

VETO MESSAGES

OF

HON. ALFRED E. DRISCOLL

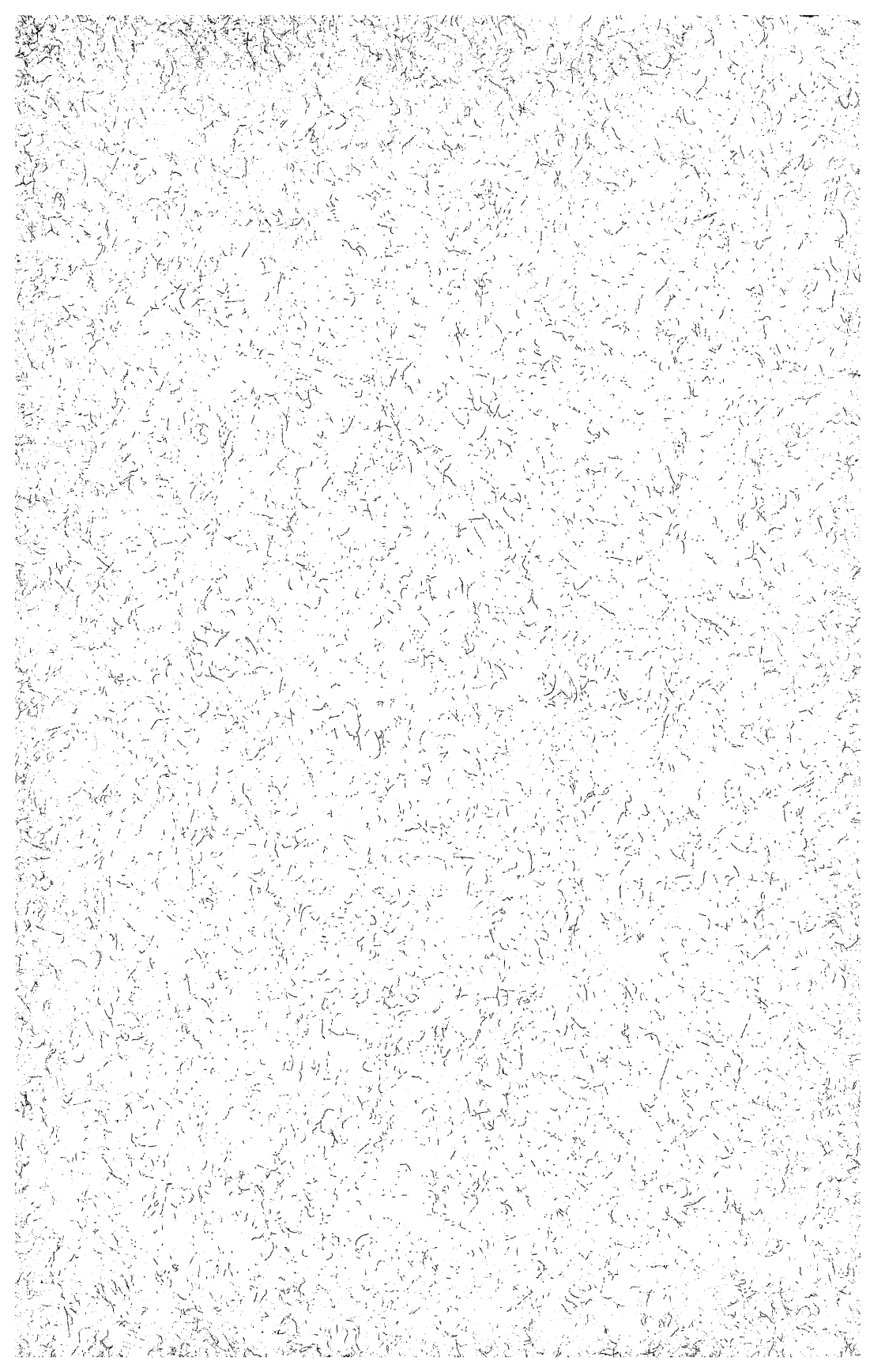
Governor of New Jersey

1947 to 1949, Inclusive



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TRENTON, NEW JERSEY



VETO MESSAGES

OF

HON. ALFRED E. DRISCOLL

Governor of New Jersey



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1947

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 22, 1947. }

ASSEMBLY BILL No. 3

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 3.

This bill would reduce the fishing season for pike perch, pike or pickerel by changing the opening date therefor from May 20th to June 15th. Without going into the merits of the bill, approval of the measure would only result in a confused situation, since the opening of the 1947 season has already occurred.

Very truly yours,

[SEAL] ALFRED E. DRISCOLL,
Attest: Governor.
J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILL No. 4

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 4.

This bill would prohibit the fishing for any game fish, sun fish, or white or yellow perch in any part of the Delaware

River above or below Trenton Falls with artificial bait having more than nine hooks or more than three burrs of three hooks attached (in lieu of one burr of three single hooks attached as heretofore).

Since the State of Pennsylvania has not as yet adopted provisions similar to those set forth in this bill, approval of this measure could only lead to confusion in the enforcement thereof.

I am therefore constrained to withhold my approval of this measure.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 30, 1947. }

ASSEMBLY BILL No. 16

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 16.

This measure would, among other things, require a municipality in which a sick indigent person has legal settlement, to pay to a voluntary or public hospital located outside of the municipality, as and for the charge for rendering treatment and services to the sick person, in the absence of an agreement or other understanding founded upon contract or appropriation between the municipality and the hospital involved for the care and treatment of patients for whom the municipality is responsible, "the pro rata portion of the costs incurred by the said hospital in maintaining its services, including, but not being limited to,

costs of administration, dietary costs, laundry, housekeeping, utilities, maintenance and repairs, motor service, medical and surgical service, nursing service and nursing education, medical records and library, social service, X-ray services, laboratory services, pharmacy, physical therapy, and other special services reasonably related to the proper functioning of a hospital."

The bill further provides that in the event the municipality disputes the charge made by the hospital, then the Commissioner of the Department of Institutions and Agencies is required to investigate the dispute and render a report to the municipality and hospital. The municipality is then required to pay to the hospital the amount found by the Commissioner to be due and owing. The hospital may refuse to accept the amount found by the Commissioner in full settlement of its costs, in which case the time and energy devoted in attempting to settle the dispute would be rendered fruitless.

An effective basis for preventing disputes of this kind from arising could very well be provided through the adoption of regulations establishing uniform standards governing all such cases, by both the Department of Economic Development and the Department of Institutions and Agencies, within their present respective statutory jurisdictions, after a thorough hearing afforded to all parties concerned.

I am therefore withholding my approval from this measure and requesting both State agencies concerned to jointly conduct such public hearing and formulate such uniform standards and regulations.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILL No. 26

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 26.

Under present law if a death occurs in a town or township, located in a county having a population of less than 100,000 inhabitants, the undertaker may file the death certificate in exchange for a burial or removal permit with the Registrar of the district in which the undertaker resides or where the burial is to take place. Assembly Bill No. 26, among other things, would remove the population requirement so that the provisions of the section would be applicable to towns or townships throughout the State and would permit the undertaker to file the death certificate in exchange for the burial or removal permit with the Registrar of either of the two aforementioned districts or with the Registrar of the district where the death occurred.

Thus situations may very well arise where the Health Department of any town or township in the State would not become aware of the occurrence of a death within such municipality until twenty-four hours or more after the burial of the person who died. That lack of knowledge of a death from a communicable disease for such period of time would be detrimental to the interests of the public is self-evident.

I am therefore constrained to withhold my approval from this measure.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1947. }

ASSEMBLY BILL No. 36

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 36.

This bill would amend the Fish and Game Laws by changing the deer hunting season. This amendment is completely incorporated in Senate Committee Substitute for Assembly Bill No. 22 which has this day been approved by me.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 1, 1947. }

ASSEMBLY BILL No. 52

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 52.

Chapter 129 of the Pamphlet Laws of 1946 provides that "Each Saturday in the month of July and August in each year shall, for all purposes whatsoever as regards the transaction of business in the public offices of this State, and

the counties and municipalities of this State, be considered as the first day of the week, commonly called Sunday, and as public holidays."

Assembly No. 52 restates the provisions of Chapter 129 of the Pamphlet Laws of 1946. In addition, it provides that "each other Saturday" shall, for all purposes as regards the transaction of business in the public offices of this State and of the counties and municipalities, be considered as the first day of the week, commonly called Sunday, and as a public holiday when so designated by the Governor as to the public offices of the State, "or by the board of chosen freeholders or governing body of the municipality having control or charge thereof, as to the respective public offices of the counties and municipalities."

Aside from my basic disagreement with the provisions of Chapter 129 of the Pamphlet Laws of 1946, mandatorily establishing Saturdays during July and August as "public holidays", Assembly Bill No. 52 would appear to be objectionable for the following reasons:

1. It contains an improper delegation of authority to the Governor, the several boards of chosen freeholders and the municipal governing bodies of five hundred and sixty-five municipalities. It may be within the province of the Legislature to adopt the fiction that certain Saturdays, "*shall for all purposes whatsoever* as regards the transaction of business" in the several public offices, "be considered as the first day of the week, commonly called Sunday." It is not within the province of the Legislature, in my judgment, to delegate this authority to twenty-one boards of chosen freeholders and five hundred and sixty-five municipal governing bodies.

2. The diversified policies with respect to public offices encouraged by this bill would, if enacted into law, confuse the public and handicap those required to do business with public officials. While I recognize that our municipal officials and boards of chosen freeholders are confronted with varying problems, and, accordingly, should be given substantial authority to meet those problems at the local level, nonetheless there is a real need today for uniform laws, uniformly applicable throughout the State and adjacent metropolitan areas.

3. I am confident that our municipalities, counties and the State can solve their respective problems and make satisfactory arrangements for Saturday work schedules without the proposed legislation.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
March 7, 1947. }

ASSEMBLY BILL No. 56

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 56.

I approve the purpose of the bill: the distribution of the Revised Statutes and of the Revised Statutes Cumulative Supplements to the members of the Legislature, as contemplated thereby.

I disapprove the method of appropriating the funds for the distribution. Sound public finance requires that, wherever possible, all expenditures be appropriated by the annual Appropriations Bill. This item should be included in the Appropriations Bill about to be considered by the House of Assembly.

The amount involved is relatively small but the principle should be preserved.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILL No. 58

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 58.

By its terms this bill would validate all sales of lands and premises heretofore made at public auction or private sale by any municipality or county.

Although sound reasons may exist in particular instances for the validation of conveyances made despite certain technical defects, I can not affix my approval to a bill which in effect would excuse the failure to comply with any and all safeguards imposed by law.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILL No. 65

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 65.

This bill would authorize the Division of Navigation in the Department of Conservation to provide for the construction, dredging and maintenance of a yacht basin or

anchorage area at Raritan Bay or Shrewsbury River in the Borough of Highlands, Monmouth County. Section 2 of the bill appropriates the sum of \$100,000. to cover the cost of the work, to be expended by the Division of Navigation "when included in any annual or supplemental appropriation bill or from any other funds allotted to the Department of Conservation, Division of Navigation, for said purpose." No such appropriation is currently included in any annual or supplemental appropriation bill, nor is any such sum available from funds allotted to the Division of Navigation for such purpose. Therefore, to approve this legislation and enact it into law would be meaningless and for such reason I am withholding my approval from the same.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILL No. 66

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 66.

This bill would create as a division in the State Department of Health a Bureau of Cancer Control. Section 5 of the bill would appropriate to the State Department of Health or Public Health Council, the sum of \$250,000. "when included in any annual or supplemental appropriation bill." No such appropriation is currently included in any annual or supplemental appropriation bill.

In addition, I am informed that the New Jersey Chapter of the American Cancer Society now has available sufficient funds for the establishment of clinics and the purchase of equipment. Moreover the regulatory functions contemplated by the bill can be administered within the existing powers of the newly reorganized State Department of Health.

For the above reasons I am withholding my approval from this measure.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILLS NOS. 72 AND 139

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bills Nos. 72 and 139.

Assembly Bill No. 72 would amend Chapter 20 of the Laws of 1945 which adds to the State highway system Cape May County road No. 17 from North Dennis to Marshallville except the portion through Woodbine. The amendment provided in this bill would remove the excepted portion. This highway is limited both in the original law and the amendment to the location and width of the present county road. I am withholding approval from this measure so that the original 1945 Act may be amended to locate the route without such width restriction and where the traffic volume would warrant the same.

Assembly Bill No. 139 would add a route to the State highway system in Passaic County. The description of the route as set forth in the bill is deficient in that State Highway Route No. 3 lies to the East and not to the West of Clifton Avenue in the City of Clifton.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILL No. 76

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 76.

This bill provides that whenever an inmate of a State institution in any county is tried for a crime punishable by death, charged to have been committed by him while such an inmate, the county may be reimbursed by the State in the amount of the expense incurred by reason of the trial.

There appears to be no forceful reason for the introduction of this new precedent.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947.

ASSEMBLY BILL No. 115

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 115.

This bill would relieve boards of freeholders from the requirement to repair or maintain bridges or viaducts wholly within the county, except such as have heretofore been or shall hereafter be constructed by the boards or taken over and acquired by the boards, "unless such bridge or viaduct is constructed in a manner satisfactory to such board."

The statutory duty of the county to keep bridges and viaducts in repair for protection of the traveling public is well recognized as desirable, by legislation which has imposed tort liability for neglect of this legal responsibility (R. S. 27:19-10). To relieve the county of its statutory duty to maintain bridge and viaduct structures unless the bridge or viaduct is constructed in a manner satisfactory to the Board of Freeholders would merely shift the responsibility from the community which should be able to handle it to the individual who may be seriously injured as a result of the county's failure to maintain the structure in a safe condition.

If, as the Statement appended to the bill declares, "developers and others and municipalities" are to be encouraged to construct bridges and viaducts "hereafter in a modern and satisfactory way", a proper method would be to impose adequate standards of bridge and viaduct construction as a condition to the acceptance of a sub-division or the dedication of any street or road.

For the above reasons I am constrained to withhold my approval from this measure.

Very truly yours,

ALFRED E. DRISCOLL,

Governor.

[SEAL]
Attest:

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 1, 1947. }

ASSEMBLY BILL No. 152

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly No. 152.

Aside from the question of the constitutional validity of a bill applicable only to those towns having a population of not less than 15,000 nor more than 25,000, this bill appears to be objectionable for the following reasons:

1. This bill would authorize the governing body of a limited number of municipalities to increase the salaries of certain municipal employees after the same had been fixed by a vote of the people. If approved, the municipal governing body would be given the power to override the express will of the people.
2. This bill, to the limited extent applicable, nullifies the right of the voters of a municipality to pass upon the salaries of municipal employees.
3. The bill authorizes an increase in salaries without any corresponding authorization for reduction should the same be necessary. This is contrary to sound public policy.

If the present provisions in our law authorizing a referendum with respect to salaries paid to municipal officers and employees are not desirable, and if the entire burden on the determination of the salaries to be paid should rest with our municipal officials, then the law authorizing referenda should be repealed in its entirety. It should not be whittled down or repealed in piecemeal fashion.

Very truly yours,

ALFRED E. DRISCOLL,

Governor.

[SEAL]
Attest:

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 16, 1947. }

ASSEMBLY BILL No. 163

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 163.

This bill would amend the provisions of Chapter 135 of the Laws of 1946, providing that the employees of any school district which is co-terminous with a municipality or municipalities in which the provisions of the State Employees' Retirement System have been or shall be adopted, and who are not eligible to join the Teachers' Pension and Annuity Fund, are entitled to receive the same benefits as employees of the municipality are entitled to receive, and the municipality would have the same obligations with respect to such employees as it has to its own municipal employees under the provisions of law pertaining to the adoption of the State Employees' Retirement System by municipalities.

I have been advised that notwithstanding the provisions of that 1946 law there exists some serious doubt as to whether such school district employees, in counties of the first class, may join the State Employees' Retirement System and disregard the provisions of law relating to the county retirement systems in such counties which are found in Article 16, Chapter 5, Title 18 of the Revised Statutes.

I have been further advised that the amendment provided by Assembly Bill No. 163 was intended to dispel this doubt. Assuming that it does so, I am constrained to withhold my approval of this bill for the following reasons:

(1) Article 16 of Chapter 5, Title 18 of the Revised Statutes relates solely to the establishment of a pension fund by the employees of boards of education in school districts in counties of the first class. The amendment to Chapter 135 of the Laws of 1946, as contained in Assembly Bill No. 163, was designed primarily to make clear that cer-

tain school district employees in counties of the first class would be permitted to join the State Employees' Retirement System. The language used in the bill, however, would confuse the status of school district employees in other than counties of the first class, with respect to eligibility to join the State system.

(2) Assuming that the bill does what was intended, those school district employees in counties of the first class who have already taken advantage of the provisions of Article 16, Chapter 5, Title 18 of the Revised Statutes and have joined the pension plan above referred to in counties of the first class, would be discriminated against, in that they are not afforded the same privilege of joining the State Employees' Retirement System as would be afforded under this bill to those employees who have not entered the county pension system. Here it should be noted that the provisions of Article 16 above referred to require employees joining the county system to make up accrued liability payments at the time that they join such system. However, the accrued liability contribution, prior to the effective date of adoption of the State Retirement System by the municipality, of persons joining the State Employees' Retirement System, is required to be paid by the municipality on behalf of such persons. In addition, this bill would not permit school district employees who are members of the county retirement system to change their membership to the State Retirement System under any circumstances.

I might add that I am, simultaneously with the filing of this memorandum, requesting the State Treasurer to arrange a conference between the Trustees of the State Employees' Retirement System, the Trustees of the county retirement systems affected, and the members of the appropriate committees of the Legislature, to the end that this matter may be fully discussed and appropriate legislation drawn to overcome the inequitable situation referred to above.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 3, 1947. }

ASSEMBLY BILL No. 206

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 206.

This bill would amend the provisions of the Weights and Measures Law by providing, among other things, that any person who violates any rule or regulation made pursuant to that Law shall be liable to a penalty. Nowhere in the Weights and Measures Law is there any provision requiring any publication or describing any method of promulgation of such rules and regulations.

I am therefore constrained to withhold my approval from this otherwise noteworthy measure.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILL No. 277

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 277.

This bill is a mandatory pension measure. I cannot affix my approval to legislation of this type.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 13, 1947. }

ASSEMBLY BILL No. 284

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly No. 284.

The provisions of this bill are in conflict with Assembly No. 448. It is noted that Assembly No. 284 was approved by the House of Assembly on March 11, 1947, by a vote of 43 in favor and 9 opposed, and approved in the Senate on March 31, 1947, by a vote of 19 in favor, none opposed. Assembly No. 448, approved by me today, was considered

in the House of Assembly on March 25, where it received 58 votes in favor and none in opposition. The latter bill was approved in the Senate on April 8 by a vote of 19 in favor, none opposed. Presumably, therefore, Assembly No. 448 represents the final judgment of the 171st Legislature.

Entirely apart from the above, however, I would be inclined to veto Assembly No. 284 upon the ground that it unnecessarily relaxes the safeguards surrounding school elections. Our school elections are as important as any other elections and should be protected by the same safeguards against illegal or fraudulent voting that the Legislature has wisely provided for the protection of primary, special and general elections.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILL No. 295

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 295.

This bill would authorize municipalities to provide by ordinance for the retirement on annual pension, up to one hundred per cent of annual salary at the time of retirement, of any member of the police or fire department who has become or shall hereafter become permanently disabled in line of duty. The bill further provides that in cases where the member has or shall have been granted a pension from

a pension fund established pursuant to Chapter 16 of Title 43 of the Revised Statutes, the amount of pension provided pursuant to this bill may not exceed annually one-half of the annual salary of the member at the time of retirement.

The primary task in this field should be the strengthening of existing pension programs. However, entirely apart from this task, this bill would re-establish the old process of independent action. Experience has indicated that this would in a great many instances be followed by financial inability to meet requirements and demands for further State rescue.

I am therefore constrained to withhold my approval from this measure.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILL No. 309

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 309.

This bill would amend Section 30:4-103 of the Revised Statutes, which provides that the body of any person dying in an institution maintained in whole or in part by State funds, shall before removal therefrom be examined by the county physician or acting county physician of the county in which the institution is located, and a certificate of the cause of death shall be signed by him and filed with the

chief executive officer or medical director of the institution. The amendment would make it unnecessary to examine the body of any person dying in a county tuberculosis institution in counties of the first class having a chief medical examiner.

Obviously, the present law was intended as a protective measure for the patient, and designed to prevent improper institutional practices. There exists no forceful reason why the examinations required at present should not continue to apply to all counties. Death does not distinguish between classes of counties.

I am therefore constrained to withhold my approval from this measure.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILL No. 335

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 335.

This bill would validate decrees in municipal tax lien foreclosure proceedings provided the trustee or fiduciary of any cestui que trust, ward or beneficiary was made a party defendant to the suit. Aside from the fact that the language of this bill is ambiguous, if the in personam procedure is to be followed it seems undesirable to permit any

kind of carelessness to be cured by legislation which does not even require that parties in interest, other than a trustee or fiduciary of a cestui que trust, ward or beneficiary, were actually served.

In addition, this bill would afford no time at all for persons whose interests might have been affected, to institute proceedings to set aside decrees which may have been obtained improperly. If the purpose is to avoid the necessity of making beneficiaries of trusts parties defendant, this has already been done by the Laws of 1938, Chapter 264. Beyond this, it would seem unreasonable to provide blanket validation to proceedings which under the law are supposed to be in personam and which are protected against attack except for lack of jurisdiction of the court or for fraud, by a three months' period of limitations.

I am therefore constrained to withhold my approval from this measure.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILL No. 339

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 339.

This bill would authorize salary increases for clerks of certain judicial district courts without, in certain instances, affording any opportunity to the authority responsible for

the raising of the money to pay the salaries to pass upon the increases.

I am, therefore, constrained to withhold my approval from this measure.

Very truly yours,

[SEAL]

Attest:

ALFRED E. DRISCOLL,

Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1947. }

ASSEMBLY BILLS NOS. 356 AND 367

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 356 and Assembly Bill No. 367.

Assembly Bill No. 356 would permit the State Department of Education to accept on behalf of the State gifts and grants to be used for museum, educational, and archaeological projects.

Assembly Bill No. 367 would permit the State Department of Education to accept, receive, and administer Federal funds for library purposes; and also permit the department to accept books and library facilities "For the purpose of establishing and maintaining libraries as provided in this section."

I have consistently held to the principle which would require that State agencies seeking to accept private or Federal funds, gifts or grants be required to first obtain the approval of the Governor in order that a uniform State policy might eventually be established with respect to these matters.

Moreover, the acquisition by any State agency of property through grant or gift should be surrounded with suffi-

cient safeguards to prevent donations of "white elephants" or the removal of property from the tax rolls of a municipality without affording the community affected an opportunity to be heard.

I might also point out that the provision in Assembly Bill No. 367 which permits the acceptance of books and library facilities "for the purpose of establishing and maintaining libraries as provided in this section." is meaningless since there is no authority in the section referred to for the establishment and maintenance of libraries.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILL No. 364.

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 364.

This bill provides that in any case where by virtue of a court order real estate which may be subject to escheat to the State has been sold by a legal representative to pay the debts of a decedent, all the right, title and interest of the State in such real property shall be vested in the grantee of the legal representative and in the grantee's heirs and assigns, provided that the surplus remaining from the sale, after payment of all debts, expenses, fees and commissions (the personal estate of the decedent having been first applied thereto), has been or shall be paid over to the State Treasurer. The State Treasurer would be made the disbursing agent with respect to the surplus, if any . . . the

distribution to be made according to the interest or interests of the persons claiming the same upon proofs filed.

The bill would therefore, in effect, cut off the State's interest in all property covered by any such sale.

I cannot affix my approval to such blanket provisions.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 3, 1947. }

ASSEMBLY BILL No. 381

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 381.

This bill would validate all final decrees heretofore entered in the Court of Chancery on bills to foreclose the equity of redemption of certificates of sale for taxes or other municipal liens, despite the fact that the State had not been made a party to the proceeding in order to extinguish any claim against or lien upon the premises defined in the bill or decree, by reason of failure of any corporate owner, former owner or lienor to have paid corporate franchise taxes, whether or not the corporate owner's or lienor's charter may have been revoked by proclamation of the Governor.

If this bill were approved the State would in effect be deprived of its day in court in an indeterminate number of cases involving unpaid corporate franchise tax claims and liens. In addition, if the complainant in any such proceed-

ing is a society, an association or corporation, the application of the provisions of the bill to such society, association or corporation would in certain cases violate the provisions of Article I, Section 20 of the Constitution of the State.

I am therefore constrained to withhold my approval from this measure.

Very truly yours,

[SEAL]

ALFRED E. DRISCOLL.

Attest:

Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1947.

ASSEMBLY BILL NO. 404 AND ASSEMBLY BILL NO. 512

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 404 and Assembly Bill No. 512.

Each of these bills is a special tenure measure which would single out one particular office and section of the State for special consideration.

I cannot affix my approval to legislation of this type.

Very truly yours,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor,

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 4, 1947. }

ASSEMBLY BILL No. 405

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Committee Substitute for Assembly Bill No. 405.

If this bill were approved it would, due to its conflicting provisions, only precipitate a great deal of confusion and endless litigation.

One of the objects of the bill was to permit the designation of the license to practice beauty culture as an "operator" to be changed to that of "master hairdresser", and to provide for a new type of license, junior in grade to that of the present operator's license, to be designated as a "license to practice beauty culture as a hairdresser". The language employed in the bill not only does not accomplish this object but presents a serious doubt as to whether a presently licensed operator may at the expiration of his or her current license, i.e., June 30, 1947, secure a renewal of such license.

Moreover, with respect to applications for manager-operator licenses, presently licensed and experienced operators would revert to the status of those making original application for a license to practice beauty culture as a hairdresser since the bill provides that no person may be permitted to take an examination or receive a license as a manager-operator unless he or she shall have been engaged in the active practice of beauty culture in this State for at least one year as a licensed hairdresser and for two years as a master hairdresser. I am advised that this was not the intent of the bill.

I might also point out that Section II of the bill provides among other things that: all hairdressers' licenses which would otherwise expire on June 30, 1947 shall be extended to and expire on November 30, 1947. In view of the fact

that there are no currently outstanding hairdressers' licenses, this section is meaningless.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 4, 1947. }

ASSEMBLY BILL No. 406

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Committee Substitute for Assembly Bill No. 406.

This is a companion bill to Com. Sub. for Assembly Bill No. 405. It amends the section of the Beauty Culture Control Act dealing with registration and license fees.

One of the provisions of this bill deletes the requirement for the payment of an annual license fee by persons licensed to practice beauty culture as operators. I am advised that this was not the intent of the bill.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 26, 1947. }

ASSEMBLY BILL No. 415

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 415.

This bill amends Section 9:18-12 of the Revised Statutes in only one respect, i.e., it provides that no juvenile and domestic relations court, "except in counties of the first or second class, shall have jurisdiction to hear and determine any case involving a violation of the provisions of chapters three or four of Title 40 of the Revised Statutes. . . ." These chapters relate respectively to sinking funds and sinking fund commissioners in counties, municipalities and school districts, and audits and auditors in counties and municipalities.

The bill was intended to deny juvenile and domestic relations courts, *except* in counties of the first or second class, jurisdiction to hear and determine any case involving a violation of chapters three or four of Title 39 of the Revised Statutes relating to violations of the motor vehicle laws. The bill as submitted to me is therefore meaningless.

Moreover, those who operate motor vehicles should expect neither special treatment nor leniency merely because of age. The object intended to be accomplished by the bill is proper and should, in my judgment, be broadened in scope to provide for uniform procedure in all counties.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 22, 1947. }

ASSEMBLY BILL No. 418

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 418 for the reason that the sole amendment to Section 38:17-1 of the Revised Statutes provided by this bill is completely incorporated in exactly the same manner as one of the amendments to that section set forth in Assembly Bill No. 511 which was approved by me on May 21.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILL No. 425

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 425.

This bill would amend the provisions of law which set forth the persons entitled to share in the amount recovered in proceedings instituted by reason of the death of a person by wrongful act. The amendment would, among other

things, delete from those entitled to share in the amount recovered, the next of kin of the decedent, except the natural parents of a decedent who was legally adopted.

I am informed by the sponsor of this bill that the natural parents, brothers and sisters and other dependent next of kin were intended to be covered by the bill, but were inadvertently omitted.

I am therefore withholding my approval from this measure.

Very truly yours,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

J. LINDSAY DE VALLIERE,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,

July 1, 1947. }

ASSEMBLY BILL No. 489

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 489.

Under present law sergeants-at-arms and court criers in counties of the first class receive an annual salary which is fixed (at not more than \$4,000. per annum) by the justice or judge authorized by law to appoint them. The salaries so fixed must be approved by resolution of the Board of Freeholders. Assembly Bill No. 489 provides that in counties of the first class having a population not in excess of 700,000 inhabitants (Hudson County), the sergeants-at-arms and court criers shall receive an annual salary to be fixed by the justice or judge authorized by law to appoint them, such salaries to become effective only if approved by resolution of the Board of Freeholders of the county. However, with respect to counties of the first class having a population in excess of 700,000 inhabitants (Essex County), the method of payment as contained in the present law is

continued. A separate and distinct method of payment of these salaries in each of the two counties of the first class would therefore result if this bill were approved.

New Jersey suffers today from an over-abundance of classifications. A further division of counties of the first class is undesirable. There is need for greater uniformity. Accordingly I cannot affix my approval to this measure.

Very truly yours,

[SEAL]

Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

ASSEMBLY BILL No. 495

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Assembly Bill No. 495.

This bill would make it a misdemeanor for any person employed in, or resident of, this State to use any name other than "the name under which he customarily is known" unless authorized by court proceedings as provided in the Revised Statutes, or unless the name be "registered with the Secretary of State within thirty days after the use thereof."

If this bill were to be approved, effective investigations by many law enforcement agents would be seriously hampered.

Very truly yours,

[SEAL]

Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1947. }

SENATE BILL No. 5

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 5.

This bill would authorize certain municipalities to use State grants-in-aid for road maintenance purposes, on approval by the State Highway Commissioner, for road construction, reconstruction or improvement purposes. To the extent that the bill repeals "all acts inconsistent herewith" it would affect the operation of the principles set forth in Assembly Bill No. 202, heretofore approved by me and now Chapter 62 of the Laws of 1947.

I would have no hesitancy in approving a bill which would permit, where needed, such transfer of grants-in-aid made prior to the adoption of Assembly Bill No. 202 for road maintenance purposes to road construction, reconstruction or improvement purposes and have requested that a bill accomplishing this purpose be prepared.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1947. }

SENATE BILL No. 33

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 33.

To the extent that this bill is intended to raise revenue, it appears to be in violation of Article IV, Section VI, paragraph 1 of the New Jersey Constitution which requires that "All bills for raising revenue shall originate in the House of Assembly"

Very truly yours,

[SEAL]

ALFRED E. DRISCOLL,
Governor.

Attest:

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1947. }

SENATE BILL No. 34

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 34.

This bill amends Section 2:182-14 of the Revised Statutes which prescribes the salary of assistant prosecutors of the pleas. Paragraph 5 a of sub-section d of this section provides that in counties having a population of between 60,000 and 70,000 inhabitants, according to the 1930 census

(Cumberland and Somerset counties) the assistant prosecutor shall receive a salary of \$1,200 per annum. The amendment found in Senate Bill No. 34 would add a new paragraph (6) which would provide that in counties having a population of between 74,000 and 82,000 inhabitants, according to the last census, (Somerset County only) the assistant prosecutor shall receive an annual salary of not less than \$1,200. nor more than \$2,500., as shall be fixed by the prosecutor of the pleas and the judge of the court of quarter sessions of the county. The two paragraphs would therefore appear to be in conflict. This might very well lead to controversy, litigation and expense.

In addition, no opportunity is afforded the governing body of the county affected, which is responsible for raising the money to pay the salaries, to pass upon the increases.

For these reasons I cannot affix my approval to this bill.

Very truly yours,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1947. }

SENATE BILL No. 43

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 43.

This is a mandatory retirement bill which would require municipal officials, in cities of the fourth class in counties

of the sixth class, who have served as such for at least twenty consecutive years and who have reached the age of sixty-five, to retire on a pension equal to one-half of their annual salary at the time of retirement.

No opportunity is afforded the governing body of the municipality, which is by the terms of the bill required to pay the pension, to pass upon the application for retirement.

For this reason I cannot affix my approval to this bill.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

SENATE BILL No. 44

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 44.

The supplementary provisions of this bill would make the obligations of county bridge commissions legal investments for "the State, all public officers, municipalities, counties, political subdivisions and public bodies, and agencies thereof, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carry-

ing on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries”.

Until such time as the earning capacity and financial experience of such commissions can be adequately determined it would seem proper to withhold such broad authority.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

N.J. STATE LIBRARY
P.O. BOX 520
TRENTON, NJ 08625-0520

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

SENATE BILL No. 65

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 65.

This bill provides that when all or such number of the members of a borough council as will reduce the membership of the council below the number required to the taking of any action, shall have resigned, refused to act, die or become incapable of serving, or cease to reside in the borough or in a ward of the borough from which he or they were elected, the office or offices shall be deemed vacant and the Governor shall then fill the vacancy or vacancies by appointment from the members of the same political parties as the former incumbents.

The bill contains a number of ambiguities. Because of these it would, if approved, lead to confusion and litigation. For example, when the bill refers to the reduction in the

membership of the council below that required "to the taking of any action," the words "any action" may mean any one of several possible actions or they may mean any and all actions.

Under a possible interpretation of "any action" the bill conflicts with existing provisions of the Revised Statutes relating to the filling of a vacancy under the General Borough Law (R. S. 40:87-12), and under the Municipal Council-Municipal Manager Plan (R. S. 40:81-18), without indicating the effect to be given to these sections.

I am, therefore, constrained to withhold my approval from this measure.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

SENATE BILL No. 72

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 72.

This bill would appropriate from the State Treasury to the Department of Conservation the sum of \$25,000. "if and when included in any annual appropriation act" for the development of Lake Musconetcong. No such appropriation is currently included in any annual appropriation act. Therefore, to approve this measure and enact it into law

would be meaningless and for such reason I am withholding my approval from the same.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

SENATE BILL No. 96 AND SENATE BILL No. 97

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 96 and Senate Bill No. 97.

Senate Bill No. 96 would authorize a board of freeholders to compensate each member of the board of managers of its county hospital for communicable diseases, in the sum of ten dollars for each meeting of the board attended, not exceeding twelve in any one year. Senate Bill No. 97 would authorize a board of freeholders to compensate each member of its county welfare board, in the sum of ten dollars for each meeting attended, not exceeding twelve in any one year. In each instance the per diem compensation would be in addition to the actual and necessary expenses incurred by the members in the performance of their duties.

Approval of these measures would completely reverse a well-founded principle in these matters which has long been prevalent in our State, i.e., that such boards should be composed of outstanding volunteer citizens without any monetary inducement to the positions whatever.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 22, 1947. }

SENATE BILL No. 138

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 138, for the following reasons:

1) This bill would amend the Fish and Game Laws by changing the license fee required for a non-resident's hunting license from ten dollars to fifteen dollars. This amendment is completely incorporated in Assembly Bill No. 15 which was approved by me on May 20th; and

2) To the extent that the bill is intended to raise revenue it appears to be in violation of Article IV, Section VI, paragraph 1 of the State Constitution which requires that "All bills for raising revenue shall originate in the House of Assembly * * *".

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 21, 1947. }

SENATE BILL No. 148

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 148.

In this instance I do so regretfully as the object sought to be accomplished by the bill is unquestionably meritorious.

The bill has as its primary object that of authorizing certain boards of education to take options on land to be used for school purposes, without securing prior authority therefor by a vote of the legal voters of their respective districts. Unfortunately the language used in the bill does not provide the boards with the authority intended.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 13, 1947. }

SENATE BILL No. 150

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 150.

I agree with the announced purpose of this bill, namely, to provide for the registration and regulation of certain private correspondence schools and the licensing of field representatives or agents of such schools. The bill provides for the issuance by the Commissioner of Education, under rules to be prescribed by him, of certificates of approval to these schools, and of licenses to their agents; and for the payment of the certificate and license fees collected by the Commissioner of Education to the State Treasurer.

To the extent that the bill is intended to raise revenue, it appears to be in violation of Article IV, Section VI, Paragraph 1, of the New Jersey Constitution, which requires that "All bills for raising revenue shall originate in the House of Assembly; * * *."

The Department of Education further advises me that the bill may not produce sufficient revenue to support the regulation authorized by the proposed legislation. The Department of Education cannot afford to divert funds from primary education even for so worthy a purpose as the reasonable regulation of private correspondence schools.

In addition, the bill, in my judgment, fails to provide reasonable standards for the guidance of the Commissioner of Education and the State Board of Education in the promulgation of "rules" and "suitable standards governing the proper conduct of private correspondence schools."

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 3, 1947. }

SENATE BILL No. 165

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 165.

This bill provides a mandatory increase in salary to the judge of the Court of Common Pleas in counties having not less than 20,000 nor more than 30,000 inhabitants.

No opportunity is afforded the governing body of the county affected, which is responsible for raising the money to pay the salaries, to pass upon the increase.

Moreover, if this bill were approved an inequitable situation would result wherein the judge of the Court of Common Pleas in counties having between 30,000 and 40,000 inhabitants would receive \$1,000. less in salary than the judge of such court in a county having a population of between 20,000 and 30,000.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

SENATE BILL No. 167

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 167.

This bill is a mandatory salary increase measure. It may very well be that the officers concerned are entitled to increases in salary. However, no opportunity is afforded the county boards of freeholders, which are charged with the responsibility of raising the money to pay the salaries, to pass upon the increases.

For the foregoing reason I cannot affix my approval to this bill.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

SENATE BILL No. 181

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 181.

This bill provides that when the State Highway Commissioner shall determine that any conveyance of land heretofore or hereafter made to the State incident to the construction, reconstruction or maintenance of any State highway, affects or appears to affect the lands remaining to the grantor who made the deed of conveyance, in any manner not intended by the grantor and the State, then the State Highway Commissioner may grant, convey and release to the owner of the fee in the remaining lands any right or apparent right of the State in the remaining lands not intended to have been acquired. The bill would also validate all deeds and releases heretofore made by the State Highway Commission or State Highway Commissioner for the purpose of clearing title to lands not acquired by the State but affected or apparently affected by any deed made to the State.

There exists no reason why each individual situation intended to be covered in the bill cannot be treated on its individual merits. I cannot affix my approval to the blanket authority which would be authorized by this measure.

Very truly yours,

ALFRED E. DRISCOLL,

Governor.

[SEAL]

Attest:

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

SENATE BILL No. 211

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 211.

Section 26:4-41 of the Revised Statutes prohibits any person from disclosing the name or address or identity of any person known or suspected to have a venereal disease except to the person's physician or to a health authority, or in the event of a prosecution under Article 3 of Title 26 of the Revised Statutes or under the criminal law of this State, to a prosecuting officer or to the court, with certain provisos. Senate Bill No. 211, as originally introduced, would have extended permission for such disclosure to the Department of Labor or the Rehabilitation Commission. However, the language used in the bill as finally adopted would permit disclosure to the physician of the person known or suspected as having a venereal disease or to a health authority "upon application to the Rehabilitation Commission." Such restriction upon disclosure to the person's physician or to a health authority could not have been intended.

Very truly yours,

[SEAL]

Attest:

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

ALFRED E. DRISCOLL,
Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 26, 1947. }

SENATE BILL No. 217

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 217.

To the extent that this bill is intended to raise revenue, it appears to be in violation of Article IV, Section VI, paragraph 1 of the New Jersey Constitution which requires that "All bills for raising revenue shall originate in the House of Assembly * * *."

Very truly yours,

[SEAL] ALFRED E. DRISCOLL,
Attest: Governor.
J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 13, 1947. }

SENATE BILL No. 218

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 218.

This bill was intended to amend the school election law to permit a voter to use, in addition to the traditional cross or plus sign, a check mark in school elections. I have ap-

proved similar legislation, (Ch. 104, P. L. 1947), amending Title 19 of the Revised Statutes. This bill, however, goes one step further. Subsequent to the introduction of the bill and its adoption in the Senate it was amended in the House of Assembly by striking out the word "black" preceding the words "ink" and "pencil." Thus the bill as finally approved by the Legislature, the Senate having concurred in the Assembly amendment, permits a voter at a school election to use any color ink or pencil. In my judgment, this privilege may be abused and the latitude granted by the amendment result in marked ballots, thus destroying one of the safeguards that has heretofore surrounded the exercise of the right of franchise in this State. Despite the fact that a too large percentage of our citizens fail to vote in school elections, these elections are as important as any elections held in this State and should be afforded the same protection as that afforded primary, special and general elections.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 7, 1947. }

SENATE BILL No. 250

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 250.

This measure would authorize savings banks to invest in preferred stocks of public utility and industrial companies which meet certain prescribed requirements. In addition, the bill prohibits any savings bank from: (1) making an

investment in the preferred stocks of any one corporation at any time "when the total of all of its investments in the preferred stocks of such corporation exceeds, or if the making of such an investment would cause such total to exceed, one-half of one per centum ($\frac{1}{2}$ of 1%) of its deposits," or (2) making any investment in preferred stocks "when the total of all of its investments in preferred stocks exceeds, or if the making of any such investment would cause such total to exceed, five per centum (5%) of its deposits."

Within the limitations provided in the bill as to the type of preferred stocks in which investments could be made and the extent of these investments, I have no doubt that our savings banks would exercise due discretion in the use of the new powers which would be thus afforded them.

The advantages of permitting investment in preferred stocks within the limits provided in this bill on the whole would appear to outweigh the dangers attributed to this type of investment.

Our national banks and State banking institutions operating substantial savings departments are now and will continue, however, to be prohibited from making such investments. Regardless of the source of the prohibition, Senate Bill No. 250 would discriminate against these institutions by conferring the new investment powers solely upon savings banks. This discriminatory State action is not desirable. I am, therefore, constrained to withhold my approval from this measure.

Very truly yours,

[SEAL]

Attest:

ALFRED E. DRISCOLL,

Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 22, 1947. }

SENATE BILL No. 268

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 268.

On May 20th I approved Assembly Bill No. 37 which amends Section 23:4-1 of the Revised Statutes. Senate Bill No. 268 amends the same section and would remove the effect of amendment provided for by Assembly Bill No. 37.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

SENATE BILL No. 276

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 276.

This bill would suspend until February 1, 1948, the operation of an act concerning criminal procedure adopted in 1946. The act to be suspended has already been in effect

since February 1 of this year. To suspend its operation as of this date would appear to cause considerable confusion, particularly since the proviso inserted in the bill merely saves "any appeal heretofore taken pursuant to the act . . .", and does not indicate its intended effect on crimes committed since February 1.

I am, therefore, constrained to withhold my approval from this measure.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

SENATE BILL No. 278

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 278.

One of the amendments provided by this bill would repeal the provisions of law prohibiting nets from being fixed, set, hauled, drifted or staked or lifted between the hours of 12 noon on any Saturday and 12 midnight on the following Sunday (except fyke nets and nets commonly used for the purpose of taking crabs or bait fish), in certain waters in the State . . . a rest period, which I am informed is definitely in the interests of conservation.

In addition, the bill provides for increases in certain license fees. To the extent that such provisions are intended to raise revenue it appears to be in violation of

Article IV, Section VI, paragraph 1 of the New Jersey Constitution, which requires that "all bills for raising revenue shall originate in the House of Assembly * * *."

For the above reasons I am constrained to withhold my approval from this measure.

Very truly yours,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 1, 1947. }

SENATE BILL No. 285

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 285.

The purpose of this bill appears to be commendable and in the public interest. Unfortunately, the bill as approved by the Legislature is deficient in a number of respects.

The bill provides that "A person shall be regarded as practicing dental hygiene within the meaning of" the act "who removes or attempts to remove calcareous deposits, accretions and stains from the surface of the teeth or uses disclosing solutions in the performance of prophylactic treatment." This definition is entirely too broad. The proposed law is applicable in cases obviously not intended to be covered; for example, the cleaning of a child's teeth by a parent or other person charged with the parental care of a child.

The bill as presently drawn is in conflict with an act to regulate the practice of dentistry in the State of New Jersey.

The practice of dental hygiene should be considered at the next regular session of the Legislature, when a proper bill, properly drawn, will receive my support.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

SENATE BILL No. 287

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 287.

This bill would permit the State Highway Commissioner to acquire any land which in his judgment is necessary for the maintenance and protection of the present and future highways, and would also permit him to erect thereon such buildings as may be required for that purpose and for the proper functioning of the clerical, engineering, maintenance and equipment forces of the State Highway Department "when the moneys therefor have been included in any annual or supplemental appropriation bill."

Since specific appropriations would, by the terms of the bill itself, be required prior to the exercise of any of the powers proposed, the need for such blanket authority is not evident.

I am, therefore, constrained to withhold my approval from this measure.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1947. }

SENATE BILL No. 305

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 305.

I am constrained to do so for the reason that the title to this bill reads: "An Act concerning practice and procedure in relation to suits to foreclose mortgages;" whereas the body of the bill relates to suits in the Court of Chancery to foreclose mortgages, certificates of tax sale or certificates of tax lien titles.

It would, therefore, appear that the title does not express the object of the bill as required by the provisions of Article IV, Section VII, Paragraph 4 of the New Jersey Constitution.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 22, 1947.

SENATE BILL NO. 308 AND ASSEMBLY BILL NO. 159

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 308 and Assembly Bill No. 159.

Both of these bills provide that petitions, requiring the submission to the voters in counties or cities of the first class of the question of the adoption or rejection by the county or city of the provisions of the State Employees' Retirement System law, be signed by at least twenty-five per cent of the registered voters of such county or city. Employees of these counties or municipalities would thus be discriminated against. In view of the practical difficulty involved in obtaining so great a number of signatures, they would in effect be deprived of the right, which inures to employees in all other counties and municipalities of the State, of using the petition method of securing such referendum. I cannot affix my approval to legislation of this type.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

SENATE BILL No. 309 AND SENATE BILL No. 310

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 309 and Senate Bill No. 310.

Senate Bill No. 309 would permit a referendum on the adoption of a municipal pension plan for municipal water department employees to be conducted at any primary election. Senate Bill No. 310 would permit a referendum on the adoption of the provisions of law, relating to the payment of pensions to police officers in townships, to be conducted at any primary election.

It is highly questionable whether the adoption of these local pension acts can provide actuarially sound systems. It would, therefore, appear undesirable to permit their adoption without the widest possible participation by the voters of the municipality in the referendum. This can best be accomplished by restricting such proposals to general and special elections as permitted under present law.

It is the policy of the administration to encourage participation by municipalities in the State Employees' Retirement System and to discourage the establishment of local systems where the small number of participants would automatically render the risk involved abnormally high.

I am, therefore, constrained to withhold my approval from these measures.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

SENATE BILL No. 312

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 312.

Section 1 of this bill prohibits any person, corporation, association, partnership, municipality or other political subdivision of this State from constructing "a well more than fifty feet in depth without first obtaining a permit from the Department of Conservation" However, section 14 of the bill defines the word "well" as "any excavation one hundred feet or more deep" These inconsistent provisions would, in all probability, result in confusion and litigation.

In addition, the bill requires the Department of Conservation to fix and collect "a reasonable charge for such permit." No standards or guides for the fixing of these permit fees are found in the bill.

These reasons require me to withhold my approval of this measure. However, I might point out that the conservation functions intended by the bill are, for the most part, included within the scope of the broad powers afforded the Department of Conservation by Senate Bill No. 311, which has this day been approved by me.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

SENATE BILL No. 322

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Bill No. 322.

Under present law when the Division of Navigation of the Department of Conservation acquires land and constructs a public basin, or leases berthing space for a boat anchorage to the public, the revenues collected from charges made by the Division for such space or anchorage are appropriated to defray the costs of construction and other improvements. Senate Bill No. 322 would add to the items for which these revenues would be appropriated, "the costs of maintenance and salaries of employees in the operation" of the space or anchorage.

I cannot affix my signature to legislation which would extend the dedication of the revenues so collected.

Very truly yours,

[SEAL]

Attest:

ALFRED E. DRISCOLL,

Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 2, 1947. }

SENATE COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No. 249

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Committee Substitute for Assembly Bill No. 249.

It would authorize the Prosecutor of the Pleas and the Judge of the Court of Quarter Sessions in counties having between 74,000 and 82,000 inhabitants to increase the annual salary of certain county detectives or special investigators.

I have no objection to the employees concerned receiving an increase in salary, however, no opportunity is afforded to the County Boards of Freeholders, which are charged with the responsibility of raising the money to pay the salaries, to pass upon the increase and determine whether the same is justified, equitable and in line with salaries paid to other similar county employees, and that the county is in a position to meet the additional financial requirements.

I am, therefore, constrained to withhold my approval from this measure.

Very truly yours,

[SEAL]

Attest:

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

ALFRED E. DRISCOLL,
Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
July 1, 1947. }

SENATE JOINT RESOLUTION No. 6

Mr. Roger H. McDonough,
State Librarian.

Sir:

I am filing herewith in the State Library, without my approval, Senate Joint Resolution No. 6.

This Resolution designates the month of April, 1947, as fight cancer month. This exceedingly noteworthy purpose was fully included in a Proclamation issued by me on March 31, 1947, which designated the month of April, 1947, as "CANCER CONTROL MONTH."

I trust that this cause will be persistently, vigorously and continuously pursued by all of our citizens until the dreadful disease of cancer is permanently eradicated.

Very truly yours,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

J. LINDSAY DE VALLIERE,
Secretary to the Governor.

VETO MESSAGES

OF

HON. ALFRED E. DRISCOLL

Governor of New Jersey



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

1948

(Including Veto Messages of Hon. John M. Summerill, Jr.,
Acting Governor, Submitted to the Senate and the
General Assembly on August 16, 1948.)

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

ASSEMBLY BILL No. 53

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 53.

Section 3 of this bill continues the procedure in effect prior to September 15, 1948 with respect to applications for executions against wages and earnings of judgment debtors. This section provides in part that no notice of application for an order directing the issuance of an execution against the wages and earnings of the judgment debtor need be given to the judgment debtor.

Although many judges in the past have not been disposed to grant such applications without notice to judgment debtors, I am of the opinion that we should have an affirmative rule, in the interest of fair play, requiring such notice. In this respect it should be noted that Rule 3:69-3 of the Rules of Civil Practice, promulgated by the Supreme Court on September 15, 1948, provides such affirmative requirement, i.e., "by motion on notice to the judgment debtor, unless the court otherwise orders."

A requirement that notice of the application be given to the judgment debtor could in many instances bring about speedy settlements of judgments. It would also eliminate, in many instances, the possibility of judgment debtors losing their employment by reason of executions against their wages made without their knowledge and without opportunity to settle or adjust the matter.

Accordingly, I return herewith Assembly Bill No. 53 for reconsideration, with the recommendation that amendments to the Second Official Copy Reprint of the bill be made as follows:

On page 2, section 3, line 7, after the word "may" insert the words "by motion".

On page 2, section 3, line 8, after the word "application" delete the words "no notice need be given to the judgment debtor," and insert in lieu thereof the following: "notice shall be given to the judgment debtor, unless the court otherwise orders,".

On page 2, section 5, lines 1 and 2, delete the words "September fifteenth, one thousand nine hundred and forty-eight" and insert in lieu thereof the word "immediately".

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

ASSEMBLY BILL No. 79

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 79.

This bill would in effect broaden the list of causes in which appeals from final judgments may be taken to the Supreme Court under the provisions of Paragraph I of Section V of Article VI of the new State Constitution. It would permit, in any proceeding involving the writ of habeas corpus, the taking of an appeal from the final decision of the Appellate Division of the Superior Court to the Supreme Court.

Under the constitutional provision above referred to and the Rules of the Supreme Court, appeals to the Supreme Court may now be taken: (1) in causes including habeas

corpus proceedings, determined by the Appellate Division of the Superior Court involving a question arising under the Constitution of the United States or of this State; (2) in causes, including habeas corpus proceedings, where there is a dissent in the Appellate Division of the Superior Court; (3) in capital causes; and (4) on certification by the Supreme Court to the Superior Court, or to the County Court where the court of its own motion certifies the cause for appeal.

It would seem that before broadening these extensive constitutional provisions, a reasonable period of time should be afforded for a thorough study of their operation not only with respect to habeas corpus matters but with respect to all proceedings.

Accordingly, I return herewith Assembly Bill No. 79 for reconsideration, with the recommendation that amendments to the Official Copy Reprint of the bill be made as follows:

On page 1, section 1, lines 6 and 7, delete the following sentence: "The final decision of the Appellate Division of the Superior Court thereon may be appealed to the Supreme Court."

On page 1, section 3, lines 1 and 2, delete the words "September fifteenth, one thousand nine hundred and forty-eight" and insert in lieu thereof the word "immediately".

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 435

To the General Assembly:

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

The bill authorizes the establishment of an eight hour day and forty-hour week for "uniformed members of any paid police department in any municipality of this State, uniformed members of any county police department having supervision and regulation of traffic upon county roads, uniformed members of any county park police system, and inspectors of motor vehicles of the Department of Motor Vehicles of this State."

As to municipal police, the designated work week is to be established by ordinance; as to members of county police departments, by resolution of the board of freeholders; as to county park police, by resolution of the park police commission; and as to State motor vehicle inspectors, by the Commissioner of Motor Vehicles. If the municipal ordinance or county board's resolution so provides, the question of adoption of the ordinance or resolution, as the case may be, is to be submitted to the voters at a referendum.

The establishment of a forty-hour week for policemen will naturally result in less police coverage unless additional policemen are employed. In the case of the establishment, pursuant to this bill, of a forty-hour week for municipal or county police, those responsible for the shortened work week will be responsible for securing additional funds for additional personnel. With respect to State motor vehicle inspectors, however, the situation is otherwise. The bill authorizes the Commissioner of Motor Vehicles to establish a forty-hour week, yet the Commissioner has no power or responsibility regarding additional funds for additional personnel nor is any provision made therefor by appropriation. Furthermore, the bill applies to no State enforcement officers except motor vehicle inspectors. If a forty-hour week is deemed proper for State

motor vehicle inspectors then, in the absence of any demonstrated distinction, as to hours of work, between such inspectors and other State enforcement officers whose duties are similar and generally comparable, the bill appears to authorize an improper discrimination.

Accordingly, I return Assembly Bill No. 435 for reconsideration, with the recommendation that the bill be amended so as to delete therefrom reference to State motor vehicle inspectors, and more specifically, in the Second Official Copy Reprint:

1. To amend the Title so as to make it conclude with the words "county park police system."

2. Page 1, section 1, lines 4 and 5, to strike out: "and inspectors of motor vehicles of the Department of Motor Vehicles of this State."

3. Page 1, section 1, line 9, to strike out: "or the Department of Motor Vehicles".

4. Page 2, section 2, line 5, to change the comma to a period after the words "such county"; and, in lines 6 and 7 to strike out: "and in respect to motor vehicle inspectors until adopted by the promulgation of a rule by the Commissioner of Motor Vehicles."

Respectfully,

[SEAL]
Attest:

JOHN M. SUMMERILL, JR.,
Acting Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

ASSEMBLY BILL No. 468

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 468.

This bill would permit any employee of any school district in the State who was or is a member of the Teachers' Pension and Annuity Fund, and who has ceased or shall cease to be an employee of such school district and who has taken or shall take office, position or employment in the service of any municipality or county in the State, which has not adopted the provisions of subtitle two of Title 43 of the Revised Statutes, to, upon application to the retirement system or pension fund of the municipality or county, appropriate to his office, position or employment, become a member of such retirement system or pension fund.

The reference in the bill to the provisions of subtitle two of Title 43 of the Revised Statutes is obviously erroneous. I am advised that the reference intended was to the provisions of Chapter 15 of Title 43 of the Revised Statutes.

Accordingly, I return herewith Assembly Bill No. 468 for reconsideration, with the recommendation that amendment to the Second Official Copy Reprint of the bill be made as follows:

On page 1, section 1, lines 5 and 6, delete the words "subtitle two" and insert in lieu thereof the words "Chapter 15".

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

SENATE BILL No. 48

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 48.

Section 8 of this bill provides in part that the only method of reviewing a judgment or order in a criminal cause or proceeding in an inferior court of limited criminal jurisdiction, except a juvenile and domestic relations court, shall be by appeal to the County Court, unless the judge of the inferior court is also the county judge, in which case the appeal shall be taken to the Law Division of the Superior Court in the county. If this provision were to be enacted into law, appeals from judgments of the criminal judicial district court would be taken to the County Court, instead of directly to the Appellate Division of the Superior Court. The judgment of the County Court would then be appealable to the Appellate Division of the Superior Court. I see no valid reason for this duplication of appeals.

Accordingly, I return herewith Senate Bill No. 48 for reconsideration, with the recommendation that amendments to the Official Copy Reprint of the bill be made as follows:

On page 3, section 8, delete the first sentence in its entirety and insert in lieu thereof the following: "Review of judgments or orders in criminal causes or proceedings in inferior courts of limited criminal jurisdiction shall be by appeal as provided in the applicable Rules promulgated by the Supreme Court."

On page 3, section 9, lines 1 and 2, delete the words "September fifteenth, one thousand nine hundred and forty-eight" and insert in lieu thereof the word "immediately".

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.
RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

SENATE BILL No. 167

To the Senate:

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

R. S. 11:21-9 now reads:

“Coincident with, and subsequent to the adoption of this sub-title, the seniority rights of officers and employees shall be based upon the length of their respective prior and continuous services, and such additional and continuous services as they may render.”

Senate Bill No. 167 proposes to amend R. S. 11:21-9 by adding thereto a new paragraph reading:

“In computing the length of service of officers and employees for purposes of determining their seniority rights under this section, all time hereafter during which they shall be absent from duty on leave, without pay, shall be deducted therefrom.”

There are situations in which an officer or employee is granted a leave of absence, without pay, to pursue some special work or training related to his regular employment and undertaken for the purpose of improving his competence or increasing his capacity therein. I am constrained to believe that in the indicated situation an officer's or employee's time spent in such special work or training should not in reason and fairness be deducted in the computation of length of service for seniority rights. Accordingly, I return Senate Bill No. 167 for reconsideration, with the recommendation that the bill be amended so as to omit the period after the word “therefrom” at the end of the second paragraph of R. S. 11:21-9, as heretofore proposed to be amended by the bill and to add, thereafter, the following:

“, provided, however, that if an officer or employee shall be absent on leave, without pay, pursuant to as-

signment by or approval of the appointing authority and for further education or training directly related in character to the employment from which he is on leave and designed to improve his competence or increase his capacity therein, the time so spent shall not be deducted under this paragraph."

Respectfully,

[SEAL]
Attest:

JOHN M. SUMMERILL, JR.,
Acting Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

SENATE BILL No. 245

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 245.

This bill would amend the provisions of law with respect to the licensing of persons selling produce, shrubbery, plants, etc., at certain places.

I am advised that the amendment proposed by this bill may very well be interpreted to allow licensing for vending on State highways. I am further advised that this was definitely not the intent of the sponsor of this measure.

Accordingly, I return this bill for reconsideration, with the recommendation that amendments to the Official Copy Reprint of the bill be made as follows:

On page 1, section 1, line 6, after the words "place on" delete the word "either".

On page 1, section 1, line 6, after the word "private" insert the word "property".

On page 1, section 1, line 6, after the words "public property," insert the words "other than that owned by the State,".

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

ASSEMBLY BILL No. 54

To the General Assembly:

I am herewith returning, without my approval, Assembly Bill No. 54, for the following reasons:

This bill would amend the provisions of law relating to the taking of appeals from judgments, in workmen's compensation cases, rendered by the workmen's compensation bureau.

I am advised that a measure to accomplish the principal purpose of Assembly Bill No. 54, i.e., to provide for direct appeals from these decisions to the Appellate Division of the Superior Court, was, in the first instance, proposed by the new State Supreme Court. I am in wholehearted accord with this laudable objective. I have on numerous occasions stated that a more expeditious method of review should be provided with respect to these matters, free from the present cumbersome and expensive duplication of appeals.

However, as finally drafted and adopted, Assembly Bill No. 54 would require what in effect amounts to a trial de novo in these proceedings in the Appellate Division. There does not appear to be any valid basis for differentiating the method of review by the Appellate Division in these cases

from that provided with respect to determinations of all other State administrative agencies. In this respect, it should be noted that provisions for a comprehensive review of the final decision or action of any such administrative agency, by direct appeal to the Appellate Division, are made by Rules 3:81-8 to 3:81-14, inclusive, of the Rules of Civil Practice promulgated by the Supreme Court on September 15. In fact, Rule 3:81-13 provides:

“In proceedings authorized by Rule 3:81 the court shall have power to review the facts and make independent findings thereon, which power may be exercised by it to such extent as the interests of justice may require.”

For these reasons, I am constrained to return this bill without my approval.

Further, I shall recommend to the 173rd Legislature that it review the entire matter and adopt legislation amending the pertinent provisions of the workmen's compensation law along the lines indicated herein.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 112

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 112.

This bill represents a revision of the Americanization Act of 1907 (evening schools for foreign-born residents—R. S. 18:15-96 to 18:15-103). It would remove the present

restrictions that the classes be held in the evening and that the enrollment be confined to foreign-born residents. It would broaden the scope of the courses to be offered. It provides a method whereby the Commissioner of Education may present to the Commissioner of Taxation and Finance the cost of operating the classes so that 50% of such cost (but not exceeding \$5,000 for any one school district) shall be paid by the State.

The purpose of this bill is commendable but appropriations have not been made for the carrying out of that purpose. Furthermore, the various school districts benefit proportionately from the increased State aid provided by Chapter 64 of the Laws of 1948. Accordingly, and in keeping with the principle that the "open-end agreements" should be terminated, I am constrained to withhold my approval of this bill.

Respectfully,

[SEAL]

Attest:

JOHN M. SUMMERILL, JR.,

Acting Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 113

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 113, relating to retirements under the Teachers' Pension and Annuity Fund.

R. S. 18:13-68 provides four options at retirement as to receipt of benefits. Assembly Bill No. 113 would amend R. S. 18:13-68 so as to set forth a fifth option, as follows:

"If he dies before he has received, in addition to his pension, sixty installments of his annuity, the remainder of such installments shall be paid as they become

due to such person having an insurable interest in his life as he shall nominate by written designation, duly acknowledged and filed with the board of trustees; and if the person so nominated does not survive him or dies before all such installments have been paid, the remainder of such unpaid installments shall be commuted into one sum on the basis of interest at the regular rate per annum and paid to the legal representative of the last surviving payee."

I am advised, and believe, that the benefits set forth under proposed Option 5 may be granted under existing Option 4. Furthermore, the addition of proposed Option 5 would complicate the administration of the Fund. Thus, I am constrained to withhold my approval of the bill.

Respectfully,

[SEAL]
Attest:

JOHN M. SUMMERILL, JR.,
Acting Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 120

To the General Assembly:

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

This bill supplements Chapter 190 of the Laws of 1945.

Chapter 190 of the Laws of 1945 was repealed by Chapter 67 of the Laws of 1948 (the Banking Act of 1948).

Respectfully,

[SEAL]
Attest:

JOHN M. SUMMERILL, JR.,
Acting Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 134

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 134.

This bill, like Assembly Bill No. 163 of 1947, would amend P. L. 1946, c. 135. Like the 1947 bill, it is designed primarily to make clear that certain school district employees in counties of the first class would be permitted to join the State Employees' Retirement System.

Assembly Bill, No. 163 of 1947, was vetoed. The veto message contained the following pertinent statements:

"... those school district employees in counties of the first class who have already taken advantage of the provisions of Article 16, Chapter 5, Title 18 of the Revised Statutes and have joined the pension plan above referred to in counties of the first class, would be discriminated against, in that they are not afforded the same privilege of joining the State Employees' Retirement System as would be afforded under this bill to those employees who have not entered the county pension system. Here it should be noted that the provisions of Article 16 above referred to require employees joining the county system to make up accrued liability payments at the time that they join such system. However, the accrued liability contribution prior to the effective date of adoption of the State Retirement System by the municipality, of persons joining the State Employees' Retirement System, is required to be paid by the municipality on behalf of such persons. In addition, this bill would not permit school district employees who are members of the county retirement system to change their membership to the State Retirement System under any circumstances."

Assembly Bill No. 134, as amended in the Senate, indicates a serious and considered effort to work out and overcome some of the difficulties encountered by last year's

Assembly No. 163. Unfortunately, however, Assembly Bill No. 134 does not meet the grounds of objection set forth in the veto message hereinabove quoted. Accordingly, I am constrained to withhold my approval of the bill.

Respectfully,

[SEAL] JOHN M. SUMMERILL, JR.,
Attest: *Acting Governor.*
RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 152

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 152.

The State Employees' Retirement System was established, pursuant to P. L. 1921, c. 109, on January 1, 1922. The "Heath Act" (P. L. 1921, c. 134) provided service and disability allowances for persons, not joining the State System, who were in the State's employ on January 1, 1921 (R. S. 43:5-1). Assembly Bill No. 152 would amend R. S. 43:5-1 so as to change the January 1, 1921 to September 1, 1921. The bill's ostensible purpose is to remove an inequity but the bill itself would provide an inequitable discrimination. It would discriminate improperly in favor of those who entered the State service between January 1, 1921 and September 1, 1921, and against those who entered such service between September 1, 1921 and January 1, 1922, on which latter date the State Employees' Retirement System was established.

Accordingly, I am unable to approve the bill.

Respectfully,

[SEAL] JOHN M. SUMMERILL, JR.,
Attest: *Acting Governor.*
RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 201

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 201.

In a veto of Assembly Bill No. 159 of 1947, the Governor stated that the bill requires "the submission to the voters in counties or cities of the first class of the question of the adoption or rejection by the county or city of the provisions of the State Employees' Retirement System law, be signed by at least twenty-five per cent of the registered voters of such county or city. Employees of these counties or municipalities would thus be discriminated against. In view of the practical difficulty involved in obtaining so great a number of signatures, they would in effect be deprived of the right, which inures to employees in all other counties and municipalities of the State, of using the petition method of securing such referendum. . . ."

Assembly Bill No. 201 does not overcome the stated grounds of objection to Assembly Bill No. 159 of 1947; indeed, the instant bill's provisions would affect a more outright discrimination since they would entirely deprive employees of first class counties and municipalities of any opportunity to bring about a referendum through the petition method. Accordingly, I am constrained to withhold my approval of the bill.

Respectfully,

[SEAL]

Attest:

RANSFORD J. ABBOTT,

Secretary to the Governor.

JOHN M. SUMMERILL, JR.,

Acting Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 280

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 280.

The bill would amend sections 40:37-159, 40:37-162, 40:37-163, 40:37-164, 40:37-165, 40:37-166 and 40:37-167 of the Revised Statutes, concerning the fund and benefits therefrom under a county park police pension system. The body of the bill would not establish county parks or supplement our Revised Statutes but would be amendatory, only, of the indicated sections, yet the bill's Title reads: "An Act to establish public parks in certain counties in this State and to regulate the same, and supplementing Title 40 and amending sections 40:37-159 . . .", etc. Thus, the bill's Title is defective.

More to the merits is the fact that although the bill would increase the amount of the fund members' contributions it would enlarge the benefits, in various respects, to an extent that the increased employee contributions might well be absorbed or exceeded and the fund rendered less sound than at the present time.

For the reasons assigned, I am constrained to withhold my approval of this bill.

Respectfully,

JOHN M. SUMMERILL, JR.,
Acting Governor.

[SEAL]
Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 282

To the General Assembly:

I am herewith returning, without my approval, Assembly Bill No. 282 for the following reason:

The object intended by this bill is incorporated in Assembly Bill No. 291, which I approved on August 9, 1948 and which is now Chapter 304 of the Laws of 1948.

Respectfully,

[SEAL]

Attest:

JOHN M. SUMMERILL, JR.,
Acting Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No. 371

To the General Assembly:

I am herewith returning, without my approval, Committee Substitute for Assembly Bill No. 371. Despite the fact that I am in complete accord with the meritorious objective of the bill, I am compelled to take this action for the following reason:

This bill carries an appropriation of \$100,000. for the purpose of alleviating the conditions occasioned by the overflow of Weasel brook in the cities of Passaic and Clifton. Under the provisions of Article VIII, Section II, Paragraph 2 of the State Constitution, before any bill carrying an appropriation can become effective it must

bear a certification by the Governor that the appropriation contained in the bill, together with all prior appropriations made for the same fiscal period, do not exceed the total amount of revenue on hand and anticipated which will be available to meet such appropriations during such fiscal period. I am advised by the State Division of Budget and Accounting that, under present fiscal conditions, the certification required for this bill by the Constitution cannot be made. If Article VIII, Section II, Paragraph 2 of our new Constitution is to serve any useful purpose it must be strictly construed. A liberal construction, based upon an illusory hope of revenues that may be collected although not anticipated at the time the budget was adopted, would make the section meaningless.

On July 16, 1948 I approved Assembly Bill 358, now Chapter 239 of the Pamphlet Laws of 1948. This legislation authorized two or more municipalities by ordinance to establish a joint Municipal Commission, whose task it is to alleviate flood conditions and to prevent floods within the municipalities covered by the Commission. I am today recommending that those municipalities confronted with serious flood problems proceed with the organization of the Commission, pursuant to Chapter 239 of the Pamphlet Laws of 1948, with the assurance that out of current appropriations and within the present operation of the Department of Conservation, appropriate assistance will be made available so that the necessary studies may be initiated immediately. This co-operative arrangement between the State and the new Commission should materially reduce the cost involved. It will also permit an immediate start to be made upon the program in which we are vitally interested.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 395

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 395, which was drawn to correct an error in the Title of P. L. 1947, c. 382. (An Act providing for reimbursement to municipalities for loss of tax revenue due to the taking over of land for park purposes). The identical correction, together with other and substantive changes, is made by Assembly Bill No. 286 which became P. L. 1948, c. 271. Accordingly, I withhold my approval of Assembly Bill No. 395.

Respectfully,

[SEAL] JOHN M. SUMMERILL, JR.,
Attest: *Acting Governor.*
RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 401

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 401.

This bill would fix fees to be charged for the filing, indexing, entering or recording of designated documents and papers in the office of the county clerk, the clerk of the circuit court and the common pleas court.

The fees now charged for most of the items covered by Assembly Bill No. 401 are set forth in R. S. 22:2-18 and 22:2-19, but the bill is not in the form of an amendment of

the two indicated sections; instead, the bill sets forth proposed new fees to be charged "in lieu of the fees heretofore provided." Thus, the bill does not show in the introduction copy (by brackets and underscorings, as would have been required had the measure been amendatory in form,) the amounts of the present fees as compared with the proposed new fees. Such a comparison, when made, reveals that while Assembly Bill No. 401 would leave a few fees unchanged it would increase other fees exorbitantly—in many instances by 100%; in two instances by 900%; and in another instance by 2400%.

The STATEMENT on Assembly Bill No. 401 points out that there has been no change in the covered fees since 1926 and that "the cost of supplies, services and maintenance of the office of county clerks has risen considerably since the last statute affecting fees became effective." Under the circumstances, certain reasonable increases might be in order but I find no justification for amounts of increases proposed in the instant measure.

Respectfully,

[SEAL] JOHN M. SUMMERILL, JR.,
Attest: *Acting Governor.*
RANSFORD J. ABBOTT,
 Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
October 30, 1948. }

ASSEMBLY BILL No. 420

To the General Assembly:

I am herewith returning, without my approval, Assembly Bill No. 420, for the following reasons:

This bill would permit a committee on vacancies to be named in any petition nominating a candidate for Commissioner in commission government municipalities. The purpose of the bill is to permit such a committee to fill any

vacancy occurring in the nomination by reason of death, resignation or otherwise, although the language is ambiguous.

The bill raises the whole question of the operation of non-partisan elections in commission government. While the general election law provides for a vacancy committee with power to fill vacancies in a nomination in the case of partisan elections, the provision of this bill for a vacancy committee to function in a non-partisan election is contrary to the spirit of both the commission form of government law and the council-manager law requiring a non-partisan ballot. The bill poses a problem in the organization and structure of local government which this Legislature has committed, by Joint Resolution No. 1, to the commission on municipal government, which is expected to report shortly. For this reason, it would seem desirable to withhold action on this type of legislation until the commission's report has been examined.

I am accordingly constrained to withhold my approval from this bill.

Respectfully submitted,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 447

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 447.

This bill authorizes the State Department of Health to purchase, store and distribute biologicals, including serum albumin, and drugs in certain cases; to apply for and ac-

cept, on behalf of the State, Federal funds made available for the purpose; and to expend, for the purpose, such sums as shall be appropriated by law or otherwise made available.

Except as to serum albumin, which has been used in the treatment of nephrosis, the subject matter of Sections 1 and 2 of Assembly Bill No. 447 is covered by existing law. (P. L. 1947, c. 177, sections 34 and 36; P. L. 1942, c. 148, as amended by P. L. 1947, c. 323). The current Appropriation act—P. L. 1948, c. 177—carries an appropriation, to the Department of Health, of \$35,000.00 for biologicals and antibiotics but the appropriation contemplates the furnishing, free, of these biologicals and antibiotics for use in preventing or treating communicable diseases. And I am advised by high medical and public health authority that the cost of serum albumin for a child with nephrosis varies from \$500 to \$1,500; that the true cause of nephrosis is not known and the disease is not considered communicable; that serum albumin is only occasionally clinically helpful in such cases and is not a specific cure; that one of our great hospitals, in Philadelphia, has discontinued the use of serum albumin; and that despite its use in cases of nephrosis the proportion of fatal results is high.

Accordingly, I am constrained to withhold my approval of this bill.

Respectfully,

[SEAL]
Attest:

JOHN M. SUMMERILL, JR.,
Acting Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

ASSEMBLY BILL No. 466

To the General Assembly:

I am herewith returning, without my approval, Assembly Bill No. 466, for the following reasons:

This bill would authorize the board of commissioners of any municipality governed under the commission form of government law and having a population of from 35,000 to 90,000, to increase, by ordinance, the annual compensation of the mayor to not more than \$6,000 and the annual compensation of each commissioner, to not more than \$5,000.

If this bill were approved, inequitable situations may very well result wherein the mayor and other commissioners of certain municipalities governed under the commission form of government law and having in excess of 90,000 population would receive a lesser amount in salary than the mayor and other commissioners in municipalities governed under the commission form of government law and having between 35,000 to 90,000 population. For example, under existing law the basic salary of the mayor and the basic salary of the other members of the commission of a municipality (other than cities of the fourth class) governed under the commission form of government law and having a population of over 130,000 and up to 200,000 is as follows: up to \$5,500 per annum for the mayor; and up to \$5,000 per annum for each commissioner. Further, in such commission form of government municipalities having a population of over 90,000 and up to 130,000, the basic salaries are as follows: up to \$3,500 per annum for the mayor; and up to \$3,000 per annum for each commissioner.

Pursuant to Joint Resolution No. 1 of the current legislative session, there has been constituted a Commission on Municipal Government. This commission is presently engaged in studying the structure of local government in New Jersey, including appropriate provision for the payment of salaries to those elected members of local governing bodies. It is anticipated that a preliminary report will be

received from this commission in the very near future. Under the circumstances it would seem advisable for this reason, and entirely apart from those cited above, to defer action on this important subject, particularly action of a piecemeal character, until after the Legislature has received the report of the commission created by it.

Because of the inequitable possibilities of the present bill, if it were to become a law, and for the reason last cited, I am constrained to return this bill without my approval, with the understanding that this subject should be considered shortly after the convening of the 173rd Legislature.

Respectfully submitted,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 489

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 489.

The Corporate Franchise Tax Act of 1945 (P. L. 1945, c. 162) provided a special allocation formula for a "regulated investment company" with a proviso that the minimum percentage of net worth taxable shall be 10% of the total net worth. The 1945 act defined "regulated investment company" as one which is "registered and regulated under the Investment Company Act of 1940 (54 Stat. 789, as amended) and meets the requirements of and is taxable under 'Supplement Q' of the Internal Revenue Code (53 Stat. 1, 98, as amended)."

I am advised that in 1946 not more than twenty companies reported, in New Jersey, as "regulated investment companies" taxable under Supplement Q, and that in no instance did the taxable net worth (resulting from the special allocation formula) exceed the minimum of 10%.

In 1947, the Commission on State Tax Policy recommended, and the Legislature enacted, an amendment of P. L. 1945, c. 162, which amendment removed the special category of "regulated investment company." Under the 1947 amendment (P. L. 1947, c. 50) the taxable net worth of each taxpayer qualifying and electing to report as an "investment company" was fixed at 25% of total net worth.

Assembly Bill No. 489 would re-establish the special classification of "regulated investment company" and would define such company as "any corporation which . . . is registered and regulated under the Investment Company Act of 1940 (54 Stat. 789, as amended). Thus, the bill's classification would include a number of investment companies which would not have qualified as taxable under Supplement Q within the definition of "regulated investment company" contained in P. L. 1945, c. 162.

Assembly Bill No. 489, as introduced, proposed to fix the rate of tax for a "regulated investment company" at 15% of its net worth but the bill as amended reduced the figure to 10%. I am advised that this 10% rate would result in a tax loss to the State of some \$30,000 in the first year of operation. For this reason, and under the circumstances, I am constrained to withhold my approval of the bill.

Respectfully,

[SEAL]

JOHN M. SUMMERILL, JR.,

Attest:

Acting Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

ASSEMBLY BILL No. 491

To the General Assembly:

I am herewith returning, without my approval, Assembly Bill No. 491, for the following reason:

This bill proposes, among other things, to amend Section 23:4-48 of the Revised Statutes. Amendments to the same section, excluding that proposed by Assembly Bill No. 491, are included among those provisions of Senate Bill No. 29 which relate to the State Fish and Game Code. Senate Bill No. 29 is now Chapter 448 of the Laws of 1948.

I am advised that if Assembly Bill No. 491 were to be approved by me, its proposed amendment of R. S. 23:4-48 would be automatically repealed on April 1, 1949, the date when the provisions of Senate Bill No. 29 relating to the State Fish and Game Code will become effective.

I am, therefore, constrained to withhold my approval from this measure.

Respectfully,

[SEAL]

Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

ALFRED E. DRISCOLL,
Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 505

To the General Assembly:

I am herewith returning, without my approval, Assembly Bill No. 505, for the following reason:

This bill would permit banks of other States to act as a trustee under non-testamentary trusts established by trust instruments executed in this State and where the business of the trust is being transacted in this State.

New Jersey being situated between two large cities of great commercial importance, the banks of New Jersey are peculiarly exposed to the competition of foreign banks. Our New Jersey banks pay substantial taxes, much higher proportionately than those paid by foreign banks transacting business in this State. In my judgment, New Jersey banks should be reasonably protected against undue competition within the State.

Respectfully,

[SEAL]
Attest:

JOHN M. SUMMERILL, JR.,
Acting Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

ASSEMBLY BILL No. 514

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 514.

This bill would provide for the purchase by the State, of an electrical roll call and page call system for the Gen-

eral Assembly chamber, and would make an appropriation therefor.

I am informed that the bill would effect no financial benefit to the State. In my judgment, and with particular thought to the limitations as to available State funds, the preferable course is to continue at this time the existing rental arrangement. Thus, I am constrained to withhold my approval of the bill.

Respectfully,

[SEAL] JOHN M. SUMMERILL, JR.,
Attest: *Acting Governor.*
RANSFORD J. ABBOTT,
 Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

ASSEMBLY BILL No. 524

To the General Assembly:

I am herewith returning, without my approval, Assembly Bill No. 524 for the following reasons:

This bill would permit the governing body of a municipality which has adopted the provisions of Chapter 255 of the Laws of 1944 (the new Police and Firemen's Retirement System) to grant an annual pension to any police officer of the municipality, who has served as such for ten or more years, and who has or shall have attained the age of 65 years or who has or shall have become permanently disabled, and who has relinquished his right to become a member of the Police and Firemen's Retirement System of New Jersey, with the consent of the governing body of the municipality, prior to the adoption of Chapter 255 of the Laws of 1944 by the municipality. The amount of the pension would be fixed by the governing body of the municipality at not more than one-half of the applicant's salary at the time of his retirement.

The primary task in this field should be the strengthening of existing pension programs. However, entirely apart from this task, this bill would re-establish the old process of independent action. Experience has indicated that this would in a great many instances be followed by financial inability to meet requirements and demands for further State rescue.

I am, therefore, constrained to withhold my approval from this measure.

Respectfully,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

ASSEMBLY BILL No. 532

To the General Assembly:

I am herewith returning, without my approval, Assembly Bill No. 532, for the following reasons:

This bill is a mandatory salary increase measure. It would increase the present statutory salary of the deputy commissioners of compensation from \$8,500 per annum to \$12,000 per annum. By schedules adopted by the Civil Service Commission, such deputy commissioners of compensation now receive \$9,000. per annum. The bill would also increase the salary of referees in compensation from a range of \$3,600 to \$4,500 per annum, to \$6,500 per annum. It would also increase the compensation of settlement referees in compensation from \$6,000 per annum to \$8,000 per annum. It is noted that the legislation does not become effective until July 1, 1949.

A general salary bill prescribing the compensation of heads of the new principal departments and division directors therein has not as yet been adopted. It would seem

that any review of salaries of the deputy commissioners of compensation proposed to be affected by this bill should await the establishment of a general salary policy, including the determination of the salary of the Director of the Division of Workmen's Compensation in the new principal Department of Labor and Industry.

This entire subject should be studied prior to July 1, 1949, and appropriate provision for any increases that may be granted as a result of the study, made in the 1949-1950 budget.

Respectfully submitted,

[SEAL] ALFRED E. DRISCOLL,
Attest: Governor.
RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY, }
EXECUTIVE DEPARTMENT, }
October 30, 1948. }

ASSEMBLY BILL No. 560

To the General Assembly:

I am herewith returning, without my approval, Assembly Bill No. 560, for the following reason:

This bill would provide for the apportionment of State aid to counties for mosquito extermination and control. It carries an appropriation in the amount of \$150,000 for such purpose "when included in any annual or supplemental appropriation act."

No such appropriation is currently included in any appropriation act. Therefore, to approve this measure and enact it into law would be meaningless.

I am, therefore, constrained to withhold my approval from this measure.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: Governor.
RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

ASSEMBLY BILL No. 561

To the General Assembly:

I am herewith returning, without my approval, Assembly Bill No. 561, for the following reasons:

This bill, like Assembly Bill No. 163 of 1947, would amend Chapter 135 of the Laws of 1946. Like the 1947 bill, it is designed primarily to make clear that certain school district employees in counties of the first class would be permitted to join the State Employees' Retirement System. Assembly Bill No. 163 of 1947 was filed by me in the State Library, without my approval. The message accompanying the filing of said bill contained the following pertinent statements:

"... those school district employees in counties of the first class who have already taken advantage of the provisions of Article 16, Chapter 5, Title 18 of the Revised Statutes and have joined the pension plan above referred to in counties of the first class, would be discriminated against, in that they are not afforded the same privilege of joining the State Employees' Retirement System as would be afforded under this bill to those employees who have not entered the county pension system. Here it should be noted that the provisions of Article 16 above referred to require employees joining the county system to make up accrued liability payments at the time that they join such system. However, the accrued liability contribution prior to the effective date of adoption of the State Retirement System by the municipality, of persons joining the State Employees' Retirement System, is required to be paid by the municipality on behalf of such persons. In addition, this bill would not permit school district employees who are members of the county retirement system to change their membership to the State Retirement System under any circumstances."

Assembly Bill No. 561, as Assembly Bill No. 134 of 1948, which was returned without approval on August 16th last,

indicates a serious and considered effort to work out and overcome some of the difficulties encountered by last year's Assembly Bill No. 163. Unfortunately, however, Assembly Bill No. 561 does not meet the grounds of objection set forth in the message hereinabove quoted. Accordingly, I am constrained to withhold my approval from this bill.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

ASSEMBLY BILL NO. 564

To the General Assembly:

I am herewith returning, without my approval, Assembly Bill No. 564, for the following reasons:

This bill would appropriate the sum of \$30,000 for the fiscal year beginning July 1, 1948, to the commission created pursuant to Chapter 192 of the Laws of 1941. The bill would also constitute such commission a bureau in the Division of Planning and Development of the State Department of Economic Development.

This bill is in conflict with the provisions of Article IV, Section VII, Paragraph 4 of the State Constitution which requires that "every law shall embrace but one object, and that shall be expressed in the title." The two objects of this bill are specifically set forth in its title. These are: to supplement the annual appropriation law for the fiscal year ending June 30, 1949; and to provide that the commission to which the appropriation is made shall be a bureau in the Division of Planning and Development in the State Department of Economic Development.

The bill is further defective in that it would constitute the commission to which the appropriation is proposed to be made "a Bureau in the Division of Planning and Development of the State Department of Economic Development." There exists no such division in the State Department of Economic Development.

In addition, the bill is in conflict with the annual appropriation law for the fiscal year ending June 30, 1949 (Chapter 117 of the Laws of 1948). In that law an appropriation is made to the Division Against Discrimination in the State Department of Education for the purpose of carrying out "the functions now being performed by the Commission on Urban Colored Population."

Further, under the provisions of Article VIII, Section II, Paragraph 2 of the State Constitution, before any bill carrying an appropriation can become effective it must bear a certification by the Governor that the appropriation contained in the bill, together with all prior appropriations made for the same fiscal period, do not exceed the total amount of revenue on hand and anticipated which will be available to meet such appropriations during such fiscal period. I am advised by the State Division of Budget and Accounting that under present fiscal conditions the certification required for this bill by the Constitution cannot be made. In the meantime, I am confident that within the Executive Branch we can find a solution to the problem with which this legislation is concerned.

For these reasons, I am constrained to withhold my approval from this bill.

Respectfully,

[SEAL]

Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

ALFRED E. DRISCOLL,
Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

SENATE BILL No. 58

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 58, for the following reasons:

Article VI, Section II, Paragraph 3, of the State Constitution provides in part as follows: "The Supreme Court shall make rules governing the administration of all courts in the State and, subject to law, the practice and procedure in such courts." A continuing responsibility is thus imposed upon the Supreme Court to promulgate: rules governing the management of all courts in the State; and rules governing the practice and procedure in such courts. Rules governing practice and procedure are alone subject to law.

Thus, subject to law, the Supreme Court is empowered from time to time to supplement, amend or repeal the rules promulgated by it governing practice and procedure in the courts. However, section two of Senate Bill No. 58 provides in part that the Rules promulgated by the Supreme Court, effective September 15, 1948, "shall regulate practice and procedure in the courts established by the Constitution until modified, altered or abrogated by law." This provision is, in my opinion, unconstitutional, for it would, if effective, completely deprive the Supreme Court of any further rule-making authority with respect to practice and procedure in the constitutional courts, thus rendering meaningless hereafter the pertinent constitutional mandate with respect to these courts, cited above. The right of the Legislature to legislate on this subject is conceded. The legislation, however, may not prohibit the exercise of the constitutional authority of the Supreme Court to hereafter promulgate rules or amend the same subject to the provisions of Article VI, Section II, of the Constitution. If section 2 of Senate Bill No. 58 should become effective the Supreme Court, despite the Constitutional mandate imposed upon it, would be prevented from effectuating a revocation of one of its own rules even though the same may have proved unworkable or undesir-

able. This result would follow from the proposed freezing of the rules, accomplished through the medium of their incorporation by reference in the present bill.

In addition, this bill contains a further unconstitutional provision. Section seven of the bill provides in part that any clerk or employee of any court, judge or clerk of a court, who is an attorney at law may practice in other courts unless precluded from doing so by the statute under which he holds his said office or employment. This provision is in direct conflict with Rule 1:7-7(a) of the Rules of the Supreme Court which states: "Neither the clerk of any court nor employees of the court or of any of the judges or of the clerk shall practice in any court." As pointed out above, Article VI, Section II, Paragraph 3, of the State Constitution, places in the Supreme Court the exclusive authority to make rules governing the administration of the courts of this State. Such rules, insofar as they relate to administration, are not subject to law. Rule 1:7-7(a) of the Rules of the Supreme Court, regulating as it does the conduct of certain personnel of the courts, and of the judges and clerks thereof, is clearly a rule governing an integral phase of the administration of the courts. As such, it may not, under the Constitution, be modified by law.

In view of these clearly unconstitutional provisions, as well as those contained in Sections eleven to sixteen, inclusive, in regard to the constitutionality of which serious doubt arises, I am constrained to return this measure without my approval for further study by the Legislature.

Respectfully submitted,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

SENATE BILL No. 111

To the Senate:

I am herewith returning, without my approval, Senate Bill No. 111, for the following reason:

This bill would vest title to certain real property in Point Pleasant Beach, Ocean County, formerly owned by Elizabeth S. Orrick, deceased, in one Charles Cotler. The premises are alleged to have escheated to the State on November 5, 1912.

The circumstances in this matter indicate that the premises were occupied for some years after Mrs. Orrick's death by her former servant and companion. After the death of the servant, the servant's sister occupied the premises during a portion of the summer months. Taxes on the premises have been paid since the death of Mrs. Orrick, by the servant and later by the servant's sister.

Under the circumstances, I am therefore constrained to withhold my approval from this measure.

Respectfully,

[SEAL]
Attest:

JOHN M. SUMMERILL, JR.,
Acting Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 135

To the Senate:

I am returning herewith, without my approval, Committee Substitute for Senate Bill No. 135, for the following reasons:

The bill would provide for the apportionment of Federal and State estate taxes on the estates of decedents in certain cases. Several of the provisions of the bill would give rise to serious complications while other provisions may very well lead to inequitable results. Further, I am advised that approval of this bill would create a great deal of confusion and much litigation.

I am, therefore, returning this bill without my approval, and with the recommendation that the entire matter be further reviewed by the Legislature.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 154

To the Senate:

I am herewith returning, without my approval, Committee Substitute for Senate Bill No. 154, for the following reasons:

As in the case of Senate Bill No. 408, while a general revision of the salary schedule for county prosecutors and assistant county prosecutors appears to be warranted, the increases proposed by this measure should not, I feel, be mandatorily made so near the end of a fiscal year. In many instances provision has not been made for these salary increases in county budgets.

Further, we are now engaged in reorganizing the Department of Law and Public Safety. As an integral phase of that reorganization, we are undertaking a study of the work of our county prosecutors and their staffs engaged in the enforcement of law in their respective counties, with the hope that it will no longer be necessary for us to assign members of the Division of Law to conduct trials, as has been prevalent in the past. The fact that the State has, entirely apart from the reason therefor, been called upon to send Special Prosecutors into the various counties, in the past, should be considered and an appropriate solution of this problem developed prior to granting general salary increases. The salary of a number of the assistant prosecutors and prosecutors in the smaller counties is ridiculously low. This inequity should receive the early attention of the 173rd Legislature.

For these reasons, I am returning this bill with the recommendation that this matter be again considered early in the 173rd Legislative session. At that time I will be prepared to recommend comprehensive legislation on this subject.

Respectfully submitted,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

COMMITTEE SUBSTITUTE FOR SENATE BILL No. 171

To the Senate:

I am returning herewith, without my approval, Committee Substitute for Senate Bill No. 171, concerning the practice of optometry.

In my considered judgment, the bill's prohibition of advertising would effect an unconstitutional restraint or abridgment of the liberty of speech and of the press. Furthermore, the bill would place in the licensing board the power and duty to refuse to grant, to revoke or to suspend a license for "any act which, in the opinion of the board, is inconsistent with the standards of professional conduct of the optometric profession." (Subsection p of R. S. 45:12-11 as proposed by Section 4 of the bill). This broad delegation is of doubtful constitutionality.

For these reasons I am constrained to withhold my approval of the bill.

Respectfully,

[SEAL]

JOHN M. SUMMERILL, JR.,

Attest:

Acting Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

N.J. STATE LIBRARY
P.O. BOX 520
TRENTON, NJ-08625-0520

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

SENATE BILL No. 252

To the Senate:

I am herewith returning, without my approval, Senate Bill No. 252, for the following reasons:

This bill would amend the provisions of Section 4 of Chapter 162 of the Laws of 1945. Amendments to this section, other than those proposed to be made by this bill, have already been made by Assembly Bill No. 552, which has

already been approved by me and which is now Chapter 459 of the Laws of 1948. Senate Bill No. 252 proposes to amend Section 4 of Chapter 162 of the Laws of 1945 as the same existed prior to the adoption of Chapter 459 of the Laws of 1948.

Under the circumstances and entirely apart from the purposes of the bill, Senate Bill No. 252, if it were approved by me, would automatically repeal the amendments to Section 4 of Chapter 162 of the Laws of 1945 made by Chapter 459 of the Laws of 1948 hereinabove referred to.

Consequently, I am constrained to withhold my approval from this bill.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

SENATE BILL NO. 254

To the Senate:

I am herewith returning, without my approval, Senate Bill No. 254, for the following reasons:

This bill is a mandatory civil service tenure measure. It would single out one particular office for special consideration.

Legislation of this type would be in direct conflict with the provisions of Article IV, Section VII, Paragraph 9, Subparagraph (5) of the new State Constitution which prohibits the adoption of any special law increasing the tenure rights of any public officers or employees.

I am, therefore, returning this bill without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

SENATE BILL No. 261

To the Senate:

I am herewith returning, without my approval, Senate Bill No. 261, for the following reasons:

Chapter 155 of the Laws of 1942 authorizes school district boards of education to retire school district employees who have attained the age of 65 years. Under that act, if the person whose employment is terminated is not eligible for a pension under the provisions of any other law of this State or is not a member of any public pension fund authorized or created by the laws of this State, such person is required to be paid an annual pension during the remainder of his life, with certain provisos. The authorized amount of the pension is not less than one-fourth or more than one-half of the employee's average annual salary during the last five years of his employment in the school district, if the employee was ineligible to join a pension fund. If the employee was eligible to join a pension fund and declined to do so, the pension would be one-fourth of such average annual salary.

Senate Bill No. 261 would amend Chapter 155 of the Laws of 1942 by omitting the above-referred to limitation upon the amount of pension to an employee who, though eligible, did not become a member of a pension fund. It would permit a board of education to grant up to one-half pension to these employees.

This bill would in effect discriminate against a member of the Teachers' Pension and Annuity Fund who has contributed to that system and can receive half pay after 35 years of service. Under Senate Bill No. 261 another person who may be of the same age would be retired on a half-pay pension, provided at the sole expense of the school district. In addition, this bill would strengthen the old process of independent action. Experience has indicated that this would in a great many instances be followed by financial inability to meet requirements and demands for further State rescue.

I am, therefore, constrained to withhold my approval from this measure.

Respectfully,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

STATE OF NEW JERSEY,

EXECUTIVE DEPARTMENT,

August 16, 1948. }

SENATE BILL No. 289

To the Senate:

I am herewith returning, without my approval, Senate Bill No. 289, for the following reason:

This bill amends Section 24 of Chapter 333 of the Laws of 1947 (the In Rem Tax Foreclosure Act).

Chapter 333 of the Laws of 1947 was repealed by Chapter 96 of the Laws of 1948.

Respectfully,

[SEAL]

JOHN M. SUMMERILL, JR.,

Attest:

Acting Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

SENATE BILL No. 294

To the Senate:

I am herewith returning without my approval, Senate Bill No. 294, for the following reasons:

The bill purports to limit the scope of R. S. 17:16-1. However, this statute was repealed by Section 336 of Chapter 67 of the Laws of 1948 (the Banking Act of 1948).

Under the circumstances and entirely apart from the purposes of the act, Senate Bill No. 294, even if it were approved by me, would be ineffectual to carry out its intent since it refers to a repealed section of the law.

Consequently, I am constrained to withhold my approval of this bill.

Respectfully submitted,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

SENATE BILL No. 312

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 312.

Section 27 of the bill provides that any local unit creating or joining in the creation of a port authority shall have the power and is authorized to guarantee the payment of the

principal and interest on the bonds issued by such port authority. Section 28 provides that such guarantee shall not be included in the computation of indebtedness in any annual, supplemental or other debt statement filed pursuant to the local government fiscal laws of 1938, or in any limitation or computation of indebtedness provided by those laws.

In 1938, the credit of New Jersey municipalities was at a low ebb. Defaults in payment of principal and interest on bonded indebtedness were numerous, and the local government fiscal laws of 1938 were passed not only to remedy this deplorable condition but to prevent a recurrence of it. One of the major provisions of these laws is the limitation of the amount of municipal debt.

In my judgment, the local government fiscal laws of 1938 are a salutary brake against unsound practices. The integrity of these laws should be jealously preserved.

Another consideration is important. There are grave doubts as to the bill's general desirability. I am convinced that we must guard against a multiplicity of "authorities" which might bring about an unfortunate financial situation akin to that heretofore existing in many of our western states with respect to improvement districts, irrigation districts, etc.

Assuming a need for legislation granting municipalities specific authority as regards port authority systems (to serve two or more municipalities) it would seem probable that the problem could be worked out through joint agreement of the municipalities concerned (within the present fiscal laws) and without creation of separate port authorities.

For these reasons, I am unwilling to approve Senate Bill No. 312.

Respectfully,

[SEAL]
Attest:

JOHN M. SUMMERILL, JR.,
Acting Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

SENATE BILL No. 313

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 313.

The bill authorizes the creation of incinerator authorities to acquire, finance and operate garbage disposal systems on behalf of one or more municipalities. It provides for the issuance of bonds and other obligations by an incinerator authority and for service charges to meet the expenses of a garbage disposal system established pursuant to the measure's provisions.

The bill is faulty respecting procedural and other details. It refers to the creation of an incinerator authority by resolution but the authorizing provisions relate only to such creation by a municipal ordinance or parallel ordinances. The error is due to the fact that some of the bill's provisions were copied, apparently, from the Sewerage Authorities Act which authorizes creation of county authorities pursuant to a resolution passed by the board of chosen freeholders.

There are other flaws. For example, Section 5 (d) purports to provide for payment of the expenses of the members of an incinerator authority but again inadvertently, two whole lines are omitted from Section 5 (d) and the omission renders the subsection meaningless, and of no force or effect.

Section 28 of the bill empowers and authorizes any local unit creating or joining in the creation of an incinerator authority to guarantee the payment of the principal and interest on the bonds issued by such incinerator authority. Section 29 provides that despite such guarantee the bonds of an incinerator authority shall not be included in the computation of any annual, supplemental or other debt statement of the municipality filed pursuant to the local government fiscal laws of 1938, or in any limitation of indebtedness provided in those or any other laws.

In 1938, the credit of New Jersey municipalities was at a low ebb. Defaults in payment of principal and interest on bonded indebtedness were numerous, and the local government fiscal laws of 1938 were passed not only to remedy this deplorable condition but to prevent a recurrence of it. One of the major provisions of these laws is a limitation of the amount of municipal debt.

In my judgment, the local government fiscal laws of 1938 are a salutary brake against unsound practices. The integrity of these laws should be jealously preserved.

Furthermore, there would appear to be grave doubts as to the bill's general desirability. I am convinced that we must guard against a multiplicity of "authorities" which might bring about an unfortunate financial situation akin to that heretofore existing in many of our western states with respect to improvement districts, irrigation districts, etc. Assuming a need for legislation granting municipalities specific authority as regards garbage disposal systems (to serve two or more municipalities) it would seem probable that the problem could be worked out through joint agreement of the municipalities concerned and without creation of separate garbage disposal authorities.

The doubts concerning the desirability of this measure are sharply reflected in the voting thereon. In the Senate the vote on the bill was 13 to 0, and in the General Assembly the vote was 34 to 13.

For the reasons assigned, I am constrained to withhold my approval of the bill.

Respectfully,

[SEAL]

JOHN M. SUMMERILL, JR.,

Attest:

Acting Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
August 16, 1948. }

SENATE BILL No. 331

To the Senate:

I am herewith returning, without my approval, Senate Bill No. 331, for the following reasons:

This bill provides that any medical inspector employed by any board of education in counties of the second class having a population of not less than 250,000 nor more than 300,000, who has heretofore held, hereafter shall have held or heretofore and hereafter shall have held said office continuously for five years from the date of his original appointment, shall not be removed from such office except for good cause shown after a fair and impartial trial, but shall hold such office during good behavior and shall not be removed for political reasons notwithstanding that he may have been appointed for a fixed term.

This is a mandatory tenure measure. I am, therefore, constrained to withhold my approval from the same.

Respectfully,

[SEAL]

JOHN M. SUMMERILL, JR.,

Attest:

Acting Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

SENATE BILL No. 333

To the Senate:

I am herewith returning, without my approval, Senate Bill No. 333, for the following reasons:

This bill would authorize the Board of Commissioners of any municipality, governed under the commission form

of government law, and having a population of between 120,000 and 130,000, to increase, by ordinance, the annual compensation of the mayor to not more than \$5,500, and for each commissioner to not more than \$5,000.

Pursuant to Joint Resolution No. 1 of the current legislative session, there has been constituted a Commission on Municipal Government. This commission is presently engaged in studying the structure of local government in New Jersey, including appropriate provision for the payment of salaries to those elected members of local governing bodies. It is anticipated that a preliminary report will be received from this commission in the very near future. Under the circumstances it would seem advisable for this reason to defer action on this important subject until after the Legislature has received the report of the commission created by it.

I am, therefore, constrained to return this bill without my approval, with the understanding that this subject should be considered shortly after the convening of the 173rd Legislature.

Respectfully submitted,

ALFRED E. DRISCOLL,

Governor.

[SEAL]

Attest:

RANSFORD J. ABBOTT,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

SENATE BILL No. 349

To the Senate:

I am herewith returning, without my approval, Senate Bill No. 349, for the following reason:

This bill would change the composition of the Judicial Council. The duties of the Judicial Council, as enumerated in Section 2:17-7 of the Revised Statutes are as follows:

"The council shall make a continuous study of the organization and relation of the various courts of the State, counties and municipalities, the rules and methods of procedure and practice of the judicial system of the State, the work accomplished and the results produced, and shall, from time to time, submit, for the consideration of the justices and judges of the various courts, such suggestions in regard to the rules of practice and procedure as it may deem advisable."

The judicial conference provided for by Rule 1:7-3 of the Supreme Court Rules promulgated on September 15, 1948, has as one of its functions "to consider the status of judicial business . . . to devise means for relieving congestion of dockets where this may be necessary, to improve procedure in the courts and to exchange ideas with respect to the administration of justice." Thus, a continuance of the Judicial Council would result in a duplication of work by the two groups.

Under the circumstances, I am, therefore, constrained to withhold my approval from this measure.

Respectfully,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

SENATE BILL No. 377

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 377.

After conferring with the sponsor of this measure, we are in agreement that if legislation of the type herein contemplated is to be accomplished, proper limitations within which the municipality may act, should be established.

Under these circumstances and with the concurrence of the sponsor, I am returning this bill.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

SENATE BILL No. 383

To the Senate:

I am herewith returning, without my approval, Senate Bill No. 383, for the following reason:

This bill provides, among other things, that "notwithstanding the provisions of any other law, any person engaged in the business of rebuilding engines or motors for use in any motor vehicle may obliterate, erase or remove the manufacturer's number affixed to, or imprinted upon, the engine or motor so rebuilt, upon reporting such number to be so obliterated, erased or removed to the Commissioner of Motor Vehicles, and securing from said commissioner a new number to replace the number so obliterated, erased or removed."

I am advised that such provision may very well result in complications with respect to automobile identification.

I am, therefore, returning this bill without my approval.

Respectfully,

[SEAL]

ALFRED E. DRISCOLL,
Governor.

Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

SENATE BILL No. 384

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 384, for the following reasons:

Legislation adopted at the last session of the Legislature to reorganize the municipal and district court systems, has materially altered the nature of the office of Clerk of a District Court, as that office is contemplated by this bill. As part of that reorganization of our local court system, Chapter 384 of the Laws of 1948 constitutes all city district courts as the County district court of the county in which they are located. Section 11 of that act requires County Boards of Chosen Freeholders to appropriate annually in their annual budget such amounts as they may deem necessary to provide for the salaries and other expenses of a County district court.

Accordingly, it is now inappropriate to establish any new salary with reference to a city district court, especially since it may be assumed that the Board of Chosen Freeholders will provide adequate compensation under the authority conferred by existing law.

I am, therefore, returning this bill without my approval.

Respectfully submitted,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

SENATE BILL No. 391

To the Senate:

I am herewith returning, without my approval, Senate Bill No. 391, for the following reason:

This bill is a mandatory salary increase measure. It may very well be that the officers concerned are entitled to increase in salary. However, no opportunity is afforded the governing body of the county affected, which is responsible for raising the money to pay the salaries, to pass upon the increases.

I am, therefore, constrained to withhold my approval from this bill.

Respectfully,

[SEAL]

Attest:

RANSFORD J. ABBOTT,

Secretary to the Governor.

ALFRED E. DRISCOLL,
Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
October 30, 1948. }

SENATE BILL NO. 408

To the Senate:

I am herewith returning, without my approval, Senate Bill No. 408, for the following reasons:

Almost two years ago I expressed myself as favoring a reasonable increase in salaries for the judges of our upper courts, following the reorganization of our judicial system. That objective has now been accomplished.

I hold the same opinion on the subject with respect to our county judges. A revision of the existing salary schedules for county judges is undoubtedly desirable. However, the increase should accompany a thorough reconsideration of all laws relating to the office of county judge . . . particularly those concerned with part-time service and assignment or designation to counties other than those to which appointed.

As a general principle, all full-time county court judges should receive the same compensation for presumably they will be doing identical work. I favor a full-time status for county judges. Such status is particularly warranted in first and second class counties and, in fact, in all counties having over 125,000 population. I urge that the Legislature give its studied consideration to this recommendation. In any event the voluntary provisions of the present bill with respect to full-time status may lead to future misunderstandings and confusion.

In addition, the statutes relating to designation or assignment of county judges to courts other than those for which they were appointed are sorely in need of complete revision. For example, under our statutes a county judge may be requested to hold the county court in a county other than that for which he was appointed. If he is one who was appointed for a county having less than 300,000 inhabitants, he is entitled, in addition to his regular salary, to \$40.00 a day while sitting in the county to which he was designated. If he was appointed for a county having a

population of 300,000 or more inhabitants, he is entitled to his expenses during the period he is engaged pursuant to the designation. If he was requested by a judge of a county court of another county to assist in disposing of accumulated business of the court of the requesting judge, and so serves, he is entitled, in addition to his regular salary, to receive the sum of \$20.00 per day while so sitting. The per diem compensation and expenses in each of these cases is paid by the county in which the judge is requested to sit or preside. These laws should no longer apply to judges having a full-time status and should in any event be revised to meet the standards of our present judicial system at the same time that a revised salary schedule for county judges is adopted.

In addition to the need for a general revision of the laws affecting county judges, and while I am in accord with the general objectives of this bill, the general increases should not be made mandatorily so near the end of a fiscal year. In many instances provision has not been made for these salary increases in county budgets.

For all of these reasons I am returning this bill with the recommendation that this matter be again considered early in the 173rd Legislative session. At that time I will be prepared to recommend comprehensive legislation on the entire subject.

Respectfully,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

VETO MESSAGES
OF
HON. ALFRED E. DRISCOLL
Governor of New Jersey



SUBMITTED TO THE SENATE AND THE GENERAL
ASSEMBLY OF THE STATE OF NEW JERSEY
1949

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VETOES

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STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 129

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Assembly Bill No. 129.

I am in accord with the purpose of this bill. However, as submitted to me, it is patently constitutionally defective. The title to the bill reads as follows:

“AN ACT prohibiting the selling, offering for sale, bartering or giving away of live baby chicks, ducklings or rabbits, under two months of age, in any quantity less than one dozen or which have been dyed or artificially colored, and amending section 4:22-26 of the Revised Statutes.” (Underscoring added.)

As introduced, the new matter contained in paragraph “o” of the body of the bill followed the language of the title. However, that paragraph was amended by deleting therefrom the words “, under two months of age, in any quantity less than one dozen or”. The title was not changed to conform to the wording of the paragraph as amended.

Therefore the title of the bill as finally adopted is not broad enough to cover the object expressed in the bill, as required by Paragraph 4 of Section VII of Article IV of the Constitution.

Accordingly, I return herewith Assembly Bill No. 129 for reconsideration, with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 1, title, beginning on line 2, delete the words “, under two months of age, in any quantity less than one dozen or”.

Respectfully,

ALFRED E. DRISCOLL,

Governor.

[SEAL]
Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 332

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 332.

This bill would require the collector of taxes of each taxing district to submit to the county board of taxation, on or before January fifteenth of each year, a list of veterans' exemptions granted during the prior year. Before the State and county taxes are apportioned, the county board would be required to deduct from the ratables of each district an amount equal to the ratables represented by the exemptions as shown on the list submitted.

Section 3 of the bill requires that for exemptions granted in the year 1948, the list referred to must be filed on or before March 15, 1949. The bill was adopted by the Legislature after that specified date for filing had passed.

Accordingly, I return herewith Assembly Bill No. 332 for reconsideration, with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 1, section 1, line 1, after the words "collector of taxes", insert the words "or assessor".

On page 1, delete section 3 in its entirety.

On page 1, section 4, line 1, change the section number "4" to section number "3".

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 378

To the General Assembly:

I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 378.

This bill would:

1. Amend the five local option sections of our Alcoholic Beverage Law so as to change from 15% to 30% the number of qualified electors' signatures required on petition for referendum.

2. Amend the five local option sections so as to change from *three* years to *five* years the prescribed interval between referenda, in the municipality, on *the same Public Question*.

3. Supplement the five local option sections (section 6 of the bill) so as to provide that where a referendum shall have been had in a municipality pursuant to one of the five sections, no referendum shall be had in the municipality *under any other of the five sections* until five years thereafter.

The proposals constitute a two-edged sword that may be wielded, dependent upon the circumstances, by those who are either for or against the sale of alcoholic beverages.

The bill's proposal to change from 15% to 30% the number of qualified electors' signatures required on a referendum petition, appears to me to be objectionable. A 30% requirement, to all intents and purposes, would prevent alcoholic beverage referenda in many of our municipalities. The referenda provisions of Title 33 have served a useful purpose, and by and large worked reasonably well. They should not be substantially repealed by indirection.

I am not in favor of the provisions of section 6 of the bill providing that where a referendum shall have been held under one of the five local option provisions of Title 33, no referendum shall be held until five years thereafter under any of the four other local option provisions. Such

a provision might have disastrous consequences for our licensees, where the citizens of a municipality, having adopted one referendum desire to reconsider, in part, within the five-year period, by the adoption of a referendum under perhaps another section of the bill. For example, in a municipality where a referendum was held at the last general election, under R. S. 33:1-47 ("Shall the sale of alcoholic beverages be permitted on Sundays in this municipality?"), should a referendum be barred for five years under R. S. 33:1-47.1 ("Shall sales of alcoholic beverages be permitted during designated hours on Sundays?"). In my judgment, the prohibition is unwise and contrary to the spirit and general intent of our Alcoholic Beverage Law.

I have no objection to increasing from three to five years the prescribed interval between referenda in the municipality on the same public question.

Accordingly, I return herewith Assembly Bill No. 378 for reconsideration, with the recommendation that the following amendments be made in the bill (Official Copy Reprint):

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

On page 1, in section 1, line 3, delete "30%" and insert in lieu thereof "15%".

On page 3, in section 2, line 2, delete the word "thirty" and insert in lieu thereof the word "fifteen".

On page 3, in section 2, line 3, delete "30%" and insert in lieu thereof "15%".

On page 5, in section 3, line 3, delete the word "thirty" and insert in lieu thereof the word "fifteen".

On page 5, in section 3, line 4, delete "30%" and insert in lieu thereof "15%".

On page 7, in section 4, line 2, delete the word "thirty" and insert in lieu thereof the word "fifteen".

On page 7, in section 4, line 2½, delete "30%" and insert in lieu thereof "15%".

On page 8, in section 5, line 3, delete the word "thirty" and insert in lieu thereof the word "fifteen".

On page 8, in section 5, line 4, delete "30%" and insert in lieu thereof "15%".

On page 10, delete section 6 in its entirety.

On page 10, change the section number "7" to section number "6".

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 508

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 508.

This bill would amend certain sections of Chapter 340 of the Laws of 1948, relating to hotel fire safety requirements.

One of the amendments contained in the bill would extend the time when existing hotels would be required to comply with the provisions of Chapter 340, from July 1, 1949, to January 1, 1950. Section 37 of Chapter 340 repeals Chapter One of Title 29, of the Revised Statutes, the statute containing the present hotel fire safety requirements. By present section 40 of Chapter 340 this repealer would take effect on July 1, 1949, provided that hotels which comply with the provisions of Chapter 340 prior to July 1, 1949, would not, between the date of compliance and July 1, 1949, be subject to the provisions of Chapter One of Title 29.

Thus, if this bill were approved, a possible six-month hiatus could occur during which the present hotel fire

safety requirements would be repealed and no requirement would exist for compliance with the new provisions contained in Chapter 340.

Accordingly, I am returning herewith Assembly Bill No. 508 for reconsideration, with the recommendation that amendments be made to the bill (Third Official Copy Reprint) as follows:

On page 4, immediately following section 4, insert the following new section:

“5. Section forty of the act of which this act is amendatory is amended to read as follows:

“40. This act shall take effect October first, one thousand nine hundred and forty-eight, except that section thirty-seven hereof shall take effect [July] January first, one thousand nine hundred and [forty-nine] fifty; *provided, however*, that a hotel which complies with the provisions of this act prior to [July] January first, one thousand nine hundred and [forty-nine] fifty, shall not, between the date of such compliance and [July] January first, one thousand nine hundred and [forty-nine] fifty, be subject to the provisions of chapter one of Title 29 of the Revised Statutes.”

On page 4, section 5, change the section number “5” to section number “6”.

Respectfully,

[SEAL]

Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

ALFRED E. DRISCOLL,
Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 119

To the Senate:

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

This bill amends Section 2:178-7 of the Revised Statutes to permit the prosecutor, in his discretion, to donate and deliver seized property that may be used for lawful purposes to certain institutions. It is presently necessary for the prosecutor to destroy all equipment seized in gambling raids or to render it useless for gaming purposes.

I approve the objective of the bill. For the purpose of obtaining uniform procedure in practice throughout the twenty-one counties, the discretionary authority of the prosecutor should be exercised pursuant to rules and regulations promulgated by the Attorney-General as the head of the State Department of Law and Public Safety.

Accordingly, I am returning herewith Senate Bill No. 119 for reconsideration with the recommendation that amendments be made to the Bill (Official Copy Reprint) as follows:

On page 1, section 1, line 9, after the words "in his discretion," insert the words "and subject to rules and regulations which may be promulgated by the Attorney-General,".

On page 1, section 1, line 17, after the word "organization," insert the following new sentence: "The Attorney-General shall have authority to make, amend and repeal, from time to time, such rules and regulations as he may, in the public interests, deem necessary, to assure an orderly procedure and reasonable uniformity in the disposition of such property, in accordance with the provisions hereof, in the several counties."

Respectfully,

ALFRED E. DRISCOLL,

Governor.

[SEAL]

Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 122

To the Senate:

I am returning herewith, for reconsideration and with my objections, Senate Bill No. 122.

This bill amends R. S. 2:89-3 to give the new County Courts the power heretofore lodged in the former Courts of Oyer and Terminer to appoint grand jury clerks.

Under the reorganized court system, it is desirable and practical that this power be given to the Assignment Judge who, as chief judicial officer of the jurisdiction, is charged with supervising the administration of justice in the counties assigned to him.

Accordingly, I return herewith Senate Bill No. 122 for reconsideration, with the recommendation that amendments to the bill (Second Official Copy Reprint) be made as follows:

On page 1, section 1, line 2, delete the words "County Courts" and in lieu thereof insert the words "Assignment Judges of the Superior Court".

On page 1, section 1, line 3, before the word "court", insert the word "Superior".

On page 1, section 1, line 4, delete the word "court", and insert in lieu thereof the words "Assignment Judge".

Respectfully,

[SEAL]

Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

ALFRED E. DRISCOLL,
Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 150

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 150.

This bill should be read in conjunction with Senate Bills Nos. 151 and 152 heretofore approved by me, and Senate Bill No. 289 the subject of a separate message to the Senate.

Senate Bill No. 150 requires the State to pay to a judge of a County Court, not required to devote his entire time to judicial duties, \$40.00 a day when assigned to sit temporarily in the Superior Court. The bill further provides that the judge of a County Court, not required by law to devote his entire time to his judicial duties, when assigned to sit temporarily in a County Court without the county in and for which he is appointed, shall be paid \$40.00 a day by the county to which he is so assigned.

I have no objection to the payment of \$40.00 a day to a county judge not required to devote full time to his judicial duties when he is called upon to sit outside of his county. I am not in favor of the payment of \$40.00 a day to a county judge called upon to try Superior Court cases in his own county, particularly during the period the Superior Court judge is present in the county.

In Senate Bills Nos. 151 and 152 provision was made for the payment of a salary of \$16,000.00 annually to county judges devoting their entire time to their judicial duties. These judges are prohibited from practicing law. If Senate Bill No. 150 and Senate Bill No. 289 in their present form were to become law, in addition to Senate Bills Nos. 151 and 152, it would be possible for a part-time judge, permitted under certain circumstances to practice law, to receive compensation substantially in excess of the salary paid full-time county judges who have been called upon to abandon their law practices. This appears to me to be inequitable.

It is to be noted that the marked advance that has been made in placing a substantial number of county judges on

a full-time career basis may very well obviate the necessity for calling upon part-time county judges to serve outside of their counties. The presence within our judicial system of a number of full-time county judges available for assignment within or without the county has immeasurably increased the flexibility of our judicial system. It seems to me that we can well afford to wait until the apparent virtues of the new system have been thoroughly tested before reaching a final decision with respect to additional compensation for part-time county judges. It should be further noted that pursuant to Section 3 of Senate Bill No. 151 the State is now obligated to pay 40% of the salaries of judges of County Courts (full- and part-time). This undertaking on the part of the State to pay a substantial part of the salary of judges of our County Courts made the salary increases possible and, of course, entitled the State to some service in the disposition of Superior Court cases.

Sections 2:5-10 to 2:5-14, inclusive, 2:6-10 to 2:6-12, inclusive, 2:6-17 and 2:6-18 of the Revised Statutes should be repealed. If this is not done, it may be possible for county judges under present and prospective laws to be paid substantially in excess of Superior Court judges. This would be inequitable and, I am sure, contrary to legislative intent.

Accordingly, I am returning Senate Bill No. 150 for reconsideration, and with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 1, line 2, after the word "temporarily" insert the words "without the county in and for which he is appointed".

On page 1, line 3, delete the words "to sit temporarily".

On page 1, lines 3 and 4, delete the words "without the county in and for which he is appointed".

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 198

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 198.

At the regular session of the Legislature, this bill and another bill, both amendatory of R. S. 43:14-1, were passed. The other bill is known as Senate Bill No. 300, which is now Chapter 28 of the Laws of 1949, and which latter bill amended other sections of the State Employees' Retirement Act. This latter act (Chapter 28) will become effective, by its express terms, on July first next. Senate Bill No. 198, if approved by me, would become effective immediately, but would be superseded on July first by Chapter 28.

Senate Bill No. 198 provides that the final compensation on retirement shall be based on the actual compensation received by an employee. There are, however, two other features in Chapter 28 which should be incorporated in Senate Bill No. 198, both relating to interest rates to be allowed.

Accordingly, I return this bill for reconsideration, with the recommendation that amendments to the bill (Official Copy Reprint) be made as follows:

On page 1, section 1, strike out all of lines 11, 12 and 13 and insert in lieu thereof the following: "to July first, one thousand nine hundred and forty-four, and such proportion of the interest determined at the regular rate as two per centum (2%) per annum bears to the regular rate of interest shall be allowed for any period on and after such date."

On page 2, section 1, strike out all of lines 42 and 43 and insert in lieu thereof the following: "'Regular interest' means interest at three per centum (3%) per annum, compounded annually, in the case of members enrolled in the retirement system on or after July first, one thousand nine hundred and forty-nine, and in the case of all other members interest at four per centum (4%) per annum, compounded annually."

On page 3, section 3, line 1, strike out the word "immediately" and insert in lieu thereof the following: "on the fourth day of July, one thousand nine hundred and forty-nine."

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 259

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 259.

It would appear advisable to have the definition of the term "blighted area" as used in the bill, conform substantially to that contained in other related statutes. In addition, provisions relating to supervision by the municipal governing bodies and those provisions which would avoid unnecessary duplication, such as are provided in the proposed Redevelopment Agencies Law, should be incorporated in the bill.

Accordingly, I return herewith Senate Bill No. 259, for reconsideration, with the recommendation that amendments to the Bill (Second Official Copy Reprint) be made as follows:

On page 2, immediately following section 1, insert the following new sections:

"2. The term 'blighted area' is defined to be that portion of a municipality which by reason of, or because of, any of the conditions hereinafter enumerated is found and determined as provided by law to be a social or economic liability to such municipality:

“(a) The generality of buildings used as dwellings or the dwelling accommodations therein are substandard, unsafe, insanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living;

“(b) The discontinuance of the use of buildings previously used for manufacturing or industrial purposes, the abandonment of such buildings or the same being allowed to fall into so great a state of disrepair as to be untenable;

“(c) Unimproved vacant land, which has remained so for a period of ten years prior to the determination hereinafter referred to, and which land by reason of its location, or remoteness from developed sections or portions of such municipality, or lack of means of access to such other parts thereof, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital;

“(d) Areas (including slum areas), with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community;

“(e) A growing or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein and other conditions, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.”

“3. The determination that an area is a ‘blighted area,’ within the meaning of such term as defined herein, shall be made solely by the municipality, after investigation, notice and hearing, in accordance with the provisions of chapter one hundred eighty-seven of the laws of one thousand nine hundred and forty-nine.”

On page 2, change section number “2” to section number “4”.

On page 2, new section 4, line 2, after the word "may" insert the words " , when authorized to so proceed by ordinance of the governing body of the municipality, which said governing body is authorized to adopt,".

On page 2, new section 4, line 4, after the words "blighted areas," delete the balance of the line and insert in lieu thereof the words "as herein defined;".

On pages 2 and 3, new section 4, delete lines 5 to 9, inclusive.

On page 3, new section 4, line 12, after the word "where" delete the balance of the line.

On page 3, new section 4, delete lines 13 and 14.

On page 3, immediately following new section 4, insert the following new sections:

"5. The governing body of a municipality shall not authorize a housing authority to proceed to carry out any redevelopment project if it has created a redevelopment agency pursuant to law; nor unless it has first determined that the area in the municipality to which the project refers is blighted, which determination shall be made as provided by chapter one hundred eighty-seven of the laws of one thousand nine hundred and forty-nine; nor unless the redevelopment plan, hereinafter referred to, conforms to the duly approved master plan or part thereof, if any, of the municipality. Prior to the approval of any such redevelopment plan, the planning board, if any, of the municipality shall be given an opportunity to make recommendations to the governing body concerning such plan."

"6. The governing body of any municipality in or for which an authority has been authorized to proceed hereunder may: (a) order any such authority, or any officer or employee thereof to do such acts as may be necessary to comply with the provisions of any redevelopment plan approved by it, or to refrain from doing any acts in violation thereof; and (b) require any such authority to maintain and keep uniform systems of accounts and records for redevelopment projects and to file, at such time and in such manner as it may prescribe, reports and answers to specific questions concerning such projects."

“7. A housing authority shall, in connection with any redevelopment project undertaken in accordance with the provisions hereof:

“(a) Annually submit to the municipality a proposed budget of all income and expenses which shall include all its indebtedness including payments necessary to meet interest and principal payments on bonds issued pursuant to this act. Such budget shall be subject to such changes as the municipality may prescribe, and its preparation and adoption, and the adoption of any changes therein, shall be subject to the same rules which are applicable to other agencies and departments of the municipality which are subject to budgetary control. No such budget shall be effective unless it is approved by the governing body of the municipality; no expenditures or disbursements shall be made by the authority except in accordance with a budget so approved, or any amendments or modifications thereof approved by the governing body of the municipality.

“(b) File with the municipality a detailed report of all its transactions, including a statement of all revenues and expenditures, at monthly, quarterly, or annual intervals as the municipality may prescribe.”

On page 3, change the section number “3” to section number “8”.

On page 4, change the section number “4” to section number “9”.

On page 4, new section 9, line 10, after the word “property,” insert the words “less the cost of any lands or any rights or interests in lands or any other rights of the public utility paid to the public utility in connection with removal, reconstruction, alteration or relocation of such property,”.

On page 4, change the section number “5” to section number “10”.

On page 5, change the section number “6” to section number “11”.

On page 6, new section 11, line 23, after the word “property” insert the words “less the cost of any lands or any rights or interest in lands or any other rights of the public utility paid to the public utility in connection with removal, reconstruction, alteration or relocation of such property”.

On page 6, change the section number "7" to section number "12".

On page 6, new section number 12, line 1, after the word "leases" insert the words "or conveys".

On page 6, new section number 12, line 3, delete the words "if such leased property were owned by such" and insert in lieu thereof the words "property owned by".

On page 6, change section number "8" to section number "13".

On page 6, change section number "9" to section number "14".

On page 7, change section number "10" to section number "15".

On page 7, change section number "11" to section number "16".

On page 7, change section number "12" to section number "17".

On page 7, change section number "13" to section number "18".

On page 7, change section number "14" to section number "19".

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL NO. 287

To the Senate:

Pursuant to Article V, Section I, Paragraph 14. (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 287.

This bill amends Section 2:212-9 of the Revised Statutes relating to salaries of the judges of the criminal judicial district courts. As originally introduced the bill would have provided a uniform salary for such judges in counties of the second class. As amended, however, the provisions of the bill require a different salary to be paid in Passaic County than that to be paid in Bergen County. I am informed that there exists a reasonably similar case load in the courts of both of these counties.

Accordingly, I return herewith Senate Bill No. 287 for reconsideration, and with the recommendation that amendments to the Bill (Second Official Copy Reprint) be made as follows:

On page 1, section 1, delete everything in the section beginning with subsection "c" and insert in lieu thereof the following:

"c. In all other judicial districts, except judicial districts in counties of the second class, five thousand dollars (\$5,000.00); and

"d. In judicial districts, in counties of the second class, seventy-five hundred dollars (\$7,500.00)."

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 289

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Senate Bill No. 289.

This bill should be read in conjunction with Senate Bill No. 151, fixing the annual salaries of judges of our county courts, and Senate Bill No. 152, requiring judges of our county courts, in certain counties, to devote their entire time to their judicial duties. The bill should also be read in conjunction with Senate Bill No. 283, heretofore approved by me and now Chapter 135 of the Laws of 1949, expanding the jurisdiction of county district courts in civil actions or proceedings.

This message should be read in conjunction with my message concerning Senate Bill No. 150. I agree that the increased duties of our county district courts warrants some increase in their compensation.

I do not agree, however, that it is wise at this time to increase the compensation of county court judges holding district courts. These county court judges have received a substantial increase in their salaries. To the extent that the business of the district court will be increased by Chapter 135 of the Laws of 1949 (Senate Bill No. 283), it will be largely withdrawn from the business of the county courts.

Accordingly, I return this bill for reconsideration with the recommendation that amendments to the Bill (Second Official Copy Reprint) be made as follows:

On page 2, delete lines 33 through 40, inclusive, and insert in lieu thereof, the following paragraph:

"In counties of the third class having less than one hundred thousand inhabitants, and in counties of the fourth and sixth class, twelve hundred dollars (\$1,200.00) per annum."

Respectfully,

ALFRED E. DRISCOLL,

Governor.

[SEAL]
Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 302

To the Senate:

I am returning herewith, for reconsideration and with my objections, Senate Bill No. 302.

This bill would authorize municipalities to issue bonds to pay for maintenance work deferred during the period of World War II and subsequent years because of war conditions and high construction costs, where the period of usefulness determined for such purpose does not exceed seven years, despite the provisions of R. S. 40:1-7 enjoining the incurring of indebtedness for current expenses, and R. S. 40:1-34 fixing maximum periods of usefulness.

It is not good policy to permit the issuance of bonds for deferred maintenance. Maintenance costs should ordinarily be met from current budget appropriations. The memory of the critical juncture to which short term financing brought many New Jersey municipalities in the depression years is still fresh. We should not allow the strength of the Local Bond Act provisions to be diminished.

If, because of the exigencies of the War period we are to permit the sale of bonds to meet the cost of deferred maintenance, it should be for a limited period, of not over 5 years.

Accordingly, I return herewith Senate Bill No. 302 for reconsideration, with the recommendation that if the Legislature desires to permit municipalities to issue bonds for the purpose mentioned, the following amendment be made to the Bill (Official Copy Reprint):

On page 1, in section 1, line 15, delete the word "seven" and insert in lieu thereof the word "five."

Respectfully,

[SEAL].
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 71

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 71, for the following reason:

The object intended by the bill is incorporated in Assembly Bill No. 204, which I approved on May 10, 1949, and which is now Chapter 87, of the Laws of 1949.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 107

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

The object of this bill is to validate the appointment of a member of a municipal police force, who was over 30 years of age at the time of appointment, and whose appointment was thereby prohibited under the maximum age limitation prescribed by Section 40:47-4 of the Revised Statutes. Such appointment would be made valid if the appointee has served as a full-time special officer for a period of six or more years prior to the passage of the bill and had not, at the time of his appointment as a special officer, reached his thirty-seventh birthday.

The objectives of R. S. 40:47-4 and the sound principles embodied in our merit system, should not, in the interest of maintaining high morale among our regular police forces, be weakened.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 110

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 110, for the following reasons:

Section 1 of Assembly Bill No. 110, if adopted, would be in conflict with the provisions of Sections 8 and 9 of Chapter 444 of the Laws of 1948, relating to supervision of the personnel of the Board of Barber Examiners by the State Commissioner of Health; and with the provisions of Sections 12 and 13 of Chapter 444 of the Laws of 1948, relating to the fiscal operations of the Board.

Section 2 of the bill purports to amend Section 4 of Chapter 197 of the Laws of 1938. No amendment to that section is, however, made. It appears that what was intended was an amendment to Section 4 of Chapter 133 of the Laws of 1946.

In view of the above, I am constrained to return this measure without my approval for further study by the Legislature.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 137

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 137, for the following reasons:

There appears to be no valid reason for the expansion of the applicable provisions of Chapter 376 of the Laws of 1948 at this time. If additional official reporters are required, they should qualify in the manner prescribed by the State Board of Shorthand Reporters. No provision for such qualification is made in Assembly Bill No. 137.

For this reason, I am returning Assembly Bill No. 137, without my approval.

Respectfully,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 141

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 141, for the following reasons:

This bill would amend Section 27 of the 1948 act creating the Department of Conservation and Economic Development. The proposed amendment would require that, in order to be eligible for membership in the appropriate county federation of sportsmen's clubs, *all* of the officers, and a majority of the members, of a sportsmen's club, be bona fide residents of the county.

It would appear that no sound public policy would be served by approval of this measure, which in effect attempts to regulate the internal organization of sportsmen's clubs.

Accordingly, I am returning this bill without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 161

To the General Assembly:

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

If approved, the provisions of Section 1 of the bill would be in conflict with the provisions of Sections 33 and 35 of Chapter 439 of the Laws of 1948, relating to the method of appointment, employment or removal of the personnel of the Board of Professional Engineers and Land Surveyors, and the exercise of supervision over their work by the Attorney-General.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 163

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 163, for the following reasons:

The bill would amend R. S. 2:32-267 by requiring that the summons issued on a landlord's affidavit in dispossess proceedings shall specify the branch part of the district court nearest the premises in question. However, in district courts established under P. L. 1945, c. 278, the president judge is given the power to provide otherwise by rule.

This amendment runs counter to the evident policy and purpose of P. L. 1948, c. 264, as amended and supplemented, and the rules promulgated by the Supreme Court pursuant thereto. The statute and the rules are intended to insure centrally controlled administration and practice in local courts of civil jurisdiction. Specifically, Rule 7:4-4 requires that process shall be returnable at the principal location of the district court, unless the presiding judge shall otherwise direct. This latter provision would seem sufficient to meet any practical need.

Accordingly, I am constrained to withhold my approval from this bill.

Respectfully,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

N.J. STATE LIBRARY
P.O. BOX 520
TRENTON, NJ 08625-0520

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL NO. 166

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 166.

The bill would amend Sections 40:37-159, 40:37-162, 40:37-163, 40:37-164, 40:37-165, 40:37-166 and 40:37-167 of the Revised Statutes, concerning the fund and benefits therefrom under a county police pension system. While the bill would increase the amount of the fund members' contributions, it substantially enlarges the benefits in various respects to an extent that the increased employee contributions may well be absorbed and exceeded and the fund rendered less sound than at the present time.

The actuarial soundness of the fund is essential if the pension program is to be maintained. This is particularly true in the instant case where any deficit may not be made up out of general county funds.

Uniformity in the pension treatment of our policemen and firemen is desirable. Wherever possible, pension programs for men performing essentially the same services should be consolidated to acquire the greater security that should accompany such consolidation and actuarial soundness. To the extent that the proposed changes are meritorious, they should be preceded by an actuarial study so that we may be sure that commitments made may be kept. There is no point in illusory promises as is the case when commitments exceed the actuarial capacity of the fund.

For these reasons, I am returning Assembly Bill No. 166, without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 172

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 172, for the following reasons:

This bill would authorize the appointment of recorders (a) by resolution of a board of freeholders in any municipality having no municipal court, and (b) by the district court judge of the county, with power to hold defendants to bail, such recorders to have a three-year term. The proposed legislation runs counter to P. L. 1948, c. 264, sec. 15, which would terminate the office of recorders at the expiration of their present respective terms of office.

Senate Bill No. 139, approved May 21, 1949, and now P. L. 1949, c. 201, increases the number of officials who may hold to bail. It seems adequate to meet the situation contemplated by Assembly Bill No. 172.

I am, therefore, constrained to return this measure without my approval.

Respectfully,

[SEAL]

Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

ALFRED E. DRISCOLL,
Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 191.

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 191, for the following reason:

This measure makes unlawful the operation of a motor vehicle with a television set so placed that the viewing screen is visible to the driver. An exception permits the use of Teleflex apparatus in communication company vehicles.

Public safety will best be served by prohibiting television equipment in private motor vehicles. Television will unquestionably prove a distracting influence to the driver, whether the viewing screen is directly visible to him or not.

Although the intent of the bill is to prohibit television sets visible to motor vehicle drivers, it does not do so in terms. Nor does it fix any penalty for violation of the legislative injunction.

Accordingly, I am constrained to withhold my approval of this bill.

Respectfully,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 240

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 240, for the following reason:

If approved, the provision of this bill relating to the term of office of the State Superintendent of Weights and Measures, would be in conflict with the provisions of Section 24 of Chapter 439 of the Laws of 1948 (the statute relating to the establishment of the Department of Law and Public Safety.)

Under the circumstances and entirely apart from the other purposes of the bill, I am constrained to return this measure without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: Governor.
RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 327

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 327, for the following reasons:

Under the provisions of R. S. 22:2-44 and 45, the mileage of constables and sergeants-at-arms serving process out of the district courts is computed from the place where process is issued. Assembly Bill No. 327 would amend these sections to provide that where a county district court has

branch parts, mileage is to be computed from the branch part nearest the place where service is made.

Rule 7:4-4 promulgated by the Supreme Court provides that original process issue out of the principal location of the court, appearance or answer to be made at that place, or where process is required to be made returnable at a specific time that it be returnable at such principal location, "unless the presiding judge shall otherwise direct." This rule reflects the principle and policy of centralization which gives the presiding judge an opportunity for flexible administration. The proposed measure would encourage decentralization of the county district court.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 331

To the General Assembly:

I am returning herewith, without my approval Assembly Bill No. 331.

This bill would amend one of the provisions of the "Heath Act" (P. L. 1921, c. 134). One of the amendments would advance the applicable employment date from January 1, 1921 to January 1, 1922. This provision would create an inequity with respect to those employees who joined the State service between January 1, 1921 and January 1, 1922, and who later properly elected to join the State Employees' Retirement System. Public policy requires that we strengthen and support the State Employees' Retirement

System. Our employees should be encouraged to join that system.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL]

Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

ALFRED E. DRISCOLL,
Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 343

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 343, for the following reasons:

Our large group of men and women who give freely and nobly of their time and energies in the performance of governmental services have established enviable records of achievement in this field. New Jersey has a fine tradition for maintaining such volunteer services. Attaching any semblance of compensation for these services might very well destroy this tradition.

Accordingly, the bill is being returned without my approval.

Respectfully,

[SEAL]

Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

ALFRED E. DRISCOLL,
Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 415

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 415.

This bill presents the age-old conflict of promise versus performance. The illusory lure of something for nothing has never ceased to tempt men to exchange reality for hope. Even more important than the extent of a pension program is the knowledge that it is secure. It is a known fact that prior to 1944 our municipal police and fire pension systems were insecure, actuarially unsound and confronted with bankruptcy. At least half of them were actually insolvent. It was evident that the municipalities would soon reach a point where they could or would no longer meet the mounting deficits which even today are substantial, as, for example, almost a half million dollars in Newark and nearly \$200,000. in Atlantic City, to cite but two cities.

In 1944 we began the hard task of restoring these programs to solvency for the purpose of guaranteeing that those who expected to be dependent upon them would, in fact, receive pensions. In 1947 after a careful study, I supported a fair liberalization of the pension program. We now have one of the most liberal policemen's and firemen's pension systems of any State. At the same time the State, out of its limited resources, is paying \$1,000,000. a year to establish the security of these funds.

I cannot at this time, as a matter of good faith and mindful of my responsibility to our policemen and firemen, support further benefits without adequate provision for their cost. In the absence of proof that the extension requested will not destroy the very objectives for which we have all been working, namely security to the pension program, I am compelled to withhold approval at this time.

We have been deeply concerned with the problems of law enforcement in all its phases. We recognize a sound pension program as necessary to the morale of our hard-working law enforcement officers. I have considered the

present bill in the framework of a general policy which, through your co-operation, includes these accomplishments:

The first legislation in the United States making permissive a 40-hour work week for policemen;

Legislation permitting policemen illegally suspended to recover salaries lost during the suspension periods;

Modification of the 1944 Pension Act reducing the minimum retirement age to 51, raising to half-pay pensions for non-service connected disability and reducing pension contributions required of retired policemen;

Legislation permitting municipalities to award damages to policemen injured in line of duty;

Legislation providing \$1,500. for widows of policemen killed in line of duty and raising age of dependency for children to 18, affecting not only pension fund members enrolled under the 1920 Act, but, as well, those under the 1944 Act.

Assembly Bill No. 415 would affect the retirement rights of policemen and firemen by reducing the present requirements of 51 years of age and 25 years of service to 50 years of age and 23 years of service. The bill makes no provision for paying the added cost of this benefit, nor was it preceded by any actuarial study to show what its costs might be. The present law was adopted in 1944 after lengthy study and was amended in 1947 following a thorough review of the 1944 pension program.

The purpose of the 1944 legislation was to provide the ground-work for a secure and sound pension system for policemen and firemen. As part of that legislation the State undertook to provide State aid amounting to \$1,000,000. per year to municipalities in an effort to bolster the failing local funds. It should be understood that policemen and firemen who were members of the local funds had never been called upon to contribute on the basis of the actuarial costs of the benefits of the 1920 act—for the good reason that it was estimated in 1942 that it would take a contribution of 55% of *payrolls* to make up for past deficiencies and place the local funds on a sound basis which would assure their ability to pay the promised benefits. Home owners and other local taxpayers, already paying hundreds of thousands of dollars annually to make up local pension fund deficiencies, should not be further burdened nor is it wise to expect that

they will be willing indefinitely to carry mounting costs of pension deficits.

In 1947 we agreed to lower the retirement age to 51, to raise pensions for non-service connected disability to half-pay and reduce pension contributions of retired policemen. As a result of careful studies, it was then plainly understood by all parties concerned that we could not properly make any further concessions to the older members without hurting the interests of all policemen and firemen. The situation has not changed.

The 1944 legislation, moreover, established a new State-wide retirement system on the basis of 55 years of age and 25 years of service. Under the 1944 legislation, as amended, the following types of retirement coverage are in force:

- (1) Policemen and firemen who were members of local pension funds prior to July 1, 1944 may remain in such funds;
- (2) Policemen and firemen appointed since July 1, 1944 by municipalities having local funds, are required to be members of the new, actuarially sound State system, provided they meet the maximum age requirements;
- (3) All policemen and firemen working for municipalities which adopt the new State system by referendum may be covered by the new (1944) State system.

The present bill purports to affect retirement only of those in the first group noted above. The title of the bill is thus constitutionally defective in that it relates to all policemen and firemen.

For these reasons, I am constrained to withhold my approval of this bill.

Respectfully,

ALFRED E. DRISCOLL,

Governor.

[SEAL]

Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No. 432

To the General Assembly:

I am returning herewith, without my approval, Committee Substitute for Assembly Bill No. 432, for the following reasons:

This bill is a mandatory pension measure. It would authorize any person who serves as an assistant clerk of the city district court, and as a clerical assistant of a county district court, in counties of the first class having a population of less than 800,000, for a period of 26 years, and who reaches the age of 65, to retire upon his own request. Thereupon, the Board of Freeholders of the county is required to establish an annual pension for such person at an amount not less than one-half of his salary. Thus, no opportunity is afforded the governing body of the county which is responsible for raising the money to pay the pension, to pass upon the granting of the pension.

Accordingly, I am constrained to withhold my approval from this measure.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949.

ASSEMBLY BILL No. 466

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 466, for the following reason:

This is a mandatory tenure measure. It would single out one particular office for special consideration.

Legislation of this type would be in direct conflict with the provisions of Article IV, Section VII, Paragraph 9, Subparagraph (5) of the new State Constitution which prohibits the adoption of any special law increasing the tenure rights of any public officers or employees.

I am, therefore, returning the bill without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949.

ASSEMBLY BILL No. 483

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 483, for the following reasons:

The bill would authorize a tax certificate holder to initiate a tax foreclosure proceeding in the Superior Court, with or without notice to redeem being given the property owner. It permits the plaintiff to fix in his complaint the amount required for redemption. Redemption must be made within the twenty days allowed for answer, by the person entitled to redeem tendering the amount claimed, together with dis-

bursments, costs, and such counsel fee as the court may allow, to the plaintiff, or paying the same into court.

Failure to redeem or answer within time will result in judgment being entered against a defendant.

No order of redemption is required. Although intended to simplify tax foreclosure, the method established in Assembly Bill No. 483 can, and in all probability will, result in difficulties. The amount required to redeem should be fixed precisely by the court.

It should, incidentally, be noted that the bill is effective immediately. There is a serious question whether so drastic a change in procedure should become effective without allowing a reasonable time for those whose property has been sold for taxes to become acquainted with the provisions of the proposed new law.

Accordingly, I am constrained to withhold my approval of this bill.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL NO. 485 AND ASSEMBLY BILL NO. 484

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 485 and Assembly Bill No. 484, for the following reasons:

Assembly Bill No. 485, as amended, would commit the State to the payment of large sums of money (\$1,385,000 or more) which are not presently available. The fact that the payments are not required to be made in full until the fiscal year beginning July 1, 1950, does not change the hard

fact that neither a person nor a government should make a promise unless it is sure that it can keep the promises.

A consideration of these bills whose objectives I unqualifiedly approve presents a commentary upon the current lack of fiscal resources on the part of your State. To go into detail would require a reference to my last Budget Message and the Annual Appropriations Bill passed without a dissenting vote this year.

Pursuant to Joint Resolution No. 3 of the 172nd Legislature, a Commission on Hospital Costs was appointed and in March of 1949 submitted its report and recommendations. The Commission's report contains a comprehensive survey of hospital costs. Following the filing of the Commission's report, Assembly Bill No. 484 was introduced. The legal effect of this bill is to repeal articles two and three of Chapter 5 of Title 44 which establishes the present system and method whereby the counties may contribute to the cost of providing medical care for needy persons in hospitals.

Assembly Bill No. 485 introduced at the same time provides a new method for making such payment and establishes the formula and procedure.

Under the existing law, our counties may make bulk payment to the hospitals as an aid in meeting the deficit that these hospitals have incurred as a result of furnishing free services to needy individuals. The Commission found this to be an inadequate method and proposed, in lieu thereof, the following: Payment to be made to hospitals on a basis of services actually furnished an individual. It would be necessary that he be certified by a governmental agency as requiring medical care, second, that he was necessitous and indigent, and third, the governmental agency responsible for his particular case would arrange to make the payment. For example, if he were a recipient of Old Age Assistance payment would be made from funds supporting that program by the appropriate agency administering the service. If he were eligible under the general relief program, payment would be made accordingly from relief funds.

No general allotments would be made to any hospitals other than for specific services rendered an individual. In the last days of the legislative session, amendments were offered and adopted which appear to be directly contrary to the spirit and intent of the Commission's report.

Assembly Bill No. 485 involves an increase in expenditures of the State of approximately \$1,385,000 per year. Under the provisions of the bill, State agencies are required to assume the cost of furnishing medical care in hospitals to a needy person in the following approximate amounts:

Old Age Assistance	\$1,060,000
Board of Child Welfare	75,000
Dept. of Conservation and Economic Development (Municipal Aid)	250,000
	<hr/>
	\$1,385,000

Aside from the fact that I have been advised by the State Division of Budget and Accounting that funds are not presently available to meet a future commitment of this size, it is evident that the amendment to Assembly Bill No. 485 leaves the doors wide open for the State, the counties and the municipalities to pay unlimited sums under the old method of financing which Assembly Bill No. 484 was intended to repeal and which the amendment to Assembly Bill No. 485 reinstates. It is significant that whereas in the existing law permitting a general allotment or an annual payment there are certain limitations in the payment that may be made, the amendment to Assembly Bill No. 485, in section 8, contains no such limitation, nor is there any limitation contained in Section 1 (e) as amended.

I have the deepest sympathy for the plight of our hospitals. I am well aware of the service that they are rendering. The State is anxious to support them in every way possible. On the other hand, the State cannot and should not be called upon to sign a blank check nor can it make commitments beyond its capacity to keep those commitments out of funds that may be reasonably expected to be available in succeeding budget years. While Assembly Bill No. 485 makes no appropriation, for the obligation of the State to make payments thereunder does not arise until July 1, 1950, preparation must be made now to meet any future increase that may be agreed upon.

Assembly Bill No. 485, as amended, attempts rather unsuccessfully to incorporate two entirely different points of view. The first, expressed by the Commission in its report and proposed in the bill prior to amendment, and the second represented by the amendments. As a result, the potential liability of the State and its political sub-divisions

appears to have been increased without commensurate safeguards or any offsetting reductions as was originally contemplated.

In view of the conclusion that I have reached, it is not necessary for me at the present time to attempt to reconcile the two points of view or to judge the merits of the issue raised by the report and subsequent amendment.

The recognition that I have accorded the need for increased support for our hospitals merits a speedy and thorough review of this subject by men and women expert in hospital administration, social welfare, State, county and municipal finance. Such a study should be completed prior to July 1, 1950, the date mentioned above. This study may be conducted during the same period that the State Tax Policy Commission, pursuant to legislative reference, is studying the problems of State and municipal finance.

Assembly Bill No. 484, the repealer, must stand or fall with Assembly Bill No. 485. In the meantime, Assembly Bill No. 522, permitting certain municipalities to continue to make appropriations for hospital purposes has been approved by me. This act will remain in effect until January 22, 1951 and has afforded our hospitals some relief.

Under all the circumstances, I have reluctantly and with the greatest regret reached the conclusion that I have no other recourse than to return Assembly Bill No. 484 and Assembly Bill No. 485 without my approval.

Respectfully,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 504

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 504, for the following reason:

This bill would amend Section 43:13-3 of the Revised Statutes relating to the retirement systems for employees of cities of the first class. This section presently provides that any municipal employee who has served in the employ of a city of the first class for 20 years and reached the age of 60, shall, on his application, be retired on half pay. The proposed amendment would permit any municipal employee who has served in the employ of a city of the first class, having a population of less than 350,000, for a period of 50 years to retire on full pay. Such a variation from the pension pattern originally established does not appear to be justified.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL]

Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

ASSEMBLY BILL No. 521

To the General Assembly:

I am returning herewith, without my approval, Assembly Bill No. 521.

This is a sad story. The need for an aggressive inter-State authority in the South Jersey-Philadelphia metropolitan area is generally recognized. This inter-State agency should be given substantial authority. Assembly Bill No. 521 was introduced for the purpose of expanding the opportunities and obligations of the Delaware River Joint Commission to promote the welfare, serve the citizens and enterprise of a bi-State area under the name of Delaware River Port Authority. The legislation was prepared after painstaking conferences between representatives of the Commonwealth of Pennsylvania and the State of New Jersey. As introduced, the proposed legislation had my complete and unqualified support.

Assembly Bill No. 521 provides that it is to take effect upon the enactment of substantially similar legislation by the Commonwealth of Pennsylvania embodying the proposed supplemental agreement between the two States. Unfortunately, certain interests, for selfish reasons, chose to oppose the Pennsylvania legislation. The legislation finally adopted by the Legislature of the Commonwealth of Pennsylvania was emasculated and bore slight resemblance to the original proposed legislation, and I am advised it has been vetoed by the Governor of Pennsylvania.

Under the circumstances, the adoption of Assembly Bill No. 521 at this time will not serve any useful purpose. Inter-State co-operation in the development of an important metropolitan area embracing parts of two States is of paramount importance. It is desirable, therefore, to make a new concerted, fresh attack upon the problem, unhampered by previous legislation adopted by one State while rejected by another.

Further, Assembly Bill No. 521, contains one provision with which I do not agree, namely, that limiting the right of eminent domain on the part of a bi-State agency where

the property is owned by a public utility as defined in Section 48:2-13 of the Revised Statutes.

For these reasons, I am returning Assembly Bill No. 521 without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 52

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 52, for the following reason:

This bill would provide an appropriation of \$100,000 to the South Jersey Port Commission for payment of indebtedness, liabilities or other obligations incurred by the Commission. The appropriation would be in addition to appropriations made for the general purposes of the Commission. Under the provisions of Article VIII, Section II, Paragraph 2 of the State Constitution, before any bill carrying an appropriation can be effective it must bear a certificate by the Governor that the appropriation contained in the bill, together with all prior appropriations made for the same fiscal period, do not exceed the total amount of revenue on hand and anticipated which will become available to meet such appropriations during such fiscal period. I am advised by the State Division of Budget and Accounting that, under present fiscal conditions, the certificate required for this bill by the Constitution cannot be made. If Article VIII, Section II, Paragraph 2 of our new Constitution is to serve any useful purpose it must be strictly construed. A liberal construction, based upon an illusory

hope of revenues which may be collected although not anticipated at the time the budget was adopted, would make the section meaningless.

In 1948, the State withdrew entirely from the real estate tax (State school tax). In Camden County alone this amounted to a tax loss to the State of over \$650,000 with corresponding benefit to the local levels of government, including principally school districts, and/or the real estate owners. In addition, total net State aid to the municipalities of Camden County has increased from approximately \$649,000 (after deducting State school tax) in 1946, to approximately \$2,352,000 in 1949. In Camden City alone net State aid (after deducting State school tax) has increased from approximately \$89,979 in 1946 to approximately \$767,000 in 1949. This investment by our State Government in its local municipalities and in the preservation of home rule has taxed its financial resources to the limit and make it impossible for it to assume substantial additional financial obligations at this time. It is my hope that upon the establishment of the Delaware River Authority, heretofore recommended, that the State will find it possible to assume the responsibility for the full development and support of the activities of the South Jersey Port Commission.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 58

To the Senate:

I am returning, herewith, without my approval, Senate Bill No. 58, for the following reasons:

By its terms, this bill would validate all sales of lands and premises heretofore made at public auction or private sale by any municipality. A similar bill, Assembly Bill No. 58 of 1947, was filed by me in the State Library, without my approval, on July 1, 1947.

As stated in the message accompanying the filing of that bill, although sound reasons may exist in particular instances for the validation of conveyances made despite certain technical defects, I cannot affix my approval to a bill which, in effect, would excuse the failure to comply with any and all safeguards imposed by law.

Accordingly, I am constrained to return this bill without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL NO. 64

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 64, for the following reason:

This bill, if it became law, would discharge the property of employers from all liens created by the Unemployment Compensation Law because of the failure to file reports or to pay contributions, penalties and interest for the period from January 1, 1936 to June 17, 1940, except liens created by the filing of a certificate of debt or recovery of a judgment in a court of competent jurisdiction.

In my opinion, the proposed legislation is of such doubtful constitutional validity (*Wilentz vs. Hendrickson*, 135 N. J. Equity 244), that it should not be adopted.

The Division of Employment Security should be required within a reasonable period to file certificates of debt in all cases where its records disclose indebtedness by reason of any unpaid contributions, penalties or interest during the period from January 1, 1936 to June 17, 1940. Legislation may be adopted requiring the filing of such liens and the reduction of the division's claim to judgment. Thereafter the Division may, by legislation, be foreclosed from asserting any claims for the period in question, other than those disclosed by the filed certificates of debt and judgment.

For the reasons stated herein, I am returning Senate Bill No. 64 without my approval.

Respectfully,

[SEAL]

Attest:

RANSFORD J. ABBOTT,

Secretary to the Governor.

ALFRED E. DRISCOLL,

Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 68

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 68, for the following reasons:

By its terms this bill would validate all purchases of real estate, and the sale of such property, heretofore made by executors, administrators or administrators c.t.a., from funds, or any part thereof, in their possession as such executors or administrators, despite the fact that no authority existed, by law, or by their trusts, to make the purchases.

Although sound reasons may exist in particular instances for the validation of purchases and sales by such executors or administrators, despite certain technical defects, I can not affix my approval to so broad and all inclusive validation.

Respectfully,

[SEAL]

Attest:

ALFRED E. DRISCOLL,

Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 86

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 86, for the following reasons:

This bill would permit local boards of health, in cities maintaining public health departments under said boards, to pension their health officers or chief executive officers employed on a full-time basis, after service of 25 years and upon reaching the age of 60. The annual pension allowed would amount to three-fourths of the officer's salary for the preceding year of employment.

If the local board grants the pension, the governing body of the city is required to provide for payment of the same. Thus, no opportunity is afforded the governing body of the municipality affected, which is responsible for raising the money to pay the pension, to pass upon the pension.

Accordingly, I am constrained to withhold my approval from this bill.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 110

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 110, for the following reasons:

This measure would give a special officer appointed by the prosecutor in counties bordering the Atlantic Ocean and having not less than 30,000 nor more than 50,000 population, tenure after three years in office. R. S. 2:181-10, under which such officers are appointed, was amended in 1938 and gave tenure to those then holding office and who had served for four years.

In effect, Senate Bill No. 110 would give tenure to those who, under present law, cannot acquire it except after regular examination. A comprehensive merit system equitable to all citizens and applicable to the whole service will never be fully established if we encroach upon the classified system in this fashion.

Accordingly, I am constrained to withhold approval of the bill.

Respectfully,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 118

To the Senate:

I am returning, herewith, without my approval, Senate Bill No. 118, for the following reasons:

R. S. 45:24-9 purports to authorize certain persons, including veterans, to hawk, peddle and vend goods and merchandise within this State by procuring a license for that purpose in the manner prescribed in the law.

Senate Bill No. 118 would amend R. S. 45:24-9 making the provisions thereof inapplicable where "hawking, peddling and vending" is or shall be prohibited by municipal ordinance on public boardwalks and public beaches. The choice given the municipality by Senate Bill No. 118 is either to permit or prohibit hawking, peddling and vending.

It is conceivable that the vending of merchandise under certain circumstances may be desirable if properly regulated and controlled. In my judgment, our municipal governing bodies should be given a broader choice than either to permit unrestricted hawking, peddling or vending on the one hand, or to prohibit it entirely on the other.

R. S. 40:52-1 authorizes municipal governing bodies to "make, amend, repeal and enforce ordinances to license and regulate," among others, "common criers," "hawkers," and "peddlers."

For these reasons I am constrained to withhold my approval of the bill.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 154

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 154, for the following reasons:

The bill would give tenure to grand jury clerks in counties of the fifth class who had served in that capacity for at least nine years in the aggregate.

On the same day this bill was adopted, the Senate, by a vote of 20-0, adopted Senate Bill No. 122, amending R. S. 2:89-3. Senate Bill No. 122, like the section it would amend, applies to all counties alike, and gives to the new County Courts the power to appoint the respective grand jury clerks for a term not exceeding three years, unless sooner removed by the court. I have indicated my desire to approve Senate Bill No. 122 upon the adoption of a suggested amendment by the Legislature.

Senate Bill No. 154 runs counter to the letter and spirit of Senate Bill No. 122, which is as well-based in its general application as is the section of the Revised Statutes which it amends. The bill before me would breach a policy that has been embodied in our statute for more than half a century.

The measure also falls under the constitutional injunction against the Legislature passing any private, special or local law creating a tenure right for any public officer or employee.

I, therefore, am compelled to return Senate Bill No. 154 without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 159

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 159, for the following reason:

This is a mandatory pension measure.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: Governor.
RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 194

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 194, for the following reasons:

This bill would supplement the State Limitation Law (P. L. 1947, Chapter 94) so as to except therefrom the new license application of an ex-licensee who transferred his license to his spouse because of his induction into or service in the armed forces of the United States where the spouse, during such service, surrendered the license or permitted it to expire, provided that no license of the same class has been issued in the municipality since the indicated surrender or expiration.

Section 7 of the State Limitation Law properly provided an exception within limitations in favor of ex-licensee veterans. The objectives of that law are sound. Its effectiveness should not be weakened.

Accordingly, I am constrained to withhold my approval of this bill.

Respectfully,

[SEAL]

Attest:

RANSFORD J. ABBOTT,

Secretary to the Governor.

ALFRED E. DRISCOLL,

Governor.

STATE OF NEW JERSEY,

EXECUTIVE DEPARTMENT,

May 31, 1949. }

SENATE BILL No. 201

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 201, for the following reasons:

This bill amends the title of P. L. 1938, Chapter 50, to include Route 100-B with Routes 100 and S-100 heretofore added to the State Highway system. In amending Section one of the act, there is included a provision that Route 100 "in crossing the Overpeck creek shall not be by a bridge alone but such crossing shall include a dam and a causeway." I construe this language to be a legislative directive to the State Highway Department to finance and construct a dam and causeway in addition to a highway. This directive goes beyond the scope of the title and the bill is, therefore, constitutionally defective.

In addition, the adoption of Senate Bill No. 201 at this time may be inconsistent with the intent and purpose of Senate Bill No. 296, now Chapter 41 of the Pamphlet Laws of 1949.

For these reasons I am constrained to withhold my approval of Senate Bill No. 201.

Respectfully,

[SEAL]

Attest:

RANSFORD J. ABBOTT,

Secretary to the Governor.

ALFRED E. DRISCOLL,

Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 208 AND SENATE BILL No. 264

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 208 and Senate Bill No. 264, for the following reason:

I am informed that, after passage of these bills and before they reached me, the proposed beneficiaries passed away. Under the provisions of the bills the pension privileges would have been effective during life-time only.

I deeply regret the circumstances that compel me to return the bills to you.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: Governor.
RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 223

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 223, for the following reason:

There is no logical basis for allowing a six-cent mileage fee for constables and sergeants-at-arms, instead of a four-cent fee, in counties with less than 100,000 population. The four-cent rate is fixed by R. S. 22:2-45 for all of New Jersey.

Accordingly, I am constrained to return Senate Bill No. 223, without my approval.

Respectfully,

[SEAL] ALFRED E. DRISCOLL,
Attest: Governor.
RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 231

To the Senate:

I am returning, without my approval, Senate Bill No. 231.

I am in complete agreement with the objectives of this bill. The need for a periodic revision, consolidation and compilation of our laws is apparent. In fact, the compilation of our laws should be on a year to year basis as is the case in some States. Unfortunately, Senate Bill No. 231 authorizes and directs the Law Revision and Bill Drafting Commission to undertake a project without providing the necessary funds. Provision for the necessary financing should precede the authorization of an undertaking of this magnitude. The Executive Branch of our government is presently engaged in a careful study of this problem, including provision for the payment of the same, and will be prepared to submit recommendations prior to or upon the convening of the next session of the Legislature. Meanwhile, existing laws make provision for current revision of our statutes within the limits of available funds. Accordingly, it is my opinion that no time need be lost by the failure to adopt Senate Bill No. 231 at this time.

For this reason, I am returning Senate Bill No. 231, without my approval.

Respectfully,

[SEAL]
Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

ALFRED E. DRISCOLL,
Governor.

SENATE BILL No. 236

To the Senate:

I return herewith, without my approval, Senate Bill No. 236, for the following reasons:

This bill authorizes any municipality, or any two or more municipalities, or any public water commission or other public water agency owning, controlling, operating or maintaining any watershed, water system, or feeder stream within this State, to appoint and establish a constabulary to preserve order, protect property and secure enforcement of laws, rules and regulations enacted and promulgated for the protection, regulation and control of any such watershed or water system and the feeder streams supplying it. Such constabulary is to be separate and distinct from any municipal, county or State police system.

There are no minimum qualifications controlling appointments to the constabulary. A municipality, even though it has already adopted the provisions of the civil service law, would not be subject to the provisions of that law in such appointments.

There are two principal objections to this bill:

It is to be observed that the public agency which appoints the constabulary may make, alter, amend and repeal rules and regulations for the protection of the watershed and its appurtenances, and prescribe fines and penalties for violations of such rules and regulations. An administrative agency may not issue regulations and constitute their violation an offense, and then prosecute for such violation unless the Legislature has set out the offenses and the penalties that might be imposed for their violation, in the enabling act.

A new and independent "watershed constabulary" raises the problem that our law enforcement efforts are already complicated by the existence of police forces overlapping each other at federal, State and local levels of government. If there is any need for strengthening of the police protection afforded municipal water supply sources, some pro-

Accordingly, I am constrained to withhold my approval of the proposed measure.

[SEAL]

Attest:

RANSFORD J. ABBOTT,

Secretary to the Governor.

EXECUTIVE DEPARTMENT,

May 31, 1949.

To the Senate:

Chapter 179 of the Laws of 1947, approved by me on May 23rd of that year, provides for the establishment of municipal youth guidance councils and joint municipal youth guidance commissions, and prescribes their functions, powers and duties.

The council or agency is required to be notified forthwith of any juvenile delinquent or offender apprehended or taken into custody, and thereafter *no further action may be taken* in the matter except in accordance with its directions. The council or agency would determine whether a formal complaint should be filed in the Juvenile and Domestic Relations Court, and if it so decided, it would cause the complaint to be filed. It would also assist the court in making investigations when called upon to do so.

Although the few existing agencies of the type indicated have done commendable work, the effect of the bill would be to deprive the Juvenile and Domestic Relations Court of full and complete control of the problem of juvenile delinquency. The limitation imposed by the bill upon the discretion of the court is not desirable. The proposed legislation establishes no safeguards. Its result, in many cases, might well be, to by-pass the judicial process in the handling of juvenile delinquents. Voluntary co-operation between the Councils, Commissions and the Court would appear to be preferable to a mandatory limitation of judicial authority.

Accordingly, I am constrained to return the bill without my approval.

Respectfully,

[SEAL]

Attest:

RANSFORD J. ABBOTT,
Secretary to the Governor.

ALFRED E. DRISCOLL,
Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 271

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 271, for the following reason:

This bill would amend Section 43:10-2 of the Revised Statutes, relating to retirement systems for employees of counties of the first class. This section presently provides that any employee of a county of the first class who has served in the county's employ for 20 years and has reached the age of 60, shall, on his application, be retired on half pay. The proposed amendment would authorize any employee of a county of the first class, having a population of

less than 800,000, who has served in the employ of the county for a period of 50 years to retire, on full pay. Such a variation from the pension pattern originally established does not appear to be justified.

Accordingly, I am constrained to return the bill, without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 284

To the Senate:

I am herewith returning, without my approval, Senate Bill No. 284 authorizing municipal governing bodies to enter into contracts for the purchase of parking meters and to make payments on account of such purchase price out of revenues from the operation of the parking meters "and not out of general funds." There is, at the present time, no law which empowers a municipality to purchase equipment and to pay for the same out of receipts from the operation of such equipment. In my judgment, all municipal receipts should be subject to budgetary control and payments for the purchase of equipment should be made pursuant to appropriation in the manner presently prescribed by law.

Furthermore, the provision in Senate Bill No. 284 providing that the "revenue derived from the operation of parking meters, over and above the amount required for payments on account of the purchase price of such meters, shall be deemed to be miscellaneous revenue of the municipality" and used for such purpose as the governing body

shall determine, is contrary to the provisions of the local budget law. Miscellaneous revenue not anticipated in the budget or revenue in excess of the budget anticipation is presently required to be credited to surplus subject to future appropriation. It is unwise in my judgment to begin to make exceptions to the proper control provisions of the local budget law.

Experience discloses that parking meters, when installed where there is a need for them and where their operation is properly supervised, frequently pay for themselves in from twelve to twenty-four months. I am advised by Walter R. Darby, Director of the Division of Local Government, that legal methods of financing the purchase of parking meters now exist under our laws.

For these reasons, and because I doubt if a municipal corporation has the constitutional power to permit a private corporation to install parking meters along public highways where title to such meters is not vested in the municipality, I am returning Senate Bill No. 284 without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 285

To the Senate:

I am returning herewith, without my approval, Senate Bill No. 285, for the following reasons:

This bill would amend Section 27:1-15 of the Revised Statutes by: (a) providing that the assistant State Highway Engineer shall hold office for a term of four years and until his successor is appointed and has qualified; and (b) providing that the present assistant State Highway Engineer shall continue in office for four years from the effective date of the bill, unless removed as provided by law, and until his successor is appointed and qualifies.

The provision of the bill which would extend, for four years, the term of the present assistant State Highway Engineer, is constitutionally defective. Paragraph 9 (5) of Section VII of Article IV of the State Constitution, among other things, prohibits the enactment of any private or special act increasing the term of any public officer or employee.

In view of the constitutional defect in the bill, I am constrained to return it without my approval.

Respectfully,

[SEAL]

ALFRED E. DRISCOLL,

Attest:

Governor.

RANSFORD J. ABBOTT,

Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE BILL No. 293

To the Senate:

I am returning, without my approval, Senate Bill No. 293.

I am advised by the Attorney General that Senate Bill No. 293 is not now required by reason of the legislative intent expressed in Senate Bill No. 295, now Chapter 40 of the Pamphlet Laws of 1949, and Senate Bill No. 296, now Chapter 41 of the Pamphlet Laws of 1949; and for the further reason that the New Jersey Turnpike Authority has given ample evidence of its intent to proceed rapidly with the planning, construction and completion of the project referred to in Section two of this bill.

For these reasons, I am returning Senate Bill No. 293 without my approval.

Respectfully,

[SEAL]
Attest:

ALFRED E. DRISCOLL,
Governor.

RANSFORD J. ABBOTT,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
May 31, 1949. }

SENATE COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL NO. 128

To the Senate:

I am returning herewith, without my approval, Senate Committee Substitute for Assembly Bill No. 128, for the following reasons:

The bill, by its title, would supplement P. L. 1899, c. 52, an act relating to cities with less than 12,000 population. However, by its terms it would apply to cities of more than 16,000 and less than 17,000 population. The provisions of the bill are broader than what is indicated by its title. The proposed legislation is, accordingly, constitutionally defective.

It should also be noted that the bill would authorize the common council to appoint the chief of police and captains and sergeants of police, and place them under its supervision and control. Under the original act, the mayor is head of the police department and the authority to appoint the police officers is in him, as it should be. Senate Committee Substitute for Assembly Bill No. 128 attempts to transfer a function essentially executive to the local legislative body—a step which runs counter to sound municipal practice and policy.

I am therefore constrained to withhold my approval of the bill.

Respectfully,

ALFRED E. DRISCOLL,
Governor.

[SEAL].
Attest:
RANSFORD J. ABBOTT,
Secretary to the Governor.

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