

53: 1-11.3 et al

LEGISLATIVE HISTORY CHECKLIST

NJSA: 53:1-11.3 et al

(Alcoholic Beverage Control Enforcement Bureau--establish in State Police)

LAWS OF: 1985

CHAPTER: 76

Bill No: S1835

Sponsor(s): Bassano

Date Introduced: May 17, 1984

Committee: Assembly: Law, Public Safety and Defense

Senate: Law, Public Safety and Defense

Amended during passage: Yes according to Governor's recommendations

Amendments denoted by asterisks

Date of Passage:

Assembly: Jan. 8, 1985 Re-enacted 3-7-85

Senate: Nov. 19, 1984 Re-enacted 3-7-85

Date of Approval: March 14, 1985

Following statements are attached if available:

Sponsor statement: Yes

Attached: Assembly amendments, adopted 1-3-85 (w/statement)

Committee statement: Assembly

No

Senate

Yes

Fiscal Note:

No

Veto Message:

Yes

Message on Signing:

No

Following were printed:

Reports:

No

Hearings:

No

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SENATE, No. 1835

STATE OF NEW JERSEY

INTRODUCED MAY 17, 1984

By Senator BASSANO

Referred to Committee on Law, Public Safety and Defense

AN ACT establishing the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police in the Department of Law and Public Safety, supplementing chapter 1 of Title 53 of the Revised Statutes and amending N. J. S. 2C:39-6 and R. S. 33:1-4.

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

1 1. (New section) There is established in the Division of State
2 Police **in the Department of Law and Public Safety** an Alcoholic
3 Beverage Control Enforcement Bureau under the supervision of
4 the Superintendent of State Police **[in the Division of State Police*
5 *in the Department of Law and Public Safety* which shall enforce
6 the provisions of Title 33 of the Revised Statutes and the supple-
7 ments thereto]*.

1 2. (New section) The bureau shall consist of the following:

2 a. Inspectors appointed and trained by the superintendent. In-
3 spectors shall not be subject to the provisions of Title 11 of the
4 Revised Statutes and shall be removable by the superintendent at
5 will for the first three years, but thereafter each inspector shall
6 serve during good behavior and shall not be removed except for
7 cause. **[Employment]* *Prior employment** as an inspector in the
8 Division of Alcoholic Beverage Control in the Department of Law
9 and Public Safety shall be included in determining tenure pursuant
9A to this subsection.

10 b. Clerical and other employees appointed by the superintendent
11 as he may deem necessary who shall be subject to the provisions of
12 Title 11 of the Revised Statutes.

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

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Senate committee amendments adopted July 30, 1984.

**—Assembly amendments adopted January 3, 1985.

***—Senate amendments adopted in accordance with Governor's recommendations February 14, 1985.

1 3. (New section) Inspectors within the bureau:

2 a. Shall have the authority to arrest without a warrant for viola-
3 tions of Title 33 of the Revised Statutes and any supplements
4 thereto committed in their presence.

5 b. Shall have the powers and be subject to the obligations of
6 constables and police officers in every county of this State in all
7 criminal matters.

8 c. May serve or execute any process or writ in any criminal pro-
9 ceeding within the scope of their authority and make return thereof.

10 d. Shall have all of the powers previously conferred upon in-
11 spectors and investigators in the Division of Alcoholic Beverage
12 Control pursuant to Title 33 of the Revised Statutes and any sup-
13 plements thereto.

14 e. Shall have the authority to conduct any investigation ordered
15 by the superintendent.

16 The authority conferred on the inspectors pursuant to this sec-
17 tion shall not supersede but shall be in addition to the authority of
18 local police departments in any municipality.

1 4. (New section) The Director of the Division of Alcoholic Bev-
2 erage Control in the Department of Law and Public Safety may
3 request the ***[superintendent]*** *bureau* to conduct an investiga-
4 tion relating to the enforcement of Title 33 of the Revised Statutes
5 or any supplement thereto.

1 5. (New section) Nothing in this act shall be construed to deprive
2 a person of tenure rights or of a right or protection under the laws
3 concerning civil service, pension or retirement.

1 6. (New section) To the extent appropriate, all provisions of
2 this act shall be carried out in accordance with the "State Agency
3 Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1 et seq.).

1 7. (New section) The superintendent may promulgate rules and
2 regulations pursuant to the "Administrative Procedure Act," P. L.
3 1968, c. 410 (C. 52:14B-1 et seq.), to effectuate the purposes of
4 this act. **Rules and regulations promulgated by the superintendent
5 shall concern the inspectors and other employees of the Alcoholic
6 Beverage Control Enforcement Bureau and the internal operating
7 procedures of that bureau.**

1 8. N. J. S. 2C:39-6 is amended to read as follows:

2 2C:39-6. Exemptions. a. ****[Section]**** ***N. J. S.*** 2C:39-5 does
2A not apply to:

3 (1) Members of the Armed Forces of the United States or of the
4 National Guard while actually on duty, or while traveling between
5 places of duty and carrying authorized weapons in the manner
6 prescribed by the appropriate military authorities;

7 (2) Federal law enforcement officers, and any other federal
8 officers and employees required to carry firearms in the perfor-
9 mance of their official duties;

10 (3) Members of the State Police, a motor vehicle inspector;

11 (4) A sheriff, undersheriff, sheriff's officer, county prosecutor,
12 assistant prosecutor, prosecutor's detective or investigator, deputy
13 attorney general or State investigator employed by the Division of
14 Criminal Justice of the Department of Law and Public Safety,
15 investigator employed by the State Commission of Investigation,
16 inspectors and investigators of the Division of Alcoholic Beverage
17 Control of the Alcoholic Beverage Control Enforcement Bureau
18 of the Division of State Police in the Department of Law and Public
19 Safety *authorized to carry such weapons by the Superintendent of
19A State Police*, State park ranger, or State conservation officer;

20 (5) A prison or jail warden of any penal institution in this State
21 or his deputies, or an employee of the Department of Corrections
22 engaged in the interstate transportation of convicted offenders,
23 while in the performance of his duties, and when required to possess
24 ****[such a]** ****the**** weapon by his superior officer, or a correction
25 officer or keeper of a penal institution in this State at all times
26 while in the State of New Jersey, provided he annually passes an
27 examination approved by the superintendent testing his proficiency
28 in the handling of firearms;

29 (6) A civilian employee of the United States Government under
30 the supervision of the commanding officer of any post, camp, station,
31 base or other military or naval installation located in this State
32 who is required, in the performance of his official duties, to carry
33 firearms, and who is authorized to carry such firearms by said com-
34 manding officer, while in the actual performance of his official
35 duties; ****or****

36 (7) A regularly employed member, including a detective, of the
37 police department of any county or municipality, or of any State,
38 interstate, municipal or county park police force or boulevard
39 police force ****[**or a paid member of a paid or part-paid fire**
40 **department or force of any municipality who is assigned full-time**
41 **or part-time to an arson investigation unit created pursuant to sec-**
42 **tion 1 of P. L. 1981, c. 409 (C. 40A:14-7.1) and who has satisfactorily**
43 **completed an approved police training program on the safe use and**
44 **handling of firearms**]****, at all times while in the State of New
45 Jersey, or any special policeman authorized to carry a revolver or
46 other similar weapons while off duty within the municipality where
47 he is employed, as provided in N. J. S. 40A:14-146, or a special
48 policeman or airport security officer appointed by the governing

48A body of any county or municipality, except as provided in this para-
 48B graph, or by the commission, board or other body having control of
 48C a county park or airport or boulevard police force, while engaged
 48D in the actual performance of his official duties and when specifically
 48E authorized by the governing body to carry weapons***; or*** **[
 48F or

49 (8) A paid member of a paid or part-paid fire department or
 50 force of any municipality who is assigned full-time to an arson
 51 investigation unit created pursuant to section 1 of P. L. 1981, c. 409
 52 (C. 40A:14-7.1), while engaged in the actual performance of arson
 53 investigation duties and when specifically authorized by the gov-
 54 erning body to carry weapons]** ***(8) *A paid member of a paid*
 54A *or part-paid fire department or force of any municipality who is*
 54B *assigned full-time to an arson investigation unit created pursuant*
 54C *to section 1 of P. L. 1981, c. 409 (C. 40A:14-7.1), while engaged in*
 54D *the actual performance of arson investigation duties and when*
 54E *specifically authorized by the governing body to carry weapons***.*

55 b. Subsections a., b. and c. of **[section]** **N. J. S.** 2C:39-5
 55A do not apply to:

56 (1) A law enforcement officer employed by a governmental
 57 agency outside of the State of New Jersey while actually engaged
 58 in his official duties, provided, however, that he has first notified
 59 the superintendent or the chief law enforcement officer of the mu-
 60 nicipality or the prosecutor of the county in which he is engaged; or

61 (2) A licensed dealer in firearms and his registered employees
 62 during the course of their normal business while traveling to and
 63 from their place of business and other places for the purpose of
 64 demonstration, exhibition or delivery in connection with a sale,
 65 provided, however, that **[any such]** **the** weapon is carried
 66 in the manner specified in subsection g. of this section.

67 c. Subsections b. and c. of **[section]** **N. J. S.** 2C:39-5 do
 67A no apply to:

68 (1) A special agent of the Division of Taxation who has passed
 69 an examination in an approved police training program testing
 70 proficiency in the handling of any firearm which he may be required
 71 to carry, while in the actual performance of his official duties and
 72 while going to or from his place of duty, a campus police officer
 73 appointed pursuant to P. L. 1970, c. 211 (C. 18A:6-4.2 et seq.) or
 74 any other police officer, while in the actual performance of his
 75 official duties;

76 (2) A State deputy conservation officer or a full-time employee
 77 of the Division of Parks and Forestry having the powers of arrest

78 and authorized to carry weapons, while in the actual performance
79 of his official duties;

80 (3) A full-time member of the marine patrol force or a special
81 marine patrolman authorized to carry ****[such a]**** *the* weapon
82 by the Commissioner of Environmental Protection, while in the
83 actual performance of his official duties;

84 (4) A court attendant serving as such under appointment by the
85 sheriff of the county or by the judge of any municipal court or other
86 court of this State, while in the actual performance of his official
87 duties;

88 (5) A guard in the employ of any railway express company,
89 banking or building and loan or savings and loan institution of
90 this State, while in the actual performance of his official duties;

91 (6) A member of a legally recognized military organization while
92 actually under orders or while going to or from the prescribed
93 place of meeting and carrying the weapons prescribed for drill,
94 exercise or parade;

95 (7) An officer of the Society for the Prevention of Cruelty to
96 Animals, while in the actual performance of his duties;

97 (8) An employee of a public utilities corporation actually en-
98 gaged in the transportation of explosives; or

99 (9) A railway policeman, at all times while in the State of New
100 Jersey, provided that he has passed an approved police academy
101 training program consisting of at least 280 hours. The training
102 program shall include, but need not be limited to, the handling of
103 firearms, community relations, and juvenile relations.

104 d. (1) Subsections c. and d. of ****[section]**** *N. J. S.* 2C:39-5
105 do not apply to antique firearms, provided that such antique fire-
106 arms are unloaded or are being fired for the purposes of exhibition
107 or demonstration at an authorized target range or in such other
108 manner as has been approved in writing by the chief law enforce-
109 ment officer of the municipality in which the exhibition or demon-
110 stration is held, or if not held on property under the control of a
111 particular municipality, the superintendent.

112 (2) Subsection a. of *N. J. S.* 2C:39-3 and subsection d. of *N. J. S.*
113 2C:39-5 do not apply to an antique cannon that is capable of being
114 fired but that is unloaded and immobile, provided that the antique
115 cannon is possessed by (a) a scholastic institution, a museum, a
116 municipality, a county or the State, or (b) a person who obtained
117 a firearms purchaser identification card as specified in *N. J. S.*
118 2C:58-3.

119 (3) Subsection a. of *N. J. S.* 2C:39-3 and subsection d. of *N. J. S.*
120 2C:39-5 do not apply to an unloaded antique cannon that is being

121 transported by one eligible to possess it, in compliance with regula-
122 tions the superintendent may promulgate, between its permanent
123 location and place of purchase or repair.

124 (4) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.
125 2C:39-5 do not apply to antique cannons that are being loaded or
126 fired by one eligible to possess an antique cannon, for purposes of
127 exhibition or demonstration at an authorized target range or in the
128 manner as has been approved in writing by the chief law enforce-
129 ment officer of the municipality in which the exhibition or demon-
130 stration is held, or if not held on property under the control of a
131 particular municipality, the superintendent, provided that per-
132 former has given at least 30 days' notice ****[of such]**** to the
133 superintendent.

134 (5) Subsection a. of N. J. S. 2C:39-3 and subsection d. of N. J. S.
135 2C:39-5 do not apply to the transportation of unloaded antique
136 cannons directly to or from exhibitions or demonstrations autho-
137 rized under paragraph (4) of subsection d. of this section, provided
138 that the transportation is in compliance with safety regulations
139 the superintendent may promulgate. Nor do those subsections
140 apply to transportation directly to or from exhibitions or demon-
141 strations authorized under the law of another jurisdiction, provided
142 that the superintendent has been given 30 days' notice ****[of
143 such]**** and that the transportation is in compliance with safety
144 regulations the superintendent may promulgate.

145 e. Nothing in subsections b., c. and d. of ****[section]**** *N. J. S.*
146 2C:39-5 shall be construed to prevent a person keeping or carrying
147 about his place of business, residence, premises or other land owned
148 or possessed by him, any firearm, or from carrying the same, in the
149 manner specified in subsection g. of this section, from any place of
150 purchase to his residence or place of business, between his dwell-
151 ing and his place of business, between one place of business or
152 residence and another when moving, or between his dwelling or
153 place of business and place where such firearms are repaired, for
154 the purpose of repair. For the purposes of this section, a place of
155 business shall be deemed to be a fixed location.

156 f. Nothing in subsections b., c. and d. of ****[section]**** *N. J. S.*
157 2C:39-5 shall be construed to prevent:

158 (1) A member of any rifle or pistol club organized in accordance
159 with the rules prescribed by the National Board for the Promotion
160 of Rifle Practice, in going to or from a place of target practice,
161 carrying such firearms as are necessary for said target practice,
162 provided that the club has filed a copy of its charter with the su-
163 perintendent and annually submits a list of its members to the

164 superintendent and provided further than the firearms are carried
165 in the manner specified in subsection g. of this section;

166 (2) A person carrying a firearm or knife in the woods or fields
167 or upon the waters of this State for the purpose of hunting, target
168 practice or fishing, provided that the firearm or knife is legal and
169 appropriate for hunting or fishing purposes in this State and he
170 has in his possession a valid hunting license, or, with respect to
171 fresh water fishing, a valid fishing license;

172 (3) A person transporting any firearm or knife while traveling:

173 (a) Directly to or from any place for the purpose of hunting or
174 fishing, provided ****[such]**** ****the**** person has in his possession
175 a valid hunting or fishing license; or

176 (b) Directly to or from any target range, or other authorized
177 place for the purpose of practice, match, target, trap or skeet shoot-
178 ing exhibitions, provided in all cases that during the course of
179 ****[such]**** ****the**** travel all firearms are carried in the manner
180 specified in subsection g. of this section and the person has complied
181 with all the provisions and requirements of Title 23 of the Revised
182 Statutes and any amendments thereto and all rules and regulations
183 promulgated thereunder; or

184 (c) In the case of a firearm, directly to or from any exhibition
185 or display of firearms which is sponsored by any law enforcement
186 agency, any rifle or pistol club, or any firearms collectors club,
187 for the purpose of displaying ****[of]**** the firearms to the public
188 or to the members of ****[such]**** ****the**** organization or club, pro-
189 vided, however, that not less than 30 days prior to ****[such]****
190 ****the**** exhibition or display, notice of ****[such]**** ****the**** exhibi-
191 tion or display shall be given to the Superintendent of the State
192 Police by the sponsoring organization or club, and the sponsor has
193 complied with such reasonable safety regulations as the superin-
194 tendent may promulgate. Any firearms transported pursuant to
195 this section shall be transported in the manner specified in sub-
195A section g. of this section;

196 (4) A person from keeping or carrying about a private or com-
197 mercial aircraft or any boat, or from transporting to or from such
198 vessel for the purpose of installation or repair a visual distress
199 signalling device approved by the United States Coast Guard.

200 g. All weapons being transported under ****[subsection b. (2), e.**
201 **or f. (1) or (3)]**** ****paragraph (2) of subsection b., subsection e.,**
202 **or paragraphs (1) or (3) of subsection f.**** of this section shall be
203 carried unloaded and contained in a closed and fastened case, gun-
204 box, securely tied package, or locked in the trunk of the automobile
205 in which it is being transported, and the course of travel shall in-

205A clude only such deviations as are reasonably necessary under the
205B circumstances.

206 h. Nothing in subsection d. of ****[section]**** *N. J. S.* 2C:39-5
207 shall be construed to prevent any employee of a public utility, as
208 defined in R. S. 48:2-13, doing business in this State or any United
209 States Postal Service employee, while in the actual performance of
210 duties which specifically require regular and frequent visits to
211 private premises, from possessing, carrying or using any device
212 which projects, releases or emits any substance specified as being
213 noninjurious to canines or other animals by the Commissioner of
214 Health and which immobilizes only on a temporary basis and pro-
215 duces only temporary physical discomfort through being vaporized
216 or otherwise dispensed in the air for the sole purpose of repelling
217 canine or other animal attacks.

218 The device shall be used solely to repel only those canine or other
219 animal attacks when the canines or other animals are not restrained
220 in a fashion sufficient to allow the employee to properly perform
221 his duties.

222 Any device used pursuant to this act shall be selected from a list
223 of products, which consist of active and inert ingredients, per-
224 mitted by the Commissioner of Health.

225 i. Nothing in subsection d. of *N. J. S.* 2C:39-5 shall be con-
226 strued to prevent any person who is 18 years of age or older and
227 who has not been convicted of a felony, from possession for the pur-
228 pose of personal self-defense of one pocket-sized device which con-
229 tains and releases not more than three-quarters of an ounce of
230 chemical substance not ordinarily capable of lethal use or of in-
231 flicting serious bodily injury, but rather, is intended to produce
232 temporary physical discomfort or disability through being vapor-
233 ized or otherwise dispensed in the air. Any person in possession
234 of any device in violation of this subsection shall be deemed and
235 adjudged to be a disorderly person, and upon conviction thereof,
236 shall be punished by a fine of not less than \$100.00.

1 9. R. S. 33:1-4 is amended to read as follows:

2 33:1-4. The director is hereby empowered:

3 a. To maintain suitable headquarters for said division and such
4 other offices and establishments within the State as he may deter-
5 mine necessary; to organize said division, creating such bureaus
6 and altering them in such manner and at such times as he considers
7 advisable.

8 b. To appoint and have at all times five deputy directors who
9 shall each receive such salary as shall be approved by the director
10 and the president of the Civil Service Commission, subject to avail-

11 ability of funds and who shall be removable by the director for
 12 cause, and who shall be respectively in charge of the bureaus
 13 assigned to them by the director. Each such deputy shall,
 14 before entering upon the duties of his office, if required by the di-
 15 rector, give bond, to be approved by the director, in the sum of
 16 \$12,000.00. Deputy directors shall not be subject to the provisions
 17 of Title 11, Civil Service.

18 c. To appoint such clerical force and employees as he may deem
 19 necessary and to fix their duties, all of whom shall be subject to the
 20 provisions of Title 11, Civil Service.

21 d. To appoint such **[inspectors,]** investigators*****[,]***** and
 22 executive assistants as he may deem necessary and to fix their dues
 23 and compensation. **[Inspectors, investigators,]** *Investigators* and
 24 executive assistants shall (1) not be subject to the provisions of
 25 Title 11, Civil Service, and (2) shall be removable by the director at
 26 will; provided, however, that any person who has been employed
 27 as such **[inspector,]** investigator**[,]** or executive assistant for a
 28 period of three years shall serve during good behavior and shall
 29 not be removed except for cause. The director, deputies**[,]** inspec-
 30 tors**]** **executive assistants** and investigators shall have authority
 31 to *investigate, *and to** arrest, without warrant, for violations of
 32 this chapter committed in their presence, and shall have all the
 33 authority and powers of peace officers to enforce this chapter.
 34 **[Investigators shall have full authority to conduct any investigation**
 34A **ordered by the director.]**

35 e. To appoint for short-time employment or for the purpose of
 36 performing specified expert or specialist service such experts and
 37 specialists as from time to time he shall deem necessary to carry
 38 out the provisions of this chapter, and to determine the specified
 39 duty, salary or fee and term of service. Such experts or specialists
 40 shall not be subject to the provisions of Title 11, Civil Service.

41 f. To appoint such counsel and other legal assistants as he shall
 42 deem necessary to carry out the provisions of this chapter and to
 43 fix their powers, duties, salaries and terms of office. Such counsel
 44 and assistants shall not be subject to the provisions of Title 11,
 45 Civil Service.

1 10. This act shall take effect immediately.

35 e. To appoint for short-time employment or for the purpose of
36 performing specified expert or specialist service such experts and
37 specialists as from time to time he shall deem necessary to carry
38 out the provisions of this chapter, and to determine the specified
39 duty, salary or fee and term of service. Such experts or specialists
40 shall not be subject to the provisions of Title 11, Civil Service.

41 f. To appoint such counsel and other legal assistants as he shall
42 deem necessary to carry out the provisions of this chapter and to
43 fix their powers, duties, salaries and terms of office. Such counsel
44 and assistants shall not be subject to the provisions of Title 11,
45 Civil Service.

1 10. This act shall take effect immediately.

STATEMENT

This bill codifies the transfer of inspectors formerly in the Division of Alcoholic Beverage Control to the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police. The inspectors would be under the supervision of the Superintendent of State Police and would continue to have the same tenure and pension rights. The bill lists the powers of the inspectors and authorizes them to carry weapons by amending N. J. S. 2C:39-6.

51835 (1985)

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO

SENATE, No. 1835

with Senate committee amendments

STATE OF NEW JERSEY

DATED: JULY 30, 1984

As amended by the Senate Law, Public Safety and Defense Committee, Senate Bill No. 1835 would codify the transfer of inspectors who were formerly in the Division of Alcoholic Beverage Control to the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police.

Inspectors in the Alcoholic Beverage Control Enforcement Bureau in the Division of State Police would not be subject to the provisions of Title 11, Civil Service. For the first three years of their employment they would be removable at will by the superintendent. Thereafter, they would be removable only for cause. Inspectors in the bureau would have the same tenure and pension rights as they had in the Division of Alcoholic Beverage Control.

Section 3 of the bill outlines the following powers of inspectors in the bureau:

- a. Authority to arrest without a warrant for violations of Title 33 committed in their presence;
- b. Powers and obligations of constables and police officers in every county in all criminal matters;
- c. Power to serve or execute and to make return of any process or writ in any criminal matter;
- d. Powers previously conferred upon inspectors and investigators in ABC;
- e. Authority to conduct any investigation ordered by the superintendent.

The committee amended section 7 of the bill to make it clear that rules and regulations promulgated by the superintendent will concern only the inspectors and other employees and the internal operations of the Alcoholic Beverage Control Enforcement Bureau.

The committee amended section 8 of the bill to permit inspectors in the bureau to carry weapons when and if authorized to do so by the superintendent. Prior to being amended, the bill permitted inspectors in the bureau to carry weapons without limitation. This section of the

bill also takes away the power of investigators in the division of ABC to carry weapons.

The committee also amended the bill to permit the Director of the Division of Alcoholic Beverage Control to request that the bureau conduct an investigation relating to the enforcement of Title 33. Prior to being amended, the bill permitted the director to request the Superintendent of State Police to conduct such an investigation.

Section 9 of the bill removes the power of the Director of the Division of ABC to appoint inspectors. Instead, they would be appointed by the Superintendent of State Police pursuant to section 2 of the bill. The committee amended this section to authorize executive assistants in the Division of Alcoholic Beverage Control to investigate and to arrest without warrant for violations of the alcoholic beverage laws committed in that presence.

added
1-3-85

Assembly Amendments
(Proposed by Assm. Markert, 1/3/85)
to

Senate Bill No. 1835(OCR)

Amend:

Page	Sec.	Line	
7	8	206	Omit "section" insert "N.J.S."
8	8	225	After "of" insert "N.J.S."
3	8	26	Printer's Note After "Jersey" insert " ;" after "provided" omit " ;"

STATEMENT

These amendments conform N.J.S. 2C:39-6 in the bill to the amendments to that section made by Senate Bill No. 1480 which was sent to the Governor on December 18, 1984.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

February 14, 1985

SENATE BILL NO. 1835 (2nd OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the Constitution, I am returning Senate Bill No. 1835 (2nd OCR) with my objections, for reconsideration.

The purpose of this bill is to codify the transfer of the Alcoholic Beverage Control Enforcement Bureau to the Division of State Police as ordered by Executive Directive No. 1979-3 of former Attorney General Degnan in May of 1979.

The codification of the transfer of these law enforcement officers into the State Police is a sound management change, and I have supported this proposal throughout the legislative process. Unfortunately, I cannot sign this bill as it is presently before me. The eighth section of this bill amends N.J.S.A. 2C:39-6 to allow inspectors of the Alcoholic Beverage Control Enforcement Bureau of the Division of State Police to carry weapons as authorized by the Superintendent of the New Jersey State Police. This provision was amended on the Assembly floor to conform this bill to the provisions of Senate Bill No. 1480 (3rd OCR), which at the time of the amendment was on my desk for my review. Senate Bill No. 1480 (3rd OCR), while amending the same statute, is a totally unrelated bill dealing with the firearms carrying privileges of firemen who perform arson investigation duties.

I believe that it is ill advised for the Legislature to amend bills to conform to other bills which are on my desk prior to my acting upon them on the assumption that I am going to sign the first bill. Any such action is speculative and totally unnecessary. N.J.S.A. 1:3-1 allows the Legislative Counsel of the Office of Legislative Services, with the concurrence of the Attorney General, to correct errors caused when two or more amendments to the same section of the law are enacted, at the same or different sessions of the Legislature, and fail to refer to one another. It is quite common, and the normal course of legislation, for different bills to become law amending the same statute but not referring to each other. In those cases, the Legislative Counsel and the Attorney General regularly conform the statutes to reflect the Legislature's intent. As such, the amendments made to this bill on the Assembly floor were totally unnecessary. As a result of, and for the reasons contained in my conditional veto message of Senate Bill No. 1480 (3rd OCR) which I

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

veto Senate Bill No. 1835 (2nd OCR). I note however that my conditional veto of this bill will only restore the bill to its original wording. If the Legislature desires to amend our laws concerning the firearms carrying privileges of firemen who perform arson investigation duties then I recommend the Legislature concur in my conditional veto of Senate Bill No. 1480 (3rd OCR).

Accordingly, I herewith return Senate Bill No. 1835 (2nd OCR) for reconsideration and recommend that it be amended as follows:

Page 3, Section 8, Lines 39-44:

On line 39 after "force" DELETE remainder of line; DELETE lines 40-43 in their entirety; on line 44 DELETE "handling of firearms"

Page 4, Section 8, Line 48E:

after "weapons" INSERT "; or"

Page 4, Section 8, Line 54:

Before "." INSERT "(8) A paid member of a paid or part-paid fire department or force of any municipality who is assigned full-time to an arson investigation unit created pursuant to section 1 of P.L. 1981, c. 409 (C. 40A:14-7.1), while engaged in the actual performance of arson investigation duties and when specifically authorized by the governing body to carry weapons"

Page 9, Section 9, Line 21:

After "investigators" DELETE ",,"

Respectfully,
/s/ Thomas H. Kean
GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards
Chief Counsel