George Stout died intestate in 1950. A document, apparently signed by him, has been produced reading "I leave all my personal property to my wife Millie D. Stout. At

her death all to my sister Eva Prettyman''. A line was drawn through the second sentence. It is asserted that this was done by someone other than Mr. Stout. Assuming this to be so, still Millie D. Stout survived her husband by 2 years, and even if that document had been a validly executed will, Mrs. Stout would nevertheless have taken her husband's estate absolutely and to the exclusion of Eva Prettyman.

Mrs. Stout having died intestate without kin, her property escheated to the State. The bill recites that Eva Prettyman has an equitable and moral right to the property.

If Mrs. Stout had left kin or willed her property, there could be no conceivable equitable or moral claim by Eva Prettyman. I do not understand how that equitable claim can arise merely because the State succeeded to Mrs. Stout's interest through the law of escheat.

The power of disposition was in Mrs. Stout. She did not exercise that power. In ultimate effect, this bill would constitute a stranger's determination of what Mrs. Stout, in the stranger's view, should have done. It may be diametrically opposed to the actual wish. At any rate, if this bill should be approved, it would invite like measures with respect to other situations, in abrogation of the escheat law, upon undeterminable inquiries or speculations as to what the decedent might have wished.

If there is merit to the view that relatives by marriage should inherit in preference to escheat, with respect to property which the decedent acquired from a spouse, the vehicle for expressing that determination should be by a general law amending the law of descent and distribution.

I am, therefore, returning Senate Bill No. 56 herewith, without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

SENATE BILL NO. 80

To the Senate:

I am returning Senate Bill No. 80 herewith, without my approval, for the following reasons:

Under this bill, the Public Employees' Retirement-Social Security Integration Act (P. L. 1954, c. 84), would be amended to provide that the employees of three interstate commissions would receive veterans' free pension credits despite the fact that, as such employees, they never were eligible for the benefits of the non-contributory Veterans' Retirement Act. That act permits veteran employees of the State or of any county, municipality or school district to retire at half pay upon reaching age 62 or incurring a disability incapacitating them from performing the duties of their office or employment. Employees of commissions which are agencies both of this State and of another State or States are not covered by the Veterans' Retirement Act.

The three commissions here involved are the Palisades Interstate Park Commission, Interstate Sanitation Commission and the Delaware River Joint Toll Bridge Commission. By Chapter 84 of the Laws of 1954, employees of these commissions are eligible for membership in the new Public Employees' Retirement System of the State of New Jersey, as they had previously been eligible for membership in the State Employees' Retirement System, which was repealed effective December 31, 1954.

Chapter 84 of the Laws of 1954 substantially supersedes the free Veterans' Retirement Act. No public employee veteran eligible for membership in the new retirement system is entitled to any benefits under the Veterans' Retirement Act. All employees of the State or of any county, municipality or school district within the new system who are veterans therefore received, under Chapter 84 of the Laws of 1954, free pension credits to January 2, 1955, the effective date of the new system, while those veteran members who had contributed to the former State Employees' Retirement System were paid back their accumulated deductions. The repayment of these contributions was equitable because under prior law, such veteran, if he retired un-

der the non-contributory Veterans' Retirement Act, was entitled to a return of his accumulated contributions in full. The public employee veterans covered by the Veterans' Retirement Act are now all on an equal basis with prior service credits paid up for them to January 2, 1955.

By the amendments to Chapter 84 of the Laws of 1954 in Senate Bill No. 80, the veteran employees of the named interstate commissions would become entitled to the return of their accumulated contributions into the former pension system. This is without justification in view of the fact that they never were entitled to the benefits of the free Veterans' Retirement Act. The cost to the State of this windfall has not been calculated, but it would run to many thousands of dollars.

In addition to permitting the employee veterans of the named agencies to elect to receive past service credits and a return of their contributions, Senate Bill No. 80 would afford to them the option of selecting the benefits available to public employee veterans of the State or of any county, municipality or school district, to retire at one-half of final pay, upon meeting conditions specified as to age or disability and 20 years of employment. Other members of the Public Employees' Retirement System must serve 30 years to achieve half-pay retirement. Thus, this legislation would extend special retirement advantages for veterans to employees of the three interstate agencies, despite the effective closing of the Veterans' Retirement Act to new employees by Chapter 84 of the Laws of 1954.

I recognize the equitable claims of veterans covered by the free Veterans' Retirement Act to special consideration as to pension and disability benefits more favorable than those available to other public employees, but the extension of such benefits to the employees of interstate commissions who were never entitled to free veterans' pensions is contrary to the taxpayers' interest and without fundamental fairness.

I am, therefore, returning Senate Bill No. 80 herewith without my approval.

Respectfully,

[SEAL]

Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

SENATE BILL No. 111

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 111 for the following reasons:

This bill would supplement Chapter 1 of Title 20 of the Revised Statutes, which relates to eminent domain, by providing that a tenant or lessee whose term of letting or leasehold has 3 or more years to run or who has made improvements to the demised premises over \$1,000.00, shall have the same right to be heard in the condemnation action and to contest "the amount of the award to be made for the property to be condemned" as if he were the owner of the property. It further provides that the rights so granted to the tenant or lessee shall be "separate and distinct" from those of the owner and may be fully asserted whether or not the owner exercises his rights as owner in the action.

Under existing law, the property is valued as an entity, and no separate award may be made to a tenant either with respect to his interest in the property condemned or any special losses of the tenant. Any dispute between the landlord and tenant as to their respective interests in the award is determinable in proceedings addressed to the fund, and is not an issue in the condemnation action itself. It is not clear whether Senate Bill No. 111 is intended to overturn any of these rules. If it is, it is an incomplete act of legislation since it does not spell out the additional steps necessary to effectuate that result. Since it seems unlikely that the Legislature intended such changes, it is unnecessary to deal with the issues of policy which a bill of such purpose would present.

Rather, the purpose of the bill, as reflected in a fair reading of it and the accompanying statement of purpose, seems to be to afford an opportunity in the tenant to be heard with respect to the valuation of the fee. As such, the bill is unnecessary since that opportunity is afforded by existing law. Tenants, mortgagees and other lien-holders are necessary parties defendant.

In fact, the adoption of the bill might injuriously affect the interests of tenants generally and of mortgagees and lien-holders, for the reason that the enactment of a law insuring a right to be heard to tenants having the qualifications in the bill might be construed to be a legislative expression that no other tenant, mortgagee or lien-holder should hereafter have that opportunity.

I am, therefore, returning Senate Bill No. 111 herewith without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL NO. 114

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 114 for the following reasons:

Senate Bill No. 114 would remove the Division of State Police from the Department of Law and Public Safety and establish the State Police as a separate principal department in the executive branch of the State government.

Pursuant to the new Constitution, the State government was reorganized by legislation into 14 principal departments. The State Police, together with other law enforcement agencies, were gathered within the Department of Law and Public Safety, headed by the Attorney General. Senate Bill No. 114 would accordingly separate the State Police from this logical pattern and establish the State Police as a 15th department of the executive branch of government.

The purpose asserted by the sponsor of the bill is to insulate the State Police from possible political influence by an attorney general. Although disavowing that any poli-

tical use of the State Police has been made during my administration, the sponsor nevertheless urges separation as a precaution against the possibility that the State Police might be so used.

Far from achieving the professed objective, Senate Bill No. 114 would, long-range, enhance the opportunity for political persuasion in the operation of the State Police. For one thing, this bill would place the Superintendent of State Police at the level of a cabinet officer. The cabinet assists the governor in the execution of policies embodied in the platform upon which he was elected. The duties of the State Police are foreign to the arena of philosophical or governmental differences. That is precisely the place where the Superintendent of State Police should not be.

Moreover, Senate Bill No. 114 provides that the Superintendent of State Police shall serve at the pleasure of the governor, and this provision flowed from the constitutional requirement as to cabinet officers. Contrast this arrangement with the existing law under which the Superintendent is appointed for a 5-year term and is removable by the Governor only upon charges and hearing. N.J.S.A. 53:1-2. Obviously greater opportunity for faithful, uninfluenced adherence to duty reposes in the greater job security under existing law.

The thesis of the bill seems to be that the Superintendent of State Police is more secure from improper influence at the hands of a governor than under the command of an attorney general whom the governor appoints. This thesis is speculative at best. It also fallaciously assumes that a governor may escape responsibility for impropriety on the part of an attorney general. Realistically, an attorney general could not long continue a course of conduct which the sponsor of the bill would prevent, without the blessing or culpable inaction of the occupant of the office of governor. The authority and prestige of the office of chief executive are sufficient to curb such action, and if need be, the governor, under the present law, could readily restrain a superintendent who would yield to pressure, by the authorized remedy of removal from office upon charges and hearing.

Hence Senate Bill No. 114 would enhance, rather than diminish, the opportunity for political interference with the State Police. But more importantly, this bill would intro-

duce a structural plan which is incompatible with elementary principles of good government.

The Attorney General traditionally has been entrusted with the criminal business of the State. With the growth of our State, the prosecutors were charged with handling the criminal business within their respective counties. But the Attorney General remained in overall superintendence, and by statute may in various situations take over all or part of the criminal business in a particular county. By statute he expressly remains charged with the duty of enforcing all of the laws of the State. N.J.S.A. 52:17A-4. The State Police are an essential means for the discharge of that duty. It would be absurd to strip the attorney general of effective capacity to enforce the law while leaving the responsibility for law enforcement with him.

Still further, sound government requires that a police force be under a civilian head. In this respect, a police force is much akin to a military establishment as to which our State Constitution, Article I, paragraph 15, expressly provides that "The military shall be in strict subordination to the civil power." A civilian head gives assurance that a police organization of fixed personnel will not dominate the governmental scene. This concept is one of the basic safeguards of the liberty of our citizens and a civilian head "satisfies the need for civilian control over a professional police corps." *1954 Annual Report of the Police Department of the City of New York*, p. 3. Thus, by statute, the Federal Secretary of Defense must be a civilian and the FBI is subordinate to the Attorney General of the United States. In 136 municipalities of this State the sole police responsibility rests with the State Police. State Police additionally discharge important duties throughout the State such as in the investigation and suppression of crime under the direction and legal advice of the Attorney General and in the patrolling of highways. The governor cannot be an effective civilian head of the State Police; the manifold duties of his office preclude that role.

In the final analysis, integrity in office depends upon the integrity of the incumbent. Integrity in office can be assured only at the polls by the election of men who will serve with honor and appoint others of the same quality. Paper panaceas are no substitute. Although mechanical arrangements may in some situations provide helpful curbs, yet they rarely are equal to the ingenuity of one who

is minded to betray his trust. Surely it would be folly to accept an arrangement which, as here, is not only hostile to the professed objective, but would as well deprive the public of the benefits of sound governmental organization.

I am, accordingly, returning Senate Bill No. 114 herewith without my approval.

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 117

To the Senate:

I am returning Senate Bill No. 117 herewith, without my approval, for the following reasons:

The Teachers' Pension and Annuity Fund Law now permits teachers to apply for and agree to purchase prior service credits for teaching service both within and outside the State, within one year after enrollment or reenrollment as members of the fund. The purchase of such annuity credits may be by lump sum or installment payments. Chapter 37 of the Laws of 1955, which authorizes the integration of Federal Social Security with the Teachers' Pension and Annuity Fund upon majority approval of the membership, continues the same one year limitation on obtaining prior service credits.

Senate Bill No. 117 would reopen this privilege for one year from July 1, 1955, for teachers who allowed the year after enrollment to lapse without making application for and purchasing or agreeing to purchase prior service credits. I vetoed similar legislation a year ago (Senate Bill No. 81 of the 1954 Legislature).

Upon enrollment or reenrollment, members of the fund have been advised fully concerning their rights under the Teachers' Pension and Annuity Fund Law, including the right to elect within one year to contribute for back service. That time limit is fair and reasonable. I cannot approve its enlargement with retroactive effect in view of the heavy additional financial charge to the State.

The estimated annual cost to the State in matching contributions is \$70,000.00. The State's contribution to the Teachers' Pension and Annuity Fund for the current fiscal year is \$15,296,741.00. In addition, total State aid for local school districts in 1955-56 is \$63,434,744.20.

This bill with other ostensibly worthy measures would have the cumulative effect of threatening fiscal unbalance for the State government.

I am, therefore, returning Senate Bill No. 117 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL NO. 145

To the Senate:

I am returning herewith Senate Bill No. 145, without my approval, for the following reasons:

This bill provides for the payment by the Public Employees' Retirement System to the widow of a member of the former State Employees' Retirement System "who died on the third day after his retirement", of the same benefits as would have been paid to her pursuant to the member's optional selection in the event that he had lived for more than 30 days after retirement. The member must have retired at 70 years of age pursuant to the provisions of the statute establishing that system.

Under the State Employees' Retirement System Act, which was repealed effective December 30, 1954, a member could elect options upon retirement carrying substantial benefits to his widow or other named beneficiary if his death occurred more than 30 days after retirement. Pursuant to such option, he received a lesser retirement allowance during his own life. The Public Employees' Retirement-Social Security Integration Act of 1954 continues substantially identical provisions.

The Legislature fixed the 30-day period as a condition for enlarged benefits for survivors in order to prevent a member who believes his death to be imminent from selecting that retirement option. This 30-day survival condition has been a part of the basic pension law of this State since 1933, and was adopted because experience indicated that, absent such provision, there was a serious drain upon funds by reason of deathbed retirements and election of the option with greater survivor benefits. The 30-day provision is an important feature of the actuarial basis of the plan. The Legislature re-enacted the 30-day provision as recently as last year.

This bill would confer, retroactively, benefits with respect to membership in the former State Employees' Retirement System, while continuing the 30-day provision with respect to the present system. I cannot agree with this discriminatory treatment. Nor is it apparent why there should be further discrimination between former members who retired before or after age 70. Nor is it clear why the 30-day period is reduced to 3 days. I cannot detect any special significance in the selection of that particular period in a bill which is retroactive in effect.

If any change in the 30-day provision should be thought to be warranted, the operative effect should be prospective, so that opportunity will exist to make such changes in contributions as the increased cost may indicate to be necessary.

It is difficult to estimate the dollar impact of this bill if it were approved. Some idea may be gleaned from calculations made with respect to the increase in the State's contribution if the 30-day provision were eliminated from the retirement plan and other attendant assumptions were made. Those calculations indicate that the increase in the State's contribution would be \$469,924.00 per year.

I am, therefore, returning Senate Bill No. 145 herewith, without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 149

To the Senate:

I am returning Senate Bill No. 149 herewith, without my approval, for the following reasons:

This bill seeks to override the escheat laws by vesting the State's interest in a decedent's estate, in an individual who was not entitled to take under the law.

James Scott and Mary Scott, his wife, died as a result of a fire. James Scott survived his wife and left a balance of \$2,932.03 on deposit with a savings and loan association. By this bill, Mary Scott's nephew would be legally entitled to that balance on deposit.

I am informed that the nephew, apparently unbeknown to the Legislature, in fact, died during the pendency of this measure. In view of the apparent nullification of the purpose of Senate Bill No. 149 by the death of its intended beneficiary, it is not necessary to consider the original merit of this bill. My views with respect to such measures are stated in my message returning Senate Bill No. 56 without my approval.

I am, accordingly, returning Senate Bill No. 149 herewith, without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

SENATE BILL No. 157

To the Senate:

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

Senate Bill No. 157 provides that it shall be a misdemeanor for any person, corporation or agency, public or private, to interfere in any manner with the continued maintenance and use of any bridge across the Delaware River between the States of New Jersey and Pennsylvania, north of the boundary line between Bucks County and Philadelphia County in the Commonwealth of Pennsylvania as extended across the Delaware River to this State, or to demolish or to start demolition work on any such bridge which was open to public use on January 1, 1955, without the specific statutory consent of the New Jersey Legislature.

As of January 1, 1955, there were in existence 19 bridges across the Delaware River north of the boundary line between Bucks County and Philadelphia County, Pennsylvania and open to public use. Eighteen of these bridges are maintained and operated by the Delaware River Joint Toll Bridge Commission and one, at Layton, New Jersey, is owned and operated by a private organization.

The Delaware River Joint Toll Bridge Commission was established for the purpose of construction, operation and maintenance of bridges over the Delaware River north of Trenton by statutes of the State of New Jersey and the Commonwealth of Pennsylvania, ratified as an interstate compact and supplemental compact by the Congress of the United States. Chapter 215 of the Laws of 1934, as amended and supplemented by Chapter 283 of the Laws of 1947, provides the statutory authority in this State for the bistate agreement. Under Article II, paragraph (n) the powers of the commission include: "(n) To determine the exact location, system and character of, and all other matters in connection with any and all improvements or facilities which it may be authorized to own, construct, establish, effectuate, maintain, operate or control."

Under Article X, paragraph (e) the commission is granted supplemental powers as follows:

“(e) The commission may demolish and remove any bridge now operated by it when such bridge has been or is being replaced by a new bridge at the same or a different location which in the determination of the commission will serve substantially the same traffic as that served by such existing bridge, and the commission may sell or otherwise dispose of any ferry or other property of the commission deemed by it to be no longer useful or needed for the purposes of the commission.”

Thus, the power to demolish and remove any bridge now operated by the commission, as granted to it by the interstate compact ratified by the Federal Congress, is attempted to be nullified by Senate Bill No. 157. While there are no present plans for the demolition of any bridge under the jurisdiction of the Delaware River Joint Toll Bridge Commission, it is my conviction that the Legislature of this State cannot unilaterally abrogate the interstate compact between the states of New Jersey and Pennsylvania.

The legal authorities hold without any equivocation that a state statute which is in conflict with an interstate compact approved by Congress is an invalid impairment of contract in violation of the United States Constitution. *Green v. Biddle*, 21 U. S. 1 (1823), frequently cited with approval. See also *Pennsylvania v. Wheeling & B Bridge Co.*, 54 U. S. 518 (1851); *Delaware River Joint Toll Bridge Comm. v. Colburn*, 310 U. S. 419 (1940); *Columbia Railway Gas and Electric Co. of South Carolina*, 261 U. S. 236 (1923).

In *Henderson v. Delaware River Joint Toll Bridge Comm.*, 362 Pa. 475, 66 A. 2d 843 (1949), cert. den. 338 U. S. 850, Justice Jones of the Pennsylvania Supreme Court said:

“It is within the competency of a State, which is a party to a compact with another State, to legislate in respect of matters covered by the compact so long as such legislative action is in approbation and not in reprobation of the compact. See *Olin v. Kitzmiller*, 259 U. S. 260, 263, 42 S. Ct. 510, 66 L. Ed. 930, affirming the same case as reported in 9 Cir., 268 F. 348; also *P. J. McGowan & Sons, Inc. v. Van Winkle*, U. S. D. C. Or., 21 F. 2d 76, affirmed by the Supreme

Court in 277 U. S. 574, 48 S. Ct. 435, 72 L. Ed. 995, in a memorandum opinion ' * * * on the authority of *Olin v. Kitzmiller*, 259 U. S. 260, 263, 42 S. Ct. 510, 66 L. Ed. 930.' ''

In my judgment a state statute making it a misdemeanor to interfere with the use of or to demolish a bridge is in derogation, not in approbation, of an interstate compact authorizing repairs for maintenance purposes or demolition.

The United States Court of Appeals for the Third Circuit held in *Bartram v. Delaware River Joint Toll Bridge Comm.*, 216 F. 2d 717 (1954), that the commission had power to demolish and remove a bridge operated by it which had been replaced by a new bridge erected by the commission. This decision affirmed Chief Judge Forman of the United States District Court in refusing to enjoin the commission from demolishing and removing the Columbia-Portland Bridge.

Therefore, under the conviction that Senate Bill No. 157 is an infringement of a valid interstate compact in violation of the contract clauses of the United States Constitution, Article I, Section X, paragraph 1 and of the New Jersey Constitution, Article IV, Section VII, paragraph 3, I must return this bill herewith, without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 6, 1955. }

SENATE BILL No. 163

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 163, for the following reasons:

Senate Bill No. 163 provides that in all counties having less than 35,000 inhabitants the annual salary of all surro-

gates shall be \$7,000.00, all prosecutors \$7,000.00, all sheriffs \$7,000.00 and of all county clerks \$7,000.00. The only county to which this bill can apply is Sussex county with a population, according to the 1950 census, of 34,423. It is to be noted that this bill is mandatory and not permissive.

The statutes fixing the salaries of the various county and municipal officers is in an horrendous state of confusion suggestive of a fantasy in "Alice in Wonderland". Because of the duplication and overlapping of the present statutes, I requested a report concerning the salaries actually paid to surrogates, prosecutors, sheriffs and county clerks in counties of the third and fourth classes. The report shows:

Third Class Counties	Population	Surrogate	Prosecutor	Sheriff	County Clerk
Morris	164,371	\$10,000	\$7,000	\$10,000	\$10,000
Burlington ..	135,910	10,000	6,500	10,000	10,000
Somerset	99,052	7,500	6,500	7,500	7,500
Gloucester ...	91,727	7,500	6,400	7,500	7,500
Cumberland .	88,597	7,500	6,500	7,500	7,500
Warren	54,374	5,500	5,000	5,500	5,500
Fourth Class Counties					
Salem	49,508	5,000	5,000	5,000	5,000
Hunterdon ..	42,736	5,000	4,370	5,000	5,000
Sussex	34,423	5,000	5,000	5,000	5,000

If Senate Bill No. 163 became law, it would make the salaries of the four officers in the smallest county in the State greater than in the two larger counties in the fourth class as well as one county in the third class. The duties and workload of these four officers in Sussex county do not appear to warrant larger salaries than in the case of the same officers in counties having more inhabitants. As to the office of prosecutor, the bill would compensate the prosecutor of Sussex county at \$7,000.00 per year, which exceeds the compensation fixed for prosecutors of all counties of the third class, except Morris county, which the new figure would equal. I cannot account for this treatment upon any basis.

It is significant to note that the salary of the Sussex county clerk is now covered by two existing statutes: R. S. 40:38-5, which fixes the salary in counties having a population of less than 48,000 at \$3,500.00, and Chapter 197 of the Laws of 1946 which fixes the salaries in counties, not bordering on the Atlantic Ocean, having a population of between 20,000 to 40,000, at \$5,000.00. Similarly, surrogates are covered, pursuant to N. J. S. 2A:5-3, by three statutes: R. S. 2:7-19, in counties, not bordering on the Atlantic Ocean, with a population of less than 48,000 at \$3,500.00; P. L. 1946, Chapter 195, counties, not bordering on the Atlantic Ocean, with a population of 20,000 to 40,000 at \$4,250.00; and P. L. 1948, Chapter 301, fourth class counties, up to \$5,000.00. The two acts dealing with the 20,000 to 40,000 range apply only to Sussex county. Senate Bill No. 163 would add another act which would be applicable exclusively to Sussex county.

I do not intend to indicate either approval or disapproval of the proposition that the four officers involved, by reason of their duties, are entitled to receive compensation in the amount of \$7,000.00 annually. In the light of the existing statutes, however, the singular treatment of these officers cannot be justified.

I also wish to urge that Title 40 concerning municipalities and counties be revised promptly, as well as other statutes, particularly Title 2A, dealing with related salary classifications. Senate Bill No. 163 serves to emphasize the critical need for such revision and the inappropriateness of piecemeal treatment of the subject.

Accordingly, I am constrained to return this bill without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

SENATE BILL No. 176

To the Senate:

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

Senate Bill No. 176 is designed to give civil service status to certain employees of the New Jersey Racing Commission who meet specified conditions based upon time of employment. Under this bill, the New Jersey Racing Commission is required to certify their names immediately to the Civil Service Commission, which in turn must classify those employees in the competitive class of civil service without examination. Such employees then enjoy all the provisions of Title 11 of the Revised Statutes with reference to tenure, classification and compensation.

Under the present law (P. L. 1940, c. 17, sec. 4), all employees of the Racing Commission are specifically exempted from the provisions of Title 11 of the Revised Statutes and serve at the pleasure of the Commission at such compensation and with such duties as the Commission may determine.

The New Jersey 1947 Constitution, Article VII, Section II, provides that appointments and promotions in civil service shall be made according to merit and fitness which shall be ascertained as far as practicable by examination which shall be competitive as far as practicable.

I am opposed to admitting such employees to civil service benefits without having them comply with this provision of the Constitution. I can see no reason for exempting them from competition by examination, nor have I been informed that a competitive examination for civil service certification to such positions or employment would be impracticable. This bill violates the spirit of the Constitution in that instead of containing conditions of civil service eligibility based on competence, merit, fitness, loyalty or length of service, the bill imposes benefits merely because certain employees were employed at certain dates in specified capacities.

Employees of the Racing Commission who would be benefited by this legislation, with the exception of the

assistant secretary, all are compensated on a per diem basis. The inspectors perform police and administrative duties at the various tracks during the course of the racing season. Some of them perform additional administrative tasks during the winter in Trenton. This type of employment is seasonal and part-time in nature. Both the present and proposed law specifically exempt such part-time employees from eligibility under Title 11. In both excluding and purporting to cover such persons within its benefits, this bill, as written, cannot be administered.

Moreover, both the present and proposed law, on the one hand, state that such employees shall serve at the pleasure of the Commission and shall receive such compensation as the Commission may determine at its discretion. On the other hand, the bill is designed to give tenure and compensation rights under civil service to such employees. This ambiguity is likewise fatal in my judgment.

Finally, the conditions of employment with reference to including or excluding a number of the employees which this bill is designed to cover depend upon the fortuitous circumstance of the date of its enactment. One provision of the bill states that civil service benefits will apply to those who "served in a full-time capacity during the 1954 racing season as inspectors first grade or second grade, and who are now in the employ of the commission". Thus, the number of employees who would receive such benefits hinges upon the effective date of the bill. If the bill takes effect after the completion of the racing season, those persons employed on a seasonal or per diem basis may not be "employed" by the Commission at that time and, therefore, not subject to the protection of civil service status.

In conclusion, I cannot in good conscience sign such a bill when the spirit of the Constitution is being violated, when the proposed amendments make section 4 of the act so ambiguous, and when the area of coverage as to the number of men the bill is designed to benefit is so flexible.

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

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

SENATE BILL NO. 199

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 199 for the following reasons:

This bill would amend P. L. 1941, c. 91, in the respect hereinafter set forth.

The existing statute provides that each person who, on its effective date (April 28, 1941) held a position, office or employment with the State and then had tenure by reason of the provisions of chapter 16 of Title 38 of the Revised Statutes, but who was not in the classified service of the civil service, and who held such position, office or employment for not less than 3 consecutive years, shall continue to hold the same "within the classified service of civil service and such position, office or employment shall become a part of the classified service".

Chapter 16 of Title 38, referred to in P. L. 1941, c. 91, provides that an honorably discharged veteran of any war who holds employment, office or position with the State shall have tenure and shall not be removed except for good cause shown after a fair and impartial hearing. Thus, P. L. 1941, c. 91, added to the tenure benefit accorded veterans, the additional feature of holding his unclassified post "within the classified service" and placing his particular post within the classified service, if the veteran met the time qualifications set forth above. Senate Bill No. 199 would so amend P. L. 1941, c. 91, as to make it applicable to veterans employed at any time after April 28, 1941. Its stated purpose is to extend the statute to veterans of World War II.

I believe the existing statute is unsound, and hence I cannot approve of an extension of it.

Such legislation is contrary in principle to the basic concepts of the classified civil service. The Civil Service Act contemplates that there be included within the classified service, such offices, positions and employments as, in the light of their duties, should be attended by classification and tenure. To assure the best service, that statute requires competitive examination and provides, among other things, for certain promotional and seniority rights ap-

propriate to this underlying thesis. Senate Bill No. 199, as in the case of the act it would amend, would grant to the holder of a post in the unclassified service rights not related to the nature of the post but arising solely from a consideration personal to the incumbent. It would further transfer the post to the classified service, again solely because of such personal consideration, and apparently would continue the post in the classified service even after the departure of such incumbent.

It is impossible to reconcile such legislation with the Civil Service Act. Moreover, the potential for confusion and interference with the orderly administration of the Civil Service Act is manifest. The adoption of Senate Bill No. 199 would compel the Civil Service Commission to review the personal status of the present incumbents of some 3,000 unclassified posts to determine which would be dislodged therefrom by virtue of this bill. A further effect would be that identical posts would receive different status solely because of the personal situation of a passing incumbent.

Such legislation additionally furnishes an obvious avenue for evasion of the civil service requirements. By appointment of a veteran to an unclassified post, he would in due course move with his post into the classified service and obtain the rights which the Civil Service Act contemplates shall go to persons who establish entitlement thereto by fair competitive examination.

The Veterans' Tenure Act confers a liberal benefit upon veterans. To extend the benefits to the point of disruption of the classified service would be not only contrary to the public interest, but as well would be a disservice to our large body of veterans who would be subjected to resulting discrimination with respect to the existing opportunity afforded by the Civil Service Act to all veterans to compete, upon an equal footing, for employment and subsequent promotion in the classified service.

I am, therefore, returning herewith Senate Bill No. 199 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

SENATE BILL No. 218

To the Senate:

I am returning herewith Senate Bill No. 218, without my approval, for the following reasons:

This bill would amend an existing statute, (P. L. 1947, c. 132) relating to the certification of librarians or professional library assistants employed in libraries supported in whole or in part by public funds within this State, except libraries of a board of education.

The present law provides, on a permissive basis, for the State Board of Examiners, upon application, to issue to any person employed in such library a certificate to act as librarian or professional library assistant if he shall meet such requirements as shall be fixed by the State Board of Education. The present law further provides that the officer or body having charge and control of such library, may, in its discretion, require any librarian or professional library assistant to hold an appropriate certificate, except any such person employed prior to the effective date of that act.

I favor any reasonable approach which will advance the quality of service of librarians. The inauguration of courses of special instruction in institutions of higher learning has been a notable step in this field. Permissive certification, attesting to the qualifications of such personnel, not only encourages the pursuit of specialized education but as well aids the hiring body in the selection of individuals for employment.

Senate Bill No. 218, however, introduces the concept of compulsory licensure for such employment. Under this bill, only persons holding a professional librarian's certificate could hereafter be employed in such libraries, except those serving a municipality or group of municipalities having a population under 10,000, "in any office, position, or employment for the performance of other than clerical, stenographic or janitorial duties, or duties which can properly be performed by a certified school librarian". Although the bill is limited to the libraries described above,

such libraries afford the major opportunity for work in the field, and hence the bill may be placed in the category of measures which require licensing as a condition for work opportunity.

As a general proposition, compulsory licensure should be approached cautiously and should not be accepted unless the public necessity is evident. Compulsory licensure may increase the cost of service. It may also become the vehicle of protection of a "guild" rather than of the public it is supposed to serve.

At the moment, I am not satisfied that compulsory licensure here meets the standard of public necessity. I think it presently unnecessary to explore that question, since the bill has a number of serious defects which preclude approval.

Section 1 provides for the issuance of a certificate if the applicant "shall meet such requirements as shall be recommended by the Certification Board of the New Jersey Library Association *and* adopted by the State Board of Education". (Emphasis added.) This provision has several constitutional infirmities.

In the first place, this provision delegates legislative power to a private organization. Neither the New Jersey Library Association nor its Certification Board is a public body or agency. The association is a private organization. Under the bill, the State Board of Education could adopt only such requirements as the private association should recommend. There is no constitutional warrant for the grant of governmental power—here, the legislative power—to a non-public organization. Nor does good judgment permit that course; it is plainly unsound to permit an association of librarians to determine the basis upon which there shall be accretions to their number.

Secondly, the bill is devoid of a description of the requirements for licensure or standard upon which the requirements shall be determined. A delegation of power must be accompanied by a definitive standard, to the end that the will which is being enforced is the will of the Legislature, rather than the will of the delegee, and to the further end that the public and the judiciary may know the limits of the delegated authority. A blanket delegation permits arbitrary action foreign to the legislative will. Standards of very general prescription have been judicially sustained.

But some standard there must be, and here there is none at all. I have been advised informally that the "requirements" contemplated will not extend beyond graduation from an accredited or approved school for librarians. If that should be so, the machinery of this bill is cumbersome and unnecessary. A single provision for employment of persons holding a degree from such school would suffice, assuming that requirement should be found to be justifiable.

As noted above, the bill permits employment of only certified school librarians "for the performance of other than clerical, stenographic or janitorial duties, or duties which can properly be performed by a certified school librarian". The description is negatively phrased. It should be an affirmative statement of the work of such librarian. Moreover the phrase, "duties which can properly be performed by a certified school librarian" is vague and uninformative.

Section 1 of the act amended by this bill provides for the issuance of a certificate only to a "person employed by any officer or body having charge and control of any library supported in whole or in part by public funds, except a board of education". It is arbitrary and unreasonable thus to provide for existing employment as a requirement for eligibility for a certificate. Moreover, there is basically an incompatibility in the provisions relating to eligibility. Section 3 of the act amended by this bill prohibits employment, after July 1, 1956, by the employing boards just described, except where the population served is less than 10,000, unless the person to be employed already holds a certificate, whereas section 1, as just pointed out, would permit only persons already employed to seek to obtain a certificate. In net effect, therefore, after July 1, 1956, only persons employed at such libraries serving populations under 10,000, could seek a certificate. These provisions would effectively restrain the entry of new personnel in the field, and would dissuade, rather than encourage, interested individuals from pursuing a course of education, since, surely, few could pursue such studies if the opportunity for a certificate depended upon ability to obtain employment by a library serving a population under 10,000.

Lastly, the bill would seem to require the discharge of all presently employed librarians who were not so employed on the effective date of the original act of 1947, unless they obtain a certificate by July 1, 1956. Doubtless, this was not

intended. It is customary, in statutes providing for compulsory licensure, to provide some form of waiver in favor of persons already in the calling.

For the foregoing reasons, I am returning Senate Bill No. 218 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 8, 1955. }

SENATE BILL No. 223

To the Senate:

I am returning herewith Senate Bill No. 223, without my approval, for the following reasons:

This bill would change the method of selecting the members of the county election board. Under the present law, the chairman of the State committee of each of the two political parties nominates each year one person as a member of the county board. The Governor commissions such appointee.

This bill would establish what amounts to a nominating committee consisting of the chairman and vice-chairlady of each county committee, the State chairman, State committeeman and State committeewoman. The nomination of this group would be certified by the county committee chairman and in the event of a tie vote the State chairman would have the deciding vote and make the certification to the Governor. The second and third sections make comparable amendments with respect to the filling of vacancies in the county board.

A State chairman, in the ordinary course of events, makes appropriate consultations with local groups. Apparently, the desire is to insure a firmer voice at the county level.

Abstractly considered, the plan would seem to have substance. But a number of considerations militate against it.

Under the present system in which the nominating power is vested in the State chairman alone, it not infrequently happens that some nominations are not made. If the nominating procedure is encumbered with this committee process, the likelihood of inaction would be increased, particularly since the State chairman would be obliged to attend 21 separate committee meetings within the 30-day period. Moreover, the sense of public responsibility for nominations made is more clearly fixed and appreciated when the nominating power reposes in a single individual; diffusion of that power within a group tends to obscure that responsibility.

I am, therefore, returning Senate Bill No. 223 without my approval.

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 224

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 224 for the following reasons:

This bill would require the State Highway Commissioner to add to the present State highway system a route beginning at the intersection of State Highway Route 77, at Carll's Corner in Cumberland County, and running to the intersection of State Highway Route U. S. 40 at Richland in Atlantic County, a distance of 18.6 miles.

I have been advised that there would be no immediate construction cost other than possible widening of the shoulders which are now, in the most part, only 5 feet in width.

Such widening of the shoulders would involve approximately 15 miles of the proposed route. Estimates, without a detailed survey, indicate that the cost of such work would be approximately \$10,000.00 per mile or a total of \$150,000.00.

Furthermore, based upon average maintenance and operating costs, the annual normal expenditures for this proposed route would be:

Maintenance	\$55,096.95
Snow Removal	6,536.95
Traffic Lines	1,972.29
Signs	3,600.00
Maintenance Traffic Signals	2,400.00
	<hr/>
Total	\$69,606.19

At the present time there does not appear to be any benefit to the travelling public of the State in making this route a part of the State highway system. In addition, the assumption of a route through the center of a community such as Vineland imposes additional problems.

It also should be noted that in addition to the present 1,776 miles of State highway there are 1,200 miles of legislated routes which the Highway Department has never officially added to the State highway system, the primary reason being that sufficient funds have not been available for this purpose. In view of this, I do not believe that this bill would, in fact, accomplish its objective. It is pointless to add to this forbidding total. Legislation of this kind should be carefully confined to situations in which the need is plainly apparent.

For these reasons, I am returning Senate Bill No. 224 herewith, without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

SENATE BILL NO. 226

To the Senate:

I am returning Senate Bill No. 226 herewith, without my approval, for the following reasons:

This bill would amend one section of the election law, 19:5-3 of the Revised Statutes, relating to the composition of the county committees of political parties, by adding the following sentence:

“The members shall also elect a vice-chairlady to hold office for one year or until her successor is elected and the vice-chairlady shall perform all duties required of her by law and the constitution and by-laws of such committee.”

The statute provides for the election of a chairman. In its generic sense “man” includes “woman”, and hence it is readily apparent that both sexes are eligible for that post. R. S. 1:1-2.

The bill provides for the election of a “vice-chairlady”. I find no dictionary definition of the term. Some ambiguity arises from the association of “vice” with “lady”. Does it mean that the chairman must be a chairlady, upon the approach that the holder is “vice” to a “chairlady”, and perhaps accordingly that the holder may be of either sex so long as the chairman is a lady? Or does “lady” spell out the qualification for the office? The latter view seems more compelling. The requisites of a lady are well-known and are exclusively feminine. I conclude, accordingly, that the bill allocates the distaff to the subsidiary role.

At first blush the bill may seem to be a courtly gesture to our feminine citizenry. But in practical operation, the bill would relegate our ladies to the secondary role. Critical legal analysis would doubtless yield to the thought that a proper balance between the sexes requires that the chairmanship be preempted by the male gender, and this I feel would be the result of the bill. I might overlook the discrimination against the male evident in barring him from the vice chairmanship were it not for the compelling policy

set forth in Section 10:1-1 of the Revised Statutes, which reads:

“The right of citizens of this State to hold office or employment shall be coextensive with their right to vote, shall be equal as to all citizens and shall not be denied or abridged on account of sex or marital status. Such equal rights and privileges shall extend to all offices, boards, commissions, or other public service in the State and its political subdivisions of whatever nature or kind.

“There shall be no discrimination based on sex or marital status in the compensation, appointment, assignment, promotion, transfer, dismissal or other matters pertaining to such office or employment of persons referred to in this section.”

Perhaps also an obstacle may inhere in Article I, Section I, of the State Constitution if read in the light of Article X, Section IV, thereof. The real discrimination, in net result, runs against the weaker sex, and I am constrained to protect them.

For these reasons, I am returning Senate Bill No. 226 herewith, without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

ROBERT B. MEYNER,
Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 228

To the Senate:

I am returning herewith Senate Bill No. 228, without my approval, for the following reasons:

This bill supplements the act concerning municipalities governed by the commission form of government. Under the present law several candidates may be grouped together

with one designation printed opposite their names. This bill would establish a method of filling a vacancy on the list of candidates whose names are so grouped.

Specifically, the bill would permit the candidates for the office of commissioner to file with the clerk of the municipality "the names of 3 persons as a committee on vacancies". Such committee would have power "in case a vacancy arises by death, resignation or otherwise" of any candidate in the group to fill such vacancy by filing with the clerk the name of a substitute candidate. Such designation would have to be filed not less than 10 days before the election and would have the same effect as an original petition by nomination. It should be noted that the committee is to be composed of "3 persons" without any restriction that they be voters or even residents of the municipality affected.

Basically, my objection is directed to the net effect of this measure. It would permit a candidate to be placed upon the ballot without the support of a single voter in the municipality. Under section 40:75-3 of the Revised Statutes nominating petitions must have individual signatures equal to one-half of 1% of the entire vote at the last general election, but in no event less than 25. This section also requires that the petitions be filed at least 40 days prior to the election. The bill would also sanction switching of candidates as late as 10 days before the election. This is inimical to basic concepts of the election laws relating to the municipalities governed by the commission form.

Accordingly, I am returning herewith Senate Bill No. 228 without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

SENATE BILL No. 230

To the Senate:

I am returning herewith Senate Bill No. 230, without my approval, for the following reasons:

Senate Bill No. 230 would supplement the provisions of Chapter 233 of the Laws of 1953 relating to the practice of chiropractic.

Chapter 233 of the Laws of 1953, which provides for the licensure of chiropractors contains several provisions providing for licensure of persons already engaged in the field, either without examination or upon an examination less exacting than the examination specified for applicants who are not within those special provisions. These special provisions are in the nature of so-called "waiver" clauses intended to protect the interests of those already in a calling. The requirements of such provisions are less than those deemed essential for the full protection of the public, but the lesser requirements are thought to be a fair accommodation of the public interest with the equity of existing practitioners. Section 8 of that act specifies the requirements applicable to all who are not within the purview of the "waiver" provisions and sets forth those qualifications and requisites which the Legislature then found to be demanded by the public welfare.

One of the "waiver" provisions appears in section 7 and persons within it are required to pass an examination less comprehensive than the examination specified in section 8. Section 8 requires examination in bacteriology, non-surgical diagnosis and chemistry, while section 7 does not. Senate Bill No. 230 provides that an applicant, not meeting all of the requirements of Section 7, shall be permitted to take the examination there set forth.

I am told informally that the purpose of this bill is to qualify an individual who did not meet the requirement of 4-year residence immediately prior to December 31, 1952, but who in fact has been a resident for 3 years. The bill refers to a 3-year consecutive residence, although it is not clear to what date that period attaches, but I cannot be sure from the bill that this is the only relaxation. It specifies certain requirements, which are in fact more exacting

than the statement of those requirements in section 7, and adds that the applicant shall have "fulfilled all the other requirements of said section 7 not inconsistent herewith". Without extending this discussion, it may be said in summary that it is not clear whether, for example, the bill eliminates the requirement of graduation from a school of chiropractic. The difficulty arises from the vagueness of the quoted language.

This bill limits its operation to an applicant "whose application was filed with the board on or before October 14, 1953, and who is a veteran". Thus its effect is specially limited to those persons not qualified under section 7 who happened to have applied on or before October 14, 1953, and who are veterans and still further to those answering that description who also meet the enlarged requirements referred to in the paragraph above. The requirement as to filing date, at least, is arbitrary, since there is no reason to discriminate between those unqualified individuals who applied on a given date and those who did not so apply and perhaps did not apply because they knew they did not meet the requirements.

In effect, therefore, this bill is a special law extending a waiver clause. Bills extending waiver provisions are in principle unsound. Licensing bills are intended to raise the level of service to the public, and that objective is not served by a bill or series of bills creating exceptions to it.

If it should be the view of the Legislature that the requirement in section 7 of residence for 4 years was arbitrary or unreasonable in the light of the objective of a waiver clause and that an alteration should be made with respect to such residential requirement, a determination to that effect would have to be made in the form of a general law amending section 7 and providing that all persons who as of the date of the original enactment possessed the qualifications as thus amended shall be eligible to seek licensure under that section.

I am, accordingly, returning Senate Bill No. 230 herewith, without my approval.

Respectfully,

ROBERT B. MEYNER,

Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
January 5, 1956. }

SENATE BILL No. 256

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 256 for the following reasons:

Under the present law any public employee veteran member of the Public Employees' Retirement System who had been employed in the aggregate of 20 years by the State or a county, municipality, school district or board of education at the time of the effective date of Chapter 84 of the Laws of 1954, namely January 1, 1955, may retire for ordinary disability and receive a retirement allowance of $\frac{1}{2}$ of the compensation received during the last year of employment. This bill would amend that section so as to render eligible for such ordinary disability retirement any public employee veteran member who accumulated the necessary 20 years of employment prior to October 2, 1955 instead of January 2, 1955.

The Public Employees' Retirement System provides for all members an ordinary disability benefit based upon final average salary which ranges from approximately $\frac{1}{4}$ to $\frac{1}{2}$, depending upon years of service. This measure would increase such benefit for those veteran members who qualify within the 9-month period from 30% to 50% and would use as the basis the last year's salary as distinguished from the average salary for the last five years.

The present special benefit for veterans was included in Chapter 84 in order to preserve that benefit for those veterans who, on the effective date of that act, could have availed themselves of a similar provision in R. S. 43:4-1, the free veterans' act. Such a provision was necessary because Chapter 84 barred any public employee veteran eligible for membership in the Public Employees' Retirement System from receiving retirement benefits under R. S. 43:4-1, 43:4-2 or 43:4-4. Chapter 84 also established a fixed date for those who could qualify for this particular benefit. It was limited to those who on the effective date of Chapter 84 could have applied for the benefits under R. S. 43:4-1. This bill would extend that date for 9 months to include all

those veterans who completed 20 years of service during that 9-month period.

I fully recognize the difficulties inherent in selecting any particular fixed date in determining pension benefits and regardless of the date selected there will be cases which fail to qualify by short periods of time. Once such a cut-off date is established, however, it is necessary to adhere to that date because one exception spawns further exceptions. This is clearly illustrated by Senate Bill No. 256 itself. As originally introduced it would have extended the period for 6 months but this was increased to 9 months in the course of its passage through the Legislature. If this bill were to become law, it is apparent that later amendments would be sought to extend even further the 9-month period. Accordingly, the ultimate effect of this measure would be to eliminate any "cut-off" date and restore to such employees the benefits of R. S. 43:4-1.

Moreover, this particular feature was taken into account in determining the overall cost of Chapter 84. This measure, together with its logical successors, would add to the cost to the State of the Public Employees' Retirement System. The cost factor of all pension bills is particularly significant in view of the fact that pension contributions by the State are exceeding 10% of the total State budget.

It would, of course, be most gratifying to be able to confer various extended benefits, pension and other, upon public employees. However, the State Treasury is not a self-replenishing fountain of unlimited supply. The application of funds available from present circumscribed sources must be made in such manner as will best serve all of the people of this State and conflicting demands for those funds must be carefully weighed.

For these reasons, I am returning herewith, without my approval, Senate Bill No. 256.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

SENATE BILL No. 258

To the Senate:

I am returning herewith Senate Bill No. 258, without my approval, for the following reasons:

This bill is a special bill, advertised as such pursuant to Article IV, Section VII, paragraph 8 of the Constitution. It would vest the same pension benefits in Clare W. Gordon, widow of Samuel Gordon, a member of the former State Employees' Retirement System, as though he had survived for 30 days after his retirement on October 1, 1953. Enactment of this measure would impose an additional expenditure of \$9,708.42 upon the Public Employees' Retirement System.

Samuel Gordon died on the thirtieth day after his retirement. The Appellate Division of the Superior Court determined in *Gordon v. State Employees' Retirement System*, 33 N. J. Super. 526 (App. Div. 1955) that his widow had no legal claim to the substantial pension benefits which would have accrued to her under the option he selected upon his retirement, if he had survived for 30 days after October 1, 1953. In vetoing Senate Bill No. 145, I have pointed to the legislative purpose, which is carried forward under the Public Employees' Retirement-Social Security Integration Act of 1954, to forestall selection of optional benefits favorable to survivors by pension system members who are on their death-beds.

As a general principle, it must be recognized that any statute setting a limitation of time will have individual cases fall outside the benefits of the legislation by a few days or a few hours. That is not a hardship the Legislature should recognize. No equity other than the sole fact of Samuel Gordon's death on the thirtieth day after his retirement is stated in the preamble to this legislation. The disbursement of \$9,708.42 to his widow may lead to equally meritorious demands totaling many thousands of dollars.

The 30-day survival condition has been contained in the basic pension laws of the State since 1933. Upon enactment of special legislation favoring this individual, many equally

plausible hardship claims may be pressed upon the Legislature. For example, a survey shows that within the past four years 27 members died within 30 days after retirement, with the consequent loss of optional benefits to their widows or other named beneficiaries. Doubtless many such cases occurred prior to the starting date of the survey. If the principle of this private bill should be approved, I know of no basis upon which one could refuse to extend it to embrace all other cases in which death occurred just short of the statutory line or just short of the line accepted in successive private bills.

For the foregoing reasons, I am returning Senate Bill No. 258 without my approval.

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 261

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 261, for the following reasons:

This bill would amend Chapter 145 of the laws of 1950 to authorize a municipality to issue a new license to sell alcoholic beverages at retail to a person described in the bill as one: (1) who has served honorably in the armed forces of the United States, and (2) who held a license of the same class in the municipality, and (3) who permitted said license to expire, and (4) whose spouse received a license for the same premises, and (5) who held a license on said premises within the past 20 years, and (6) who served some time during said 20 years in the armed forces of the United States, and (7) whose spouse, during his service in the armed forces, surrendered said license or permitted it to

expire, and (8) provided, no license of the same class has been issued in said municipality since the surrender or expiration of said license, and (9) provided, that such person has filed or shall file his application for a new license "within 1 year from the effective date of this act" (meaning, apparently, the effective date of the act which this bill would amend).

The foregoing reveals the special nature of this bill and its manifest conflict with Article IV, Section VII, paragraph 9 of the Constitution of New Jersey. Additionally it is not consonant with the established policy for the limitation of the number of such licenses.

Accordingly, I must return Senate Bill No. 261 herewith without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 278

To the Senate:

I am returning Senate Bill No. 278 herewith, without my approval, for the following reasons:

Senate Bill No. 278 would restrict leases of shellfish lands by the Shell Fisheries Council in the Atlantic Coast section to a maximum area of 25 acres, with the exception that existing leases in excess of 25 acres may be renewed within the discretion of the Shell Fisheries Council.

I am informed that several current leases of shellfish lands in the Atlantic Coast section far exceed 25 acres, which is a sufficient maximum acreage for clamming.

I am further informed that the oyster industry requires beds of 1,000 to 2,000 acres for the propagation and cultivation of oysters.

While most of the oyster industry of this State is concentrated in the Maurice River Cove section, there is an oyster industry at present in the tidal bays off New Gretna in Burlington County which is in the Atlantic Coast section.

Thus, obvious consequences of the enactment of Senate Bill No. 278 would be to vest a possible monopoly advantage in the current lessees of shellfish plots exceeding 25 acres and to curtail any possibility of the further development of the oyster industry, in the Atlantic Coast section.

Under existing law the Shell Fisheries Council has discretion to grant or deny applications for leases of shellfish lands. An administrative decision to limit shellfish plots in the Atlantic Coast section to 25 acres may therefore be effectuated in the interests of the clam industry's development. I find no compelling reason to force such a rule of policy by statute to the advantage of present lessees and to the destruction of all prospects for an expanded oyster industry in that area.

I am further concerned with the apparent application of the exclusion of shellfish grants over 25 acres to individuals and partnerships only.

While the language of the bill is subject to conflicting constructions, it may sanction leases exceeding 25 acres in the Atlantic Coast section to corporations only, because of the specific prohibition of such leases to partnerships as well as to persons.

Accordingly, in view of my conviction that any meritorious objective of this bill may be accomplished by administrative action, I am returning Senate Bill No. 278 herewith without my approval.

Respectfully,

ROBERT B. MEYNER,

Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
September 23, 1955. }

SENATE BILL No. 296

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 296 for the following reasons:

This bill would amend the police and firemen's retirement system so as to increase the benefits to the members. It would authorize a pension equal to 2% of his average final compensation multiplied by the number of years of creditable service up to 25, plus 1% of his final average compensation multiplied by the number of years of creditable service over 25. Under the present law the retirement allowance is $\frac{1}{60}$ of his average final compensation multiplied by the number of years of his creditable service.

When this bill was introduced, the proponents were advised by an actuary that the increased accrued liability would amount to \$838,973.00. Aside from providing for financing of the accrued liability, the current additional cost of the increased benefit was estimated to be .74% of payroll which would be shared equally by the employer and employee. Thus, the members of the system believed that the cost of this bill to them would be .34% of their salary. A more recent actuarial study, based upon 1954 instead of 1953 figures, indicates that the current cost of the increased benefits alone would amount to .95% of payroll. In addition, the increased accrued liability would be \$1,180,000.00. The cost of financing this accrued liability has been estimated at .22% of payroll. The combined cost would amount to 1.17% of payroll, and the one-half which would be borne by the employees would thus be .58%.

I have been advised by representatives of the members of this pension system that the increased cost is substantially more than originally anticipated. These representatives have requested me to return this bill without my approval in order to give the members affected an opportunity to reconsider the whole program.

Because of the effect of this bill in imposing appreciable additional costs both upon the members and upon the employers, I believe it would be in the best interest of all concerned if the proposed increased benefits and the effect thereof were given a complete reappraisal.

Accordingly, I am returning Senate Bill No. 296 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

RAYMOND F. MALE,
Acting Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 308

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 308 for the following reasons:

This bill would amend section 39:3-5 of the Revised Statutes so as to provide that the director of motor vehicles "shall refuse registration in case of any motor vehicles, except buses used for the transportation of school children, which are painted the same color as that required by regulation of the Department of Education for the painting of such school buses". The Department of Education has prescribed the color for school buses to be chrome yellow.

Many other vehicles, including a large part of the equipment of the State Highway Department are painted the same color. This bill would result in the imposition of substantial cost both upon the State and upon many private operators of motor vehicles.

The burden upon the State Highway Department to repaint all its vehicles has been estimated as follows:

750 Trucks @ \$100.00 each	\$75,000.00
75 Graders @ \$125.00 each	9,375.00
225 Moving Machines @ \$50.00 each	11,250.00
1,200 Miscellaneous Equipment @ \$100.00 each (bulldozers, mud-jacks, concrete mixers, air compressors, rollers, spreaders, snow plows)	120,000.00
Total	\$215,625.00

Expense and inconvenience, however, are not the controlling considerations. Highway safety must necessarily be the deciding factor.

Maintenance of highways, such as grass cutting, shoulder work, tree trimming, snow removal and ice control, forms a large part of the work of the Highway Department. Because these vehicles operate so close to the line of traffic, they have been painted yellow in order to make them conspicuous as a warning to approaching vehicles. Most of the vehicles also have electric warning signals.

At the present time school buses, in addition to the use of chrome yellow, are required to be clearly marked and to have sufficient lights and signs to warn the public that the bus is transporting school children. The purpose of this bill is to make certain that school buses are sufficiently identifiable to warn approaching drivers. Such provision now exists under present law. If, however, it should be deemed necessary to provide greater identification, this could be accomplished more effectively through more and brighter blinker lights on each bus.

In fact, the Division of Motor Vehicles within the last month adopted a new regulation prepared in cooperation with the Department of Education for a more effective enactment of front and rear lighting of school buses.

I do not feel that excluding all other vehicles from the use of the color yellow would increase the safety or protection of school children. Rarely would all factors combine to give the appearance of a school bus to a vehicle which is not one. But, in any event, if a driver should slow down or stop for another vehicle, mistaking it for a school bus, traffic safety generally would not be impaired. This bill would not appear to advance the interests of safety, and any present inadequacy in distinctive marking of school buses can more effectively be met by measures addressed to school buses themselves.

Additional practical difficulties should be noted. Enforcement officers may well be hard put to determine whether a vehicle is painted "the same color" as that required by the regulation. There are many varying shades of yellow and if the enforcement officer should develop the required skill, yet the general public could not be expected to make a precise determination and hence it is unlikely that the thesis of the bill would in fact be served. Moreover, the bill would

not apply to vehicles registered solely in other States. New Jersey, being a corridor State, has tremendous flow of interstate traffic and since vehicles thus in interstate movement would fall outside the bill, there would be a large segment of vehicles on which the bill would have no effect.

I am, therefore, returning herewith Senate Bill No. 308 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 328

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 328 for the following reasons:

This bill provides that in the event of the death, resignation or removal of a county prosecutor, the assistant prosecutors shall continue to hold their offices and the first assistant prosecutor shall officiate as acting county prosecutor with all the powers and duties of that office until the appointment and qualification of a successor. It provides that no additional compensation shall be paid to the first assistant prosecutors for so acting unless otherwise provided by law.

The office of county prosecutor is a constitutional office, appointment to which is made by the Governor with the advice and consent of the Senate. 1947 Constitution, Article VII, Section II, paragraph 1. The assistant prosecutors are appointed by the prosecutor. Accordingly, this bill would authorize the assumption of the duties of prosecutor by one who was not appointed in accordance with the procedure which the Constitution provides for that important office. There is at least a doubt as to whether the bill can,

in this regard, be reconciled with the letter or spirit of the Constitution.

Apart from this fundamental objection, important considerations of policy militate against the bill.

This bill would by implication repeal provisions of existing law under which the Attorney General takes over the criminal business of the State within the county in the event of a vacancy. Historically, the Attorney General handled all of the criminal business of the State until the advent of the county prosecutor. The Attorney General is appointed by the Governor with the advice and consent of the Senate. His qualifications to handle the criminal business are thus weighed and approved in this appointing process.

The public interest is better served by continuing the present statutory arrangement, than by devolving the duties of the county prosecutor upon a first assistant prosecutor who, although presumably qualified to be such assistant, may not have the stature, experience or qualifications required of one who is to exercise the extensive discretionary powers of the county prosecutor.

Furthermore, vacancies in the office of prosecutor in most cases should be filled expeditiously. Any measure which might encourage delay is undesirable. It is not inconceivable that should the chief executive be a member of a political party other than the party of the prosecutor whose office becomes vacant, there might be reluctance upon the part of some members of the Senate to act expeditiously upon the nomination submitted by the chief executive. I fear that situations might arise in which this bill might thus encourage a course of inaction.

I see no gain to the public in this bill. On the contrary, the considerations discussed above satisfy me that the measure is contrary to the public interest.

Accordingly, I must return Senate Bill No. 328 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

SENATE BILL No. 335

To the Senate:

I am returning herewith Senate Bill No. 335, without my approval, for the following reasons:

This bill would establish a permanent salary range schedule consisting of 42 salary ranges divided into six increment ranges. It is similar in nature to annual bills adopted for 5 years. P. L. 1949, c. 27; P. L. 1950, c. 252; P. L. 1951, c. 50; P. L. 1952, c. 6; P. L. 1953, c. 103. An important difference, however, is that those acts fixed a salary schedule for only one year, whereas this bill would make the schedule permanent.

In addition to setting forth the 42 salary ranges, the bill specifies those employees to whom the schedule would be applicable. It provides for the establishment of a salary adjustment commission to make such rules and regulations as may be necessary for an equitable application of the provisions of the bill. It also directs the president of the Civil Service Commission to report annually on or before November first concerning the operation of the compensation plan, together with recommendations, a copy thereof to be filed with the Legislative Budget and Finance Director.

I believe that the complex nature of this bill and its predecessor acts have generally obscured the original purpose of the legislation and its relation to the basic concepts underlying the establishment of the Civil Service Commission. At the time of the enactment of the first of the series of bills, there was impetus to provide an immediate comprehensive revision of salary schedules because of then existing economic conditions. This could have been handled administratively by the Civil Service Commission, but the passage of the act superseded their authority to do so. The emergent nature of the economic conditions which existed at that time no longer prevails.

The establishment of a schedule of ranges merely means that civil service must allocate a position to one of the 42 ranges. Nothing prevents the commission from reallocating

the position to another range, effective July 1, and thus accomplish a salary increase or decrease. There seems to be a current misconception among some groups that this bill and its predecessors are the basis for salary increases; that is not the case as the origin of salary increases lies in the annual appropriations act which makes the funds necessary for such increases available.

The purpose of the bill is in conflict with the fundamental policy expressed in the civil service law, namely that the Civil Service Commission shall fix and determine the classification and compensation schedules for all employees subject to the provisions of Title 11.

The powers and duties of the Commission in this respect are clearly set forth in sections 11:5-1, 11:7-1, 11:8-1, 11:8-2 and 11:8-3 of the Revised Statutes. See also Civil Service Rule 19.

Section 11:8-1 provides in part:

“The chief examiner and secretary shall, after consultation with appointing authorities and their principal assistants, report to the commission, not later than October fifteenth of each year, compensation schedules for each class of positions in the classified service together with his recommendations, based upon experience in recruiting various positions and upon such data as he may obtain relating to rates of pay for comparable service in commercial and industrial establishments, as to the need for changes in the compensation schedules for a class or group of classes.”

Section 11:8-2 provides:

“The compensation schedules mentioned in section 11:8-1 of this title, together with any amendments and modifications as may be made as provided in this subtitle, when approved by the commission, shall, for the ensuing fiscal year period beginning July first, except as to any modification by legislative action, constitute the compensation plan for classes of positions in the classified service.”

Section 11:8-3 provides:

“Payments for services of persons in the classified service shall be made in accordance with the compensation schedules as established under this chapter and the rules for their administration as provided in this subtitle and as modified by legislative action. No rate

of compensation in excess of the maximum rate established under this section shall be paid to an individual employee in the classified service unless the specific sum is set out in an individual line item in any law appropriating moneys for payment of compensation for the particular position in question. The inclusion of a sufficient sum to increase the compensation of a person holding a position beyond the maximum established rate as herein provided, in a lump sum appropriation, shall not be taken as a legislative intent to increase the rate of compensation in question beyond the maximum established rate. The chief examiner and secretary shall see that the compensation schedules and the rules for their administration are observed.”

These provisions adequately cover the subject matter of Senate Bill No. 335 and are preferable in that the salary ranges are set by an administrative body which has long experience in the field and is continuously studying the problem through its expert personnel.

One particularly difficult aspect of the bill is that the salary ranges are fixed permanently. This precludes simple and effective revision of the ranges as changing circumstances require. While I certainly believe that permanent legislation is much more desirable than burdening the Legislature with annual bills, I do not believe that it would be in the best interest of the employees to freeze the salary ranges. It is significant that no comparable bill was adopted last year and the Civil Service Commission has functioned extremely well through its own administrative procedure under the statutes quoted above. The matter should be left to the more expeditious and flexible processes of this expert agency to insure efficiency in administration and equitable treatment of employees.

I point out, in addition, that on page 5, section 9, line 7, after the word “imposed” there was apparently omitted a provision which should have included the words “by the Salary Adjustment Commission”, without which the meaning is obscure.

For these reasons, I am returning herewith Senate Bill No. 335 without my approval.

Respectfully,

ROBERT B. MEYNER,

Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

SENATE BILL No. 339

To the Senate:

I am returning herewith Senate Bill No. 339, without my approval, for the following reasons:

This bill provides for the dissolution of charitable corporations upon the expiration of the term fixed by their charters. It constitutes the trustees or directors of such corporations as trustees to settle the affairs of these corporations in the same manner and with the same powers and duties as provided in Title 14 for corporations generally.

Section 15:14-1 of the Revised Statutes now provides the method for dissolving "existing" religious, charitable or educational corporations. It provides for the board of trustees to bring a civil action in the Superior Court for dissolution and for the appointment of a receiver. Sections 15:14-2, 15:14-3 and 15:14-5 make provision for the powers and duties of such receivers and for the distribution of assets in accordance with court order. The only exception to be found to a dissolution through the appointment of a receiver is section 15:14-4 which is limited in its application to educational corporations.

The bill under consideration was apparently drawn on the hypothesis that the statutory provisions discussed in the preceding paragraph do not apply where the charter has already expired. It is apparent that Title 15 is in great need of revision and appropriate legislation is in order. This bill, in incorporating by reference the dissolution provisions of Title 14, will raise difficult problems as to whether all of the provisions so incorporated shall apply, and fails to deal with the important situation where a charitable corporation has assets in excess of its debts and dissolution expenses. Section 14:13-8 provides that "If any balance remain after the payment of the debts and necessary expenses, the same shall be distributed among the stockholders." Such a provision, for example, obviously could not be applied to a charitable corporation.

The extension of the method of dissolution presently provided in Chapter 14 of Title 15, to cases where the time fixed

by charter has expired will insure that the assets of charitable corporations, in excess of debts and expenses, will be distributed for charitable purposes under court supervision, and upon notice to the attorney general. The interests of the public and of the donors of the assets of the charitable corporation would thus be adequately protected. There is no logical basis for differentiating between dissolutions before and after expiration of a charter and especially where a difference might induce an organization to delay dissolution until after the charter has expired. I do not feel that the bill presents an acceptable solution to the problem; appropriate amendments to Chapter 14 of Title 15 would appear to be the proper course.

For these reasons, I am returning herewith Senate Bill No. 339 without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 5, 1955. }

SENATE BILL NO. 343

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 343 for the following reasons:

This bill would authorize the State Board of Education to terminate the employment of any faculty member of a State Teachers College who has tenure and is 65 years of age. Any person, whose employment is so terminated and who is not eligible for any other pension, would receive an annual pension in the amount of $\frac{1}{4}$ of the average annual salary for the last 5 years.

This is a non-contributory pension which, I have been advised, would apply only to six individuals, each of whom had an opportunity to join the Teachers' Pension and Annuity Fund but was not required to do so because of par-

ticular provisions in the 1919 and 1930 acts. Three of them are now 65 years of age or over and the ages of the other three are 56, 59 and 61. Their total present salary is \$34,140.00. This bill, according to actuarial calculations, would cost the State in excess of \$80,000.00.

This proposal fails to take into account the application of Social Security to these individuals. As a result of the referendum held in October of this year all faculty members at State Teachers Colleges now have Social Security coverage effective for retirement purposes at the end of the present academic year. Thus, each of the six persons affected by this bill will be eligible for Social Security benefits in the amount of \$1,308.00 annually, plus \$650.00 for any dependent spouse over 65 years of age. The effect of this omission would be to permit these individuals to retire with a $\frac{1}{4}$ pension plus Social Security. This would permit retirement with pensions which might exceed the pension they would have received if they had been members of, and had contributed to, the Teachers' Pension and Annuity Fund. Since Social Security was not applicable to these individuals at the time of the passage of the bill, I doubt that it was intended that both the $\frac{1}{4}$ pension and Social Security be available to such persons. It is significant that under Social Security they will receive at least \$1,308.00 whereas under this bill the pensions would vary from \$1,185.00 for the one with the lowest salary to \$1,785.00 for the highest and hence, if it were provided, as in the case of other integrated pensions, that the Social Security payment be deducted, this bill would benefit only some of the six persons concerned and in only a small amount.

There does not appear to be any valid reason for establishing now a non-contributory pension for these individuals who had an opportunity to join a pension system and refused to do so. Having made such an election, they must abide by it. It is not fair either to the public or to the other employees for the State to establish a pension system saying, in effect, that if the employees wish pension protection, they must join and contribute to the system, and then, at a later time, to provide free non-contributory pensions for a few individuals who failed to take advantage of the opportunity afforded to all employees in similar circumstances. It should be further noted that the individuals here affected may increase their total retirement allowance above the amount payable under Social Security by joining the Teachers' Pension and Annuity Fund.

For these reasons, I am returning herewith, without my approval, Senate Bill No. 343.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 347

To the Senate:

I am returning herewith Senate Bill No. 347, without my approval, for the following reasons:

This bill provides that there "shall be paid to each trooper in the Division of State Police in the Department of Law and Public Safety, commencing July 1, 1955, an annual salary increment of \$180.00". Such increment would be in addition to any other salary increments and would be paid notwithstanding the fact that the total salary may exceed the maximum salary range established for troopers. The bill would also appropriate \$108,000.00 for this purpose.

Under established administrative budgetary procedure, salary increases are taken into consideration in preparing the annual budget and the annual appropriation act. At that time the revenues anticipated during the succeeding year are calculated and the expenditures are adjusted accordingly. Orderly fiscal administration requires that, in fairness to all employees, requests for salary increases throughout the State government be considered together at the time the budget is prepared.

It should also be noted that this bill conflicts with section 53:1-7 of the Revised Statutes which provides that all members of the State Police "shall receive such increases in salaries, based upon length of service as the Civil Service Commission shall, from time to time, establish within the salary ranges".

At the present time State Police troopers have a salary range of \$3,660.00 to \$4,560.00 with annual increments of \$180.00 until the maximum is reached. Under this bill, troopers would receive an additional \$180.00 *annual* increment, or total annual increments of \$360.00. Moreover, the annual increment provided in this bill would continue after the maximum of the range had been reached. Thus, a trooper in three years would receive \$4,740.00 or \$180.00 in excess of the maximum, while all other State employees, whether engaged in law enforcement activities or not, would take 5 years to reach the maximum and could not exceed such maximum.

The salaries and maintenance allowances of members of the State Police are as follows:

	<i>Present Salary Range</i>	<i>Tax Free Cash in Lieu of Maintenance</i>
Recruit	\$3,000.00	
Trooper	3,660.00— 4,560.00	\$840.00 per year
Trooper 1/c	3,840.00— 4,740.00	840.00 per year
Sergeant	4,380.00— 5,280.00	840.00 per year
Detective 2/c	4,380.00— 5,280.00	840.00 per year
Detective 1/c	4,740.00— 5,640.00	840.00 per year
S/Sergeant	4,980.00— 6,180.00	840.00 per year
Lieutenant	5,700.00— 6,900.00	912.00 per year
Captain	6,900.00— 8,400.00	912.00 per year
Major	8,760.00—10,860.00	984.00 per year

The continuation of the additional \$180.00 increment, as required by this bill despite the fact that the salary exceeded the maximum for the range, would mean that a trooper with 6 years' service would receive the same salary as is the maximum for sergeants and detectives 2/c. The result would be an anomalous situation where a higher ranking member of the State Police would receive less than a subordinate. The potential effects of such a compensation plan are obvious, and the inequities thus imposed upon the other members of the State Police are clear. I have assumed that the word "trooper" was intended to refer to the position so designated and not in a more generic sense referring to all members of the State Police.

Only recently, through funds made available for range revision, was the salary schedule for the State Police revised so as to establish a more reasonable differential be-

tween the various ranks. This bill would nullify the progress made in that direction.

Finally, the cost of this measure would be significant. The annual cost of the \$180.00 increment for the 550 troopers would be \$99,000.00. This would be cumulative inasmuch as the increment applies annually. It must be noted that 112 troopers are assigned to the Turnpike and Garden State Parkway which reimburse the State for expenditures with respect to them.

In addition, there would be a corresponding increase by reason of its effect upon pension benefits. The deficiency of the State Police Retirement and Benevolent Fund would be increased annually to the extent of \$30,014.00, less the proportionate contributions on a pro rata basis made by the two authorities. This is particularly significant in view of the fact that this pension fund, as of June 30, 1954, had a deficiency of \$22,359,252.00.

For these reasons, I regret that I am compelled to return Senate Bill No. 347 without my approval.

Respectfully,

ROBERT B. MEYNER,

Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

SENATE BILL No. 350

To the Senate:

I am returning Senate Bill No. 350 herewith, without my approval, for the following reasons:

This bill would provide a mandatory non-contributory pension of $\frac{3}{4}$ compensation for any person holding the position of chief counsel, counsel or assistant counsel of any commission, board or agency in the legislative branch of State government upon the filing with the Secretary of State of a certificate setting forth the desire of such person to retire. In order to be eligible for this pension, such per-

son must have been employed for 15 years and be 72 years of age or be disabled.

The bill further provides in section 2 that any person retired by reason of age and length of service may be recalled to limited active service in an advisory capacity for 6 months in any one calendar year during the five years next succeeding retirement. In such case, he would continue, under section 5, to receive the full pension provided by this bill. It would appear that additional compensation could be paid to him for the active service of 6 months. In the event of disability, the pensioner may be relieved of further active service.

The bill would further permit retirement for disability of such employee while on active service and of a person already retired for age and length of service who is subject to recall for limited active service. The latter aspect is unique and would appear to have the sole object of allowing a person already retired to qualify for a disability pension at any time within five years so as to convert the pension, if for service-connected disability, into income free from Federal income taxation. Furthermore, the test of eligibility for a disability pension is "physically or otherwise incapacitated for efficient service to the State." This is a rather nebulous standard.

The provision for payments semi-monthly creates administrative problems since all other pensions are paid monthly. The reason for this special treatment is not apparent.

Senate Bill No. 350 establishes a whole new area of non-contributory pensions. It is directly contrary to the program developed by the Joint Legislative Commission to Study Non-contributory Pensions (J. R. 7, P. L. 1954), both in the establishment and in the amount of the benefits. That Commission's report, dated March 1955, made recommendations resulting in Assembly Bills Nos. 511 and 512, which would repeal the great body of non-contributory pension acts. With the enactment of these two bills, there would be one general non-contributory act for all local employees and one non-contributory act for non-judicial State employees who were employed prior to 1921. The general new non-contributory pension bill (A-511) would permit pensions up to 30% of the last 5 years' average salary for a person having 15 years' service, as contrasted with the

provisions of Senate Bill No. 350, which would authorize 75% of the salary received in the 12 months before retirement. The persons affected by this bill could have joined the former State Employees' Retirement System and its successor, the Public Employees' Retirement System. The bill would discriminate between these persons and other State employees, in that it would give them a non-contributory benefit three times as great as that of other State employees who have similar employment experience and who have contributed substantially to the Public Employees' Retirement System. To sanction such inequity would undermine the Retirement System.

In addition to the benefit to be paid "semi-monthly out of State funds", the beneficiaries of this bill would also be eligible to receive Social Security payments toward which the State and the individuals affected are contributing. For example, the chief counsel receives a base salary of \$13,800.00 in addition to a bonus customarily awarded by the Legislature of \$2,500.00. The total "compensation", therefore, is \$16,300.00; and the pension of 75% would be \$12,225.00. Social Security, payable at retirement to covered employees, would increase this by \$1,300.00, or by \$1,950.00 if the individual has a wife over 65. The total retirement allowance, including Social Security, would be either \$13,525.00, which is 98% of base salary, or \$14,175.00, which is 102.7% of base salary. In the case of the assistant to the chief counsel his pension would be \$8,625.00; and when added to Social Security, it would be \$9,925.00, 110.2% of base salary, or \$10,575.00, 117.5% of base salary.

In order to provide pensions in the amounts of \$12,225.00 and \$8,625.00 under the retirement system, reserves would be required in the two cases of \$89,976.00 and \$63,486.00 respectively. Since no such fund would be established, the actual cost of these bills to the State, with respect to the two persons eligible at this time, would be reflected more accurately by multiplying the life expectancy of a man 72 years of age—10 years—by the annual pension. These figures would be \$122,250.00 and \$86,250.00, or a total of \$208,500.00. This cost would, of course, increase as others became eligible for its benefits.

It is obvious that Senate Bill No. 350 would establish a new non-contributory pension system with tremendously high costs to the State.

I am, accordingly, returning Senate Bill No. 350 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 8, 1955. }

SENATE BILL No. 351

To the Senate:

I am returning Senate Bill No. 351 herewith, without my approval, for the following reasons:

This bill would authorize any county park commission established under sections 40:37-195 to 40:37-247 of the Revised Statutes to create a police court. Such court would have a judge or magistrate appointed by the Governor, with the advice and consent of the Senate, for a three-year term, whose compensation would be fixed by the commission. The court would have a territorial jurisdiction embracing the county park lands and would possess all the powers and jurisdiction of municipal courts, except the small claims civil jurisdiction. This jurisdiction would be concurrent with that of any municipal court whose territorial jurisdiction includes the park lands.

I am unaware of any basis whatsoever which would justify the creation of additional courts. One of the outstanding reforms of the 1947 Constitution of this State was the substantial reduction in the number of conflicting and overlapping courts. Only recently we succeeded in eliminating one of the last archaic judicial appendages—the Hudson County Criminal Judicial District Court.

This measure would reverse this salutary development and authorize the establishment of another court which would have concurrent jurisdiction with existing courts. It would require considerable needless expenditure of public

monies for the salaries of the judge and the clerk as well as for accommodations and supplies.

For these reasons, I am returning Senate Bill No. 351 herewith without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

SENATE BILL No. 353

To the Senate:

I am returning herewith Senate Bill No. 353, without my approval, for the following reasons:

This bill would provide that there "shall be paid to each motor vehicle inspector and to each examiner of motor vehicles . . . commencing as of July 1, 1955, an annual salary increment of \$180.00". Such increment would be in addition to any other increment and notwithstanding the fact that such increment might result in a total salary in excess of the maximum salary range for such positions. The bill also would appropriate \$111,000.00 for this purpose.

This method of providing salary increases is contrary to well established fiscal and budgetary procedure. As I noted in my message concerning Senate Bill No. 347, I cannot approve of increases of this nature which are not considered in the overall State picture at the time the annual budget and appropriation act is prepared. Moreover, I disapprove of separate treatment for each of a large number of groups of public employees. All with like equities should be treated the same and should receive the same salary adjustments to the extent funds are available.

At the present time, the salary schedules for members of the inspector force are:

Number

1	Chief	\$7,200.00-8,700.00
7	Deputy Chief (Captain)	5,220.00-6,420.00
7	Senior Inspector (Sergeant)	4,020.00-4,920.00
143	Inspector	3,480.00-4,380.00

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The salary schedules for employees at the inspection stations are:

Number

1	Chief	\$7,200.00-8,700.00
1	Assistant Chief	5,700.00-6,900.00
3	District Supervisor	4,980.00-6,180.00
44	Supervisor	4,200.00-5,100.00
47	Senior Examiner	3,660.00-4,560.00
597	Examiner	3,300.00-4,200.00

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It is not clear whether the term "motor vehicle inspector" as used in the bill applies to all inspectors including the chief, captains and sergeants or only to the group designated "inspector". Similarly, the term "examiners of motor vehicles" may refer either to the position "examiner" or it may include senior examiners, supervisors and district supervisors. I assume that both terms were intended in the more restrictive sense.

Accordingly, the annual cost of this bill for the 143 inspectors and the 597 examiners would be \$133,200.00. It must be noted that this would be cumulative as it is payable "annually". There would, of course, be a proportional increase in pensions and in the corresponding obligations of the Public Employees' Retirement System. The cost to the State by way of additional pension contribution would be in excess of \$7,000.00 annually.

As I noted in connection with Senate Bill No. 347, one effect of an annual increment of \$180.00, without regard to the maximum of the salary range, would be that the positions benefited by this bill would ultimately receive greater

compensation than many superior ranks. Such a result is extremely detrimental to fair personnel administration.

For these reasons, I regret that I am compelled to return herewith Senate Bill No. 353 without my approval.

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
December 5, 1955. }

SENATE BILL No. 359

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 359 for the following reasons:

This bill would authorize the New Jersey Turnpike Authority to construct and operate a turnpike project or spur from the Turnpike to the City of Newark. The route is described as follows:

“Beginning at a point to be selected by the Authority at or adjacent to the principal business and commercial center of the city of Newark, in the county of Essex, being the area located between the Essex County Court House and the City Hall of the city of Newark, and thence in a general easterly direction to connect with the New Jersey Turnpike at or near the interchange 15.”

The use of this extension would be subject to such tolls as may be prescribed by the Authority.

I have been advised by the New Jersey Turnpike Authority that it has not made any study of the proposed project inasmuch as the Authority considers that it is not authorized to expend funds on a study unless legislation is enacted which also authorizes construction. Studies have been made, however, by other interested agencies because of the obvious need for a better highway from the center of the City

of Newark to main north-south arteries including the Turnpike. It should be noted that this bill specifies that the terminus would be at or adjacent to principal business and commercial sections "being the area located between the Essex County Court House and the City Hall of the city of Newark." The studies which have been made of this subject indicate that a more feasible terminus in the City of Newark would be an area somewhat to the north of that described in the bill.

I do not believe that any terminal point can be specified as specifically as is here set forth until adequate engineering studies have been made. Moreover, I do not feel that a project of this nature should be authorized without some consideration being given and adequate provision made for the effect which such a project would have upon local traffic. It is apparent that such a project would result in the funneling of greatly increased traffic onto the local streets thereby aggravating an already acute traffic congestion problem. If any such project is to be constructed, it must also provide for the proper dispersal of the traffic which it generates.

This bill would confer upon the New Jersey Turnpike Authority a latitude not given in any prior law. It cuts across city, county and State authority and departs from the established policy of giving the State Highway Commissioner some control over such construction. The latter control is generally deemed necessary in order to coordinate such new construction with the State highway system as well as county and municipal roads. The enactment of measures such as this does not insure the construction of needed highway facilities. There are many legislated routes, such as the East-west Freeway in Essex County, which have not been constructed and which may not be constructed for several years because of insufficient funds. Legislative authorization in such cases creates false hopes in the public.

Finally, the proposed construction under this bill would be a toll facility. It may be that a comparable road can be constructed largely from federal funds which would be free. I would much prefer to see the construction of such a road and believe that a long-range project of this nature should be deferred until the availability of federal funds can be determined.

For these reasons I am returning herewith Senate Bill No. 359 without my approval.

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
January 5, 1956. }

SENATE BILL No. 365

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 365 for the following reasons:

Senate Bill No. 365 would permit the governing body of any township to provide a pension not exceeding one-half of the average annual salary for the last 5 years, to any person who has served continuously as clerk of the township for 30 years.

The effect of this measure would be to establish a special non-contributory pension program applicable only to municipal clerks employed by townships. Assembly Bill No. 511, which has passed the Legislature, provides a uniform program for non-contributory pensions. Variations from that scheme applicable only to one particular office cannot be permitted without destroying the basic purpose of that legislation. All public employees must be treated equitably, fairly and uniformly. This bill would single out the holders of a particular office, township clerk, thereby violating that principle.

I am, therefore, returning Senate Bill No. 365 herewith, without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 5, 1956. }

SENATE BILL No. 373

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 373 for the following reasons:

Senate Bill No. 373 would amend P. L. 1954, Chapter 84, Section 60 to give free retirement credit to a State employee for active service for the United States provided he was a member of the State militia at any time prior to January 1, 1955 and he entered the active service of the United States in time of war or national emergency pursuant to a call, order or draft by the President, and this credit would be given, notwithstanding that such individual was not a State employee when he was called to active federal service.

Under existing law an employee of the State who, while so employed, enters the active military service of the United States is granted free credit for that military service. P. L. 1941, c. 119; P. L. 1942, c. 252. Such free credit is not granted to persons who first became employed by the State after military service. Senate Bill No. 373 would carve an exception to this last stated rule in favor of persons who entered the federal military service by way of a call to active federal duty made to them as active members of the State militia.

It should be noted that this bill is not necessary to assure free credit to those members of the State militia who were on a permanent duty status in the Department of Defense and who, accordingly, were State employees at the time of the federal call. Rather the purpose of the bill is to confer such benefit upon members of the militia who were not in a permanent duty status and hence were not State employees within the intendment of Chapter 84 or the prior statutes cited above.

The cost of this bill has not been calculated but it is evident that it would be considerable. I see no justifiable basis for this grant of free service credit. Moreover, the grant or denial of credit for military service would in net effect depend upon the mode or manner whereby the present employee entered into the active federal service and that basis is too insubstantial to withstand condemnation as discriminatory.

I am, therefore, returning Senate Bill No. 373 herewith without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 19, 1955. }

SENATE BILL NO. 386

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 386 for the following reasons:

This bill would appropriate \$25,000.00 to the Law Revision and Legislative Services Commission for salaries and expenses to be incurred in connection with the revision of Title 40, Municipalities and Counties, of the Revised Statutes.

I have on a number of occasions commented upon the urgent need for revision of Title 40. However, I do not believe that the revision of this important subject should be attempted through the Law Revision and Legislative Services Commission for several reasons. That Commission already is concerned with other revision projects and in the light of all of the duties of the Commission it is probable that the allocation to it of this additional project would both delay the work on existing projects and as well result in delay in the completion of a revision of Title 40. Moreover, a revision of Title 40 will necessarily involve many policy decisions to resolve the divergent policy approaches which sundry acts of legislation have heretofore taken. This means that the revision work should be done by a committee of experts in the field who can both accomplish the ordinary mechanical aspects of a revision and as well incorporate recommendations with respect to policy matters. I believe that the more effective course would be to create a special committee and I will be glad to cooperate with the Presi-

dent of the Senate and the Speaker of the House in the designation of such a committee.

I am, therefore, returning Senate Bill No. 386 without my approval.

Respectfully,

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

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
January 5, 1956. }

SENATE BILL No. 401

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 401 for the following reasons:

This bill applies to cities governed by the provisions of P. L. 1899, Chapter 52 and supplements thereto. Senate Bill No. 401 would further supplement this act by providing that where the governing body is unable to agree with respect to filling a vacancy in any elective or appointive office in the city or where the governing body is unable to adopt an ordinance or resolution by reason of an equally divided vote, it shall be the duty of the mayor to vote upon the ordinance or resolution, or for the purpose of filling such vacancy.

This supplement would make a basic and fundamental change in the nature and function of the mayor of a city governed by Chapter 52 of the Laws of 1899. That chapter provides that the mayor "shall be the chief *executive* officer of such city". He is not presently a member of the city council, does not preside over the council meetings and indeed need not attend the council meeting. His functions are those of an executive charged with the enforcement of the laws and ordinances passed by the council. Corollary to this function he is made head of the police department. The mayor's present function with regard to legislation is confined to a veto power which he may exercise similar to that of the chief executive of the State.

Senate Bill No. 401 would disrupt the entire concept of the office of the mayor in the cities which have adopted the form of government provided by the Laws of 1899, Chapter 52. This bill would not only give the mayor the right to vote but it would force him to vote in stated circumstances. This would be an obligation not only inconsistent with the general tenor of the act but it would impose a greater legislative duty upon the mayor than it would upon the councilmen. Presently, the councilmen are not obliged to vote on any measure upon which they deem it to be in the interest of their constituents to abstain. The mayor would not have this option.

It is reasonable to assume that this bill was inspired by a deadlock in the council of one city governed by the provisions of the 1899 act. It is difficult to believe that those differences cannot be worked out, as they often have been in other municipalities, without resort to a basic change in the structure of the city government. Such interference in municipal affairs by the Legislature is repugnant to the concept of home rule for our municipalities. A fundamental change tailored to suit a problem in one city may play havoc with the orderly functioning of the government of other cities governed by the same provisions.

I am, therefore, returning Senate Bill No. 401 herewith, without my approval.

Respectfully,

ROBERT B. MEYNER,
Governor.

[SEAL]
Attest:

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 8, 1955. }

SENATE JOINT RESOLUTION No. 3

To the Senate:

I am returning herewith, without my approval, Senate Joint Resolution No. 3 for the following reasons:

This resolution would establish a commission to study the State acts relating to municipal and county planning. The commission would consist of 14 members, including the

Commissioner of the Department of Conservation and Economic Development, the Commissioner of the Department of Health and 12 citizen members. The group of 12 is to be appointed by the Governor, one from each 12-named corporations and associations only one of which has any status as an agent or instrumentality of government. Each of the named organizations shall certify to the Governor the name of the member of the representative organization to be so appointed. The commission is directed to engage in a continuous study and report annually on or before February 1 to the Governor and to the Legislature.

I agree with the objective of the resolution. County and municipal planning is extremely important to intelligent development in the light of the expanding urban population and industrial growth in this State. I am in favor of continuous review of our existing laws to ascertain whether they meet the fluid needs of our expanding economy.

I am obliged, however, to disapprove the method of appointing the members of the study commission. This resolution would require the Governor to appoint 12 members, certified to him by 12 organizations. The Chief Executive would have no control of, or even voice in, the selection of these members. Unless the bill could be construed to authorize the Chief Executive to refuse to appoint a person certified by such organization, and perhaps even if such refusal were expressly authorized, there would be grave doubt as to the constitutionality of this provision. The resolution provides that the commission shall act as advisor both to the Legislature and to a department in the executive branch, namely, the Department of Conservation and Economic Development. Whether this commission be deemed to be allocated to the executive or be one to which the Legislature may appoint under Article IV, Section IV, paragraph 2 of the New Jersey Constitution, I am satisfied that the power of appointment may not, and should not, be delegated to private persons or organizations. It is fundamental that the power to appoint be attended by public responsibility for the appointment made. Such responsibility would not exist if the appointments were made in the manner provided in the resolution.

I would not object to a provision authorizing or requesting the Chief Executive to consult with interested organizations and to receive recommendations from them of, let us

appropriated to the State Highway Department for the current fiscal year.

Such a commission would duplicate the work now being performed by the State Highway Department. The need for a comprehensive study of our highway system due to increasing traffic demands is well recognized, and the Department has undertaken such a study. As presently constituted, the State Highway Department, under the guidance of an experienced businessman as Commissioner, is performing an excellent job and has competent, well-trained personnel capable of achieving the desired objective.

In my annual message of this year, I assured the Legislature that all departments will furnish to legislators any information they felt necessary. I reaffirm that offer. If the Legislature feels that certain studies are necessary or desirable, the Executive Branch stands ready to make such studies. In this instance, as already stated, the State Highway Department is now conducting such a study and will make it available, together with any supplemental studies deemed advisable by the Legislature.

I see no need for a separate study. If the Legislature feels otherwise, it can accomplish its objective without seeking my concurrence. Each house of the Legislature has a permanent committee on highways; it would seem that either of these committees or a joint committee would be an appropriate agency to conduct such a study in aid of the legislative function. If the Legislature should feel that a separate commission should be established, it may create it by a concurrent resolution, which would not be presented to me for approval. I cannot join in what I believe would be an unnecessary expenditure of public funds.

A final comprehensive plan for a State highway system is necessarily contingent upon the Federal program and the funds made available to the State under such program. Because of the present uncertainty with respect to the provisions of a Federal program, no concrete plan for this State can be evolved until the Federal plan has crystallized.

The State highways in New Jersey carry a daily average of 11,000 vehicles per mile—7 times the national average, 5 times Pennsylvania and 3 times New York. The need for highway funds is indeed pressing. There does not appear to be any valid reason for diverting \$100,000.00 from the funds appropriated to the State Highway Department for its essential functions.

I am, therefore, returning Senate Joint Resolution No. 9,
without my approval.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
December 5, 1955. }

SENATE JOINT RESOLUTION No. 15

To the Senate:

I am returning herewith, without my approval, Senate
Joint Resolution No. 15 for the following reasons:

This resolution would create a Home Life Assistance
Study Commission consisting of 6 members, 2 appointed by
the Governor, 2 Senators appointed by the President of the
Senate and 2 Assemblymen appointed by the Speaker of
the General Assembly.

The stated objective of the Commission is as follows:

“The commission shall make a study of the subject
of home life assistance for needy and dependent chil-
dren and their mothers. Such study shall include an
examination of the statutes relating to the said subject
and particularly the provisions of chapter 5 of Title
30 of the Revised Statutes as amended and supple-
mented, and also the proposal contained in Assembly
Bill No. 449 of the 1955 Session of the Legislature. In
making its said study the commission shall in nowise
be limited to the said particular statutory provision
or to said proposed legislation.”

The resolution is rather vague as to the scope of the
study. The recitals refer to prior bills introduced from
time to time to revise the statute. These recitals and the

quoted portion of the resolution indicate that the principal subject to be explored is the formula relating to the distribution of the cost of the program between the State and the counties.

The bills referred to are apparently Assembly Bill No. 247 and Senate Bill No. 346 passed in the 1954 session and Assembly Bills Nos. 16 and 449 passed in the present session. The effect of these bills would have been to change the formula so as to increase the State's share of the cost of the program by a sum in excess of \$500,000.00 annually and to decrease the counties' share accordingly. I refused to approve any of those bills.

In refusing to approve Assembly Bill No. 449 I said, among other things:

“The underlying theory behind this proposal is that it is fair and equitable to apportion the cost of the welfare programs equally between the State and the counties. If the premise were extended to all related welfare programs, I might well agree with it. I am compelled, however, to take exception to any bill which singles out one of the five existing welfare programs. The cost of two of the programs are now shared on an equal basis. The other three programs, Blind Assistance, Home Life Assistance and Old Age Assistance, are based upon unequal formulas. Based upon the fiscal year ended June 30, 1954, it was determined that if the costs of these welfare programs were shared equally the result would be as follows:

	<i>State</i>		<i>County</i>
Blind Assistance .. +	\$155,209.00	—	\$155,210.00
Home Life Assist-			
ance +	447,407.00	—	447,407.00
Old Age Assistance —	1,333,749.00	+	1,333,749.00
	<hr/>		<hr/>
	— \$731,133.00	+	\$731,132.00

Thus, on a basis of equal division with respect to these programs, the cost to the State would be reduced by \$731,133.00 and the cost to the counties would be increased by a like sum.”

Parenthetically, I note that Assembly Bill No. 449 had been prepared at the request of counsel for a county which had questioned the existence of any liability whatever on the part of the counties to share in the cost of the Home Life Assistance program. The stated purpose was to have a statute clearly evidencing the liability of the counties. Assembly Bill No. 449 as thus originally drafted would have continued the counties' share of the cost on the basis of the same formula on which the counties had theretofore in fact contributed. Prior to introduction of the bill, however, it was amended so as again to provide for the increase in the State's share as to the extent to which I have stated above and also for that reason disapproved by me. In my message on Assembly Bill No. 449 I pointed out that the Attorney General had ruled that the counties were bound by existing law to contribute in accordance with that formula and since one county had refused to pay anything, I had directed the Attorney General to institute suit to compel payment. That suit was instituted and shortly thereafter the county agreed to pay and did pay the full amount. In view of this history, I assume that it is not the purpose of the joint resolution to call for a study of the extent of the liability of the State and counties under existing law, which question, of course, in any event is a justiciable one which belongs with another branch of the government.

Assuming, as I do, that the study relates to a possible change in formula, I see no point or necessity for a commission to study the question thus fully explored, unless the study is enlarged to embrace the other welfare programs. Any consideration or revision of one alone must necessarily lead to duplications and omissions. It would be a disservice to the public to consider less than all of the welfare programs.

By Joint Resolution No. 9 of the Laws of 1951, there was established a Commission to Study the Administration of Welfare in New Jersey. This commission submitted its report to the Governor and the Legislature on February 16, 1953. The recommendations so made have met with considerable opposition both from private individuals and associations and governmental agencies at the municipal, county and State levels. The establishment of a commission to consider the entire problem was an obviously sound approach, and I cannot, at this time, sanction a piece-meal

attack on the field. The report of that commission gave a comprehensive analysis of the situation, and regardless of the various opinions with respect to the recommendation, it furnishes the basis for appropriate consideration by the legislative committees of the Senate and the Assembly, specifically the committees on Institutions and the committees on Public Health and Welfare.

For these reasons, I am returning Senate Joint Resolution No. 15 without my approval.

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 249

To the Senate:

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I appended to Senate Bill No. 249, at the time of signing it, a statement of an item to which I objected, so that such item should not take effect.

The item to which I objected was the allowance of a claim in the amount of \$900.00 to a former motor vehicle agent.

The claim asserted by this agent is a departure from the settled basis upon which this agent was engaged. I see no legal, equitable or moral obligation on the part of the State which would justify either payment or compromise of this claim.

Approval of this item would establish a pattern for similar claims which I am advised would total approximately \$100,000.00, as well as a precedent for future claims, the amount of which would be considerably larger.

I, therefore, objected to this item and I am attaching hereto a copy of my statement in connection therewith.

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
June 23, 1955. }

STATEMENT ON SENATE BILL No. 249

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I am appending to Senate Bill No. 249, at the time of signing it, this statement of the following item to which I object, so that this item shall not take effect:

“William P. Berry, 31 Lincoln Park, Newark, New Jersey, for additional commissions earned while operating a motor vehicle agency, to be paid from funds presently available to the Director of Motor Vehicles, \$900.00.”

The facts do not reveal any legal, equitable or moral obligation on the part of the State with respect to this claim, nor any basis for a payment in settlement of it.

Respectfully,

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

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
August 8, 1955. }

SENATE BILL No. 320

To the Senate:

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I appended to Senate Bill No. 320, at the time of signing it, a statement of the items or parts thereof to which I objected, so that such items or parts thereof should not take effect.

I disagree with the Legislature's action in passing Senate Bill No. 320, which authorizes the continuance of Bordentown Manual Training School for another year and appropriates \$442,109.00 for the purpose. I have objected to the expenditure of all but \$21,131.00 of this sum.

The sum of \$21,131.00, which I approve, will serve the following purposes: to maintain and protect the physical plant of the Bordentown school during July and August; to keep the superintendent and all other employees, except teachers who were hired on a ten-month basis, on the payroll until mid-August when the Legislature reconvenes, and thereafter, to keep the superintendent and 10 maintenance employees on the payroll until August 31.

After three years of careful consideration, the State Board of Education, on December 17, 1954, resolved that the Bordentown school be discontinued, effective June 30, 1955. Subsequently, on June 3, 1955, the State Board of Education passed a further resolution recommending the discontinuance, and pointing out the impracticability of its continuance because of the cost of operation and the adequacy of training and ability of existing county vocational schools to meet the need for such training.

In my First Annual Message of January 11, 1955, taking note of the position taken by the State Board of Education, I said:

“The Manual Training School has served a very useful purpose in our State dating back to 1886. It has been staffed by many devoted people through the years since its founding. But times change. An institution may outlive its purpose . . . I am convinced of the wisdom of discontinuing the school and therefore request that legislation be prepared and passed giving sanction to its closing.”

The original concept of the Bordentown school in 1886 was to offer instruction in trades so that Negro youth could find gainful occupation. At that time vocational education opportunities for both whites and colored were extremely limited.

Under the impact of social and economic changes during the intervening years, the Bordentown school has become an anachronism. While it originally emphasized manual training, a large majority of the graduates have not followed the vocations for which they were prepared. At the request of the students themselves, the program over the years has changed from emphasis on vocational and agricultural training to a greater degree of academic education. This has resulted in a program similar in character to that

afforded by the public non-resident high schools, especially since vocational training has been developed and expanded in all counties of this State.

The State Board of Education is confident that the students attending the Bordentown school will receive an educational program, both vocational and academic, in their local communities equal or superior to the educational program of the Bordentown school at a small fraction of the cost. Full assurance has also been received from each district in which each pupil resides that appropriate transfers back to the local district can be accomplished.

It is unfortunate that a small group has attempted to raise a non-existent racial issue. The devoted and conscientious members of the State Board of Education, including its distinguished Negro member, all of whom serve the State without compensation, were inspired by a directly opposite motive. In the matter of racial tolerance, New Jersey may well be proud of its law and custom. The recommendation proposes that the students at this school be returned to schools in their own communities, where there is complete integration.

Contrary to the unfounded charges of some, a real effort has been made to induce white children to attend the Bordentown school. In 1948, the Legislature amended the law to open the school to all children regardless of race, whereupon, the State Board of Education removed the word "colored" from all references to the school. The decision to accept all children was widely publicized in every school district of the State. The superintendent of the school discussed the new policy widely and so informed the county superintendents, high school principals, high school guidance counselors and publications reaching teachers and school administrators of the State. Most children of high school age prefer to live at home and go to schools with their own neighbors and friends, and most parents have the same view.

Every effort has been made to insure a minimum of dislocation to the 37 employees at the school. Positions have already been made available to 10, and 10 others will be retained for plant maintenance throughout the summer, while still others are eligible to retire and have made a decision to do so. All who so desire will be given an interval to find other employment.

I am further impelled to object to the continuance of an institution which has outlived its original purposes on the grounds of cost. On the basis of a 248 pupil enrollment at the beginning of the last fiscal year, the net cost of each pupil was figured at more than \$1,500.00. In 1952-1953 the local school districts which have vocational programs expended the average sum of \$335.60 per pupil enrolled, and the per student cost at the State Teachers Colleges amounted to \$578.37. Thus, the State spent approximately four times as much per pupil at Bordentown for a vocational high school education as this cost in a local school district, and twice as much as it does to develop a fully certificated, well-trained teacher. On the basis of cost as well as the avoidance of duplication of facilities and services, the continuance of the Bordentown Manual Training School cannot be justified.

In my First Annual Message when I addressed myself to the wisdom of discontinuing the Bordentown Manual Training School, I also said:

“In this connection, I have asked a special cabinet committee to work with my office in the development of plans for the most effective use of the facilities being relinquished by the State Board of Education at the Bordentown Manual Training School.”

“It now appears that we may be able at this site to develop a center which may substantially reduce our waiting lists for the mentally retarded, while at the same time developing a foremost training and research center. Such a center would help us to develop qualified staff for our State training schools and, at the same time, help to find answers to some of the unknown quantities in this important field. I hope in a subsequent message to present to you a specific proposal for legislation to establish such a unit.”

After intensive study and discussion, this use of the Bordentown plant seemed most desirable and, in my Second Supplementary Budget Message of March 21, 1955, I suggested the transfer of the plant to the Department of Institutions and Agencies, saying:

“To provide for the necessary structural changes and renovation of the plant and to provide operating funds for a portion of the fiscal year 1955-56, I recom-

mend the sum of \$1,500,000.00. This amount is based on engineering estimates. Prompt legislative action will make it possible to make the new facilities available during the coming fiscal year. This would produce 500 to 600 beds, and would relieve the pressure on the four other training schools for the mentally retarded—Woodbine, New Lisbon, Totowa and Vineland.”

At that time, I pointed out that the waiting lists of urgent cases number more than 800 of all races, creeds and color. Its social and economic implications are widespread. The presence of mentally retarded children in their own homes constitutes a great hardship on their families and does incalculable harm where there are other, normal children in the home. Some of these are physically helpless, as well as retarded, requiring constant care while others are potentially harmful to themselves or to members of the family.

In addition to the waiting list, there are many cases that are not in the community, but are improperly placed in hospitals for mentally ill or correctional institutions which are not equipped to train or care for this class of patient.

The Bordentown plant would not be used merely to increase the present number of beds in State institutions for the mentally deficient but also to provide a new research center. There has been an increase in number of beds and some construction to provide adequate service facilities at the present institutions, but schools, industrial training shops and recreational facilities have remained at the size proportionate to original capacity of the institutions.

Simulated industrial experience, farm training and functional education in the institution and surrounding factories and farms would be but one part of the new program. A vitalized program would result in a large number of cases released for return to their families or community placement. The economy of the return of a trained mentally deficient person to the community in the shortest possible time is apparent from the annual per capita cost of maintaining mental patients—\$1,100.00.

I should like to emphasize the portion of the proposal referring to Bordentown as a research center. There must be a frontal attack upon research into the cause and cure of mental retardation as the only solution to the problem

of large waiting lists. It is estimated conservatively that each year 1,000 mentally deficient children are born in this State. In the face of our population growth without research designed to eliminate the causes and to improve training and adjustment, the number of beds required will constantly increase.

Moreover, the institution would be a training center for teachers, and aides in our State institutions. The success of the program for the instruction of mentally retarded children in their home communities, under chapter 178 of the laws of 1954 to expand special classes in the public schools, depends upon an adequate number of well-trained teachers.

I urge the Legislature to adopt the program to appropriate \$1,500,000.00 for the conversion of Bordentown Manual Training School into a research and training center for the mentally retarded.

Accordingly, I have objected to certain items and parts of Senate Bill No. 320 and I am attaching herewith a copy of my statement in connection therewith.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.
ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
June 23, 1955. }

STATEMENT ON SENATE BILL NO. 320

Pursuant to Article V, Section 1, paragraph 15 of the Constitution, I am appending to Senate Bill No. 320, at the time of signing it, this statement of each item or part thereof to which I object so that such items or parts so objected to shall not take effect.

“Salaries:

Superintendent	\$6,395 00
Other officers and employees	105,179 00
New position	2,880 00
Teachers	126,963 00
Student Labor	6,000 00
Special services	500 00

Materials and Supplies:

Food	\$40,000 00
Clothing	1,200 00
Heat, light, power, water, gas and electricity	37,160 00
Farm, stable and grounds	12,000 00
Household and organization	8,650 00
Drugs, medical, surgical and chem- ical	800 00
Motor vehicular transportation ...	750 00
Stationery and office	350 00
Printing, binding, photography and blueprinting	500 00
Educational, recreational and li- brary	4,500 00
Industrial and vocational	5,000 00
Replacement: Office equipment ...	250 00
Replacement: Furniture in dormi- tories	500 00
Replacement: Dining room chairs.	1,600 00
Replacement: Physical education equipment	500 00

Services Other Than Personal:

Traveling expenses	\$500 00
Telephone and telegraph	2,200 00
Insurance	7,506 00
Subscription and membership dues	20 00
Postage	400 00
Commencement	75 00
Entertainment expenses	800 00

Current Repairs and Maintenance:

Office furniture, machines and equipment	\$100 00
Buildings and grounds	18,000 00
Interior painting—classrooms—dormitories	9,700 00
Farm machinery	600 00
Repair auto mechanic shop roof ..	6,000 00
Automotive	400 00

Additions and Improvements:

Physical education and athletic equipment	\$500 00
Fluorescent fixtures	6,000 00
Fire protection	6,500 00''

The Bordentown Manual Training and Industrial School has outlived the purposes for which it was established. Excellent facilities are now available in all counties to provide the same training. It is therefore uneconomic for the State of New Jersey to continue to operate this institution at the annual cost of \$2,000.00 per pupil. In order to maintain and protect the properties during July and August when steps can be taken by the Legislature to devote these facilities to other State purposes, appropriations to the extent of \$21,131.00 will be made available under this act, as follows:

Salaries:

Superintendent	\$1,405 00
Other officers and employees	13,836 00
Total Salaries	\$15,241 00

Materials and Supplies:

Heat, light, power, water, gas and electricity	\$2,840 00
Household and organization	350 00
Motor vehicular transportation ..	50 00
Total Materials and Supplies	\$3,240 00

Services Other Than Personal:	
Telephone and telegraph	\$400 00
Postage	50 00
	<hr/>
Total Services Other Than Personal	\$450 00
Current Repairs and Maintenance:	
Buildings and grounds	\$2,000 00
Farm machinery	100 00
Automotive	100 00
	<hr/>
Total Current Repairs and Maintenance	\$2,200 00
	<hr/>
TOTAL	\$21,131 00

Respectfully,

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

STATE OF NEW JERSEY,
 EXECUTIVE DEPARTMENT,
 December 5, 1955. }

SENATE BILL No. 387

To the Senate:

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I appended to Senate Bill No. 387, at the time of signing it, a statement of the items or parts thereof to which I objected, so that such items or parts thereof should not take effect.

The part of this bill to which I object is the appropriation of \$900,000.00 for construction, reconstruction and repair of county and municipal utilities damaged by flood. The cost thereof would have been assumed by the State, subject to the approval of the State Highway Commissioner, to an extent not in excess of 50%.

I fully appreciate the hardships which resulted from the August flood of the Delaware river. The provisions of this supplemental appropriation bill allocate \$5,600,000.00 for flood relief to be used to reconstruct and repair the Delaware bridges, State highways, the Delaware and Raritan canal and county and municipal roads and bridges. Participation by the State in the cost of all such work is well established. The item to which I objected, however, would enunciate a new principle and open a wide new field of State participation. At no time has the State heretofore assumed the burden of disaster losses experienced by county and municipal utilities.

The allowance of this item would result in unequal treatment of those citizens who have heretofore met such local losses by local efforts. It would also establish a precedent whereby the State would become an insurer against such losses in the future. Moreover, if this principle were accepted, its application could not be logically limited to utilities but would extend to all county and municipal property. The problem has arisen here because of the Delaware river flood, but the participation by the State in this field would necessarily be extended to all natural disasters.

Furthermore, the item would aid only county and municipal owned utilities, and citizens served by privately-owned utilities might well urge that similar State aid go to such companies to avoid an increase in rates which might result from this loss.

The total impact upon the State financial situation of opening this new area of State aid would be enormous.

Although the item in question would establish a new principle of far-reaching significance, it would be of only very limited aid to any county or municipality. The amount of this item, \$900,000.00, was based upon preliminary estimates which could not at that time be verified. The actual amount of damage which would be covered by this item is comparatively insignificant. There is only one municipality which would be affected to any degree by this appropriation and there the loss, aside from such work which was performed in the ordinary course of events with existing manpower, was approximately \$20,000.00. Administrative steps have been taken to have this particular situation covered by funds from a federal agency.

Accordingly, I have objected to this item in Senate Bill No. 387 and I am attaching hereto a copy of my statement in connection therewith.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 13, 1955. }

STATEMENT ON SENATE BILL NO. 387

Pursuant to Article V, Section I, paragraph 15 of the Constitution, I am appending to Senate Bill No. 387, at the time of signing it, this statement of each item or part thereof to which I object so that such item or parts so objected to shall not take effect:

“5. The following sums are hereby appropriated out of the General Treasury for the purposes hereinafter specified:

STATE HIGHWAY DEPARTMENT

R 20. *State Aid to Counties and Municipalities*

Construction, reconstruction and repair of county and municipal utilities damaged by flood, subject to the approval of the State Highway Commissioner \$900,000 00

The share of the cost of each project to be assumed by the State shall not exceed 50% thereof. Applications for participation in the allocation of such funds shall be filed with the State Highway Commissioner on or before December 1, 1955.”

So far as appears, there is no instance in which the State has heretofore assumed the burden of disaster losses experienced by county and municipal utilities. To grant such relief would be to deal unequally with the citizens of our State who heretofore met such local losses by local effort. Approval of this item would establish a precedent whereby the State would become an insurer against such losses to the extent of 50% thereof. Nor could the precedent be limited to utilities, since, by analogy, it could well embrace all county and municipal properties such as county and municipal buildings. Nor, of course, could it be limited to floods. The precedent would be equally compelling with respect to damage by wind or rain. And the citizens in municipalities where the utilities are privately-owned might, with equal justice, urge that similar State aid go to a private utility company to avoid the impact which the loss might have upon rates charged by the company.

It is impossible to estimate the total cost of this adventure into a new area of State aid, but some specific events of the past are at least suggestive of the tremendous impact.

Shortly after the 1944 hurricane, the City of Cape May issued \$205,000.00 in bonds, and shortly after the 1950 hurricane made two such issues aggregating \$189,000.00. Some of our seashore municipalities made no attempt to restore some facilities destroyed by the 1944 hurricane, and in other instances only limited restoration was undertaken.

With respect to the hurricane of November 1953, reports filed with the Division of Local Government indicate that total damages in excess of \$3,000,000.00 were sustained by municipalities as to which emergency resolutions were adopted in excess of \$200,000.00. It is estimated that the bond issues filed at that time totaled \$535,000.00.

Although the bill would appropriate \$900,000.00 with respect to utility damage, the information presently available indicates the amount of damage is far below that figure. The amount fixed in the bill was based upon preliminary estimates which, by reason of attending circumstances, could not then be substantiated. It now appears that only one municipality is concerned to any degree and after the completion of work which might be said to have been performed in the ordinary course of events with existing manpower, the amount of the remaining loss is in the neigh-

borhood of \$20,000.00. It is expected that through administrative efforts the actual remaining loss of that municipality will be met by a federal agency.

Respectfully,

[SEAL]
Attest:

ROBERT B. MEYNER,
Governor.

ROBERT J. BURKHARDT,
Secretary to the Governor.

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COUNTIES see MUNICIPALITIES AND COUNTIES			
COURTS AND PROCEDURE			
A. 308.	Changes salary scales of certain court attendants in certain counties.	Absolute	98
A. 431.	Increases salaries of Supreme, Superior and County Court judges.	Absolute	109
A. 443.	Provides tenure during good behavior for sergeant-at-arms of Superior Court after 5 years.	Absolute	113
A. 495.	Increases salary of Clerk of Supreme Court and Superior Court.	Absolute	117
S. 87.	Authorizes 5 instead of 3 assistant prosecutors in counties in which there are 2 or more judges of the County Court. Revises salary schedule for assistant prosecutors.	Conditional	36
S. 158.	Authorizes Chief Justice of Supreme Court to designate County Court judges to hold county district court in certain counties.	Conditional	41
S. 159.	Authorizes appointment of additional County Court judge in Burlington and Somerset Counties.	Conditional	41
S. 160.	Eliminates county district court in Somerset County.	Conditional	41

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COURTS AND PROCEDURE (continued)			
S. 272.	Concerns payments to assistants to the clerk of the grand jury.	Conditional	52
S. 328.	Provision in the case of the death, resignation or removal of county prosecutor.	Absolute	186
S. 351.	Authorizes establishment of county park police courts.	Absolute	199
CRIMES			
A. 24.	Make a disorderly person of distributors of newspapers or other publications who require tie-in sales of publications not desired.	Conditional	1
A. 161.	Makes any person who wilfully or maliciously gives false fire alarm guilty of a misdemeanor.	Absolute	81
A. 275.	Makes persons guilty of a misdemeanor who refuse to relinquish party line or public pay telephone for use by another in making an emergency call.	Conditional	9
A. 394.	Designates as a disorderly person any person under the influence of a narcotic drug not prescribed by a licensed physician.	Conditional	14
A. 503.	Concerns the hawking, peddling and vending of goods on public beaches, boardwalks or parks.	Conditional	20
S. 299.	Designates as a disorderly person any contractor who exacts a false certificate of work on any building in advance of completion of such work.	Conditional	58
EDUCATION see SCHOOLS AND SCHOOL DISTRICTS			
ELECTIONS			
A. 525.	Requires all counties not using voting machines to hold referendum on adoption of voting machines.	Absolute	127
A. 563.	Concerns write-in candidates in primary elections.	Absolute	131
S. 20.	Establishes specific procedure to be followed in making a recheck of voting machines.	Conditional	31
S. 223.	Revises method of nomination for members of the county board of elections.	Absolute	169
S. 226.	Requires the election of a vice-chairlady by the county committees of any political party.	Absolute	172
S. 228.	Procedure in municipal election for filling vacancies arising by death, resignation, etc., of candidates.	Absolute	173

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EMPLOYEES see PUBLIC EMPLOYEES			
ESTATES			
S. 56.	Vests title to estate of Millie D. Stout of Newark, alleged to have escheated to the State, in her sister-in-law, Eva Prettyman.	Absolute	145
S. 149.	Vests title in personal assets of deceased James T. Scott, which may have escheated to the State, in Arthur A. Moore.	Absolute	156
S. 267.	Concerns disposition of moneys in certain savings accounts.	Conditional	51
FIREMEN see PENSIONS; PUBLIC EMPLOYEES; SALARIES			
FISH AND GAME			
S. 278.	Concerns terms of leases granted by the Shell Fisheries Council.	Absolute	181
HIGHWAYS			
S. 17.	Authorizes Turnpike Authority to construct a turnpike linking Somerville with New Jersey Turnpike near New Brunswick.	Absolute	136
S. 62.	Gives Palisades Interstate Park Commission exclusive jurisdiction over traffic control on its highways.	Conditional	35
S. 38.	Adds Roosevelt Boulevard (County Route 23) in Upper Township and Ocean City, Cape May County, to State highway system.	Absolute	139
S. 224.	Adds certain route to State highway system.	Absolute	170
S. 359.	Authorizes the Turnpike Authority to construct a project connecting Newark with the Turnpike at or near interchange 15.	Absolute	202
S. 387.	Appropriates funds to repair flood damage.	Item	225
S.J.R. 9.	Creates State Highway System Study Commission to study the State highway system.	Absolute	210
INSURANCE			
S. 240.	Amends provisions concerning returns by foreign fire insurance companies to firemen's relief associations.	Conditional	49
S. 325.	Authorizes group life insurance policies for public employees.	Conditional	66
JUDGES see COURTS AND PROCEDURE			
JUVENILE DELINQUENCY see CHILDREN			

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LABOR			
A. 245.	Requires common carriers by air to pay its employees bi-monthly.	Absolute	94
MOTOR VEHICLES			
A. 167.	Exempts certain drivers of commercial motor vehicle from keeping record of hours worked.	Absolute	83
A. 184.	Authorizes Director of Motor Vehicles to issue registration plates bearing amateur radio station operator's call letters.	Absolute	84
A. 423.	Authorizes suspension of driver's license held by person under 18 for a single offense.	Absolute	105
S. 62.	Gives Palisades Interstate Park Commission exclusive jurisdiction over traffic control on its highways.	Conditional	35
S. 105.	Amends procedure for recording of chattel mortgages on motor vehicles.	Conditional	39
S. 308.	Refuses registration to motor vehicle painted the same color as school buses.	Absolute	184
S. 312.	Defines and penalizes any person racing on a public highway.	Conditional	65
MUNICIPALITIES AND COUNTIES see also COURTS AND PROCEDURE; ELECTIONS; PENSIONS; PUBLIC EMPLOYEES; SALARIES; TAXATION			
A. 31.	Raises rate of payment from Board of Conservation to municipalities from 10 to 30 cents per acre for lands held therein, in excess of 10 acres.	Absolute	77
A. 300.	Authorizes use of procedure under In Rem Foreclosure Act in re foreclosures under P. L. 1953, c. 192, by Municipalities.	Absolute	97
A. 380.	Office of coroner abolished in counties in which county physician or county chief medical examiner appointed.	Absolute	100
A. 503.	Concerns the hawking, peddling and vending of goods on public beaches, boardwalks or parks.	Conditional	20
A. 518.	Concerns public county veterans' service bureaus.	Absolute	125
A. 600.	Concerns the procedure for petition and adoption of a special law affecting the internal affairs of a municipality or county.	Absolute	133
S. 88.	Authorizes increase in counties of the second class to 12 county detectives, and 2 lieutenants of county detectives.	Conditional	38

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MUNICIPALITIES AND COUNTIES see also COURTS AND PROCEDURE; ELECTIONS; PENSIONS; PUBLIC EMPLOYEES; SALARIES; TAXATION (Continued)			
S. 190.	Revises provisions concerning the commission form of government in municipalities.	Conditional	44
S. 289.	Authorizes counties and municipalities bordering on Delaware River to construct bulkheads to prevent erosion.	Conditional	54
S. 386.	Appropriates \$25,000 to the Law Revision and Legislative Services Commission for revision of Title 40, Municipalities and Counties, of the Revised Statutes.	Absolute	206
S. 401.	When governing body of a municipality is deadlocked, mayor must vote.	Absolute	207
S.J.R. 3.	Creates commission to study operation of Municipal Planning Act (1953); also county planning.	Absolute	208

NAVIGATION

S. 289.	Authorizes counties and municipalities bordering on Delaware River to construct bulkheads to prevent erosion.	Conditional	54
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PENSIONS

A. 37.	Requires municipal police and fire pension fund commissions to return contributions of employees who resign from departments, or have resigned since September 1, 1949.	Absolute	78
A. 239.	Amends policemen and firemen retirement under Chapter 16 of Title 43.	Absolute	92
A. 242.	Amends Police and Firemen's Retirement System of New Jersey (P. L. 1944, c. 255).	Absolute	94
A. 388.	Amends Teachers' Pension and Annuity Fund Act by increasing the minimum total retirement allowances.	Absolute	101
A. 428.	Amends definitions to include identification officers under the policemen and firemen retirement system.	Absolute	107
A. 429.	Includes identification officers within the definition of "Policemen or Firemen" for the purposes of P. L. 1944, c. 255.	Absolute	108
A. 511.	Authorizes non-contributory pensions for employees who are at least 65 years of age or permanently and totally disabled.	Conditional	23
A. 515.	Revises generally the provisions concerning county employees' pension fund in counties over 800,000 (P. L. 1943, c. 160).	Absolute	118

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PENSIONS (Continued)			
A. 592. Amends "Public Employees' Retirement Social Security Integration Act" (P. L. 1954, c. 84) concerning eligibility.		Conditional	26
S. 29. Provides annual pension of \$1,200 for any stenographer-secretary of an advisory master with 14 years service who has become permanently physically incapacitated.		Absolute	138
S. 80. Gives pensions to veterans employed by certain interstate commissions.		Absolute	147
S. 117. Permits teachers in certain categories to purchase prior service credit.		Absolute	153
S. 145. Modifies former Public Employees' Retirement System.		Absolute	154
S. 256. Concerns retirement of public employees who are veterans.		Absolute	177
S. 258. Pays to Clare Gordon the benefits which would have been payable to her husband Samuel Gordon, deceased.		Absolute	179
S. 296. Amends benefit provisions concerning Police and Firemen's Retirement System of New Jersey (P. L. 1944, c. 255).		Absolute	183
S. 297. Amends Police and Firemen's Retirement System concerning membership of board of trustees.		Conditional	57
S. 301. Amends and supplements the "Public Employees' Retirement Social Security Integration Act (P. L. 1954, c. 84).		Conditional	60
S. 343. Concerns retirement of faculty members of State Teachers' colleges.		Absolute	192
S. 350. Provides pension for any person holding office as chief counsel, counsel, or assistant counsel.		Absolute	196
S. 365. Authorizes townships to retire certain township clerks.		Absolute	204
S. 399. Fixes minimum annual salary requirement for membership in fund and computation of years' service at \$300.		Conditional	70
PLANNING			
S.J.R. 3. Creates commission to study operation of the Municipal Planning Act (1953).		Absolute	208
POLICE see PENSIONS; PUBLIC EMPLOYEES; SALARIES			

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POLITICAL PARTIES			
S. 226.	Requires the election of a vice-chairlady by the county committees of any political party.	Absolute	172
PROFESSIONS			
S. 218.	Concerns certification of librarians in public libraries.	Absolute	166
S. 230.	Concerns veterans taking chiropractic licensing examination.	Absolute	175
PUBLIC EMPLOYEES see also PENSIONS; SALARIES			
A. 106.	Amends Civil Service Law to redefine World War II veterans.	Absolute	79
A. 107.	Authorizes municipalities to award damages to policemen or firemen permanently disabled in performance of duty without recommendation of department head.	Absolute	80
A. 196.	Authorizes payment to civil service employees for accumulated sick leave not taken upon retirement.	Absolute	86
A. 197.	Authorizes payment to State employees for accumulated sick leave.	Absolute	87
A. 469.	Concerns public employees' leaves of absence for armed forces reserve training.	Conditional	18
S. 176.	Places certain employees of Racing Commission under Civil Service.	Absolute	162
S. 199.	Gives tenure to certain State employees who are veterans.	Absolute	164
S. 240.	Amends provisions concerning returns by foreign fire insurance companies to firemen's relief associations.	Conditional	49
S. 325.	Authorizes group life insurance policies for public employees.	Conditional	66
S. 373.	Permits veterans to include active military service as prior service in public employment.	Absolute	205
PUBLIC UTILITIES			
S. 387.	Appropriates funds to repair flood damage.	Item	225
PUBLICATIONS			
A. 24.	Makes a disorderly person of distributors of newspapers or other publications who require tie-in sales of publications not desired.	Conditional	1
RACING			
S. 176.	Places certain employees of Racing Commission under Civil Service.	Absolute	162

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REAL ESTATE			
A. 204.	Authorizes sale of land by State to Kearny Memorial Post, No. 43, Amvets, for purpose of constructing a memorial home.	Absolute	91
A. 300.	Authorizes use of procedure under In Rem Foreclosure Act in re-foreclosures under P. L. 1953, c. 192, by municipalities.	Absolute	97
S. 32.	Authorizes Division of Real Estate to conduct informational and educational programs relating to the real estate brokerage business.	Conditional	33
S. 111.	Tenants and lessees to have the same right as owners in condemnation of property.	Absolute	149
ROADS see HIGHWAYS			
SALARIES			
A. 119.	Fixes salaries of county clerks, surrogates, sheriffs and registers of deeds in Bergen and Union Counties at \$12,000 annually.	Conditional	3
A. 296.	Concerning salaries of the members of the governing body of certain cities.	Absolute	96
A. 308.	Changes salary scales of certain court attendants in certain counties.	Absolute	98
A. 334.	Establishes salary scales for county criminal identification bureaus.	Conditional	12
A. 431.	Increases salaries of Supreme, Superior, and County Court judges.	Absolute	109
A. 443.	Provides equalization of salary for sergeant-at-arms serving in two or more counties.	Absolute	113
A. 495.	Increases salary of Clerk of Supreme Court; increases salary of Clerk of Superior Court.	Absolute	117
A. 551.	Concerns salaries of members of governing bodies in second-class cities.	Absolute	129
S. 163.	Establishes salaries in Sussex County for surrogates, prosecutors, sheriffs, and county clerks, at \$7,000.	Absolute	159
S. 272.	Concerns payments to assistants to clerk of the grand jury.	Conditional	52
S. 335.	Provides a compensation schedule for State service; re-establishes the Salary Adjustment Commission.	Absolute	188
S. 347.	Gives an additional increment of \$180.00 to every trooper in the State Police.	Absolute	194
S. 353.	Pays an additional increment to each inspector and examiner of motor vehicles.	Absolute	200

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SCHOOLS AND SCHOOL DISTRICTS			
A. 435. Concerns purchases and contracts made by boards of education.		Conditional	17
S. 52. Extends period for distribution of moneys from State aid funds to school districts to cover deficit caused by unforeseeable conditions.		Absolute	140
S. 320. Makes appropriation for the operation, maintenance and improvement of the Bordentown Manual Training and Industrial School.		Item	217
STATE EMPLOYEES see PUBLIC EMPLOYEES			
STATE GOVERNMENT			
A. 31. Raises rate of payment from Board of Conservation to municipalities from 10 to 30 cents per acre for lands held therein, in excess of 10 acres.		Absolute	77
S. 114. Creates Department of State Police in the Executive Branch of the Government.		Absolute	150
S. 165. Amends Law Enforcement Council Act (P. L. 1952, c. 253), to extend the Council and terms of members until July 1, 1956.		Conditional	42
TAXATION			
A. 31. Raises rate of payment from Board of Conservation to municipalities from 10 to 30 cents per acre for lands held therein, in excess of 10 acres.		Absolute	77
S. 53. Requires reimbursement by license fee to local governments for land used for Delaware River Memorial Bridge.		Absolute	142
UNEMPLOYMENT COMPENSATION			
A. 259. Amends Temporary Disability Benefits Law (P. L. 1948, c. 110), to increase maximum weekly benefit rate from \$30 to \$35.		Conditional	6
A. 264. Increases maximum benefits under unemployment compensation law from \$30 to \$35 weekly.		Conditional	7
VALIDATION ACTS			
A. 567. Validates certain tax sale foreclosure decrees.		Absolute	132
S. 295. Validates all township ordinances which may not have been advertised as required by law.		Conditional	55

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VETERANS			
A. 106.	Amends Civil Service Law to redefine World War II veterans.	Absolute	79
A. 518.	Concerns public county veterans' service bureaus.	Absolute	125
S. 80.	Gives pensions to veterans employed by certain interstate commissions.	Absolute	147
S. 199.	Gives tenure to certain State employees who are veterans.	Absolute	164
S. 230.	Concerns veterans taking chiropractic licensing examination.	Absolute	175
S. 256.	Concerns retirement of public employees who are veterans.	Absolute	177
S. 261.	Concerns issuance of alcoholic beverage licenses to veterans.	Absolute	180
S. 373.	Permits veterans to include active military service as prior service in public employment.	Absolute	205
VITAL STATISTICS			
A. 112.	Concerns the recording of births and marriages after a change of names.	Conditional	2
VOTING MACHINES see ELECTIONS			



