

R.S. 5:11-1

January 9, 1974

LEGISLATIVE HISTORY OF R.S.5:11-1 et seq.
("Mass Gathering Law")

L.1971 - chap.205 - A1291

Oct.8, 1970 - Introduced by Rinaldi and others.

Jan.28,1971 - Passed in Assembly.

Feb.16,1971 - Passed in Senate.

May 3, 1971 - Returned by Governor with recommended amendment.

May 3, 1971 Amended as recommended, re-enacted in Assembly
under emergency resolution.

May 6, 1971 - Re-enacted in Senate.

June 9, 1971 - Approved, chapter 205, 1971.

No statement on bill.

Amended by Governor (copy of original bill and amendment enclosed).

Newspaper Clippings:

Rae, John W. "State plans festival law" Newark Evening News,
July 31, 1970.

Fisher, Leonard J. "Kugler plans legislation for 'orderly
rock fests" Newark Star Ledger August 25, 1970.

Sullivan, Joseph J. "Bill aims at rock festivals" Newark
Evening News, September 12, 1970.

"Rock fetes bill to Legislature" Newark Evening News,
October 4, 1970.

"Rock festival curbs offered:", Newark Evening News, October
6, 1970.

Harris, Roger, "Rock festival controls approved by Assembly"
Newark Star Ledger, January 29, 1971.

Caldwell, William A. "Rock music censorship" Bergen Record
March 4, 1971.

"New lair signed on festivals" Asbury Park Press, June 10, 1971.

"N.J. to hold reins on rock festivals", Trenton Evening Times,
June 10, 1971.

"Rock fests regulated" Courier Post, June 16, 1971.

JH/EH
Encl.

CHAPTER 205 LAWS OF N. J. 1971

APPROVED 6/9/71

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1291

STATE OF NEW JERSEY

INTRODUCED OCTOBER 8, 1970

By Assemblymen RINALDI, LITTELL, KEAN, KALTENBACHER, TURNER, WILSON, CAPUTO, DENNIS, FORAN, EVERS, PFALTZ, HEILMANN, ENOS, CAFIERO, CURCIO, A. S. SMITH, MORAITES, HOLLENBECK, GOLDFARB, RUSSO, DORGAN, THOMAS, COBB, SCANCARELLA, HAELIG, KRAVARIK, MACRAE, GARIBALDI, LORDI, MERLINO, SUMINSKI, LEFANTE and SCHLUTER

Referred to Committee on Law, Public Safety and Defense

AN ACT providing for the regulation of mass gatherings, and providing for the establishment in the State Department of Health of a Mass Gathering Review Board.

1 WHEREAS, Municipalities in the State of New Jersey have been
2 and will be requested to permit the mass gathering of substan-
3 tial numbers of persons for the purposes of mass musical or
4 public entertainment of various designations such as "pop festi-
5 val," or "rock festival" or "rock music festival"; and

6 WHEREAS, The experience of the State of New Jersey has clearly
7 demonstrated the need for uniform, adequate and constitutionally
8 permissible Statewide standards regulating the promotion and
9 conduct of such mass gatherings; and

10 WHEREAS, The State of New Jersey recognizes the need to assure
11 the health, safety and welfare of the citizens of New Jersey as
12 well as of the participants in such mass gatherings; and

13 WHEREAS, The State of New Jersey must require particular com-
14 pliance with the drug laws of this State; and

15 WHEREAS, The State of New Jersey wishes to guarantee the finan-
16 cial and moral integrity of the promoters of mass gatherings;
17 and

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

18 WHEREAS, The State of New Jersey recognizes that many geo-
 19 graphical areas and physical facilities in New Jersey cannot
 20 reasonably accommodate the congregation of substantial num-
 21 bers of persons for significant periods of time; now, therefore,

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

1 1. It shall be the policy of the State of New Jersey to permit,
 2 so long as consistent with the provisions of this act and the regu-
 3 lations issued hereunder, the mass gathering of persons for the
 4 ***[**purposes of musical entertainment or the expression and com-
 5 munication of ideas in connection with public issues]**]** **purposes of*
 6 *mass musical or public entertainment*.*

1 2. No person, group of persons, partnership, association or cor-
 2 poration, governmental unit or agency of State or local govern-
 3 ment, or any combination thereof shall conduct or promote, by
 4 ***[**advertising or otherwise, a mass gathering which is likely to]**]***
 5 *advertising or otherwise, a mass gathering for the purposes of*
 6 *musical entertainment of various designations such as "pop*
 7 *festival," or "rock festival" or "rock music festival" which may*
 8 *reasonably be anticipated to** attract 3,000 or more people and
 9 which without discontinuing or disbanding continues or is planned
 10 to continue for in excess of ***[12]*** *18* hours until a permit for
 11 such gathering has been obtained from the Mass Gathering Review
 12 Board pursuant to the provisions of this act and the regulations
 13 issued hereunder. This act shall not apply to mass gatherings con-
 14 tinuing or planned to continue in excess of ***[12]*** *18* hours when
 15 hotel or motel accommodations have been arranged for the
 16 participants.

1 3. There is hereby created in the Department of Health a Mass
 2 Gathering Review Board for the purpose of providing the neces-
 3 sary uniformity and expertise required to properly review permits
 4 for mass gatherings. The board members shall be the Commissioner
 5 of the Department of Health or his designee, chairman, the At-
 6 torney General of the State of New Jersey, the Commissioner of
 7 the Department of Environmental Protection, the ***[**Commissioner
 8 of Education]**]*** **Chancellor of Higher Education**, and the chief
 9 executive officer of the New Jersey State League of Municipalities,
 10 of the New Jersey Conference of Mayors, and of the New Jersey
 11 State Association of Chosen Freeholders, or their respective
 12 designees. **In addition the board's membership shall include two*
 13 *student representatives who shall be appointed by and serve at the*
 14 *pleasure of the Governor.** This board is authorized to establish
 15 rules and regulations concerning the conduct of mass gatherings

16 and it is specifically empowered to review all mass gathering
17 permits and to issue such permits only when it is satisfied that such
18 gatherings shall not be inconsistent with the health, safety, and
19 welfare of the participants and the citizens in surrounding com-
20 munities. All decisions of the board must have the assent of a
21 majority of its members.

1 4. The board is also authorized to issue licenses to ticket printers
2 for the purpose of this act and to assure a designated maximum
3 number of patrons as well as a method of guaranteed reimburse-
4 ment to ticket purchasers in the event of cancellation of a mass
5 gathering. The board is authorized to prescribe rules and regu-
6 lations governing the issuance of such licenses and to prescribe
7 the form in which such tickets must be made. An applicant re-
8 ceiving a permit under this act may use only tickets obtained from
9 a printer licensed by the board.

1 5. All applications for a permit under this act shall be made at
2 least 15 days before the first day of advertising, and at least 30
3 days before the first day of the mass gathering. Applications
4 shall be submitted to officials designated by the board for the
5 express purpose of receipt and transmittal of applications to the
6 board. All applications shall be in such form as shall be prescribed
7 by the board and shall be accompanied by a filing fee, not to exceed
8 \$1,000.00, to be applied by the board toward its expenses in in-
9 vestigating the application. The amount of such filing fee shall
10 be determined pursuant to a fee schedule adopted by the board
11 and specifically related to the nature and extent of the investiga-
12 tion required by the size and duration of the proposed gathering.
13 Fifteen days prior to submitting the completed application to the
14 board the applicant shall submit a copy of the application to the
15 appropriate municipal governing body in which the mass gathering
16 is intended to be held. The governing body shall then have 15 days
17 to prepare a statement of recommendation or to prepare a detailed
18 summary of objections to the proposed application.

1 6. In addition to any other information the board may reasonably
2 require from an applicant, the following information shall be
3 contained in a permit application:

4 a. The applicant's full name, residence, telephone number and
5 post office address, and whether such applicant is an individual,
6 partnership, firm, corporation, or a governmental unit or agency
7 thereof. If a partnership, the names and addresses of the partners
8 shall be included. If a corporation, the names and addresses of
9 the officers of the corporation shall be included. With the exception
10 of a governmental unit or agency of State or local government,

11 all applicants shall submit a financial statement with their
12 application.

13 b. A diagrammatic sketch plan of the proposed site of the mass
14 gathering showing the locations and dimensions of the proposed
15 service roads, potable water facilities, sanitary facilities, sewage
16 disposal facilities, medical service facilities, distribution of security
17 personnel, and provisions for food storage, as well as camping
18 facilities and projected plans for enclosure, if necessary, of the
19 proposed site.

20 c. A statement of the purposes of the gathering and a program
21 of events scheduled.

22 d. A statement from the municipal governing body in which the
23 gathering is intended to be held. If said governing body opposes
24 the granting of such permit, then a detailed summary of its objec-
25 tions must accompany the application.

26 e. A statement granting the permission of the owner of the prop-
27 erty on which the gathering is to take place. If the premises are
28 not owned by the applicant, then the names and address of the
29 lessor or licensor and a copy of the lease or license shall be attached.

30 f. A statement of the number of persons expected to attend such
31 event and the duration of such attendance.

32 g. The specific details, including certified copies of contracts
33 entered into, of provisions relating to:

34 (1) Food and drink,

35 (2) Sanitary facilities,

36 (3) Transportation and parking facilities,

37 (4) Security and protection of surrounding areas, including
38 specific reference to the number of guards or special police assist-
39 ing in the control of traffic and supervision of those attending,

40 (5) On site medical facilities and hospital care,

41 (6) Janitorial services and post gathering trash removal.

42 h. A certified copy of the bond or verified evidence of other
43 suitable financial arrangements, as hereinafter required, must be
44 attached to the application.

45 i. A statement containing the names of licensed ticket printers
46 to be used and the plans for assuring the return of moneys upon
47 the termination or cancellation of the event as well as the means of
48 notifying potential and existing ticket holders of such cancellation.

49 j. Examples of proposed advertising of the event, if any.

1 7. In reviewing applications submitted pursuant to this act and
2 in determining whether a permit should be issued, the board shall
3 consider all items reasonably necessary to provide it with assur-
4 ances that the mass gathering shall not be inconsistent with the

5 health, safety and welfare of the participants and the citizens in
6 surrounding communities. In order to assure that constitutional
7 rights are not violated and in order to properly define the standard
8 of review to be applied by the board, the board shall primarily
9 consider the following items:

10 a. Compliance with applicable law;

11 *b. *Whether the mass gathering is to be conducted or promoted*
12 *for profit;**

13 *[b.]* *c.* Adequate and satisfactory water supply and sewage
14 facilities;

15 *[c.]* *d.* Adequate toilet, lavatory and drainage facilities;

16 *[d.]* *e.* Adequate refuse, storage and disposal facilities;

17 *[e.]* *f.* Adequate medical facilities and personnel, both on
18 site and off site facilities;

19 *[f.]* *g.* Adequate provisions for the ingress and egress of
20 vehicular and pedestrian traffic as well as the provision of parking
21 facilities where necessary;

22 *[g.]* *h.* Provision of wholesome food and sanitary food
23 services;

24 *[h.]* *i.* Provision of adequate fire and police protection as
25 well as security surrounding the area;

26 *[i.]* *j.* Such other matters as the board may from time to
27 time designate by rule or regulation.

1 8. In exercising its responsibilities under this act the board may
2 require such additional plans, specifications and reports as it shall
3 deem necessary for a thorough and proper review of the applica-
4 tion and may request and shall receive from all public officers, de-
5 partments and agencies of this State such cooperation and assist-
6 ance as may be necessary and proper to effectively and efficiently
7 perform its duties under the provisions of this act.

1 9. The board shall, after reviewing the application for a permit
2 and after investigating the proposed plans for such mass gathering,
3 and after considering the facts and circumstances relating to the
4 particular premises to be used, and after giving due consideration
5 to the recommendation of the municipal governing body, issue a
6 permit pursuant to this act if it concludes that the holding of such
7 mass gathering shall not be inconsistent with the public health,
8 safety and welfare of the participants and the citizens in sur-
9 rounding communities.

1 10. In granting such a permit the board is specifically em-
2 powered to impose such reasonable terms and conditions upon
3 the applicant as it deems necessary and proper to insure compliance
4 with the provisions of the application and to insure that the public

5 health, safety and welfare of the participants and the citizens in
6 the surrounding communities will not be impaired. Such condi-
7 tions may include, but need not be limited to:

8 a. A maximum limit of time during which the mass gathering
9 may be held without discontinuing or disbanding;

10 b. Requiring installation of such facilities and the providing of
11 such services at the expense of the applicant as may be necessary;

12 c. Requiring, where advertising is used, appropriate notations
13 relating to the enforcement of the drug laws of the State of New
14 Jersey, geographical designation of parking facilities to be utilized
15 and the ticket agencies or persons from whom money may be re-
16 turned in the event of cancellation of the mass gathering.

17 In addition, the board shall require that all applicants provide
18 a performance bond or other suitable financial security reasonably
19 related in amount to the nature and extent of the undertaking
20 involved and particularly related to: (1) insuring reimbursement to
21 ticket purchasers in the event of termination or cancellation of
22 the mass gathering or of the failure of the applicant to conduct
23 the mass gathering as proposed and advertised; and (2) insuring
24 the clean-up and restoration of the area at which such event takes
25 place within 48 hours after the close of the event.

1 11. Designated representatives of the board shall be permitted
2 to inspect at any time the site of the mass gathering for the pur-
3 pose of investigating an application and for the purpose of insur-
4 ing compliance with the provisions of this act and the regulations
5 issued hereunder. The board is authorized to revoke any permit
6 for cause and specifically for the failure to comply with conditions
7 imposed pursuant to this act.

1 12. This act is intended to provide the exclusive means of apply-
2 ing for and receiving permission to conduct a mass gathering as
3 defined in section 2 of this act.

1 13. Anyone who would otherwise be required to apply as indicated
2 by section 2 of this act who fails to secure a permit, as required
3 by the provisions of this act, or who continues to hold a mass
4 gathering after the revocation or expiration of said permit, or who
5 willfully fails to comply with the requirements of the board and
6 provisions of the permit application, shall be a disorderly person.
7 Each and every day that such violation occurs or continues to
8 exist shall be considered a separate and specific violation.

1 14. Upon a violation of any of the provisions of this act, the
2 board, the Attorney General, or the municipality in which such
3 gathering is to be held, may institute a civil action in a court of
4 competent jurisdiction in the name of the board, the Attorney

5 General or the municipality for injunctive relief to restrain the
6 violation and for such other further relief as the court shall deem
7 proper. In such an action the court may proceed in a summary
8 manner if necessary. Neither the institution of the action, nor
9 any of the proceedings therein, shall relieve any party to such
10 proceedings from the penalty prescribed for a violation of this act.

1 15. The declaration of any portion of this law, by a court of
2 competent jurisdiction, to be invalid shall not invalidate the entire
3 law but only that part thereof so declared to be invalid, and the
4 remainder of the law shall remain in full force and effect.

1 16. This act shall take effect immediately.

Ret'd. with
Gov. Recom'd. 5/3/71

ASSEMBLY, No. 1291

STATE OF NEW JERSEY

INTRODUCED OCTOBER 8, 1970

By Assemblymen RINALDI, LITTELL, KEAN, KALTENBACHER, TURNER, WILSON, CAPUTO, DENNIS, FORAN, EVERS, PFALTZ, HEILMANN, ENOS, CAFIERO, CURCIO, A. S. SMITH, MORAITES, HOLLENBECK, GOLDFARB, RUSSO, DORGAN, THOMAS, COBB, SCANCARELLA, HAELIG, KRAVARIK, MACRAE, GARIBALDI, LORDI, MERLINO, SUMINSKI, LEFANTE and SCHLUTER

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2 so long as consistent with the provisions of this act and the regu-
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4 purposes of musical entertainment or the expression and com-
5 munication of ideas in connection with public issues.

1 2. No person, group of persons, partnership, association or cor-
2 poration, governmental unit or agency of State or local govern-
3 ment, or any combination thereof shall conduct or promote, by
4 advertising or otherwise, a mass gathering which is likely to at-
5 tract 3,000 or more people and which without discontinuing or
6 disbanding continues or is planned to continue for in excess of 12
7 hours until a permit for such gathering has been obtained from
8 the Mass Gathering Review Board pursuant to the provisions of
9 this act and the regulations issued hereunder. This act shall not
10 apply to mass gatherings continuing or planned to continue in
11 excess of 12 hours when hotel or motel accommodations have been
12 arranged for the participants.

1 3. There is hereby created in the Department of Health a Mass
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6 torney General of the State of New Jersey, the Commissioner of
7 the Department of Environmental Protection, the Commissioner
8 of Education, and the chief executive officer of the New Jersey
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14 gathering showing the locations and dimensions of the proposed
15 service roads, potable water facilities, sanitary facilities, sewage

16 disposal facilities, medical service facilities, distribution of security
17 personnel, and provisions for food storage, as well as camping
18 facilities and projected plans for enclosure, if necessary, of the
19 proposed site.

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21 of events scheduled.

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23 gathering is intended to be held. If said governing body opposes
24 the granting of such permit, then a detailed summary of its objec-
25 tions must accompany the application.

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27 erty on which the gathering is to take place. If the premises are
28 not owned by the applicant, then the names and address of the
29 lessor or licensor and a copy of the lease or license shall be attached.

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31 event and the duration of such attendance.

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33 entered into, of provisions relating to:

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38 specific reference to the number of guards or special police assist-
39 ing in the control of traffic and supervision of those attending,

40 (5) On site medical facilities and hospital care,

41 (6) Janitorial services and post gathering trash removal.

42 h. A certified copy of the bond or verified evidence of other
43 suitable financial arrangements, as hereinafter required, must be
44 attached to the application.

45 i. A statement containing the names of licensed ticket printers
46 to be used and the plans for assuring the return of moneys upon
47 the termination or cancellation of the event as well as the means of
48 notifying potential and existing ticket holders of such cancellation.

49 j. Examples of proposed advertising of the event, if any.

1 7. In reviewing applications submitted pursuant to this act and
2 in determining whether a permit should be issued, the board shall
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5 health, safety and welfare of the participants and the citizens in
6 surrounding communities. In order to assure that constitutional
7 rights are not violated and in order to properly define the standard
8 of review to be applied by the board, the board shall primarily
9 consider the following items:

- 10 a. Compliance with applicable law ;
- 11 b. Adequate and satisfactory water supply and sewage facilities ;
- 12 c. Adequate toilet, lavatory and drainage facilities ;
- 13 d. Adequate refuse, storage and disposal facilities ;
- 14 e. Adequate medical facilities and personnel, both on site and
- 15 off site facilities ;
- 16 f. Adequate provisions for the ingress and egress of vehicular
- 17 and pedestrian traffic as well as the provision of parking facilities
- 18 where necessary ;
- 19 g. Provision of wholesome food and sanitary food services ;
- 20 h. Provision of adequate fire and police protection as well as
- 21 security surrounding the area ;
- 22 i. Such other matters as the board may from time to time desig-
- 23 nate by rule or regulation.

1 8. In exercising its responsibilities under this act the board may
2 require such additional plans, specifications and reports as it shall
3 deem necessary for a thorough and proper review of the applica-
4 tion and may request and shall receive from all public officers, de-
5 partments and agencies of this State such cooperation and assist-
6 ance as may be necessary and proper to effectively and efficiently
7 perform its duties under the provisions of this act.

1 9. The board shall, after reviewing the application for a permit
2 and after investigating the proposed plans for such mass gathering,
3 and after considering the facts and circumstances relating to the
4 particular premises to be used, and after giving due consideration
5 to the recommendation of the municipal governing body, issue a
6 permit pursuant to this act if it concludes that the holding of such
7 mass gathering shall not be inconsistent with the public health,
8 safety and welfare of the participants and the citizens in sur-
9 rounding communities.

1 10. In granting such a permit the board is specifically em-
2 powered to impose such reasonable terms and conditions upon
3 the applicant as it deems necessary and proper to insure compliance
4 with the provisions of the application and to insure that the public
5 health, safety and welfare of the participants and the citizens in
6 the surrounding communities will not be impaired. Such condi-
7 tions may include, but need not be limited to :

- 8 a. A maximum limit of time during which the mass gathering
- 9 may be held without discontinuing or disbanding ;
- 10 b. Requiring installation of such facilities and the providing of
- 11 such services at the expense of the applicant as may be necessary ;
- 12 c. Requiring, where advertising is used, appropriate notations
- 13 relating to the enforcement of the drug laws of the State of New
- 14 Jersey, geographical designation of parking facilities to be utilized

15 and the ticket agencies or persons from whom money may be re-
16 turned in the event of cancellation of the mass gathering.

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18 a performance bond or other suitable financial security reasonably
19 related in amount to the nature and extent of the undertaking
20 involved and particularly related to: (1) insuring reimbursement to
21 ticket purchasers in the event of termination or cancellation of
22 the mass gathering or of the failure of the applicant to conduct
23 the mass gathering as proposed and advertised; and (2) insuring
24 the clean-up and restoration of the area at which such event takes
25 place within 48 hours after the close of the event.

1 11. Designated representatives of the board shall be permitted
2 to inspect at any time the site of the mass gathering for the pur-
3 pose of investigating an application and for the purpose of insur-
4 ing compliance with the provisions of this act and the regulations
5 issued hereunder. The board is authorized to revoke any permit
6 for cause and specifically for the failure to comply with conditions
7 imposed pursuant to this act.

1 12. This act is intended to provide the exclusive means of apply-
2 ing for and receiving permission to conduct a mass gathering as
3 defined in section 2 of this act.

1 13. Anyone who would otherwise be required to apply as indicated
2 by section 2 of this act who fails to secure a permit, as required
3 by the provisions of this act, or who continues to hold a mass
4 gathering after the revocation or expiration of said permit, or who
5 willfully fails to comply with the requirements of the board and
6 provisions of the permit application, shall be a disorderly person.
7 Each and every day that such violation occurs or continues to
8 exist shall be considered a separate and specific violation.

1 14. Upon a violation of any of the provisions of this act, the
2 board, the Attorney General, or the municipality in which such
3 gathering is to be held, may institute a civil action in a court of
4 competent jurisdiction in the name of the board, the Attorney
5 General or the municipality for injunctive relief to restrain the
6 violation and for such other further relief as the court shall deem
7 proper. In such an action the court may proceed in a summary
8 manner if necessary. Neither the institution of the action, nor
9 any of the proceedings therein, shall relieve any party to such
10 proceedings from the penalty prescribed for a violation of this act.

1 15. The declaration of any portion of this law, by a court of
2 competent jurisdiction, to be invalid shall not invalidate the entire
3 law but only that part thereof so declared to be invalid, and the
4 remainder of the law shall remain in full force and effect.

1 16. This act shall take effect immediately.

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 1291

STATE OF NEW JERSEY

ADOPTED MAY 3, 1971

Amend page 2, section 1, delete lines 4 and 5, and insert in lieu thereof "purposes of mass musical or public entertainment."

Amend page 2, section 2, delete line 4, and insert in lieu thereof "advertising or otherwise, a mass gathering for the purposes of musical entertainment of various designations such as 'pop festival,' or 'rock festival' or 'rock music festival' which may reasonably be anticipated to at-".

Amend page 2, section 2, line 6, delete "12", and insert "18".

Amend page 2, section 2, line 11, delete "12", and insert "18".

Amend page 2, section 3, lines 7 and 8, delete "Commissioner of Education", and insert "Chancellor of Higher Education".

Amend page 2, section 3, line 11, after "designees.", insert the following sentence: "In addition the board's membership shall include two student representatives who shall be appointed by and serve at the pleasure of the Governor."

Amend page 5, section 7, after line 10 insert the following:

"b. Whether the mass gathering is to be conducted or promoted for profit;".

Amend page 5, section 7, line 11, delete "b.", and insert "c."

Amend page 5, section 7, line 12, delete "c.", and insert "d."

Amend page 5, section 7, line 13, delete "d.", and insert "e."

Amend page 5, section 7, line 14, delete "e.", and insert "f."

Amend page 5, section 7, line 16, delete "f.", and insert "g."

Amend page 5, section 7, line 19, delete "g.", and insert "h."

Amend page 5, section 7, line 20, delete "h.", and insert "i."

Amend page 5, section 7, line 22, delete "i.", and insert "j."

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

April 29, 1971

ASSEMBLY BILL NO. 1291

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 1291 with my objections, for reconsideration.

Assembly Bill No. 1291 would provide for the regulation of certain mass gatherings, and provide for the establishment in the State Department of Health of a Mass Gathering Review Board.

I am in accord with the basic purpose and legislative intent behind this bill, which is, specifically, to provide for the reasonable regulation of what are popularly referred to as "rock festivals" or "rock music festivals." The need for such regulation became apparent in recent years, not only through our State's own experiences, but through observation of the experiences of some of our neighboring states. I believe that most people can fully recognize the extreme hazards and dangers that can threaten the public health, safety and welfare when mass gatherings of many thousands of people occur for extended periods of time in geographical areas totally unequipped and ill-suited to handle such gatherings by reason of inadequate or non-existent physical facilities. It is important to note that even those who stand to be affected most by any regulation of such mass gatherings, namely, the participants, the promoters, and local governments, are in general accord as to the need for regulation.

After carefully studying the bill and examining numerous interpretations that have been attributed to certain of its provisions, I am persuaded that several changes are required in order to clarify the true purpose and intent of the bill.

Section 1 of the bill states, in part, that it is the policy of the State to permit the mass gathering of persons for the purposes of musical entertainment "or the expression and communication of ideas in connection with public issues." The latter phrase has caused a reaction not intended by the bill, and has raised the possibility that this bill, which is intended to regulate "rock festivals" and not rights of expression and communication of ideas, may be subjected to a basic misinterpretation. I am therefore recommending the deletion of this phrase and the addition of other clarifying words to this section.

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In addition, I am concerned over the breadth of Section 2 as presently drafted. Again, this legislation is designed to reasonably regulate "rock festivals" or similar mass gatherings for the purposes of mass musical or public entertainment, without interfering with other legitimate rights of people to gather and assemble freely for any lawful purpose. It is not intended to apply, for example, to spontaneous mass gatherings or to other mass gatherings not reasonably anticipated to attract the number of people specified or to continue for the amount of time provided in the legislation. In this connection, therefore, I am recommending clarifying language that will more clearly describe the type of mass gathering which the bill proposes to regulate. I believe that this clarification will be better served by increasing from 12 to 18 the number of hours during which the mass gathering is anticipated to continue without disbanding.

In view of the fact that mass gatherings of the type sought to be regulated in this bill are, by and large, gatherings of young men and women, I believe it appropriate that they be represented on the Mass Gathering Review Board established in Section 3. I am therefore recommending that the board's membership be expanded to include two student representatives to be appointed by the Governor.

This bill does not specifically distinguish, in the degree of regulation that it imposes, between non-profit mass gatherings and those which are conducted for profit. While I do not agree that this legislation should apply only to those mass gatherings which are conducted for profit, I do feel that the Mass Gathering Review Board should, in its discretion, have the opportunity to consider whether the gathering is for profit or non-profit among the other factors listed in Section 7. I am therefore recommending language which will add this as a factor to be considered in that section.

Accordingly, I am returning Assembly Bill No. 1291 for reconsideration, with the recommendations that it be amended as follows:

Page 2, section 1: Delete lines 4 and 5 and insert in lieu thereof "purposes of mass musical or public entertainment."

Page 2, section 2: Delete line 4 and insert in lieu thereof "advertising or otherwise, a mass gathering for the purposes of musical

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entertainment of various designations such as "pop festival," or "rock festival" or "rock music festival" which may reasonably be anticipated to at-".

Page 2, section 2, line 6: Delete "12" and insert "18".

Page 2, section 2, line 11: Delete "12" and insert "18".

Page 2, section 3, lines 7 and 8: Delete "Commissioner of Education" and insert "Chancellor of Higher Education".

Page 2, section 3, line 11: Between "designees." and "This" insert the following sentence: "In addition the board's membership shall include two student representatives who shall be appointed by and serve at the pleasure of the Governor."

Page 5, section 7: After line 10 insert the following as new line 11: "b. Whether the mass gathering is to be conducted or promoted for profit;"

Page 5, section 7, line 11: Delete "b." and insert "c.".

Page 5, section 7, line 12: Delete "c." and insert "d.".

Page 5, section 7, line 13: Delete "d." and insert "e.".

Page 5, section 7, line 14: Delete "e." and insert "f.".

Page 5, section 7, line 16: Delete "f." and insert "g.".

Page 5, section 7, line 19: Delete "g." and insert "h.".

Page 5, section 7, line 20: Delete "h." and insert "i.".

Page 5, section 7, line 22: Delete "i." and insert "j.".

Respectfully,

GOVERNOR

Attest:

Acting Secretary to the Governor

FROM THE OFFICE OF THE GOVERNOR

JUNE 9, 1971

A-1291

FOR RELEASE:
IMMEDIATE

Governor William T. Cahill today signed into law a bill regulating mass gatherings and to establish a mass gathering review board in the Department of Health.

Under Assembly Bill 1291, sponsored by Assemblyman Herbert M. Rinaldi (R., Essex), which the Governor conditionally vetoed on April 29, 1971, the newly created licensing agency in the Health Department will review applications for outdoor gatherings which are expected to attract more than 3,000 persons and last longer than 18 hours.

In signing the measure the Governor said that the new law establishes reasonable regulations to control hazards to public health, safety and welfare which can exist when thousands of people gather for extended periods of time in an area ill suited and unequipped to handle their needs.

In accordance with the Governor's conditional veto, the bill was changed to deal with gatherings expected to last 18 hours instead of the 12 hour time period in the original bill. The review board is expanded to include two student representatives appointed by the Governor.

Also signed into law were:

~~Senate Bill No. 626 w/Gov rec -- Revises Title 40 relating to county and municipal fire departments (Beadleston)~~

~~Senate Bill No. 627 w/Gov rec -- "Local Public Contracts Law" (Beadleston)~~

~~Senate Bill No. 629 w/Gov rec -- "Local Lands and Buildings Law" (Beadleston)~~

~~Senate Bill No. 641 w/Gov rec -- Revises Title 40 relating to county and municipal officers and employees (Beadleston)~~

(more)