

SPECIAL MESSAGE TO THE LEGISLATURE

GOVERNOR BRENDAN T. BYRNE

OCTOBER 7, 1976

You and I together have addressed the difficult problems of tax reform and school financing, problems that had been festering for years before this Administration or this Legislature took office.

We have done so with a comprehensive tax reform program that shifts a significant portion of the cost of government from the overburdened and inequitable property tax without raising one nickel for increased State spending.

The need for such a program dates back more than 25 years. We came close to adopting an even better program two years ago. But the program we have enacted is adequate.

And I am convinced that our program will gain greater public acceptance in the months ahead as its scope and purpose are more widely understood.

A significant shift in the rhetoric of the political opportunists -- both within this Legislature and elsewhere -- is already evident. Six months ago they were insisting that our tax reform program would provide no real property tax relief. Today they are arguing about how -- and how soon -- that property tax relief should be distributed.

return the Homestead Rebates and other funds to the municipal governments and the property taxpayers in the simplest way possible.

Legislation ready for your action today provides for payment of the full rebate to homeowners at one time in April. It also relieves local assessors and municipalities of the burden and expense of administering the program.

Let us act without delay to eliminate the confusion and red tape in distributing the tax benefits you have provided for homeowners.

My real purpose in requesting this opportunity to address you is to focus attention on several unfinished matters of singular importance which I believe cry out for legislative action in the remaining sessions this fall. These programs represent essential priorities for the State and they will cost the taxpayers little or nothing.

There is no matter of greater public concern than the swift and just prosecution and punishment of criminals who terrorize our streets and endanger lives and property with sickening frequency.

Nobody has any miracles up the sleeve for dealing with this problem. But you have on your desks -- as you have had for more than a year -- an up-to-date penal code that would clarify, modernize, and toughen the criminal laws of this State.

It will clearly define crimes, set standards for sentencing, and limit judicial whim. It will concentrate our law enforcement efforts in areas that genuinely affect the personal safety of our citizens and the security of their homes and places of business.

Existing law makes it a crime to serve as a second in a duel, to hold court in an unauthorized place, to forceably detain a homing pigeon, or to carry away ice from a privately-owned lake, or mill pond.

The burden of enforcing laws that are hopelessly out of step with changing social concepts -- such as those prohibiting a purely social poker game -- prevents the most efficient allocation of criminal justice resources.

Perhaps most important, this new penal code would go a long way toward eliminating what I believe to be a major factor undermining public confidence in our law enforcement system.

This is the all too common situation in which a defendant whose guilt appears obvious to the public gets off on the basis of mysterious technicalities which are misunderstood and never adequately explained.

By purging the statute books of poorly defined laws, we can eliminate most of those inadvertent technicalities and free our courts to rule on the merits.

This Legislature and its predecessor have subjected the proposed penal code to careful study in committee and public hearings. Your consideration of this needed modernization of the criminal law has become intertwined with the separate question of restoring the death penalty, a question of grave public concern, not only in New Jersey, but across the nation.

My own reservations about the effectiveness of the death penalty as a deterrent to crime are well known. My personal judgment is that a death penalty statute, properly framed to satisfy the constitutional standards

Nevertheless, I recognize that men and women of reason and conviction -- believing equally in the sanctity of life -- can differ on the proper course. A judgment of this sort -- involving the reconciliation of diverse social values and interests -- is properly one for the Legislature.

If it is the judgment of this Legislature that the death penalty should be restored I shall sign such a bill into law, provided it comes to me as an integral part of a meaningful reform of our criminal justice laws. The essential first step in that reform is enactment of the proposed penal code.

We must not put the death penalty back on the books if this will only confine defendants in the death house for 12 and 13 years awaiting a seemingly endless round of appeals from one court to another.

We must achieve a judicial commitment to eliminate procedural delays. We must provide for automatic, mandatory appeal of capital convictions to the New Jersey Supreme Court. Such appeals should raise all appealable issues to eliminate later post-conviction and habeas corpus actions.

I shall ask our Attorney General to adopt a policy of consenting to appeals to the United States Supreme Court of decisions in capital cases by our highest State court so that we can get a prompt, authoritative and final judgment.

We can speed the process to reach a final decision, I am confident, without in any way endangering the individual rights of the defendant.

We cannot continue to neglect these practical law enforcement priorities and retain public credibility.

Pass the penal code. Don't make it hostage to any other bill. The safety of people depends on it. Let's move!

locate and tap the undersea oil and natural gas resources off our coast. This Administration has argued and protested vigorously -- but largely in vain -- against the national administration's determination to rush pell mell into exploitation of those resources.

I suspect there is a lot of oil and natural gas beneath the floor of the Baltimore Canyon. I favor exploration to establish how much is there and drilling to bring it in. New Jersey is counting on it to provide for our future energy needs.

But we must have proper safeguards to protect the magnificent beaches and shore communities that are such a major environmental asset of our State as well as an essential element in our thriving resort industry and its key role in our State's economy.

I have argued and I still believe that the essential safeguards should properly be provided at the federal level. But the federal government has been largely unresponsive to our pleas in its rush to bring in the oil.

Business Week, in its September 20 issue, points out: "The biggest permanent floating crap game, very likely in the world, is run by the U.S. Interior Department, which periodically auctions oil and gas leases for unproven, 'frontier' areas."

We cannot stand by waiting and hoping for a federal solution while our citizens and environment face the risk of irreparable damage. We must provide our own safeguards.

The Russo-Newman Bill before you represents an important step in protecting our coastline and inland waterways from oil hazards.

It requires adequate controls over the

provide quick and full compensation to persons, businesses, and coastal towns which suffer financial losses when there is a mishap. The fund would also be used to restore wildlife and vegetation destroyed or damaged by a spill.

If there were any doubt about the urgent need of such action, the experiences of this past summer must surely have erased those doubts. We have suffered a major oil spill in the Hackensack River and the fouling of our bays and ocean waters by the residue of sewage sludge and garbage dumped off our coast.

The Russo-Newman Bill should be on my desk for signature before the first hole is drilled in the Atlantic floor.

The inflation spiral that has engulfed our nation for far too long has only recently begun to level off. But this is little comfort to New Jersey residents who have been especially hard hit by the ever-increasing cost of utilities and other necessities of life.

Many of our senior citizens and others on fixed incomes face real hardship in paying for these essential services.

Our Public Utility Commissioners have attempted to hold down the increase in utility rates. But rigorous regulation alone cannot stem the national inflationary tide.

I commend to you the Lifeline concept in utility rate structure. This approach has been taken by California and is being considered by a number of other states. The approach may differ in certain details but the goal is constant.

It is to reverse the present rate structure as it affects private

and mitigates the resultant economic impact on other utility users throughout the State.

We must act now to assure our senior citizens and other needy New Jerseyans that their modest needs for public utility services will be met at a reasonable cost within their means. We must not let them face another winter without relief from this widespread concern. Acting in January or February will not help them get through this winter.

Unemployment levels in New Jersey remain high, despite occasional assurances that national economic recovery is finally on its way. Certainly, New Jersey's older cities have yet to experience any significant economic recovery.

We face the danger that an entire generation of urban New Jerseyans will reach maturity without ever knowing what it is to hold gainful employment and enjoy the fruits of their own labor.

This is an intolerable situation. The cost is staggering, both in human terms and in the financial burden of unemployment compensation, welfare and other social programs.

The national administration has demonstrated a callous disregard for the plight of our ailing cities. In the absence of federal leadership, we must do everything possible within the limited resources of State government to revitalize New Jersey's economy.

We have already done a good deal. Our Economic Development Authority has achieved remarkable success in its first 18 months of existence. It has

to stimulate increased economic development in our urban centers.

They would give the Economic Development Authority a clear legislative mandate to develop industrial parks -- not on virgin land along our highways, but to replace blighted structures in our urban centers where job opportunities are the most scarce.

They would arm the EDA with extraordinary powers for use within urban growth zones to be established in cooperation with city governments across the State. They would provide the monies necessary to provide the initial planning and economic studies for such projects.

They would enable municipal governments across the state to grant temporary tax abatement and tax exemptions geared to attract private development of areas in need of rehabilitation.

These bills have been carefully thought out and drafted for your consideration. John Horn, who has just left your ranks, is ready to make them work. I urge you to enact them promptly.

Another pending bill will make a smaller but significant contribution to our economic recovery. Its enactment would also, I believe, build upon the excitement and increased State identity awakened by the immediate success of the Meadowlands Sports Complex.

I ask you to provide statutory authority and some modest financial resources to the Motion Picture and Television Commission that I established some time ago by executive order.

Our surveys have found substantial interest in filming both movies and television programs in New Jersey. I have personally spoken with producers who

variety of manmade and natural backgrounds -- ranging from mountains and open farmland to industrial and urban centers -- and our proximity to the financial and entertainment centers of New York City. It's an exciting concept.

Those resources are still attractive to producers. They need only to be packaged and promoted. We are not proposing to put Hollywood out of business. But we can attract enough filming to provide a significant spur to our economy at a time when it is vitally needed.

We should not allow this effort to be frustrated by the same timidity that threatened to doom the Sports Complex when this Administration took office.

The majority of the members of this Legislature have shown courage and responsible concern for the people of New Jersey, sometimes at the risk of personal unpopularity.

Neither you nor I can be satisfied with a job half finished, or even three-quarters finished.

I ask your consideration now of this modest agenda of unfinished business before the end of this fall session. If these needs are long deferred, the people of New Jersey will be the losers.

Let us approach the task, to borrow Adlai Stevenson's words, "not in terms of yesterday's fears, but in terms of tomorrow's hopes."
