

# I

## MESSAGES TO THE LEGISLATURE

Regular Session—Convened January 6—Adjourned March 31

### ANNUAL MESSAGE

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, January 6, 1960

*To the Members of the Legislature of the State of New York:*

A new decade has begun in these days.

We may leave to other, later and perhaps wiser ones the finding of a simple name or sign to mark this decade. On the broad stage of the history of our times, it may prove tragic or triumphant—for the hopes and aspirations of free men everywhere. But at the outset we can be assured of one thing: its grand consequences largely will be defined by these same people—by free men everywhere. In this sense, the decade is ours—ours to use, or ours to waste; ours for the sufferance of evil events, or ours for the creation of great events.

This is not poetic fancy. This is political fact.

For we need the passage of no more time to be sure of one great matter. It is this: we, the elected officials of the State of New York—along with the public servants of every state of our nation, along with the responsible officers of every free government in the world—face the stark and immediate challenge of proving that representative government can work, serving all the people, securing freedom, and achieving justice for all.

This great challenge—and this great purpose—urgently summon the dedication of all our thought and courage and labor.

Back of this great purpose stand our basic beliefs in the nature and destiny of man—and the nature and structure of the political society in which he must live.

These beliefs, simple in form but profound in substance, define a kind of credo to which we must pledge all our strivings.

We believe in man, the individual, made in the image of his Creator, as the supreme fact and the supreme value.

We believe that the true end of all just and free government is the fulfillment of man's hope for a life, in the nation and in the world, of dignity, of opportunity, of peace.

We believe that this end must be served, as best we can, in not a few, nor merely many, but in *all* areas of life and of the world.

Be the matter economic aid to a distant nation or be it fiscal responsibility within a single state in our own Union . . . be it military power to save some remote outpost of freedom, or be it civil defense for millions of our own people . . . be it the respect commanded by America among peoples of black and yellow skin on far continents, or be it the decency and dignity of racial relations in our own cities . . . all these things serve one supreme end and purpose: to prove that freedom and justice inspire and sustain one another.

And we believe that the programs of government must show awareness of the greatness of this challenge. These programs of *action* must do this by their vision, their integrity, and their fullness. We are invited to shun the expedient and disdain the sham—in all our political life. We are required to mourn no more over the lacks and failures of yesterday—and to bend our strength and our spirit to serve the needs and the hopes of tomorrow. We are required, in short, in all our political life—in this State and in this nation and in this world—to face fact, to meet need, to serve truth and, so, to save freedom.

In this spirit, and with this purpose, let us proceed to scan—and seriously to meet—the immediate problems before us, the elected servants of the State of New York.

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For the first time in over a quarter of a century the Legislature of this State has convened at the start of a new year without Oswald D. Heck. His sense of responsibility and personal integrity will, however, continue as inspiration for our future conduct.

Here in New York we face a challenge and a chance to help achieve greater individual fulfillment for over sixteen million people. Working together we shall truly fulfill our mutual responsibilities.

The number of prefilled bills is a sign and proof of the vigor of your devotion to getting the job done in a responsible and business-like manner. I commend you and your leaders for this head start on the tasks before you.

I have sought to match your energy and forethought by breaking gubernatorial precedent and submitting in advance of the session executive memoranda recommending major programs for legislative action. Administration proposals in the following fields have already been offered for your consideration:

- reorganization of the Executive Branch,
- strengthening of local government,
- juvenile delinquency,
- atomic development,
- highway safety, and
- creation of a public works stockpile.

Inviting your attention to these memoranda for greater detail, I shall summarize some of these prior recommendations in the course of this message, in order to set them within the larger framework of my proposed overall program.

The recommended overall program itself falls into five major categories:

- I. The Individual and Fiscal Integrity in Government,
  - II. The Individual and a Growing Economy,
  - III. The Individual and National Security,
  - IV. The Individual and the Administration of Our Laws, and
  - V. The Individual and His Family Needs.
- I shall discuss these subjects in the order listed.

## I. THE INDIVIDUAL AND FISCAL INTEGRITY IN GOVERNMENT

Our State's fiscal integrity underlies its economic growth. This growth, in turn, alone can give hope and opportunity for individual fulfillment for all of our citizens.

When I first appeared before you last January, the State was faced with a potential gap between income and outgo of almost \$700 million. Together, your Honorable Bodies and I took major steps toward putting the State back on a sound financial basis. We made all possible budget economies without sacrificing essential services. We increased taxes to pay for these services and to help close the remaining gap between revenues and expenses.

With stringent budgetary control, I expect to submit to you, not later than February first, a proposed State budget with appropriations for the next fiscal year which will not exceed those of 1959–60 and which will achieve complete pay-as-you-go financing with no new taxes or tax increases.

I am happy to report that we have restored fiscal integrity in the Empire State which is essential to confidence—and to the general well-being of all its people.

## II. THE INDIVIDUAL AND A GROWING ECONOMY

When I took office last year there were over six hundred thousand unemployed in our State. Increased job opportunities and higher earnings for all the people have been major purposes of this Administration. In fostering economic growth, our State government has worked and will continue to work creatively with labor and management, transportation, the tax structure, power resources, credit and technological advance. We have also helped to foster a sound and prosperous agricultural economy, and to protect consumers—and will so continue.

Let me turn first to the steps taken to develop our State's economy.

### A. Economic Development

#### 1. *Revitalized Department of Commerce*

A revitalized Department of Commerce is contributing substantially to increased jobs and economic growth through restoration of business confidence. New plants and expansions of existing plants have brought a total new investment of well over \$350 million to New York State during the first eleven months of 1959. These have helped to create new jobs for thousands of workers.

Total employment in New York State has reached a new all-time peak of seven million two hundred thirty-eight thousand. Unemployment has been notably reduced. While we rejoice in these important gains, we will not be satisfied until we have achieved full employment. Consequently, the current activities of the Department of Commerce, developing job opportunities through the attraction and expansion of industry, are being intensified.

### **2. Commission on Economic Expansion**

The Temporary State Commission on Economic Expansion, created during the last session of the Legislature, reported that New York has not attracted as much research-oriented industry as our potential warrants. I am therefore putting into action a Commission recommendation by appointing a Special Advisory Council on Science and Research, made up of leaders in industrial and university research, to advise the Commissioner of Commerce on how best to achieve this objective.

### **3. Atomic Energy**

In a pre-session memorandum, I have proposed a specific program for strengthening the State's activity in the development and use of atomic energy for peaceful purposes. The recommended legislation would:

- (a) further public health and safety respecting nuclear materials,
- (b) improve opportunities for developing atomic industry within New York, and
- (c) provide the basis for State-Federal cooperation in the regulation of atomic energy.

I invite your attention to this memorandum. I heartily recommend your favorable consideration of this program.

### **4. Power Resources**

An adequate supply of power at reasonable rates is vital to economic growth. Since 1938, when New York ranked first in the sale of electricity, it has dropped behind other states: even with the full utilization of all our hydropower resources, there is the prospect of a power shortage after 1965 unless appropriate steps are taken.

I appointed a task force last June, headed by a former chairman of the State Power Authority, to study this problem. Its report has now been submitted. It provides authoritative analysis of our power resources and the guidelines for development of alternate sources of additional power. I urge your careful examination of this report.

### **5. Small Business**

Small business is the "seed corn" of an expanding economy, the creative force of American private enterprise. But small business-

men need adequate credit facilities to participate in economic expansion, and they must be freed in their enterprise from unnecessarily burdensome taxes and onerous report forms.

The Joint Legislative Committee on the Banking Law has been giving attention to the problem of credit resources. Small business was a matter of particular concern in the extensive survey of our entire tax structure which I initiated last year to uncover areas which might bear unfairly on our people and deter economic expansion.

I expect to submit to your Honorable Bodies specific recommendations with respect to the State's unincorporated business and truck mileage taxes. Proposed changes in these taxes will assist small business and stimulate the growth essential to create greater job opportunities.

### **6. Tax Simplification and Adjustments for Individuals**

I am further recommending for your earliest consideration two major items of tax adjustment for those who live or earn their livelihood in our State.

#### **a. Tax credit heads of households**

Many taxpayers of our State, though widowed or unmarried, have heavy financial responsibilities to members of their families. I recommend the adoption of an amendment to our personal income tax law which would increase to \$25 the income tax credit allowed to any such taxpayer who qualifies as the head of a household, available for 1959 as well as subsequent years.

#### **b. Tax simplification**

Specific legislative proposals for tax simplification are being introduced at the beginning of this session. This new program does not increase tax rates or change existing exemptions or credits. Tax savings will result for many of our individual taxpayers.

I strongly urge you to adopt these amendments, under which most New York taxpayers will need only to report their incomes for Federal tax purposes and then apply our State tax rates, exemptions and credits. This opportunity to permit our taxpayers to file vastly simplified returns results from the joint effort and excellent teamwork of the staffs of your fiscal committees and my Administration. Together they are acting in the spirit and the sense of the vote of the people of New York at the last general election approving the tax simplification amendment to the State Constitution.

*c. Taxation of nonresidents*—I have in the past called attention to the inequitable impact of our personal income taxes on some nonresidents who gain their livelihood in our State. I intend to recommend legislation to provide a solution to this forty-year-old issue. This will be conditioned upon our sister states making information available with respect to our resident-taxpayers working in their jurisdictions in order to facilitate the collection of taxes.

## 7. *The Impact of Federal Defense Expenditures*

In my first Annual Message, I called attention to the significant role in our economy of Federal defense contracts and installations and the problems presented by their sudden termination or closing. Early last year, upon my urging, there was formed a bipartisan steering committee of the State's representatives in the Congress. This Congressional Steering Committee, with the close cooperation of the State Department of Commerce, has been vigorously seeking a fair share of Federal defense contracts for our State's capable industry.

Nevertheless, the basic problems remain. I have submitted to your Honorable Bodies a practical program for the development of a public works stockpile which will help cushion economic shock when Federal defense contracts are cancelled or defense installations are closed.

This program will permit the ready acceleration of necessary public works to stimulate job opportunities and economic activity in areas hit by Federal defense cutbacks, while in no way interfering with our continuing public works program. I urge your support of this proposal.

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I have touched on seven aspects of promoting the economic development which provides more jobs with greater income. Let us turn now to the men and women for whom these jobs mean new opportunities. Let us turn to the subject of—

## B. Labor

Our expanding economy is also a rapidly-changing economy. It requires the skills of labor, dynamic management, forward-looking and peaceful relations between labor and management, and progressive governmental policies. This Administration will continue to cooperate with labor and management in stimulating these prerequisites to a dynamic economy.

### 1. *The Goal of Full Employment*

Not only has total employment in New York State reached a new all-time high, but significant increases were also made during 1959 in average hours worked per week, in overtime hours and in hourly and weekly earnings of factory workers.

When we met last year, six of the State's seven major labor market areas had been designated by the United States Department of Labor as having a "substantial labor surplus." By last November, however, only two areas remained in this condition—and even in these areas, as well as in the smaller labor market areas of the State, employment had improved markedly.

The State can do a great deal to cushion the impact of employment declines, which not only hurt the men and women directly involved but also the whole community in which they live—the

tradespeople, the shopkeepers and all who are part of its economic life. To stimulate employment in Buffalo, for example, we have authorized an advance of \$5.9 million in State funds to the Niagara Frontier Port Authority to improve necessary harbor facilities, and we are accelerating construction of essential new State office space.

As you know, we are automating the State Tax Department to make its work more efficient. We have located one of the new automated units in the Schenectady area. This area will also benefit from the pushing forward of \$39.5 million in construction at the State Campus, as well as from the use of \$13.1 million in Federal funds for the construction of new offices for the Division of Employment at the same site.

What we are doing in Buffalo and Schenectady are examples of what we want to be able to do throughout the State—on an orderly basis where needed—through the proposed stockpile of essential public works projects.

## 2. *Automation and Advancing Technology*

The long-run benefit of technological improvements is the creation of more jobs, higher earnings and a better standard of living for all our people. Transition dislocations resulting from advancing technology must be minimized to prevent human suffering. This can be done by planning technological change to permit transfers within the plant, by providing for retraining, and by providing assistance where there is delay in relocation.

The problems of automation must be faced with realism and with understanding. To help develop a clearer understanding of the scope of this problem, and to establish objectives toward which all parties in interest may work, I shall convene a working conference of representatives from labor, management, the general public, and government.

In addition, I am asking appropriate State officials to provide technical assistance to labor and management in planning technological changes, to catalogue the skills necessary to a dynamic economy, and to develop programs for apprentice training and the retraining of workers in these skills.

Finally, on this point of easing the impact of automation, I recommend legislation to permit unemployed workers to pursue a course of individually-approved vocational training, to which they have been referred by the Industrial Commissioner, without jeopardizing their unemployment insurance benefits.

## 3. *Minimum Wages*

Although our State minimum wage law was enacted in 1937, its objective has not been fully accomplished. Many workers in the State are paid an hourly rate so low that they cannot adequately maintain themselves and their families. This problem demands our immediate attention.

I recommend the adoption of a statutory minimum wage providing a floor of one dollar per hour for all workers now subject to the minimum wage law, with only such exceptions as are clearly appropriate.

To provide flexibility for establishment of a higher minimum wage than that fixed by statute, I recommend that the existing industry-by-industry minimum wage order procedure be continued, but I am asking the Industrial Commissioner to streamline the procedure to reduce administrative delay and establish a minimum wage more rapidly.

#### 4. *Industrial Safety*

While New York has achieved a record of industrial accident reduction unmatched in other states, the decline in accident rate has slowed down. An intensified educational effort by labor and management is clearly in order. The Departments of Labor and Commerce will actively cooperate in such a venture. The safety of our people in their work is a matter of prime concern to their government.

#### 5. *Democracy Within Unions*

Last year your Honorable Bodies, in response to my recommendation, adopted the first law—State or Federal—to protect the rights of the individual worker by dealing with corruption and financial abuses in labor unions and in the conduct of labor relations by management.

This 1959 enactment also called for a study by the Industrial Commissioner of democratic procedures within labor unions. Such procedures are fundamental to the preservation of responsible trade unionism. After the Industrial Commissioner undertook this study, the Federal Labor-Management Reporting and Disclosure Act of 1959 was adopted by the Congress. Part of the new Federal law comprehensively deals with union democratic procedures. Its coverage coincides with the broad scope of Federal power under the Commerce Clause of the United States Constitution. Under these circumstances, and in view of the desirability of awaiting experience under the new Federal statute, in accordance with the report of the Industrial Commissioner, no additional legislation in the State is recommended at this time.

Now let us turn to another aspect of our economy—our farms and the men and women who maintain them.

#### C. *Agriculture*

A sound and prosperous agricultural community is vital to the overall economy of our State. We rank twelfth among the states in the total value of our agricultural production. Our efforts to improve the economic climate of New York must assist the farmer in adjusting more effectively to our rapidly changing economy.

To this end, we have made substantial progress in these areas:  
—fostering grower cooperation towards improving marketing methods for apples and cherries,  
—reaching a new degree of effectiveness in the control of plant and animal disease, particularly brucellosis in cattle, and  
—taking prompt executive action to help stabilize an extremely weak egg market in the early summer of 1959.

I concur heartily with the unanimous recommendation of the New York State Conference Board of Farm Organizations as to the need for more agricultural research including laboratory facilities with climate control. My financial program will include funds for establishment of a model climate control project at Cornell University. Such applied research under controlled environmental conditions is of long-range importance both to the producer and to the consumer of agricultural commodities.

My financial program also will include funds for the continuation of our efforts to bring plant and animal disease under control.

Many subjects treated elsewhere in this Message are of keen interest to our farmers. The best possible education of our children, development of our water resources, better highways, simplification of income taxes, and the level of government spending are among the many matters of common concern both to our urban and rural communities.

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Finally, in our consideration of the State's economic expansion, I would like to discuss with you five other important areas—consumer protection, water resources, transportation, highways, and the 1964 World's Fair.

#### D. *Consumer Protection*

The fight against fraud and deception in the sale of consumer goods and services will continue to be pursued vigorously. The Attorney General has been a leader in this fight.

Law enforcement must be strengthened to counteract the artifices of the modern-day swindler. To this end I commend for your consideration the recently revised recommendations of the State Bar Association's Special Committee To Study the Antitrust Laws of New York, of which the Attorney General is the Honorary Chairman, ex officio.

#### E. *Water Resources*

A fundamental concern of the State is the development, use and preservation of its water resources. A significant step was taken by your Honorable Bodies in 1959 in the creation of the Temporary State Commission on Water Resources Planning and through the outstanding work of the Joint Legislative Committee on Revision of the Conservation Law in recodifying the provisions pertaining to the Division of Water Power and Control.

The fragmented jurisdiction of numerous agencies over water problems has hindered the development of an effective water resources program. I recommend the unification of responsibility in a Water Resources Commission within the Conservation Department to achieve strong program leadership.

### F. Transportation

The effectiveness of the State's transportation system, not only for the growth of the economy, but also for the general convenience of the public, has been and will continue to be a major concern of my Administration. At your last session, your Honorable Bodies at my request adopted a program of tax relief for railroads and bus lines and provided for an equipment pool under the Port of New York Authority to aid commuter railroads.

With respect to the equipment pool, I am pleased that the Port of New York Authority, and the Long Island, New Haven, and New York Central Railroads have agreed on plans for an initial order for 250 modern, air-conditioned commuter cars: 140 for the Long Island, 60 for the New York Central and 50 for the New Haven. This will result in more than 32,000 new car seats being made available to the commuting public.

The progress that has been made thus far toward assuring a healthy transportation system for our people is significant. At the same time, the State Office of Transportation is addressing itself to the development of a long-range, coordinated transportation policy for the State.

### G. Highways

We must be sure that our economic expansion does not falter for want of adequate highways. We have pressed forward a comprehensive road-building program in spite of a mid-year crisis in Federal-aid financing.

Construction progressed on such major projects as the Northway, the North-South Expressway, the Long Island Expressway, the new Route 17 dual highway, the Taconic State Parkway, the Heckscher State Parkway, interstate expressways in and around New York City and important connecting routes on the interstate system. In addition, miles of new highway in rural and urban areas were placed under contract.

In the coming year we are faced with a further decline in the amount of Federal aid available for highway construction. In order to maintain our long-range highway construction program for 1960-61 at a level comparable to previous years, we must offset the anticipated curtailment of Federally-aided projects. To this end I shall recommend an increase in State highway appropriations for 1960-61 to be used for constructing additional mileage, with 100 per cent State funds, upon important sections of our State system.

### H. World's Fair

Our State acquired a tremendously valuable asset when the President recommended New York City as the site for the 1964 World's Fair and his recommendation was approved by the international organization involved. It has been estimated that visitors to this great exposition will spend five to six billion dollars within our borders. I am extremely gratified by the favorable response to the proposal made by the Mayor of New York, to which the State lent its full support, that the Fair be located in the New York metropolitan area.

In connection with the World's Fair, it is to be hoped that the Lincoln Center project in Manhattan will be completed by the time the Fair opens. It would provide a most suitable headquarters for the performing arts phase of the World's Fair, further confirming New York's pre-eminent position as a world-renowned center of cultural activity.

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Now, in this review of the fiscal integrity of the State and its expanding economic opportunities, we can see brightening skies for the individual.

But in calling your attention to these brightening skies, I would fail in my duty if I were to avoid pointing out the ever-present cloud upon the horizon before each one of us. And I refer to the momentous problem of—

### III. THE INDIVIDUAL AND NATIONAL SECURITY

For the first time in the history of America, this nation is vulnerable to destruction at the hands of an enemy. Civil Defense tests show that a manned bomber attack achieving sixteen nuclear strikes on New York State would kill four million eight hundred thousand of our citizens and disable four million others—representing half the population of the State. Three-fourths of these casualties would result from radioactive fallout alone.

Staggering as these figures are, they do not reflect the full magnitude of the devastation and death which could result from any enemy attack by nuclear missiles—with a capability to reach any place in America in a matter of minutes.

As Governor, my primary responsibility for the safety of the individual citizen cannot be discharged merely by hoping and assuming that there will be indefinite continuance—and more substantial evidence—of surface signs and suggestions of lessened world tension. In view of the dread possibilities, I can only regard this problem as a most grave responsibility of this government.

Immediately after taking office as Governor, I initiated a comprehensive study which resulted in the Ruebhausen Report, confirming the plain fact that the individual citizen does not now have any protection against radioactive fallout. Yet it is, in fact, national policy that each citizen is individually responsible for his safety

and that of his family for the first two weeks after a nuclear attack. In my opinion, the State must help the individual meet this responsibility. The report showed that it is both feasible and within our financial capacity to obtain substantial protection against the death and disability resulting from radioactive fallout in the event of a thermonuclear attack.

The State Defense Council, which includes the distinguished leaders of your Honorable Bodies, and the State Civil Defense Commission indorsed the report and recommended that I, as Governor, take steps at once to bring this danger to the attention of the people of our State and nation.

Thereafter, as Chairman of the Special Committee on Civil Defense of the Governors' Conference, I brought these matters to the attention of the 1959 Conference. The Governors unanimously indorsed the concept of providing fallout protection for the American population and recommended a conference with the President and our military and Congressional leaders, which conference will soon be held in Washington.

Meanwhile, in New York, an interdepartmental group headed by the Commissioner of Commerce and supported by a grant from the Ford Foundation, is carrying forward a detailed study of design, materials and costs for building fallout shelters, and stocking and equipping the shelters. The objective of the study is a blueprint of what the citizen can do to help save himself should an attack ever occur. This work is going forward in collaboration with the staffs of the Joint Chiefs of Staff, the Atomic Energy Commission, and the Office of Civil and Defense Mobilization. The recommendations from these studies will form the basis for legislative recommendations to be worked out with the State Defense Council.

The over-riding necessity for an effective program in this field from the point of view of the security of the individual, as a deterrent to nuclear attack and as a force for the preservation of peace, is far too serious a matter to be left to chance or to be ignored as too difficult. As time passes, we are becoming increasingly vulnerable to nuclear blackmail. The cloud is unmistakably there on the horizon. We pray that it may never move in to engulf us. And we must remember that our nation's ability to survive a first blow and strike back might well be the most effective guarantee that we would never be hit.

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Now let us turn to the way our government functions—the rules governing it and affecting the life of each individual in our State.

#### IV. THE INDIVIDUAL AND THE ADMINISTRATION OF OUR LAWS

##### A. Governmental Operations

The individual citizen is entitled to the best governmental services at the lowest cost. My Administration has striven vigorously for more efficient and economical government consistent with the faith-

ful performance of essential services. Following are two outstanding examples pointing to further progress in this field:

##### 1. *Reorganization of the Executive Branch*

In outlining in my pre-session memorandum the recommendations for the first broad-scale reorganization of the Executive Branch since 1927, I pointed out how the present structure complicates the administration of State government. The proposed reorganization will help provide administrative machinery adequate to deal with the scope and complexity of the challenging problems we face. My pre-session memorandum sets forth the first steps, which I urge you promptly to adopt and thus accomplish immediate and significant improvements. I invite your close cooperation in developing additional steps to advance the proposed reorganization.

##### 2. *Economy and Efficiency*

With your Honorable Bodies, my Administration has undertaken a careful scrutiny of our stewardship of public expenditures. Significant savings have been found which could be accomplished without curtailing necessary governmental services. The work of the Temporary State Commission on the Coordination of State Activities has substantially contributed to this effort.

My forthcoming Budget Message will outline some of the economies accomplished during the first year of this Administration, and will offer recommendations for further economies in 1960-61.

##### B. Civil Service

We must continue to retain and attract into State service the highest calibre of individual. To this end, during the first year of my Administration and despite an extremely stringent budget situation, a general salary increase was provided for all State employees. Over twenty bills were enacted into law which have been acclaimed as beneficial to the interests of the civil service.

##### 1. *Vesting of Pension Rights*

Considerable attention has been given in recent years to the development of a program for vesting the pension rights of public servants. I established in 1959 a special committee to conduct a careful review of this subject. That committee is preparing specific recommendations for legislative action this year which will include the granting of vesting rights to those employees who have at least fifteen years of credited service and who have contributed for at least five years to the Retirement System.

##### 2. *Revision of Rules Concerning Travel Expenses*

The present rules governing the reimbursement of State employees for travel expenses are unrelated to the practical problems



of today's travel. The Division of the Budget and the Department of Audit and Control have made a comprehensive review of the existing rules and they will recommend various changes which will include: (a) per diem allowance for meals and incidental expenses for trips of one day or longer and (b) the reimbursement for tips for meals and bellhop services.

### **3. Liberalization of Investment of Public Pension Funds**

I have appointed an intergovernmental committee to devise a uniform statute governing permissible investments for all public pension funds in the State, amounting to more than four billion dollars, and generally to enlarge the permissible scope of such investments. I expect in the near future to transmit to your Honorable Bodies the recommendations of this committee.

### **4. Supplementary Pensions**

I propose supplementing further the retirement payments of former employees of the State, its municipalities and school districts, who are living on a fixed income which has fallen short of meeting current minimum needs. The new program will be designed to provide a reasonable minimum annual payment either by bringing present pension allowances up to a specified sum or by a percentage adjustment depending on the date of the pensioner's retirement.

### **5. Elimination of Inequitable Salary Differentials**

There are in many of our State institutions a variety of different pay rates for similar work. I am therefore designating a special committee to develop a program to eliminate these inequities. This program is to be ready for consideration at the next legislative session.

### **C. The Administration of Our Courts**

A sound judicial system is essential to good government and to the protection of the individual's rights and liberties.

#### **1. Court Reorganization**

Last year, your Honorable Bodies took the important initial step toward bringing about the reorganization, modernization and administrative improvement of the State's court structure by passing a concurrent resolution proposing amendment of the Judiciary Article of the Constitution. This action has won wide acclaim. Conferences held during the course of the year with groups interested in judicial administration have indicated, however, the desirability of certain technical amendments which, I understand, are incorporated in a revised bill which will be before you at this session. I urge your favorable action on this revised bill.

### **2. Revision of Civil Procedure**

There has been no major revision of the law governing civil procedure since 1848. The monumental task, commenced in 1955, of preparing a modern, revised Civil Practice Act has recently been completed. The proposed new act has been prefiled to permit its careful study during 1960 by bench and bar and by all interested members of the public. In order to permit all attention to be focused on this proposed complete revision of the Civil Practice Act, I strongly urge that a moratorium be placed on all amendments to the existing Civil Practice Act during the present session and that all effort be devoted toward the enactment in 1961 of a comprehensive new statute governing procedure.

### **3. Legal Aid for Indigent Defendants**

The counties in our State should be granted wider authorization to enable them to assure effective representation of indigents charged with crime. Later in this session I intend to recommend legislation to encourage improved legal assistance for indigent defendants.

### **D. Local Government**

New and urgent problems are faced by our metropolitan areas as a result of population shifts and accelerated growth. These call for close cooperation between State and local government and among the units of local government. The new Office for Local Government has played a significant part in fostering this cooperation.

#### **1. Review of 1959 Vetoes**

At the 1959 session of the Legislature, I found it necessary to veto a number of bills relating to the needs and operations of local government. At my request, the Office for Local Government reviewed these measures, working closely with the Joint Legislative Committee on Metropolitan Areas Study. As set out in my pre-session memorandum, I have recommended specific proposals which would solve most of the long-standing municipal problems to which the disapproved bills related.

#### **2. Cooperation among Units of Government**

To implement the Constitutional Amendment in the area of inter-local cooperation, approved by the voters in 1959, I urge your favorable consideration of legislation to provide local governments with the necessary legislative machinery to contract among themselves and to incur joint indebtedness for cooperative municipal services.

#### **3. Building Code**

The State Building Construction Code has been one of the most significant contributions to reducing the cost of building construc-



tion, as well as to the health and safety of the people. Last year, you abolished the Commission as a separate agency and transferred its functions to the Division of Housing for one year. It is important to continue these functions of keeping the building code abreast of new developments in construction and of encouraging its adoption by municipalities. I am accordingly recommending that the functions be made permanent in the Division of Housing.

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I take a great personal interest in this next subject because of my prior service as Chairman of the Constitutional Convention Commission.

### **E. Constitutional Revision**

Our State Constitution should be a charter of fundamental law setting forth the framework and basic powers of government and the guarantees of basic individual rights. Over the years, it has been encumbered with myriad detailed provisions bearing little relationship to fundamental law and clearly more appropriate for statutory enactment.

The Temporary State Commission on the Revision and Simplification of the Constitution has recommended first steps toward simplification and modernization of our State Charter. It proposes a sweeping revision of the Local Governments Article to provide greater home rule for local communities and free the Legislature from the annual burden of acting upon hundreds of local bills.

Substantial simplification and revision of the Suffrage and Military Articles are also proposed, together with the excision of obsolete provisions. All told, the Commission would eliminate 7,742 words from the Constitution in its revision of these three articles, cutting its overall length by nearly 18 per cent and vastly improving its clarity.

These recommendations have been developed through painstaking research, study and consultation. I urge your earnest consideration of them.

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I have reserved for the concluding phase of this message the concern closest to all of us. I refer, of course, to—

## **V. THE INDIVIDUAL AND HIS FAMILY NEEDS**

In a free society, the supreme purpose of government is to serve the people—to foster their individual fulfillment, to protect their health and welfare, to assure their safety, and in all ways to help elevate the dignity of their lives.

### **A. Individual Fulfillment**

#### **1. Education**

We all are aware that the problems of education in New York demand the highest priority. We must and will find the solutions.

#### **a. Elementary and Secondary Education**

At my request, the Education Department has been making a comprehensive study of the State's educational needs during the coming decade. My Administration is presently preparing an action program in the light of these studies which I shall shortly transmit to your Honorable Bodies in a special message. The keystone of this program will be new sources of school revenue. Those who spend school funds should participate in the decision as to how they should be obtained. It is obvious that the local cost of education can no longer be met by property taxation alone.

The program will include authorization to levy local non-property taxes, additional State aid beyond present statutory requirements, the establishment of new federated school districts with tax levying powers, and appropriate recognition of the new State equalization rates. Our goal under this combined program should be \$100 million of additional resources for the school year 1960-61.

#### **b. Higher Education**

Applications for college enrollment in New York are expected to double within the next fifteen years. The Board of Regents and I have appointed a committee of three eminent authorities in the field to review the higher education facilities and needs in the State. On the basis of this review, I expect to present to your Honorable Bodies a program to increase our facilities for higher education at a rate to keep abreast of the predicted rise in enrollment.

## **2. Culture**

I have pointed out that the goal of economic development is individual self-development. This goal finds its fullest realization when the individual has the opportunity for cultural expression, participation and appreciation.

I recommend the creation of an advisory Council on the Arts to be composed of private citizens who have distinguished themselves in the several fields of cultural activity. The United States is in the process of a tremendous surge of public interest in art, music, the drama and other forms of cultural expression. New York State must make a contribution to this cultural advance commensurate with its unequalled cultural resources.

## **3. Recreation**

New York citizens have achieved more and more available leisure time as the result of greater productivity and improved technology. The State must be prepared to meet the needs of its growing number of citizens for healthful outdoor recreational facilities. How these future needs can best be met is presently the subject of an intensive survey by the Conservation Department. I intend to make this survey the subject of a special message later in this session.

#### 4. *The Problems of the Aging*

More than one million five hundred thousand of New York's citizens are sixty-five years of age or older. Their number, moreover, is constantly growing. We should do all we can to enrich life's later years for these people, to provide them the opportunity to lead meaningful, healthy and useful lives.

During the past year, the programs of various State departments have been increasingly geared to assist the aging—in housing, in preventing discrimination because of age, in job placements, in the medical fields of geriatrics and chronic diseases, in mental hygiene, and in providing recreation.

Adequate medical and hospital care is indispensable for those in their older years. It is a tragic fact that at the retirement age of 65, people are frequently dropped from health insurance plans, only to find that the cost of individual coverage is prohibitive. I shall recommend legislation requiring the conversion at fair rates of group health policies to individual policies at the time of retirement. This year regional conferences will be held in all parts of New York State in preparation for the January 1961 White House Conference on the Aging. The suggestions and recommendations of these meetings will merit our special attention and consideration.

#### B. *Health and Welfare of our Fellow Citizens*

##### 1. *Health*

The cost and adequacy of medical service is of paramount importance to all the people. Important surveys in this general area are in preparation by the Governor's Cabinet Committee on Hospital and Medical Care. In addition, the State Insurance and Health Departments now have under review the report on Blue Cross experience prepared by the Columbia University School of Public Health and Administrative Medicine. I hope to lay these reports before you in the course of this session.

The economic impact of serious illness on the average family is a subject on which I have expressed great concern. A special task force has been actively studying this problem during recent months, with the assistance of an advisory committee of outstanding experts from the fields of health, labor, insurance and industry.

The problem of catastrophic expense illness is one that must be dealt with in a responsible society. At the same time, I am keenly aware that action by a single state requiring employers and employees to pay the cost of insurance against such expense might well have an adverse effect upon that state's competitive position. To avoid such an adverse effect it may be necessary for this problem to be treated on a national level with or without state participation. I anticipate receiving the task force report next month, outlining alternatives for extending such protection to wage earners of the State, and shall weigh the possibilities further at that time.

Two other important problems affecting public health are water pollution and air pollution. Cooperation among New York, Con-

necticut and New Jersey has brought the problems of water pollution in New York City and adjacent areas within manageable proportions—through rule-making and enforcement powers vested in the Interstate Sanitation Commission. However, the Commission lacks power to tackle effectively the air pollution problem, and I urge you to give most serious study to the recent report and principal recommendations of the Commission in this respect.

#### 2. *Mental Health*

I shall deal with the broad field of mental health later in a special message. There is a specific aspect of the mental health problem which I would like to mention at this point.

It is time that we marshalled our efforts in basic research to determine the origins of certain forms of mental retardation and the extent to which we can aid in rehabilitation through treatment and education. To this end, I recommend the immediate establishment of a research institute for the mentally retarded in connection with one of the State's existing mental health facilities.

#### 3. *Rehabilitation*

Vocational and medical rehabilitation are among the most constructive services which government can encourage in aid of individual citizens. It provides great satisfaction and the greater chance for individual fulfillment. In addition, the earnings of New Yorkers who were rehabilitated through the State Division of Vocational Rehabilitation of the Education Department last year rose from \$2 million a year to over \$11 million. The same people who had been receiving public assistance of seven hundred thousand dollars a year will now instead pay over \$1 million in State and Federal income taxes on their earnings for the first year after rehabilitation.

The Governor's Council on Rehabilitation, which I created last year, is now active in advising on methods to improve and make more available our services in this important field.

#### 4. *Combating Narcotics Addiction*

Narcotics addiction is one of the most serious blights affecting a significant number of residents of our State. Over 43 per cent of the sixty thousand known addicts in the United States are in New York. Over 85 per cent of this group are addicted to heroin, for which there is no established cure.

This tragic human problem induced me to designate an interdepartmental task force to recommend concrete action by the State to combat this evil. I am reviewing their proposals and I shall submit my recommendations to you in the near future.

My Administration has already established a fifty-five-bed project at Manhattan State Hospital for treatment of addicts on an experimental basis, stressing research into the causes of addiction and into possible cures. We are exploring the possibility of similarly

employing additional State facilities. I urge your favorable consideration of legislation to provide a procedure for commitment of an addict for treatment in such a facility.

The Special Narcotics Project of the Division of Parole, which has operated on an experimental basis since 1956, has had outstanding success in rehabilitating youthful addicts among parolees. I shall recommend that this project be made a permanent part of the Parole Division's activities.

### **C. Furthering the Public Safety**

#### **1. Safety in the Home and on the Highway**

In advance of this session, I submitted for your consideration a highway safety program designed to alleviate the tragic human suffering resulting from needless accidents on our roads. This program contains specific proposals requiring legislative action. These recommendations, developed by the Interdepartmental Committee on Traffic Safety with the benefit of the advice of the Joint Legislative Committee on Motor Vehicles and Traffic Safety, merits your early and favorable consideration. The principal aspects of this program cover: driver re-examination; greater parental control of junior operators; sterner approach toward persistent violators; restraints upon the careless driver who injures another; new firmness toward the drinking driver; more effective regulation of speed; and inspection of damaged vehicles.

In addition, the study on reorganization of the Executive Branch has recommended transfer of certain areas of responsibility from the Division of Safety and the discontinuance of that division. Our vital efforts to promote and develop safe homes, farms, schools and factories will be strengthened by the redefinition of responsibilities within remaining departments and agencies having specific safety responsibilities in connection with their traditional activities.

### **2. Law Enforcement**

In the near future I plan to submit a special message outlining the progress made during 1959 in the continuing war on organized crime, and my recommendations for the coming year to strengthen and improve law enforcement in New York.

### **D. Steps Toward Greater Human Dignity**

#### **1. Civil Rights**

New York State can justly be proud of its pioneer efforts to root out the evils of discrimination.

Unfortunately, there are still areas in which discriminatory practices deny the full achievement of our goal of equal, full and fair, opportunity for all. Experience with the enforcement of anti-discrimination legislation dealing with housing accommodations clearly indicates the feasibility of an extension in our State law at

this time. I am preparing and will recommend specific legislation in this field.

### **2. Housing**

There still persists in the State a shortage of decent housing within the financial reach of our low and middle income families.

Under such circumstances, despite the fact that we lead all the states in low income housing, we must assure the people that the program of low-rent housing will vigorously move forward.

It is the middle income group, however, which has been given the least attention, particularly in urban centers. I am deeply concerned about this problem, and I shall send your Honorable Bodies a special message outlining a program which I hope will attract half a billion dollars of private capital into housing for middle income families.

### **3. Urban Renewal**

Your Honorable Bodies demonstrated great foresight in adopting a law last year, following a \$25 million bond authorization approved by the voters, empowering the State to lend a municipality up to 50 per cent of its share of a Federally-aided urban renewal project. During 1959, loan commitments by the State totalling over \$9.6 million have been made for sixteen projects to arrest urban blight and clear slums in fourteen municipalities in the State.

### **4. Social Insurance**

New York has been a leader in social insurance programs aimed at alleviating economic hardship to workers and their families. I will work with you to keep these programs current with demonstrated needs and in the interest of all the people.

#### **a. Unemployment Insurance**

The State's unemployment insurance program, despite recession outlays, is fiscally one of the soundest in the United States. The Trust Fund continues to maintain its billion-dollar level.

Our unemployment insurance program, to achieve its purpose, must provide benefits attuned to current needs. I recommend legislation to increase the maximum benefit level from \$45 to \$50.

Administrative steps are being taken to prevent abuses of the program, but I have concluded that legislation is also required at this time to preserve its integrity. Thus, I am recommending legislation to disqualify claimants whose jobs have been terminated for serious criminal misconduct relating to their employment.

#### **b. Workmen's Compensation and Disability Benefits**

An industrial society must also make appropriate provision for the injured and disabled worker. Current benefit rates, however, are inadequate. Eighteen states provide higher maximum benefits for

industrially injured workmen. In addition, many workers in the State are still not covered. Therefore, I recommend that:

- (1) the maximum limitation for benefits be increased from \$45 to \$50 weekly,
- (2) coverage be extended to single-employee firms, and
- (3) the one-week waiting period in workmen's compensation cases be eliminated when disability continues beyond 28 days, rather than the 35 days presently required.

A comparable increase in maximum weekly benefits should also be provided for volunteer firemen.

#### c. *Non-profit Institutions*

While some non-profit institutions have provided social insurance protection for their employees against unemployment and disability, thousands of workers in such institutions lack this safeguard. This is a matter of serious concern. I plan to consult with a representative group from non-profit institutions in order to develop proposals to meet this situation, which proposals I intend to submit to your Honorable Bodies at this session.

### 5. *Youth and Juvenile Delinquency*

Our society must have a unique concern for its youth—for its youth is the society of tomorrow. These young citizens are our hope for the future, our greatest living resource. Too often, our attention is diverted by the few who fall into difficulties with the law.

Much credit is due to our schools, religious groups and to the many public and private agencies whose work with youth has contributed to their development into useful citizens. Many localities have initiated, with State assistance, worthwhile programs that have encouraged the healthy channeling of youthful activities.

We cannot, however, overlook the small fraction of our younger citizens who have fallen into delinquency. The recent outbreak of juvenile violence underscores the necessity for effective action.

I therefore urge your Honorable Bodies to adopt the comprehensive anti-delinquency legislative proposals which I have submitted based upon recommendations of an interdepartmental task force. I am further implementing by executive action various task force recommendations which do not require enabling legislation. Included in this overall program are proposals for increasing the capacity of conservation work camps, the establishment of youth opportunity centers for youths on the verge of delinquency, the establishment of "half-way houses" for paroled youths seeking to return to society, and strengthening probation and parole services.

This coordinated program of legislative and executive action will offer youth in difficulty a constructive course away from delinquency.

### CONCLUSION

I return—finally—to the basic proposition of this Message.

It is the proposition that, in this mid-Twentieth Century—with our abiding concern the worth and dignity of the individual—we

must be ruled and inspired by awareness that, in the deepest political sense, all things are one thing. And the one thing, so urgently demanded of us, is to prove that freedom—its citizens, its leaders, and its laws—can *work*, can *create*, can *endure*, and can *avail*.

The times in which we live seriously call for a profound and sustained national act of self-examination.

I deeply believe this.

This "act of self-examination" is not an abstraction, not merely a matter of reflection. It requires of us imagination and inventiveness and intelligence and courage—for the devices of the past cannot dictate the designs of tomorrow.

Let us know that each of us has his role to play, for as all things are bound to one purpose, so are all men . . . as each neighborhood of a community is affected by other neighborhoods . . . as each community of our State touches the lives of all other communities . . . as the destiny of this Empire State must bear upon the destiny of all the American Union . . . as America itself assumes unique responsibility for the final fate of freedom everywhere in this world of clear danger and unclear omen.

Let us, in all our acts and in all our laws, be worthy before God of this time and of this challenge.

(Signed) NELSON A. ROCKEFELLER

### Transmitting the Executive Budget and Recommended Appropriations for 1960-1961

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, February 1, 1960

*To the Members of the Legislature of the State of New York:*

When this Administration assumed office on January 1, 1959, the State of New York was threatened with financial disaster—it faced a prospective deficit of almost \$700 million.

In the previous four years, the State spent \$304 million more than it had received in taxes. This had reduced our Capital Construction Fund reserves by \$50 million and put us \$254 million into debt.

To meet this serious fiscal problem, I told the people of the State the truth about their State finances, made cuts of \$231 million from the budget requests of the outgoing Administration and then proposed a tax program which would restore fiscal integrity in the Empire State.

Your Honorable Bodies agreed that only in this way could the interests of the people of our State be served. Despite the efforts on the part of some to continue deficit financing, you, too, insisted that a state, like an individual, must keep its financial house in order.

I am happy to say that in 12 short months, thanks to rigorous economies, our program has produced dramatic results in meeting human needs without damaging essential State services.