

SENATE BILL NO. 2365

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Senate Bill No. 2365 with my recommendations for reconsideration.

This bill, along with Senate Bill No. 2364, which I am signing today, seeks to change the oversight requirements for New Jersey's participation in the United States Department of Defense's ("DOD") Excess Property Program, more commonly known as the 1033 Program. Since 1990, the 1033 Program has provided surplus equipment to state and local law enforcement agencies nationwide. While the vast majority of equipment transferred is fairly routine - office furniture, computers and other technological equipment, and personal protective equipment - DOD also transfers military-grade equipment, such as high-powered weapons and tactical vehicles.

This bill would require the Attorney General to personally oversee and approve the acquisition of each and every piece of equipment obtained through the 1033 Program. I agree that the acquisition of tactical equipment from DOD should be subject to administrative and logistical oversight and, accordingly, I am signing a companion bill today that requires formal, local approval ratified by a resolution of the local governing body. This local approval adds an additional layer of oversight to the existing supervision provided by the DOD Law Enforcement Support Office and the Office of Emergency Management in the New Jersey State Police. In addition to our state efforts, on January 16, 2015, the President issued an Executive Order establishing an interagency Law Enforcement Equipment Working Group to identify Federal agency actions that can improve Federal support for the acquisition of controlled equipment by law enforcement agencies.

This bill, however, goes too far in its pursuit of oversight and, instead, unduly burdens the Attorney General by interfering with his ability to properly delegate authority. The Attorney General advises me that in the last federal fiscal year, which ended in September of 2014, the New Jersey State Police reviewed approximately 2,000 transfer requests for over 17,000 individual pieces of equipment under the 1033 Program. Because this bill would prohibit the Attorney General from delegating that responsibility to the New Jersey State Police and instead would require the Attorney General to directly approve or reject the transfer of each piece of equipment, this bill would have the unintended consequence of completely consuming the time and attention of the Attorney General. The existing oversight requirements mandated by the federal government and administered by the State Police, combined with the new authority provided to local governments through the companion bill I signed today, create substantial transparency, oversight, and reasoned utilization of the federal government's 1033 Program. The changes I recommend in this conditional veto will ensure that the state maintains proper oversight consistent with federal requirements.

Accordingly, I herewith return Senate Bill No. 2365 and recommend that it be amended as follows:

<u>Page 2, Section 1, Line 8:</u>	Delete "a."
<u>Page 2, Section 1, Line 9:</u>	Delete "review" and insert "act as the state coordinator for"
<u>Page 2, Section 1, Line 11:</u>	Delete "The review shall"
<u>Page 2, Section 1, Lines 12-26:</u>	Delete in their entirety
<u>Page 2, Section 1, Line 27:</u>	Delete "federal program"
<u>Page 2, Section 1, Line 27:</u>	Delete "approve" and insert "take appropriate steps to ensure state coordinator review and approval of"

Page 2, Section 1, Lines 30-44:

Delete in their entirety and insert "state coordinator, consistent with federal programmatic requirements."

Page 2, Section 2, Line 46:

Delete "shall" and insert "may"

[seal]

Respectfully,

/s/ Chris Christie

Governor

Attest:

/s/ Christopher S. Porrino

Chief Counsel to the Governor